QADYANIAT
IN THE EYES OF LAW

Historical Judgments of High Courts,
Federal Shariat Court and
Supreme Court of Pakistan

Compiled by:
MUHAMMAD MATEEN KHALID
CONSTITUTION OF PAKISTAN
Act No. XLIX of 1974
An Act further to amend the Constitution of the Islamic Republic of Pakistan

WHEREAS it is expedient further to amend the Constitution of the Islamic Republic of Pakistan for the purposes hereinafter appearing:

It is hereby enacted as follows.

Short title and commencement
1. (1) This Act may be called the Constitution (Second Amendment) Act, 1974.

(2) It shall come into force at once.

Amendment of Article 106 of the Constitution
2. In the Constitution of the Islamic Republic of Pakistan, hereinafter referred to as the Constitution, in Article 106, in clause (3), after the word "communities", the words and brackets "and persons of the Qadiani group or the Lohri group (who call themselves *Ahmadi*)" shall be inserted.

Amendment of Article 260 of the Constitution
3. In the Constitution, in Article 260, after clause (2), the following new clause shall be added, namely:

(3) "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 a prophet or a religious reformer, is not a Muslim for the purposes of the Constitution or law."
CONSTITUTION OF PAKISTAN

260(3) In the Constitution and all enactments and other legal instruments, unless there is anything repugnant in the subject or context:

(a) "Muslim" means a person who believes 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 does not believe in, or recognize as a 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) and

(b) "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 Qadiani group or the Labori group (who call themselves "Ahmadi" or by any other name), or a Bahai, and a person belonging to any of the scheduled castes.

CONSTITUTION OF

Act No. XLIX of
An Act further to amend the Constitution of Pakistan

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(2) It shall come into force at once.

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Amendment of Article 260 of the Constitution
3. In the Constitution, in Article 260 the following new clause shall be inserted in the Constitution, viz.:-

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295(C) Use of derogatory designation of Holy Prophet Muhammad (peace be upon him)...

298(B) Misuse of epithet in derogation of...
Pakistani Penal Code

295(C) Use of derogatory remark etc. in respect of the Holy Prophet.

Whoever by words, either spoken or written, or by visible representation, or by any imputation, innuendo, or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet Muhammad (peace be upon him) shall be punished with death, or imprisonment for life, and shall also be liable to fine.

298(B) Misuse of epithets, descriptions and titles, etc., reserved for certain holy personages or places.

(1) Any person of the Qadiani group or the Lahori group (who call themselves ‘Ahmadis’ or by any other name) who by words, either spoken or written, or by visible representation,

(a) refers to, or addresses, any person, other than a Caliph or Companion of the Holy Prophet (peace be upon him), as ‘Ameer-ul-Muminneen’, ‘Khalifa-ul-Muminin’, ‘Khalifat-ul-Muslimeen’, ‘Sahaabi’ or ‘Razi Allah Anho’;

(b) refers to, or addresses, any person, other than a wife of the Holy Prophet Muhammad (peace be upon him), as Umum-ul-Muminneen;

(c) refers to, or addresses, any person, other than a member of the family (Ahl-e-bait) of the Holy Prophet Muhammad (peace be upon him), as Ahle-bait; or

(d) refers to, or names, or calls, his place of worship as Masjid;

shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.
(2) Any person of the Qadiani group or Lahori group (who call themselves 'Ahmadiyā') or by any other name) who by words, either spoken or written, or by visible representation, refers to the mode or form of call to prayers followed by his faith as 'Azan' or recites Azan as used by the Muslims, shall be punished with imprisonment or other description for a term which may extend to three years and shall also be liable to fine.

298(C) Person of Qadiani group, etc., calling himself a Muslim or preaching or propagating his faith.

Any person of the Qadiani group or the Lahori group (who call themselves 'Ahmadiyā' or by any other name), who, directly or indirectly, poisons himself as a Muslim, or calls, or refers to, his faith as Islam, or preaches or propagates his faith, or invites others to accept his faith, by words, either spoken or written, or by visible representation, in any manner whatsoever outrages the religious feelings of Muslims shall be punished with imprisonment or other description for a term which may extend to three years and shall also be liable to fine.

SUPREME COURT OF PAKISTAN

"So, if any Ahmadi is allowed by the administration or the law to display or cause in public, the 'Sadaqī ah'd Islam, it is like creating a Rushdī' out of him. Can the administration in that case guarantee his life, liberty and property and if so at what cost? Again, if this permission is given to a procession or assembly, on the streets or a public place, it is like permitting civil war."

Mr. Justice Asad Qadeer Ch.
Mr. Justice Muhammad Afzal Lone
Mr. Justice Wali Muhammad Khan
Mr. Justice Saeed Akhtar
Mr. Justice Shahīd-ur-Rehman

(1993 S.C.M.R 1718)

PAKISTAN PEN

295(C) Use of derogatory remark Prophet.

Whoever by words, either visible representation, or by any insinuation, directly or indirectly, defiles the Holy Prophet Muhammad (peace be with death, or imprisonment for life.

296(B) Misuse of epithets, desecration of certain holy person.

(1) Any person of the Qadiani group, who call themselves 'Ahmadi, who by words, either spoken or written, refers to, or address Caliph or Companions of the Holy Prophet, or his wife, or his son, or any member of the family of the Holy Prophet, or his Aḥle-bait, or refers to, or names, as Masjīd, shall be punished with imprisonment for a term which shall also be liable to fine.
295(C) Use of derogatory remark etc. in respect of the Holy Prophet.

Whoever by words, either spoken or written, or by visible representation, or by any imputation, innuendo or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet Muhammad (peace be upon him) shall be punished with death, or imprisonment for life, and shall also be liable to fine.

298(8) Misuse of epithets, descriptions and titles, etc., reserved for certain holy personages or places.

(1) Any person of the Qadiani group or the Labori group (who call themselves 'Ahmadis' or by any other name) who by words, either spoken or written, or by visible representation,

(a) refers to, or addresses, any person other than a Caliph or Companion of the Holy Prophet (peace be upon him), as 'Ameer-ul-Mumineen', 'Khalifat-ul-Mumineen'.

(1) 'Khalifat-ul-Mumineen', 'Sahibzada' or 'Razi Allah Anho';

(b) refers to, or addresses, any person, other than a wife of the Holy Prophet Muhammad (peace be upon him), as Ummul-Mumineen;

(c) refers to, or addresses, any person, other than a member of the family (Able-bait) of the Holy Prophet Muhammad (peace be upon him), as Able-bait; or

(d) refers to, or names, or calls, his place of worship as Masjid;

shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.
(2) Any person of the Qadiri group or Lohri group (who call themselves "Ahmadi") or by any other name) who by words, either spoken or written, or by visible representation, refers to the mode or form of call to prayers followed by his faith as "Azan" or recites Azan as used by the Muslims, shall be punished with imprisonment or either description for a term which may extend to three years and shall also be liable to fine.

298(C) Person of Qadiri group, etc., calling himself a Muslim or preaching or propagating his faith.

Any person of the Qadiri group or the Lohri group (who call themselves "Ahmadi") or by any other name), who, directly or indirectly, poses himself as a Muslim, or calls, or refers to, his faith as Islam, or preaches or propagates his faith, or invites others to accept his faith, by words, either spoken or written, or by visible representations or in any manner whatsoever outrages the religious feelings of Muslims shall be punished with imprisonment or either description for a term which may extend to three years and shall also be liable to fine.

SUPREME COURT OF PAKISTAN

"So, if any Ahmadi is allowed by the administration or the law to display or chant in public, the "Shah" of Islam, it is like creating a "Rushdi" on of him. Can the administration in that case guarantees his life, liberty and property and if so at what cost? Again, if this permission is given to a procession or assembly, on the streets or a public place, it is like permitting civil war."

Mr. Justice Abdul Qadeer Ch.
Mr. Justice Muhammad Aftab Lone
Mr. Justice Wali Muhammad Khan
Mr. Justice Saberm Ahn
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Mr. Justice Nasir Aslam Zabi
DEDICATED TO

Mehar Muhammad Aslam Nasir
Advocate High Court

Who has devoted his life
for Takaffuz-e-Khatm-e-Nabwawat
May Allah (Almighty) shower His eternal blessings on him.
PREAMBLE

HOLY PROPHET HAZRAT MUHAMMAD ﷺ is the last of the Prophets of Allah ﷻ and his teachings of Islam will remain in force till the Day of Judgement, a fact that has been endorsed by Allah Almighty in about 109 Verses of Holy Quran besides is 210 Hadith-e-Mebarka. If anyone dares to claim for himself that “Nabuwat” has been assigned to him, he is classified not only as a non-believer but also destined to be murdered, as Prophethood has ceased to exist after Hazrat Muhammad ﷺ. This firm belief is known as “Khatm-e-Nabuwat” which is a pre-requisite to be a Muslim. Follower of a so-called prophet loses his status of “believer” (Muslim) by violating this basic principle (Finality of Prophethood) of Eman.

After the Holy Prophet ﷺ passed away from this mortal world, many improvident persons, greedy of fame and honour, viz: Musailma Kazzab, Talha bin Khuweld, Aswad Ansi, Sajjat bin-e-Haris, etc. claimed to be Allah’s apostles who were exterminated by the Muslim Ummah in spite of limited sources and unfavourable circumstances, to safeguard the “Khatm-e-Nabuwat” belief by laying down their lives for the noble cause.

It was in the year 1857 after the Independence War lost by Muslims in undivided India when the British plotted conspiracy against Islam / Muslim community to extinguish the flame of Jihad from minds of Muslims. To achieve their satanic evil designs, the British selected one astuyed amongst Muslims, a government servant Mr. Ghulam Ahmad from the Indian town of Qadian and motivated him for claiming himself an apostle of God in order to damage the belief of Khatm-e-Nabuwat and also of Jihad for the purpose. He (Mirza Ghulam Ahmad Qadiani) in lust of material benefits/status, agreed to
claim himself as apostle of God in continuity of
Prophethood of Hazrat Muhammad ﷺ under the umbrella
of British Imperialistic rule and created a self-styled
Muslim community with the title “Jama'at-e-Ahmadiya” to
encounter the teachings of True Islam. As such, his
followers declare / term themselves as “Ahmadi” (also
named as Mirza / Qadriyan) who, besides Indo Pak sub
continent, have dispersed in Africa and Europe to preach
their beliefs based on the teachings of their self-styled
Prophet. Their goal is to tarnish the image of True Islam
and discourage the Muslims from participation in Jihad for
protection of their belief in “Khatam-e-Nabuwat” and
fight in the name of Allah to stop them guarding against
the teachings of Islam. Qadiani beliefs are not only against
Islam in toto but also detrimental to the noble cause of
Islam. They fall under the purview of ELASPEMRY. The
teachings aimed at harming Basic Islamic Principles, are
being publicized / propagated by Ahmadies through Books,
Journals and Electronic media to provoke Muslim
sentiments and create unrest amongst the masses at the
behest of their Foreign Masters. Our renowned poet and
Muslim Scholar Allama Muhammad Iqbal, categorically
mentioned in his letter to Hindu leader Mr. Jawaharlal Nehru
that “I have no doubt in my mind that the Ahmadis are
traitors both to Islam and country.” (Thoughts and
Reflections of Iqbal Page 506, by Syed Abdul Vahid).

He further said:

“I became suspicious of the Quadiani movement
when the claim of new prophethood, superior even to
the prophethood of the Founder of Islam, was
definitely put forward, and Muslim world was
declared “Kafir” (infidel). Later, my suspicion
developed into a positive revelt when I heard with
my own ears an adherent of the movement
mentioning the Holy Prophet of Islam in a
disparaging language”. (See “Thoughts and

Muslims can not even think to recognize Mirza

Qadiani as Apostle of God, the same as the
belief of “Khatam-e-Nabuwat” while condemning the Muslims
themselves to be a sect of Muslim
over the world. Qadianis are not
Islamic rituals and beliefs through
also openly preach their false / on
their literature being published
journals and electronic media to do
theses which causes severe tem-
crate Law and Order situation in
for declaration of status of Qadianic
began in the year 1953 which result
agitators leaving above 10,000 Ml
Lahore. The movement remains
sometime and regained momentum
regime of Mr. Zulfiquar Ali Bhutto,
of Islamic Republic of Pakistan,
After a thorough debate in the 6
days having listened to the Qadian
detail, they were declared as “NO
consensus vote on 7th September
historical decision made by the Pak
the strength of cruel majority, by
parliamentarians. Qadianis did not
continued their anti-Islamic sickly
Islamic ritual, resulting in promulgating
Qadriyan Ordinance” and added
298-C in Pakistan Penal Code.
aforsaid Penal Provisions except
from inducing in Anti-Islam
themselves as Muslims or declare the
Qadianis not only refused to
floated the said ordinance at be
Tahir by daringly violating the pro
They termed the ordinance as “Viol
and challenged the same in the co
competent courts decided the case
verdict by upholding that the Q
Osles of God in continuity of Muhammad under the umbrella of a rule and created a self-styled title of the ‘jama’at-e-Ahmadia’ to the of True Islam. As such, his himself as “Ahmadi” (also Iyami) who besides Indo Pak but in Africa and Europe to preach the teachings of their self-styled to furnish the image of True Islam from participation in jihad for in “Khut-e-Nabuwat” and to stop them guarding against their beliefs are not only against the purview of BI-ASPHESMY. The Basic Islamic Principles, are stated by Ahmadis through books, media to provoke Muslim threat amongst the masses at the Masters. Our renowned poet and Muhammad Iqbal, categorically to Hindu leader M. Jashwar Lal in my mind that the Ahmadi an and country.” (Thoughts and 06, by Syed Abdul Vahid).

us of the Qadiani movement of prolethood, superior even to the Founder of Islam, was red, and Muslim world was intrigued. Later, my suspicion ater revolt when I heard with adherent of the movement by Prophet of Islam in a way. (See “Thoughts and - 297 - 1973 Edition). I think to recognize Mirza

Qadiani as Apostle of God, the same being not in line with the belief of “Khut-e-Nabuwat”. Vickers Qadayian, while condemning the Muslims as not believers, pose themselves to be a sect of Muslims rather true Muslims, all over the world. Qadianis are not only making mockery of Islamic rituals and beliefs through vocal/print media but also openly preach their false non-divine beliefs through their literature being published in their newspapers, journals and electronic media to accomplish their notorious designs which causes severe tension among Muslims and create Law and Order situation in the country. A movement for declaration of states of Qadianis as “NON MUSLIMS” began in the year 1953 which resulted in great massacre of agitators leaving above 10,000 Muslims martyred only in Lahore. The movement remained dormant for quite sometime and regained momentum in the year 1974 in the regime of Mr. Zulfiqar Ali Bhutto, the then Prime Minister of Islamic Republic of Pakistan, which embraced success. After a thorough debate in the elected Parliament for 13 days, having listened to the Qadianis’ point of view in detail, they were declared as “NON MUSLIMS” through consensus vote on 7th September, 1974. It was a unique historical decision made by the Pakistan Parliament, not on the strength of cruel majority, but by consensus of all parliamentarians. Qadianis did not accept this verdict and continued their anti-Islamic activities aimed at ridiculing Islamic rites, resulting in promulgation of “Prohibition of Qadiyaniat Ordinance” and addition of Sections 298-B and 298-C in Pakistan Penal Code in the year 1984. The aforesaid Penal Provisions expressly prohibit Qadianis from indulging in Anti-Islamic activities, to pose themselves as Muslims or declare their religion as Islam.

Qadianis not only refused to accept the ban but also flouted the said ordinance at behest of their Khalifa Mirza Tahir by flagrantly violating the provisions of the ordinance. They termed the ordinance as “Violation of Human Rights” and challenged the same in the courts at higher level. The competent courts decided the case on merit and gave the verdict by upholding that the Ordinance directing the
Qadianis to refrain from using Islamic guise in line with the Constitution of Islamic Republic of Pakistan was justified.

Decisions made by the honorable Apex Court are binding and applicable to all. It is a pity that the least number of Police Officers and Elite Bureaucracy of our country are aware of the contents of the Section 298-B and 308-C of PPC which are binding on the Qadianis to shun their anti-Islam activities forthwith. It appears that none of the Elite Bureaucracy has bothered to go through the historical decision of the Apex Court in case titled "Zakeri ud Din Versus State 1992 SCMP 1738" which has clearly directed the Qadianis to refrain from BLASPHEMY, in individual as well as collective capacity. This can provide guarantee for the maintenance of Law and Order in the country. The decision is available in the relevant Law Books but it is regretted to observe that even partial observance of this law is not visible anywhere due to the lethargic and ignorant, rather an-Islamic, attitude of the high ups in Bureaucratic hierarchy. It is a matter of great concern that although a law passed by the parliament with consensus and Section 298-C of PPC do exist in Law Books, empowering the Apex Administration to curb the anti-Islamic activities of Qadianis, yet their daringly flouting of legal provisions is over looked. Muslim community has repeatedly requested the Govt. of Pakistan to fulfill their innocent harmless and legitimate demand to direct the Qadianis to abide by the law in letter and spirit to ensure strict compliance of decisions of Apex Courts of the country and to bring an end to the prevailing anxiety among the masses.

Qadianis feel proud to claim that they have distributed translation of Holy Quran (according to their own false beliefs and concepts) in 100 languages of the world to mislead naive Muslims in less developed countries but it remains an astonishing fact that they have not circulated translations of the books of their self-styled Aprote (Prophet) Mirza Ghulam Ahmad Qadiani (which he had compiled / consolidated in Books titled "Ruhani Bazaars" spread in 23 Volumes) anywhere in the world. I can challenge without even an iota, English translations of books by Ahmad Qadiani are distributed at the people there will become awa and not only laugh at the Qadis also doubt their mental health, I except from 2 book written by Qadiani wherein he has attempts Christ: He says:

"God named me Maryam: I of Maryamiyat (female dat in, yes) Spirit of Jesus with Maryam and I was impreg
labour pains compelled Mar
move towards the Men of B
months, not beyond 10 any
from Maryam to Jesus and
Maryam (so of Maryam)"


All the books written by said absence / stupid and ridiculous we believe, as the same are against log
2.713

Readers are welcome to com
mail/email to confirm the refer
books, if they find any confusion of Scan/photocopies of reference

May Allah accept this effort
inspiration and guidance for all of

MUHAMM
can challenge without even an iota of doubt that if only the English translations of books written by Mirza Ghulam Ahmad Qadri are distributed among Europeans and like, the people there will become aware of the actual position, and not only laugh at the Qadrians and their apostle but also doubt their mental health I must quote one important excerpt from a book written by Mirza Ghulam Ahmad Qadri wherein he has attempted to prove himself as the Christ. He says:

“God named me Maryam; I remained in the character of Maryam (female character) and was developed in veil. Spirit of Jesus was induced in me like Maryam and I was improperly as metaphor; then labour pains compelled Maryam (meaning me) to move towards the stem of Datus tree, and after many months, not beyond 10 months, I was transformed from Maryam to Jesus and as such I stand for (the son of Maryam).”


All the books written by said Mirza Qadri are quite absurd/stupid and ridiculous which only a maniac can believe, as the same are against logic and established ethics/norms.

Readers are welcome to contact me through surface mail/Email to confirm the references from the Qadriani books, if they find any confusion during study of this book. Scan/photocopies of references will be provided immediately.

May Allah accept this effort and make it a source of inspiration and guidance for all of us. (Ameen)

MUHAMMAD MATEEN KHALID
Lahore, Pakistan
19th July, 2004
E-mail: mateenkhalid@hotmail.com
ANTI QADYANIAT, PTD

In another verse,

22:54 (الاثنا عشرون: ۵۴)

"This day has completed my warning to you, O nation of Islam, as you
In the light of already completed amendments wherein religion are permitted

Blessings and Peace be upon the Final Messenger ﷺ.

In the Name of Allah ﷻ The Most Gracious, The Most Merciful.

The concept of 'Finality of Prophet hood', is one of the fundamental beliefs without which nobody can be called a Muslim. The rejection of this concept and the belief of a messenger or revelation to come after the 'Seal of the Prophets' is open disbelieving (Kafir). From the times of the Holy Prophet ﷺ till today, the Muslim Ummah has unanimously agreed on the fact that this belief of the finality of the prophet hood is fundamental to Islam and the true spirit of belief and the whole structure of Islam is built on this very belief. This is such a sensitive and central issue that if there is even a slightest doubt deviation in it, then not only does a Muslim lose his faith but he is also excluded from the community of the followers of the Holy Prophet ﷺ. The Holy Quran clearly states:

"He is not the father of any of your men, but he is the Messenger of Allah ﷺ and the Seal of the Prophets and Allah ﷻ has full Knowledge of all things.

In the Name of Allah ﷻ The Most Gracious, The Most Merciful.

الله ﷻ يجوز لـکم

کیا یسیر کردو؟

کبیر

سیام

این یک روز گذشته

آیة

در نزول مسیح وارد

شبیه

به

برکت

و سلام

علیه

یا

والله ﷺ

یک

بدید

و

زیاده

(کربک)

(کربک)
In another verse, it has been stated:

"Have I perfected your religion for you, completed my favour upon you, and have chosen for you Islam as your religion."

In the light of the foregoing Hadith, since religion is already complete to perfection, it is clear that no amendments whatsoever may be done to it and no changes in religion are permissible or acceptable.

Hazarat Abu Huraira narrates that the Messenger of Allah (ﷺ) on one occasion said, "Certainly my example and the example of the Prophets before me is like the analogy of a beautiful and fabulous building constructed by a person except that he left a gap in one of its corners for a brick. People would come in great numbers to look at it and would be delighted with its construction and ask in annoyance why that one brick hadn't been laid down in order to complete the building. Hence I filled the gap and the Palace of Prophethood was completed by me and I am the Seal of Prophets."

"...and the father of any of your men, anger of Allah and the Seal of the Messengers has full knowledge of all things."

"The life of the world is wealth and power and the life of the Hereafter is Exalted Knowledge and Allah knows all things.

The same verse says: "...whether you love it or not..."
Hazrat Anas Bin Malik is reported to have said that "Risalot and Nabuwat have been terminated, so there shall neither be a Rasool nor a Nabi that will come after me."

(Note: Every prophet is called a 'Nabi', whether or not he was given a 'Shariat', while a prophet who has been given a 'Shariat' is termed a 'Rasool'.)

This belief of the Seal of Prophethood has been proven from 100 Quranic verses and 210 Ahadith. Now the question arises that according to the Holy Quran, Prophethood has ended, so how did Mirza Ghulam Ahmad Qadriyani become a prophet?

As already mentioned above, Allah himself explicitly states in the Quran that Prophethood has terminated on the Holy Prophet stopwatch and there shall be no Prophet after him.

The Holy Prophet stopwatch is also saying in Abadish that: "I am the final Prophet. No prophet shall come after me."

While contrary to this, Mirza Ghulam Ahmad Qadriyani claims to be a prophet. It is absolutely obivious and crystal clear that Allah and His Messenger are true in their sayings. Therefore, how did Mirza Ghulam Ahmad Qadriyani become a prophet and who gave him that rank? Let's analyze this.

In spite of conquering and ruling the Muslims, the British government was still fearful of the spirit of Jihad flourishing in them. They had learnt from Islamic History that the glory and honour of the Muslims laid in the continuation of Jihad and their dishonesty was in their abandoning it. Hence they planned to divide the Muslim Ummah and eradicate Jihad by creating a false prophet. For this purpose, they bribed a meager clerk named Mirza Ghulam Ahmad Qadriyani whose family was loyal to them. In this way, the British Government with the help of Mirza Qadriyani wrote as following:

Ghulam Ahmad Qadriyani to Qadriyani.

Mirza Ghulam Ahmad Qadriyani who was a clerk of the British Government, received a payment of £30,000 from the British Government for his services.

"My religion which I am divided into two portions: submission to Allah (SWT) - submission to the government and grant me asylum that is the British government.

(Shahadatul Quran, Page 6, Page 38 by Mirza Ghulam)

For twenty years, I have been to the British government and disciples accordingly."

(Teragaq Qulab, Page 15 Page 150, By Mirza Ghulam)
Ghulam Ahmad Qadriyani planted the filthy weed of Qadiyanism.

Mirza Ghulam Ahmad Qadriyani himself writes:

"My religion which I openly declare, is that Islam is divided into two portions. One deals with the submission to Allah (SWT) and the other deals with submission to the government that has maintained peace and granted as asylum from the oppressors, and that is the British government."

(Shahadatul Quran, Page 84, ‘Roohani Khazain’ Vol. 6, Page 380 by Mirza Ghulam Ahmad)

For twenty years, I have been preaching submission to the British government and have been advising my disciples accordingly.

(Taryaqul Quloob, Page 28, ‘Roohani Khazain’, Vol. 15 Page 156, By Mirza Ghulam Ahmad)

Mirza always used to instruct the Ummah to bow their heads in front of the commands of the British government and then passed a legal ruling prohibiting Jihad. In this context, one can himself read what Mirza Ghulam Ahmad Qadriyani wrote as following:

Maulik is reported to have said Nabeewat have been terminated, so is a Nabi who has been called a 'Nabi', whether or not, while a prophet who has been called a 'Rasool' the Seal of Prophethood has been passed and 210 Aahadith. Now the Prophet did Mirza Ghulam Ahmad also say in Aahadith that, prophet shall come after me.

Mirza Ghulam Ahmad set. It is absolutely obvious. His Messenger are true did Mirza Ghulam Ahmad who gave him that rank? The Muslims, the...
The major portion of my life has passed in supporting and helping the British government and I have written so many books and published so many articles regarding obeying the British government and prohibition of Jihad that if all the journals and books that were collected they would fill up to fifteen bookshelves.

(Tayyaaquq Quloob, Page 27, Roohani Khazain, Volume 15, Page 155)

Remember that out of the sects of Islam, the sect for which God has made me the leader and guide carries a distinctive symbol with it. It is that this sect does not permit Jihad by way of the sword and neither shall we adopt that path in the future. Infact, this blessed sect neither openly nor secretly dreams the teaching of Jihad to be permissible, and strictly considers fighting for the sake of spreading the religion to be impermissible.

(Majmaa Ishthaaraat, Vol.3, Page 357 by Mirza Ghulam Ahmad Qadiani)
For this reason, Hazrat Allama Iqbal stated that, "Ahmadis are traitors both to Islam and to country." He had reached the conclusion that to expect the tree planted by the British government to bear fruit for the Muslims is utter foolishness.

Agha Shershah Kashmiri had also said that, "Qadriyaan is the birthplace of Mirzaism. Rabwa is its capital, Isfial is its training centre, London is its shelter, Moscow is its teacher and Washington is its bank."

Qadriyanat is a conspiracy and political move taken by the enemies of Islam, while Mirza Qadriyan tried to disguise it in a religious outfit. However, thanks to the efforts of the sincere scholars of Islam, May Allah reward them, for breaking the backbone of the movement of Mirzaism. Indeed they proved themselves as the rightful heirs of the Prophet.

Side by side to the scholars of Islam, passionate, sincere and religious minded people also kept offering their services and did not stay behind them. Mr. Muhammad Mateen Khalid is amongst some of the foremost of those Mujahideen who fought valiantly to defend the movement of protecting the Seal of Prophecy. It was through his superb endeavours and attacks on the hidden conspiracies of Qadriyanism that he successfully smashed it to pieces.

"Thereupon he who was bent on denying the truth remained dumbfounded..."

The book in your hands "Qadriyan in the eye of Law" is actually part of a judicial war where in addition to the innumerable disgrace faced by the Qadriyanis in the past, this is yet another shameful defeat for them.

"And say truth has [now] arrived and falsehood has perished, for verily, falsehood is bound [by its nature] to perish."
Indeed, it was the dire need of time that these historical judicial rulings which have now reached the level of becoming part and parcel of the law, be compiled at one place for easy future reference. For this noble cause, Allah has chosen His slave, Muhammad Mateen Khalid. May Allah accept his unceasing efforts and be pleased with him.

In the end, I pray that Allah accepts us and all our future generations to defend this noble mission of protecting 'Khatam-e-Nabuwat' and accept each and every moment which has been spent for this purpose.

QARI MUHAMMAD IMRAN KHAN
Advocate,
General Secretary Khatm-e-Nabuwat Lawyers Forum,
Lahore.
19, June, 2008

WHAT COURTS SAY
QADYANIS

O, bravo, you have really exposed the real face of the unfortunate Islamic activities of the Qadianis during decades through meaningful surgical Islamic beliefs of Mirza Ghulam followers.

Yes! I mean, Mujahideen-e-Khalil Muhammad Mateen Khalid and his Razaq the true falcons at the Tahaffuz-e-Khatam-e-Nabuwat, that they two have enlisted me among a matter of great honour for a surety bond for success on the Allah). They do have written a article beliefs of Qadianis who do not and last prophet-hood of Hazrat the true spirit of Islam, so the Qadiani Muslims by the Apex Courts of Pakistan after hearing and going advanced by the Quaidian leaders.

According to Article 260(3) Constitution of Pakistan "Muslim believes in the unity owners of an absolute and un-dispensable prophet, Muhammad (S), the last of prophets or recognize as a prophet or religion who claims or claims to be a prophet of any other description whatsoever, prophet "Hazrat Muhammad (S)."
WHAT COURTS SAY ABOUT QADYANINAT?

O, brave, you have really rendered considerable services towards the Muslim Ummma by exposing the real face of the un-Islamic Ideas and anti-Islamic activities of the Qadriahis during the last about two decades through meaningful surgical Post Martum of anti-Islamic beliefs of Mirza Ghulam Ahmad Qadri and his followers.

Yes! I mean, Mujahideen-e-Khatam-e-Nabuwat, Mr. Muhammad Mateen Khalid and Muhammad Tahir, Abdul Razzaq the true falcons at the border of Tehreek-e-Tahafuz-e-Khatam-e-Nabuwat. I am proud of the fact that they two have enlisted me amongst their friend, which is a matter of great honour for me in this world and is a surety bond for success on the day of judgment (Insha Allah). They do have written a lot about the anti-Islamic beliefs of Quaidrites who do not believe in the absolute and last prophet-hood of Hazrat Muhammad (PBUH) against the true spirit of Islam, so the Quadianis are declared Non-Muslims by the Apex Courts of the Islamic Republic of Pakistan after hearing and going through the arguments advanced by the Quadiani leaders.

According to Article 240(3) (a) and (b) of the Constitution of Pakistan 'Muslim' means a person who believes in the unity owners of almighty Allah and in the absolute and un-disposable prophethood of Hazrat Muhammad (PBUH), the last of prophets and do not believe in or recognize as a prophet or religious reformer, any person who claims or claims to be a prophet in the same word or any other description whatsoever, after the last holy prophet "Hazrat Muhammad (PBUH)."
ANO a Non Muslim means a person who is not a Muslim and belongs to the Christian, Hindu, Sikh, Buddhist or Parsi community a person of the Qadiani or Lohri Group, who call themselves AHMADI or by any other name or Bahai and a person belonging to any of scheduled caste but there are persons who do not believe in God are called ATHEIST.

The Qadiani Group and Lohri group, for their un-Islamic thought and beliefs had been declared Non-Muslim by the Apex courts of Pakistan. If any 'Qadiani or Ahmadi' claims to be or pretends to be or give out publicly to be a Muslim then he would be acting in violation of the constitutional provision of Islamic Republic of Pakistan, and may be proceeded against under the law. Moreover the use of Shaheedi-Islam are the exclusive right related to the Muslims only, which the Non-Muslims or Qadansians have no right to use and are restrained/denied to use in any way whatsoever, also they are prohibited from directly or indirectly posing as Muslims or claiming legal right of Muslims by law.

In this context my dear friend Mr. Muhammad Mateera Khalid have written a lot in the past and now he has consolidated all the important judgments of high courts and Apex Courts of Pakistan in his book entitled "Qadansian in the Eyes of Law" which is undoubtedly a great achievement and will prove to be a model collection in the legal history of Pakistan. For this laborious and hard effort of the author, I shall rightly attribute a tribute to him and consider him as an enthusiastic hidden qualitative good Advocate...... An Advocate of Tahafuz-e-Khatam-e-Nabuwat I do offer him tribute from whole Muslim community and pray for him, may Almighty Allah bless him in every field of life and at the day of judgement as well (AMIN).

Ever yours,
MUHAMMAD TAHIR SULTAN KHOKHAR
Advocate
Chairman Khatam-e-Nabuwat Lawyers Forum, Lahore.
Islam means a person who is not a go to the Christian, Hindu, Sikh, alongness a person of the Qadiani or all themselves AHMADI or by any a person belonging to any of are persons who do not believe in T.

up and Luhori group, for their un- liffe had been declared Non-Muslim Pakistan. If any "Qadiani or Ahmadi" to be or give out publicly to be a d be acting in violation of the n of Islamic Republic of Pakistan, against under the law. Moreover the the exclusive right related to the the Non-Muslims or Qadianites have restrained / denied to use in any way are prohibited from directly or Muslims or claiming legal right of

dear friend Mr. Muhammad Mateen lot in the past and now he has important judgments of high courts Pakistan in his book entitled of Law" which is undoubtedly a will prove to be a model collection Pakistan. For this laborious devoted all rightly attribute a tribute to him an enthusiastic hidden qualitative Advocate of Talafu5-i-Khatam-e- him tribute from whole Muslim w him, may Almighty Allah bless life and at the day of judgement as

ACKNOWLEDGEMENT

I find myself absolutely handicapped and incomplete in my personal efforts to compile this book. With heart felt gratitude I owe my thanks to those who gave me their un-ending help and support in more than one way.

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7. Mr. Mehmood-ul-Hassan Bhatti Advocate High Court
8. Mr. Muhammad Hashim Tahami Advocate High Court
9. Mr. Muhammad Mansoor Advocate High Court
10. Mr. Muhammad Nausheh Shahid Advocate High Court
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20. Mr. Irfaz Khawar, Advocate High Court.

My thanks also due to the publisher Mr. Gulfriz Ahmad who published this book with Great Spirit and love.

May Allah Almighty reward everyone from His un-ending and unlimited compassion for forgiveness for the love of His beloved holy prophet Muhammad ﷺ.

MUHAMMAD MATEEN KHALID
24

Ch. Advocate Ex-Senior Civil Judge
M. Saeed Shaheen Advocate High Court
Afza Advocate High Court

(A) Professor Electrical Engineer,
M. A.

Advocate High Court.

To the publisher Mr. Gufraz Ahmad
with Great Spirit and love.

my reward everyone from his un-
compassion for forgiveness for the
prophet Muhammad ﷺ.

UHAMMAD MATEEN KHALID

QADYANIAT
IN THE EYES OF LAW
FEDERAL SHARIAT COURT
1984

Mr. Justice Fakhr-e-Allam
(Chief Justice)

Mr. Justice Ch. Mohammad Siddique

Mr. Justice Maulana Malik Chuhand Ali

Mr. Justice Mustan Qudus, Qazi
FEDERAL SHARIAT COURT

Mr. Justice Fakhre Alam ........................................ Chief Justice
Mr. Justice Ch. Muhammad Siddique
Mr. Justice Maulana Malik Ghulam Ali
Mr. Justice Maulana Abdul Quddus Qasmi

Shariat Petition No. 17/I of 1984

Mujibur Rehman and three others .................. Petitioners

Versus

Federal Government of Pakistan through Respondent
Attorney General of Pakistan

Shariat Petition No. 2/I of 1984

Capt. (Retd) Abdul Wajid and another Petitioners

Versus

Attorney General of Islamic Republic of Respondent
Pakistan.
For the Petitioners .................. Mr. Mujibur Rehman,
(in S.P. No. 17/I of 1984) Advocate
(one of the Petitioners)
For the Petitioners .......................... Capt. (Retd) Abdul Wajid
JUDGMENT

FAKHRE ALAM, CJ. Ordinance No. XX of 1981 called the Anti Islamic Activities of Quadiani Group, Lahore Group and Ahmadis (Prevention and Punishment) Ordinance, 1984, was promulgated in the Gazette of Pakistan (Extraordinary) Issue, dated the 26th April, 1984. The Ordinance amended certain provisions of the Pakistan Penal Code (Act XLV of 1860), the Code of Criminal Procedure, 1898 (Act V of 1899) and the Press and Publications Ordinance, 1963.

2. The Quadianis who are followers of Mirza Ghulam Ahmad of Qadian (hereinafter to be called Mirza Sahlb) are divided into two groups, both of whom are, however, called by the name of Ahmadis.

3. One group of the Petitioners believes that the promised Messiah that he was a Mollar and the promised Messiah was.

4. Two Petitions by the Quadiani group and group bearing Nos. 99, 100, of the Petition No. 87-352, one of the Petitioners, Mr. Ejaz Ahmad, argued the case of Ghaus Muhammad, argued the matter following the Juris. The Court matter and argued that the same.

1. Qari Mujib
2. Prof. Mahboob
3. Maulana Saad
4. Allama Tariq
5. Prof. Muhammed
6. Allama Muneer
7. Prof. Maulana

6. The Court made the same.

7. Muslims who do not qualify the same.

8. Any sense of the words.
3. One group which is generally known as quadriani group believes that Mirza Sahib was the promised Medhi, the promised Messiah and a Prophet. The Lahori group says that he was a Mujaddid (revivalist), the Promised Mehdi and the promised Messiah.

4. Two petitions one by some members of the quadriani group and another by two members of Lahori group bearing Nos. 17/1 of 1984 and 2/1 of 1984 were filed to challenge the vires of the Ordinance viz-a-viz the Quran and the Sunnah of the Holy Prophet (P.B.H.).

5. The matter was heard in detail for more than four weeks. Mr. Mujibur Rehman one of the petitioners in Shariat Petition No. 17/1 of 1984 and Capt. (Retd) Abdul Wajid, one of the petitioners in Shariat Petition No. 2/1 of 1984, argued the case on behalf of the petitioners. Shaihkh Ghias Muhammad Advocate and Dr. Riazul Hasan Gillani argued the matter on behalf of the Government. The following Juris-Consults and Ulama belonging to different schools of thought were invited by the Court for rendering assistance to it on the issues involved in the matter and argued the matter in detail:

(1) Qazi Mujibur Rehman
(2) Prof. Mahmood Ahmad Ghazi
(3) Maulana Sadar-ud-Din Al-Rifai
(4) Allama Tajuddin Haider
(5) Prof. Muhammad Ashraf
(6) Allama Mirza Muhammad Younus
(7) Prof. Maulana Tahir-ul-Qadri.

6. The Constitution of 1973 was amended by the Constitution (Second Amendment) Act, 1974 (Act XLIX of 1974) to amend Article 106 and Article 260 thereof. Clause 3 was added to Article 260 to declare persons as non-Muslims who do not believe in the absolute and unqualified finality of Prophet or claims to be a Prophet in any sense of the word or of any description whatsoever,
after Muhammad as or recognizes such a claimant as a Prophet or a Religious Reformer. The Quaidians of the two groups are inter alia covered by this definition and they were thus declared non-Muslims.

7. Article 106 dealt with the constitution of Provincial Assemblies which specified the number of Members to be elected for the Assemblies, their qualifications and also the additional seats in those Assemblies reserved for non-Muslims, i.e. Christian, Hindu, Sikh, Buddhist and Parsi Communities. To these communities were added by the second Constitutional Amendment of 1974 "persons of the Quaidani Group or the Labor Group (who call themselves Ahmadis)."

8. Thus effect of Article 106 was given by declaration made in Sub-Article 3 of Article 260 and Ahmadis of either persuasion were placed in juxtaposition with other minorities.

9. Despite, these provisions of the Constitution, the Ahmadis persisted in calling themselves Muslims and their faith, as Islam. They remained imputously apathetic and insensitive to the perturbation of the Muslims of Pakistan. However, their violation of the above, Constitutional provisions and of continuing to defile the epithets, descriptions and titles like Ummul Momineen (Mother of the Muslims), Ahe-Bait (Members of the family of the Holy Prophet Muhammad (Companions) Khulafa-e-Rashideen (the rightful Caliphs) Ameerul Mumineen, Khalifatul-Mumineen, Khilafat-e-Muslimeen (epithets used generally for the Muslim Rulers and for the rightful Caliphs) which are exclusive for the Muslims and had never been used by the non-Muslims, for the wife, members of the family, companions, and successors respectively of Mirtza Sahib. For this reason use of derogatory remarks in respect of the Holy personages was made a criminal offence punishable under Section 298-A of the Pakistan Penal Code (Act XLV of 1860) recently added by Ordinance No. XLIV of 1980. The Section is as follows:

298-A

"Use of derogatory personages. Who writes, or by imputation, in part or indirectly, defiles (Ummul Mumineen title of the Holy Rael of the righteous companions (Sahib) be punished with for a term which fine, or with both."

10. This Section was not made applicable by the agitation of the Muslins. the impugned Section 298-B and

(Act XLV of 1860) and the Code of Criminal Procedure, West Pakistan, 1960, Sections 298-B and 298-C.

298-B

"Misuse of epithets reserved for certain

(1) Any person of a group (who calls or other name) written or by virtue of

(a) refers to or as

Caliph or a Muhammad

'Khalifat-ul-M"

'Sahib' or 'R
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and successors-
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and persons was
Section 298-A
was added to
This Section is as

298-A
"Use of derogatory remarks, etc. in respect of holy personages. Whoever by words, either spoken or
written, or by visible representation or by any
imputation, insinuation or intimation, directly or
indirectly, defiles the sacred name of any wife
(Ummul Mumineen), or members of the family (Ache-
bar), or the Holy Prophet (peace be upon him), or any
of the righteous Caliphs (Khalifat-ul-Rashideen) or
companions (Sahaba) of the Holy Prophet (s.a.w) shall
be punished with imprisonment of either description
for a term which may extend to three years, or with
fine, or with both."

10. This Section was couched in general terms and
was not made applicable to Ahmadis only. On account of
the agitation of the Muslims over the persistence of the
Ahmadiyya movement, the impugned Ordinance was
promulgated. It added Sections 298-B and 298-C to the Pakistan Penal Code
(Act XLI of 1860) and made consequential amendments in the
Code of Criminal Procedure, 1973 (Act V of 1976) and
Sections 298-B and 298-C are as follows:

298-B
"Misuse of epithets, descriptions and titles, etc.
reserved for certain holy personages or places.

(i) Any person of the Quadian group or the Latori
group who call themselves Ahmadis or by any
other name who by words, either spoken or
written or by visible representation,

(a) refers to or addresses, any person, other than a
Caliph or companion of the Holy Prophet
Muhammad (s.a.w), as 'Ameerul Mumineen',
'Khalifat-ul-Mumineen', 'Khalil-ul-Muslimeen',
'Sahabi' or 'Rad-i-Allah-Anho';
(b) refers to, or addresses, any person, other than a wife of the Holy Prophet Muhammad (peace be upon him), as 'Ummul-Mumineen;

(c) refers to, or addresses, any person, other than a member of the family (Able-bait) of the Holy Prophet Muhammad ﷺ, as Able-bait or.

(d) refers to, or names, or calls, his place of worship as Masjid.

shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

(2) Any person of the Quadiani group for Lahori group (who call themselves 'Ahmadis' or by any other name) who by words, either spoken or written, or by visible representation, refers to the mode or form of call to prayers followed by his faith as 'Azan', or recites Azan as used by the Muslims, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine."

293 - C

"Any person of Quadiani group etc. calling himself a Muslim or preaching or propagating his faith. — Any person of the Quadiani group or the Lahori group (who call themselves 'Ahmadis' or by any other name), who, directly or indirectly, poses himself as a Muslim, or calls, or refers to, his faith as Islam, or preaches or propagates his faith or invites others to accept his faith, by words either spoken or written, or by visible representations, or in any manner whatsoever outrages the religious feelings of Muslims, shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine."

31. These Sections of the Act shall apply only to Ahmadis.

(a) to call or pose himself as a Muslim or refer to his faith as Islam;

(b) to preach or promote any other religious belief which is not recognized in the Constitution as an official or state religion;

(c) to call people to pray to any God or to his mode of life;

(d) to refer to or call his place of worship as Masjid.

(e) to refer any person or group of persons to his faith as Muslim or to any other religious belief as non-Muslims.

12. The main ground on which we have refused to accept the impugned Ordinance is that the constitutional and legal provisions relating to the freedom of speech and expression do not permit the government to enact laws that would prohibit the expression of opinions by Ahmadis or members of any non-Muslim group.

13. It is pertinent to note that the courts have consistently refused to recognize the validity of the impugned Ordinance on the ground that it would amount to an infringement of the fundamental rights guaranteed under the Constitution.

14. Mr. Mujibur Rehman, a noted jurist, has argued that the impugned Ordinance was passed without the necessary constitutional amendments and that it is therefore invalid.
or addresses, any person, other than 
the Holy Prophet Muhammad (peace be 
on him), as 'Ummul-Mumineen,' or 
addresses, any person, other than a 
of the family (Able-bait) of the Holy 
Muhammad, as Ahle-bait; or, 
or names, or calls, his place of worship 
unpunished with imprisonment of either 
for a term which may extend to three 
shall also be liable to fine.

11. These Sections made it a criminal offence for an 
Ahmadi,—

(a) to call or pose himself directly or indirectly as a 
Muslim or refer to his faith as Islam;

(b) to preach or propagate his faith or to invite others 
to accept his faith or in any manner whatsoever to 
outrage the religious feelings of Muslims;

(c) to call people to prayer by reciting Azan or to refer 
to his mode or form to call to prayer as Azan;

(d) to refer or call his place of worship as Masjid;

(e) to refer any person other than a Caliph or 
companion of the Holy Prophet Muhammad, as Ammeenul 
Mumineen, Khalifat-ul-Mumineen, Khalifat-ul-Muslimeen, Sahaabi or Razi-Allah- 
Anho, any person other than the wife of the Holy 
Prophet as Ummul Mumineen and any person 
other than a member of the family of the Holy 
Prophet as Ahle-bait.

12. The main ground on which these Petitions have 
been filed and which was argued from different angles is 
that the impugned Ordinance violates the Sharia and the 
Constitutional rights of the Ahmadies to profess, practice 
and preach or propagate their religion.

13. It is pertinent to note that despite the 
Constitutional provisions, the Petitioners in their 
arguments insisted upon calling themselves Muslims and 
calling their faith as Islam and submitted that the 
Constitutional Amendment was not a declaration of their 
being non-Muslims by a religious body but was the Act of 
the Ruling Party of that time. It was pointed out to the 
Petitioners that the Constitutional Amendment was 
unanimously passed by all parties and the Parliament had 
given this verdict almost in a judicial manner by hearing 
both sides including the head of the Ahmadi community.

14. Mr. Mujibur Rehman stated that since the Court 
cannot decide against the Constitutional provisions he
would not like to raise the question whether Quadians are Muslims or non-Muslims. He, however, persisted in emphasising that the Quadians as such are not non-Muslims but have been declared so by the Iqitdar-e-Aal).

15. He, then, clarified that if the Counsel for the Government argued that the Quadians are non-Muslims according to Shariah too he would like to refute that argument in detail.

We enquired from Mr. Riazul Hasan Gillani, counsel for the Federal Government whether he would like to proceed only on the assumption that Quadians have been Constitutionally declared non-Muslims or would like to argue the point of their status independently in the light of the Shariah. He opted in favour of the later proposition. On this Mr. Mujibur Rehman submitted that he would like to argue and elaborate the question of status of the Quadians in the light of the Injunctions of the Quran and the Sunnah.

The arguments of Mr. Mujibur Rehman on the assumption of the Ahmadis being Muslims is an invitation to this Court to go into this question. This Court cannot and thus avoid giving its finding on this point. The point was fully argued and shall be dealt with in the judgment.

The assertion in the written arguments filed at the end that the petitioners themselves did not wish to raise the question of their belief is thus only partly correct.

Before elaborating the points involved in this petition as well as the effects of different provisions of the impugned Ordinance, it would be pertinent to throw light on the Muslims concept of finality of the prophethood of Muhammad ﷺ, which is the main theme of the difference between the Muslims and Ahmadis and which was the base of Constitution (Second amendment) Act 1974 (Act XLIX of 1974) according to which the Ahmadis were declared non-Muslims.

The Muslims of all schools of thought believe in the absolute finality of the prophethood of Muhammad ﷺ and consider it an article of their faith. This unanimous belief is based on verse 33:40 of the Qur'an and its meaning, interpreted as under:

ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ ﷺ 

The word Khatam means seal to Prophets. which has been a constant to Prophethood means the Prophethood and after the cessation of advent of Prophet Muhammad was accepted by Mirza S. (page 511). However, alteration the meaning of the seal of Prophet Muhammad which means the advent of Prophets whose advent is subject to the condition whoever arrives as a Prophet Muhammad which means this world under his seal Sharia as laid down in the
based on verse 33:40 of the Holy Quran. The said verse and its meaning, interpretations and explanations are reproduced as under:

"What part of the book of Allah is not there? You used to be of the disadvantageous, but I have made you a Nation of the Middle, and I have sent this reminder to you and a bookseller to Allah."

Muhammad is not the father of any man among you but he is the Messenger of Allah and the seal of the Prophets and Allah is aware of all things.

(Q. 33:40)

The word Khatam-un-Nabiyyin has been the subject matter of interpretation from the very beginning. It was interpreted in the traditions of the Holy Prophet ﷺ as well as by the commentators of the Holy Quran learned scholars and renowned jurists. It is established that this expression can be read as Khatim-un-Nabiyyin. The word Khatim means one who finishes or ends. There is no controversy on the point that if the word is Khatim-un-Nabiyyin it would mean one on whose Prophethood, the chain of Prophets terminates.

The word Khatam means seal and Khatam-un-Nabiyyin means seal to Prophets. The well established meaning on which there has been a consensus is that the expression seal to Prophethood means list of the Prophets who seals Prophethood and after whom no Prophet can come, and the cessation of advent of Prophets is absolute. This meaning was accepted by Mirza Sahib also (Isala-e-Aubam, vol. 2 page 331). However, after his claim to Prophethood he altered the meaning of the expression and interpreted it as the seal of Prophet Muhammad ﷺ for continuing the Prophets whose advent is destined later which means that the advent of Prophets is not a matter past and closed but is subject to the condition that after Prophet Muhammad ﷺ whoever arrives as a Prophet must bear the seal of Prophet Muhammad ﷺ which means that he is a Prophet sent to this world under his seal of approval for rejuvenating his Sharia as laid down in the Quran and the Sunnah.
This interpretation, as will be clear from the above, is a departure from the interpretation regarding the absolute cessation of Prophethood on which there had been a consensus which is also reflected in the earlier writings of Nirza Sabib.

In the above mentioned verse the word 'Khatam' (كتم) has been read in two manners i.e., with an 'a' after 't' or 'i' after the same letter. According to Ibn Amir and Assim it is read as 'khatam' (كتم) with folha (ف) on the letter 't' (ت). In that case it is a noun meaning 'the last'. As such the word 'Khatam-un-Nabiyn' (كتم النبیین) means the last of the Prophets. According to others it is read as 'Khutum' (ختم) with 'i' after 't' (ت) which makes it a subject (فاعل) meaning 'He who finishes'. As such Khatmun-Nabiyn (كتم النبيین) means he who terminates the chain of Prophets i.e., the Prophethood ceases with him (Maalimul Tansil by Imam Baghawi, Vol. 4, page 218).

In Lisanul Arab, it is stated that Khatam (كتم) means to finish as it said, 'الله أتم صوته' (may Allah resolve (finish) his affairs beneficially). The end of everything is called Khatam (كتم) and its plural is Khawatin (خواتین) which means the ends.

Farra said that Khatam (كتم) and Khutim (ختم) are synonyms with the only difference that gramatically the first is a noun (اسم) and the second is an infinitive verbal noun. Khatam (كتم) and Khutim (ختم) are the names of the Holy Prophet (رضي الله عنه) as Allah says in verse 33:40 that he is Khatam-un-Nabiyn (كتم النبيین) which means the last of the Prophets.

Khatam (كتم) also means to prevent. It usually means the protection of a thing from mixing with other things.

Khatam means seal too when it is tiring from mixing with the things, means the ring. (Lisanul Arab)

According to Al-Zaghib signify the impressing a thing and stamp; and the former is meaning the securing oneself (oneself) from it, in consider sealing upon writings and doing the producing an impression another thing in consideration the signet; and sometimes it is end (of a thing) see Lane on Khatam (كتم).
Khatam means seal too which means to prevent another thing from mixing with the sealed thing. Khatam also means the ring. (Lisan al-‘Arab, Vol. 18, pages 53–55).

According to Al-Raghib Khatama (ختمة) and Tabas (تبادل) signify the impressing a thing with the engraving of the signet and stamp; and the former is topically used, sometimes, as meaning the securing oneself from a thing, and protecting oneself from it, in consideration of protection by means of sealing upon writings and doors; and sometimes as meaning the producing an impression, or effect, upon a thing from another thing; in consideration of the impression produced (by the signet); and sometimes it is used as relating to reaching the end of a thing' see Lane on Khatama (ختمة).

(He sealed his heart) means he made him to be such that he understood not, and such that nothing proceeded from him; or he made his heart, or mind to be such that he understood not (Lane ‘Khatama’)

(Allah sealed their hearts) and (Allah engraved their hearts) (Allah sealed their hearts) (Allah engraved their hearts) point to what God has made to be usually the case when a man has ended in believing what is false and in committing that which is forbidden, so that he turns not his face to the truth; thus occasioning as its result, his becoming insured to the approval of acts of disobedience, so that he is as though his habit were impressed upon his heart, (see Al-Mufradat by Raghib Asaphhani, page 143, see Lane on Khatama).

(Prophet) means a Prophet on whose arrival the (chain of) prophethood came to an end. (Al-Mufradat by Raghib Asaphhani, pages 142–143).

In Tajul Uras it is stated

"مَنِ احْتَلَّ عَلَى اللَّهِ عِلْمُ الحَكَمِ وَالْقَلَمِ وَهُوَ الْمَدِينَ" (ختم النبوة بتعجيه)
Among the names of the Holy Prophet (ﷺ) are Khatam (كَتَامُ) and Khatim (ڪَتِمٗ) which means that Prophethood was put to an end with his advent. (Tajul Urs, Vol. 4, page 186; Also see Majma'ul Bihar, Vol. 8, page 194).

Thus the dictionary meaning of the word Khatam (ڪَتِمٗ) or Khatim (ڪَتَامٗ) (one who put an end ﷺ) is the same.

On this very basis, all the lexicographers and commentators have unanimously taken Khatam-un-Nabiyyin to mean Akhir-un-Nabiyyin (ئلاٗؤُُِٔٔ) of the Prophet’s. From the view point of Arabic usage and lexicon, Khatam does not imply the postal stamp which is put on the envelope for issue but implies to the seal put on the envelope so that it is secured, so that what is in it cannot come out nor anything can enter it unless the seal is broken.

The Quranic verse 33: 40 has been similarly interpreted by all the renowned commentators, who also dealt with a most question. There are some traditions about the second coming of Jesus near about resurrection. These traditions have been held, by some to be weak being repugnant to the Holy Quran and the Sunnah but a large majority believes in their authenticity. In the view of the majority there is no repugnance between the Quran and these traditions since Jesus who was a Messenger of Allah and a Prophet had been commissioned as Prophet long before the advent of the Holy Prophet (ﷺ) while the verse refers to the advent of the new Prophet after Muhammad (ﷺ).

But Jesus will appear in this world as a member of the Muslim Ummah and a follower of Islamic Sharia. These authoritative interpretations and opinions may now be cited.

(1) Allama Ibn-e-Jarir Tabari (224—310 A.H.) in his well-known commentary of the Quran, explained the meaning of this verse thus: “He brought the Prophethood to a close and sealed it: ‘Now this door will not open to anyone till Resurrection”. (Tafsir Ibn-e-Jarir, Vol. 22, page 12).

(2) Imam Tahavi ‘Aqidah Salafiya’ regarding especially of Imam Abu Imas Muhammad (may Al respect of Prophethood, he is chosen servant of Allah, H and he is the last of righteous, the chief of the Lord of the world. (Sharh Dar-ul-Ma‘arif, Egypt, page 2).

(3) Allama Ibn-e-Hashim: “Most certainly the transition after the death of the Holy the revelation comes down himself has said: Muhammed, but he is the Messenger Prophets. (Al-Muhalla, Vol.

(4) Imam Ghazzali complete consensus anon is no Prophet after the 3. The whole Ummah is united by his words: “ولا فيهم اثنان” who interprets this tradition, the pale of Islam. His interpretation and his writing, being unanimous that there is it interpretation than thus be consensus of the Ummah page 114).

(5) Mahyus-Sunnah: his commentary is ‘Alam Prophethood through the thus he is the last of the Pro
(2) Imam Tahavi (539—321 A.H.) writes in his 'Aqidah Salfiti' regarding the beliefs of the righteous, especially of Imam Abu Hanifa, Imam Abu Yusuf and Imam Muhammad (may Allah show mercy to all of them) in respect of Prophethood, "And that Muhammad is the chosen servant of Allah, His Prophet and favourite Apostle, and he is the last of the Prophets, the leader of the righteous, the chief of the Apostles, and beloved of the Lord of the world. (Sharh-ul-Tahahir fil Aqidat Salfiti, Dar-ul-Maariif, Egypt, page 19, 97, 100, 112).

(3) Allama Chotur-Hazmi Undi (539—548 A.H.) writes: "Most certainly the transmission of the revelation has ceased after the death of the Holy Prophet, the reason being that the revelation comes down to none but a Prophet, and Allah Himself has said: Muhammad is not the father of any of your men, but he is the Messenger of Allah and the last of the Prophets. (Al-Muhalla, Vol. I, page 26).

(4) Imam Ghazzali (450—505 A.H.) says: There is complete consensus among the Muslim Ummah that there is no Prophet after the Holy Prophet Muhammad. The whole Ummah is unanimous that the Holy Prophet by his words "لا أدرى" (I don’t know) meant nothing but this that after him there will neither be a Prophet nor an Apostle. Anyone who interprets this tradition in any other way, goes outside the pale of Islam; his interpretation would be nonsensical and his writing heretical. Besides, the Ummah is also unanimous that there is no scope whatever for any other interpretation than this; the one who denies it, denies the consensus of the Ummah. (Al-Iqtiasad-ul-Fiqh, Egypt, page 114).

(5) Muhyi-us-Sunnah Baghwi (d. 516 A.H.) writes in his commentary 'Malik-ul-Tanzil': "Allah closed the Prophethood through the Holy Prophet Muhammad, thus he is the last of the Prophets. And
Ibn-e-Abbas says that Allah Almighty decreed (in this verse) that after him there would be no Prophet. (Ma‘alim-ul-Tanzil, Vol. 3, page 106).

(6) Allama Zamakhshari (467-538 A.H.) writes in his commentary Al-Kashshaf: “If you ask: How can the Holy Prophet ﷺ be the last of the Prophets when there is the belief that Prophet Jesus will come down during the last days before Resurrection? I shall say: The Holy Prophet ﷺ is the last of Prophets in the sense that no other person will be used as a Prophet after him. As for Prophet Jesus, he is one of those who had been commissioned as Prophet before the advent of the Holy Prophet ﷺ. And when he comes again, he will come as a follower of the Sharia of Muhammad ﷺ and will offer the prayer with his face towards his Qiblah (the Ka‘bah) like any other member of his Ummah”. (Al-Kashshaf, Vol. 2, page 215.)

(7) Qazi Ayaz (d. 544 A.H.) writes: “He who lays a claim to Prophethood for himself, or holds that one can acquire it and can attain the rank of Prophethood through the purification of the heart, as some philosophers and so-called suns assert, and likewise he who does not claim to be a Prophet but claims that he receives revelation...all such people are disbelievers and deniers of the Holy Prophet ﷺ, for he informed us that he was the last of the Prophets and that no Prophet would come after him. And this news was a communication from Allah that he has closed the Prophethood, and that he has been sent to all mankind; and the whole Ummah is unanimous that these words have no other but the apparent meaning. There is no room for a different interpretation or special meaning. Therefore, there can be absolutely no doubt about such people’s being unbelievers (Kafir) both according to the consensus and the traditions”. (Shifa, Vol. 2, pages 270-271)

(8) Imam Razi (543-606 A.H.) explaining the verse of Khatam-un-Nabiyin says in his Tafsir-e-Kabir: “In this context, the reason for saying Khatam-un-Nabiyin is that if a Prophet be succeeded by another Prophet he leaves the mission of admonition and somewhat incomplete and incomplete. But the Prophet by another Prophet is by five people (Ummah) and provides complete guidance, for he after him his son has no guide. (Tafsir-e-Kabir, Vol. 6, page 285).

(9) Allama Shahrastani in his book Al-Milal-wan-Nihal: “...that another Prophet (as) be raised after the Holy Prophet and there is no difference between two men”. (Al-Milal-wan-Nihal, page 243).

(10) Allama Baidawi (in his commentary Anwar-ul-Tanzil) last of the Prophet, who clos the line of the Prophets was second advent does not come being the last Prophet, for follower of his Sharia”. (Anwar-ul-Tanzil, page 540).

(11) Allama Hafiz-ud-Din in his commentary Madarik Prophet ﷺ is Khatam-un-Prophet. After him no other Prophet. As for the Prophet Jesus been appointed Prophets been the second time, he will come Muhammad ﷺ, and as (Madarik-ul-Tanzil, Vol. 5, page 22).

(12) Allama Ala-ud-Din in his commentary Khattat Allah closed the line of Prophet Muhammad ﷺ. Now there after him nor any associate
mission of admonition and explanation of injunctions somewhat incomplete and the one coming after him has to complete it. But the Prophet who is never to be succeeded by another Prophet is by far more compassionate to his people (Ummah) and provides for them explicit and complete guidance, for he is like a father who knows that after him his son has no guardian and patron to look after him". (Tafsir-e-Kabir, Vol. 6, page 581).

(9) Allama Shehrastani (d. 948 A.H.) writes in his book Al-Milal-wan-Nihal: "And likewise the one who says that another Prophet (except for the Prophet Jesus) will be raised after the Holy Prophet Muhammad ﷺ is a Kafir and there is no difference of opinion about this even between two men". (Al-Milal-wan-Nihal, Vol. 3, page 249).

(10) Allama Baidawi (d. 685 A.H.) writes in his commentary Anwar-ul-Tanzil: "the Holy Prophet ﷺ is the last of the Prophets who closed their line, or through whom the line of the Prophets was sealed. And the Prophet Jesus's second advent does not contradict the Holy Prophet ﷺ being the last Prophet, for when he comes, he will be a follower of his Sharia". (Anwar-ul-Tanzil, Vol. 4, page 164).

(11) Allama Hafiz-ud-Din Nasafi (d. 710 A.H.) writes in his commentary Madarik-ul-Tanzil ‘that the Holy Prophet ﷺ is Khattam-un-Nabiyyin, i.e. the last of the Prophet. After him no other person will be appointed as a Prophet.

As for the Prophet Jesus, he is one of those who had been appointed Prophets before him, and when he comes the second time, he will come as a follower of the Sharia of Muhammad ﷺ and as a member of his Ummah". (Madarik-ul-Tanzil, Vol. 5, page 471).

(12) Allama Ala-ud-Din Baghdadi (d. 725 A.H.) writes in his commentary Khazin: "Wa Khattam-un-Nabiyyin, i.e. Allah closed the line of Prophethood on the Holy Prophet Muhammad ﷺ. Now there is neither any Prophethood after him nor any association or partnership with him in
this regards. Allah has the knowledge that there is no Prophet after him." (Tababut Tawil fi Maanit Tanzil, Vol. 5, pages 471-472)

(13) Allama Ibn-e-Kathir (d. 774 A.H.) writes in his well-known commentary: "Thus, this verse is an express injunction in this regard that after the Holy Prophet there is no Prophet (س) and when there is no Prophet after him, there can be no Messenger (رسول) either, for Messengership is specific and Prophethood general: every Messenger is a Prophet but every Prophet is not a Messenger......

Anyone who lays a claim to this office after the Holy Prophet (س) is a liar and impostor and deviator and unbeliever, no matter what supernatural and magical spells and charms and sorcery he practises. The same is the position of every such person who lays a claim to this office till Resurrection." (Tafzir Ibn-e-Kathir, Vol. 3, pages 493-494).

(14) Allama Jalal-ud-Din Suyuti (d. 911 A.H.) writes in Jalalayn: "لَهُ مَا يَكْبُرُ مِنْ شَيْءٍ عَلَى رَبِّهِمَا (الله) Allah has the knowledge of everything and knows that there is no Prophet after the Holy Prophet (س) and when Prophet Jesus comes down he will be a follower of the Holy Prophet's (س) Sharia. (Jalalayn, page 789).

(15) Allama Ibn-e-Nujaim (d. 970 A.H.) writes in his book Al-Ashbah-wan-Nazair. "If a person disbelieves that Muhammad (س) is the last of the Prophets, he is not a Muslim, for this is one of the fundamentals of the faith." (Al-Ashbah-wan-Nazair, page 179).

(16) Mulla Ali Qari (d. 1016 A.H.) writes in Sharh Fiqh Akbar: "There is complete consensus of the Ummah on the point that laying claim to Prophethood after the Holy Prophet Muhammad (س) is Kufr (heresy)." (Sharh Fiqh Akbar, page 202)

(17) Shaikh Ismail Hanafi above verse in his commentary: "Asim read the word as instrument with which the Holy Prophet (س) came as the Prophets was closed and read it as Khatim, which Thus, Khatim also is a self explained. For the first Prophets being the last un-Nabiyin means that no one came after him. And Jesus has been sent to him. On his second coming the Sharia of Muhammad (س) is his face towards his Qubla to his Ummah. He will be the last of Muhammad (س)."

And the followers of no Prophet after our Holy "But he is the Messenger Prop NETs", and the Holy Prophet is no Prophet after me." N Prophet after our Holy Prophets for he has denied a future, likewise, the one who does Kafir, for the Truth has been And the claim of the one Holy Prophet Muham raspores (Ruh-ul-Bayan, Vol.

(18) According to Fauzi the 12th century Hijrah, scholars under the order of Emperor of India: "If a person (س) is the last of the Prophet
(17) Shaikh Isma‘il Haqqi (d. 1137 A.H.) explaining the above verse in his commentary Ruh-ul-Bayan, writes: "Asim read the word as Khatam, which is the sealing instrument with which things are sealed. It implies that the Holy Prophet (P) came at the end and on him the line of the Prophet was closed and sealed. Some people have read it as Katam, which means the one who puts a seal. Thus, Khatam also is a synonym of Khatam .... Henceforth the saintly scholars of his Ummah will be his successors in Walayat (spiritual erenience) since the succession to Prophethood has been brought to a close. And the second coming of the Prophet Jesus does not affect the Holy Prophet's (P) being the last of the Prophets, for Khatam-un-Nabiyyin means that no other Prophet will be raised after him. And Jesus has been raised as a Prophet before him. On his second coming he will come as a follower of the Sharis of Muhammad (P). He will offer the prayer with his face towards his Qiblah, like any other man belonging to his Ummah. He will be a Caliph of the Holy Prophet Muhammad (P)."

And the followers of the Sunnah believe that there is no Prophet after our Holy Prophet (P) for Allah has said: "But he is the Messenger of Allah and the last of the Prophets", and the Holy Prophet (P) has declared: "There is no Prophet after me". Now whoever says that there is a Prophet after our Holy Prophet (P), will be declared a Kafir for he has denied a fundamental article of the faith; likewise, the one who doubts it, will also be declared a Kafir, for the Truth has been made distinct from falsehood. And the claim of the one who claims to be a Prophet after the Holy Prophet Muhammad (P) can be nothing but imposture (Ruh-ul-Bayan, Vol. 22, page 188).

(18) According to Fatawa Almargi, a compilation of the 12th century Hijrah, compiled by a board of eminent scholars under the orders of Aun A’lamgir, the Emperor of India: "If a person disbelieves that Muhammad (P) is the last of the Prophets, he is not a Muslim; and if he
claims that he is Allah’s Messenger or Prophet he will be declared a Kafir. (Fatawa Almsgiri, Vol. 2, page 263).

(19) Allama Shaukani (d. 1255 A.H.) writes in his Tasir Fateh-ul-Qadir: “The majority of the scholars have read the word as Khatim and Asim as Khzatam. According to the first reading, it would mean this: The Holy Prophet ﷺ closed the line of the Prophets, i.e. he came at the end of them, and according to the second reading: He was like a seal for them, with which their line was sealed, and with whose inclusion their group was excelled.” (Fateh-ul-Qadir, Vol. 4, page 775).

(20) Allama Alusi (c. 1270 A.H.) writes in his commentary Ruh-ul-Maani: “The word Nabi (Prophet) is general and Rasool (Messenger) specific. Therefore, the Holy Prophet’s ﷺ being Khatam-un-Nabiyyin by itself requires that he should also be Khzatam-ul-Mursa’ûn; and his being the last of the Prophets and Messengers implies that after his being blessed by Allah with the Prophethood in this world, the office of Prophethood for any Jinn or human being has been abolished.” (Ruh-ul-Maani, Vol. 22, page 32). “Whoever after him claims to be the recipient of revelation of Prophethood will be declared a Kafir and there is no difference of opinion among the Muslims in this regard.” (Ruh-ul-Maani, Vol. 22, page 38). The Holy Prophet’s ﷺ being the last of the Prophets has been explicitly stated by the Book of Allah, clearly enunciated by the Sunnah and fully agreed upon by the entire Ummah. Therefore, whoever claims something contrary to it, will be declared a Kafir.” (Ruh-ul-Maani, Vol. 22, page 39).

The same view about the finality of Prophethood has also been taken by the following Shia commentators:

5. Mulla Muhsin printed Najaf.
6. Hashim bin- (died 1107 A.H.) page 327, printed Qum.
7. Allamah Husain page 213, printed Qum.


These elucidations have been made by the eminent Scholars, Jurists, Traditionists and Commentators of every Muslim country consistently in every age. A glance at their dates of birth and death will show that they included eminent authorities in every century of the history of Islam from the first to the 13th century Hijra.

The Holy Prophet (P.B.H.) also confirmed these meanings of the 'last of the Prophets' in many of his traditions, some of which are reproduced as under:

" قال النبي صلى الله عليه وسلم كتاب ناس مستمرون "

(1) The Holy Prophet (P.B.H.) said, "The children of Israel were guided by the Prophets. When a Prophet died, another succeeded him. However, there will be no Prophet after me; there will be only Caliphs." (Bukhari: Kitab-ul-Anbiya Vol. 2, page 257, printed Darul Maarifah, Beirut, Lebanon).

" قال النبي صلى الله عليه وسلم كتاب ناس مستمرون "

(2) The Holy Prophet (P.B.H.) said, "My position in relation to the Prophets who come before me can be understood by a parable: A person constructed a great building and decorated and adorned it well, but in a corner he left niche or an empty space, for just one brick. The people went round the building and wondered at its beauty, but said: why was not a brick laid here? So, I am that brick and I am the last of the Prophets. (That is, with my advent the edifice of Prophethood has been completed. Now there is no empty niche, which may have to be filled by another Prophet)."


Four traditions or reported in Muslim (Kitab-ul-Fara'id, Chapter u-Manaqib, Chapter Fadilat). In Musnad Abu Ju'ayb, reported on the authority of the Prophethood was brought.

In Musnad Ahmad I, difference in wording has been noted. "{Ubayy bin Ka'b, Abu Sa'id il-

(3) The Holy Prophet (P.B.H.) distinguished five matters: (i) I have revealed the Speech, (ii) I am the means of conveyance, (iii) I have been made appointed a Message, (iv) The office of the Messenger, and (v) The office of the Messenger of Allah (P.B.H.) has been made known. (Bukhari: Kitab-ul-Anbiya, Vol. 2, page 324, printed Darul Maarifah, Beirut, Lebanon).

(4) The Holy Prophet (P.B.H.) said, "The last of the Prophets is my self."

Four traditions on the same subject have been reported in Muslim (Kitab-ul-Fadail) with the following additional words in the last Hadith: "فَخَصَّصَتْنَا الْأَيْبَ" So, I came and I closed the chain of the Prophets". The same tradition in these very words is found in Tirmitzhi: Kitab-ul-Manaqib, Chapter Fadail-an-Nabi.

In Musnad Abu Daud Tayalisi, this tradition is reported on the authority of Jabir bin Abdullah, and its last words are to the effect "خَصِمَ الْمَيْسِرَ" Through me the Prophethood was brought to a close.

In Musnad Ahmad Traditions on the subject with a slight difference in wording have been reported on the authority of Ubayy bin Ka'b, Abu Sa'id Khudhi and Abu Hurairah.

كَانَ رَسُولُ اللَّهُ صَلَّى اٌلهُ عَلِيهِ وَسَلَّمَ قَالَ فِي أُمَهَّةِ بِنَائِبٍ "أَطِعُ جَوَابَ الْكُلَمَ وَصَبَّرتُ بِالرَّبِّ وَهَاجِرَتُ في الْعَسَامِ وَجَهَلَتُ لِلْأَرْضِ مَسْجِدًا وَفُهِيَ وَأَذَرَتُ كَالَاَلَّيْلَ وَالْيَوْمَ "

(3) The Holy Prophet ﷺ said: "I have been distinguished from the other Prophets in six matters: (i) I have been endowed with eloquent speech, (ii) I am made awe inspiring, (iii) Booty has been made lawful for me. (iv) The whole earth has been made a Mosque for me as well as a means of obtaining purity, (v) I have been appointed a Messenger for the entire world, and (vi) The office of Prophet ceases with me. (Muslim, Vol. 2, page 249, printed Darul Kutub, Beirut.)

كَانَ رَسُولُ اللَّهُ صَلَّى اٌلهُ عَلِيهِ وَسَلَّمَ قَالَ "لَا يَطُلُّ فِي نَارِ عِينِي وَلَا يَطُلُّ "

(4) The Holy Prophet ﷺ said: "The line of Prophethood and Messengership has come to an

(5) The Holy Prophet ﷺ said: “I am Muhammad, I am Ahmad. I am the eraser: disbelief will be erased through me. I am the assembler, the people will be assembled in the plain of Resurrection behind me, and I am the last one after whom there is no Prophet.” (Muslim, Vol. 2, page 261, printed Dehi).


(9) The Holy Prophet ﷺ said: “Allah has sent no Prophet who did not warn his people of the coming of Dajjal (the antichrist, but he did not come in their times). Now I am the last of the Prophets and you are the last community. Now he shall appear among you.” (Ibn-e-Majah, Vol. 2, page 178).


Abdur Rehman bin Jubair says: “I heard Abdullah bin Amr bin Aas saying that the Holy Prophet ﷺ one day came to us in a manner as though he was taking his leave. He said twice: I am Muhammad (P.B.H.), the un-lettered Prophet, then said: and no Prophet will come after me”.

(12) Buhkari and Muslim have connection with the Tabuk Expedition this subject are related in Nuseh of Sa’ad bin Abi Waqqas, the link to the effect: “But there is The detailed traditions related...
(Musnad Ahmad : Traditions from Abdullah bin Amr bin Aas).

(8) The Holy Prophet (ﷺ) said: "There is no Prophethood after me; there will only be harbingers of good news. He was asked, "Who are the harbingers of good news, O Messenger of Allah?" He replied: "A true vision," or said "A righteous vision." (That is, there is no possibility of Divine Revelation now. At the most a person may receive an inspiration, which will be in the form of a true vision). (Abu Daud, Vol. 2, page 316).

(9) The Holy Prophet (ﷺ) said: "If a Prophet had to come after me, it would have been 'Umar bin il-Khattab". (Tirmidhi Vol. 2, page 209, printed H.M. Saeed and Company, Karachi).

(10) The Holy Prophet (ﷺ) said to 'Ahadrat Ali : "You are to me as Aaron was to Moses, with the exception that there is no Prophet after me". (Muslim, Vol. 2, page 278, printed Devi).
Daud Tayalisi, Imam Ahmad and Mohammad bin Ishaq show that on the eve of his departure for the Tabul Expedition the Holy Prophet (P.B.U.H.) had decided to leave Hadrat Ali behind for the defence and protection of Medina. The hypocrites thereupon had an opportunity to pass disagreeable remarks about him. He went to the Holy Prophet and asked him: "O Messenger of Allah, are you leaving me behind among the women and children?"

On this occasion the Holy Prophet said: "If you are to be as Haman was to Moses", That is, just as Prophet Moses, on his departure for Mount Tur, had left Prophet Aaron behind to look after the children of Israel, so he was leaving him behind for the defence of Medina". But apprehending that Hadrat Ali's comparison with a Prophet might cause mischief later, the Holy Prophet immediately added the exception "there will be no Prophet after me." (11) It has been related by Thoebin that the Holy Prophet said: "...and that 30 imposters will appear in my community each one of whom will claim to be a Prophet, whereas I am the last Prophet; there is no Prophet after me". (Abu Daud, Vol. 2, page 202)

Abu Daud related another tradition on this subject in Kitab-al-Malahim on the authority of Abu Hazarah. Tirmidhi also related these two traditions on the same authority and that of Thoob. The second tradition is to the effect: "So much so that about 35 imposters will arise, each of whom will claim to be a Messenger of Allah." (15) It is related from Isma'il bin Adam that Prophet (P.B.U.H.) said: "I will not descend from the world until the Scrolls are completed."

The Holy Prophet (P.B.U.H.) also said: "(12) The Holy Prophet had before you among who were spoken to not Prophets. If they he would be Ummar. Vol. 2, page 28, print A tradition on this subject word Muhaddith (محدث) after both "mean the persons who spoken to by the unseen" (13) The Holy Prophet e to me, and there is no after my Ummah". (Bal was the ruh of the angels and the spirits of the dead. (14) The Holy Prophet and my Mosque is (i.e. the Prophet's Mas.). Kitab al-Hujj, page 20. سلیم حضرت رسول اللہ ﷺ رضی اللہ عنہ و سلم فی سائر ان کے جعل لا فی طبیعہ (16) It is related that He Prophet (P.B.U.H.) said: "
The Holy Prophet ﷺ said: "There have been before you among the children of Israel people, who were spoken to (by God) though they were not Prophets. If there be such a one in my Ummah, he would be Umar." (Bukhārī, Kitāb al-Manaqib, Vol. 2, page 282, printed Darul Manzilah, Beirut).

A tradition on this subject reported in Muslim has the word Masaddath (عهدت) instead of yuqumnu but both 'mean the persons who are spoken to by God, or are spoken to by the unseen.

قال رسول الله صلى الله عليه وسلم لبي بعده والامة بعد امام
(13) The Holy Prophet ﷺ said: "There is no Prophet after me, and there is no Ummah (of any other Prophets) after my Ummah." (Babacaq, Vol. 5, page 197).

قال رسول الله صلى الله عليه وسلم أنا آخر الأنبياء ومسجدى خاتم

(14) The Holy Prophet ﷺ said: "I am the last Prophet and my Mosque is the last Mosque (of a Prophet) (i.e., the Prophet’s Mosque of Medina)." (Muslim: Kitab al-Hajj, page 202).

(15) It is related from Irbas bin-Saritah that the Holy Prophet ﷺ said: "I was the last of the Prophets when Adam had not yet been born." (Mustadrak of Hakim, Vol. 2, page 416, printed at Hyderabad, Deccan).

(16) It is related that Hazrat Ali addressing the Holy Prophet ﷺ said: "O Messenger of Allah, your
death stopped the thing which was not stopped by the death of anyone else that is Prophethood, revelation from Allah and other prophetic informations.” (Nahjul Balaghah, Vol. 2, page 255, printed at Egypt).

"عن أبي حضرة أبي عبد الله علي بن محمد بن علي الإمام الأشهب ولد حسن الله

 будут كتب الكتاب و حكم نسيمكم الآثاء

(17) It is related that Abu Jafar and Abu Abdullah said: “Indeed, Allah finished the divine books with your book (Holy Quran) and terminated the line of Prophets with your Prophet (Muhammad ﷺ).” (Usul-e-Kafi, Vol. 1, page 103, printed No. Kishwar).

These traditions have been reported by a large number of the companions and related by many traditionists with many strong chains of authorities. A study of these shows that the Holy Prophet ﷺ had on different occasions in different ways and in different words affirmed that he was the last of the Prophets, that no Prophet would come after him, that Prophethood had been finalised in him, and that the people who claimed to be Messengers and Prophets after him would be imposters. There can be no more authentic, reliable and conclusive explanations of the Quranic word Khatam-un-Nabiyin than this. The Holy Prophet’s ﷺ statement by itself is authoritative and decisive but when it explains a text of the Quran, it becomes all the more authenticated and conclusive. The question is: who can be better qualified to understand and explain the Quran than the Holy Prophet ﷺ himself? Thus, if a person gives a different meaning to Khatam-e-Nubuwat (Finality of Prophethood) how can he be held worthy of any attention or consideration, much less worthy of being believed in and followed.

This is an established principle but I may cite from Al-Hana by Ibn-e-Taimiya.
Not stopped by
in her prophetic
Vol. 2, page 255,

Abdullah said:
with
and

And it must be understood that when the Holy Prophet relates any meaning or explanation of the words of the Quran and the Sunnah, no weight will be given to the dictionary meaning or any other meaning and explanation.” (Al-imam by Ibn-e-

The finality of Prophethood is a fundamental of Islam. Allama Ibn-e-Nujaim wrote (in Al-Ashbah wal-

The opinions of Al-Ghazali (450–505 A.H.) Qadi Ayaz

A man in the time of Imam Abu Hanefa (80–150
A.M.) claimed to be a Prophet and said, “Allow me to present proofs of my Prophethood”. The Imam ruled: “Anyone who demands a proof of Prophethood from him will also turn an unbeliever, for the Messenger of Allah said: “There is no Prophet after me”. (Manaqib-ul-imam al-

There is no doubt that a person who falsifies a clear and general verse of the Holy Quran by resort to its Taaweel and particularisation is as good as one who denies
the verse itself. The belief in the absolute finality of Prophethood of Muhammad ﷺ is an article of faith of the Muslims and a fundamental of the religion. These verdicts of the renowned scholars give the correct Shaara position about inter alia the claimant to prophethood as well as his followers.

In our view the verse about Khatam-un-Nabiyyin clinches the issue that all claimants of prophethood after the Holy Prophet will be false Prophets.

It may also be described here that some people have objected to the finality of the Holy Prophet ﷺ and have stated that the meaning of Khatam is not the last but it is like calling a person Khatam-ush-shu’ara or Khatam-ul-Mafasiizin. These terms do not mean that after such a person, no other Poet, of Jurist, or Commentator would be born, but it means that this particular branch of knowledge was exhausted with that person. But this is a fallacious argument. The use of such a title as an exaggeration does not mean Khatam is usable for “perfect and excellent”, and not for “last and final”. There is no such rule that the use of a word sometimes in a figurative sense shall deprive that word of its real meaning. If somebody were to say ۚکَلْثَنِيَّةٍ (kullathaniya) before an Arab, he shall never understand it to mean that the most perfect man of the tribe had come, but shall understand it to mean that the last man of the tribe came.

One should also note that the titles of Khatam-ush-shu’ara, Khatam-ul-Fugaha, etc., given to some people, were given by human beings, and no human being can ever know that after the person whom he is calling Khatam for some quality, no other person of the same quality would be born. That is the reason why in human language, these titles are no more than exaggerated recognition of eminence. But when Allah says that such and such a quality has terminated on and finalised in a particular person, there is no reason why we should understand it in any metaphorical sense, particularly when there is no ambiguity in the language. Therefore, Allah’s calling someone Khatam-un-Nabii calling someone Khatam-un-Nabii etc. cannot be regarded at all.

An argument against the tradition that his Ma’ruf argued that it is not the first other mosques have been words last mosque was unperfection. The argument means the Prophets’ last ten special qualities as compassion.

The tradition relating connection on the authority of Hadrat Abdullah bin Umar that the Prophet (ﷺ) are: Mosques in the world, putting the word Mosques in the sense it carries a thousand time offering it in other mosque Makkah, Masjid-ul-Aqsa and Masjid-ul-Nabawi in permissible to undertake offering the prayer in something which is not. The merits and spirit whether far or near is what meant was this: Since for him, no fourth Mosque offering the prayer in releasing the same journey to which especial prayer in it might be lawful.

A saying of Hadrat Abdullah bin Umar is that principle of absolute final effect; Do say that the last Nabiyyin last of the Holy Prophet will come after
An argument against the absolute finality is based on the tradition that His Mosque is the last Mosque. It is argued that it is not the last Mosque because countless of other mosques have been built after it in the world. These words last mosque were used in the sense of excellence and perfection. The argument is fallacious. The last masjid means the Prophets' last Masjid or the masjid having some special qualities as compared to other mosques.

The tradition related by Imam Muslihim in this connection on the authority of Hadrat Abu Hurairah, Hadrat Abdullah bin Umar and Hadrat Maimunah (wife of the Prophet) are explicit that there are three such mosques in the world which are superior to all other mosques in the sense that offering the prayer in them carries 2 thousand times greater spiritual reward than offering it in other mosques. They are Masjid-ul-Haram in Makkah, Masjid-ul-Aqsa in Jerusalem (Hab-ul-Maqddas) and Masjid-ul-Nabawi in Madina. For this reason it is permissible to undertake a journey for the purpose of offering the prayer in these three mosques. This is something which is not advisable for any other mosque. The merits and spiritual reward for all other mosques whether far or near is equal. What the Holy Prophet meant was this: Since no other Prophet would come after him, no fourth Mosque would be built in the world offering the prayer in which might carry greater reward than offering the same in other mosques and making of journey to which especially for the purpose of offering the prayer in it might be lawful.

A saying of Hadrat Aishah is cited against the principle of absolute finality of Prophethood. It is to the effect: Do say that the Holy Prophet is the Khatam-ul-Nabiyin (last of the Prophets) but do not say that no Prophet will come after him. In the first place the
saying of Hadrat Aisha as against the authentic statements of the Holy Prophet ﷺ that "there will be no Prophet after me," is highly derogatory. Besides, the tradition ascribed to Hadrat Aisha is itself not authentic. No traditionist worthy of any mention has related it in any reliable collection. It is only traced to Durul Mansur, a commentary of the Quran and Tahlil Majnun-ul-Bihar, a dictionary of Hadith but without any reference to its chain of transmitters. It is unreliable and no scholar of renown ever relied on it.

Another Hadith which requires consideration is reported in Ibn-e-Majah on the authority of Ibn-e-Abbas that the Holy Prophet ﷺ said in connection with his son Ibrahim that he had lived if he had lived he would have truthful Prophet (Who is a pillar of the kingdom of Islam)

This Hadith was held to be false and incorrect by Imam Nawawi, as stated in Al-Mustutat-ul-Khabir page 38. One of the persons in the chain of transmitters is Abu Shazba who is not reliable. Imam Tirmidhi said that he was not reliable in Hadith. Imam Nasi described him as weak in Hadith. Imam Ahmad said about him that no weight can be given to what he said. Imam Abu Haise called him unreliable in Hadith (Tahribul Tahrib, vol. I, pages 144-145).

After the description of the Muslim concept of finitude of the Prophethood of Muhammad ﷺ, it would be appropriate to refer to the history and evolution of the claim of Mirza Sahib to prophethood.

Mirza Sahib was born in 1839 or 1840 in village Qadian, District Gujranwala in that part of the Punjab which is now included in India. This is according to the writings of Mirza Sahib but a controversy later raged in regard to his year of birth among the members of his family. According to the first thesis of Mirza Fasih Ahmad, his son, author of Seerat-ul-Mehdi, and his biographer, the year of birth could be 1836 or 1837. (Seerat-ul-Mehdi, Volume-2, page 150. On reconsideration he fixed the date of birth as 13th February, 1835. (Seerat-ul-Mehdi, Volume-3, page 76). As of birth could be 1831.

The reason for the Ahmad and others wanting the Prophet ﷺ to be living forces the conclusion should not be made that the year of birth is not a definite nine years old at the time of death (1908). Nemat Ullah Hijrah, who is said to have been one of the Muslims who wrote in that poem, says he is someone at the end of the beginning of the fourth Shariat. Mirza Sahib who wrote the couplet "It was predicted to him that he would be a Sahih and a Sahih" about Allah giving you the following revelation (Allah give you the misreading or four or five times revelation he had in his sevent-five years to prove he or me age seventy-five years is of the prediction and the age of prophethood)

The anxiety for the revelation he revealed by a letter from Sahib Sahib (Qadiani) to Mirza Sahib. Ahmad, compiler
sentic statements no Prophet after tion ascribed to traditionist on any reliable 1 Mansur, a 2 Jama ul Rihal, a 3 face to its chainolor of reason

Consideration is of Ibro-e-Abbas an with his son have been

incorrect by er page 58. letters is Abu 4 that he was him as weak weight can be unreliable.

The correct of Ismail it would be it would be

seventy in village the Punjab. According to the later raged in members of Mirza Bashir II, and his 57, Seer-e-ul-

on he fixed Seer-ul-Mehdi,
research in respect of age of Mirza Sahib. He exhorted him to resolve this matter finally so that the year of birth be fixed between 1836 and 1837. After referring to the revelations of eighty or near about reproduced in Arba'in 3, page 10, Tohfa-i-Golawia, page 29, Izala-i-Ahmad pages 834 to 838 he wrote:

"The meaning of these revelations were stated by Mirza Sahib as follows—"

"The apparent words of the promise in the revelation fix the age between seventy four and eighty six."

If either according to Hijra or the Gregorian Calendar the age is proved within this, the revelation would be fulfilled. There can be no objection if the birth is proved between 1836 and 1837. (Seenat-ul-Mehdi, Vol. 3, pages 187, 188, No. 783).

The same reason is disclosed at page 76 of Surrat-ul-Mendhi, Vol. 3.

After fixing the date of birth as 13th February, 1835 Mirza Bashir Ahmad calculated the age of Mirza Sahib according to the Hijra Calendar as more than seventy five years.

Mirza Sahib was born in a family of landlords which though prosperous and affluent in the past was practically reduced to straitened circumstances at the time of his birth. In 1857 his father Ghulam Muraza had shown his loyalty to the East India Company and had supplied fifty horses and fifty recruits to the British Army to help them in crushing the mutiny of Indian independence who were called traitors by that Government. In exchange he was held in some esteem by the Government. The tendency to eulogize the British Government was, therefore, ingrained in Mirza Sahib from his boyhood and continued till death. He questions and represses his father's loyalty to the British Government and his being honored with a seat in the Governor's Durbar, with excessive pride, in his various books and pamphlets. He also mentions his own unfailing loyalty to that Government in his writings.

Mirza Sahib had some teachers. Because of the high salary of Rs. 15/- from 1864 to 1868 he became busy in the family property and literature. His father died at 62 years old (Kitab-ul-Bairi of the seventies of the last articles against Christians.) Namaz. He also had no scholars and followers introduced to the Ulema and gained some popularity.

In 1879 he advertised intention to write a book in support of Christianity and Hindu send their subscription book in advance since same. He wrote in Hali wrote his first book money to get it printed and alleged to having taken letters and received money.

The book was first Rs. 15/- for Muslin and Rs. 10/ for the sale of the first two volume and Rs. 15/- or Rs. 15/- for the sale.

Quite a number of only four volumes of the above years up to 1894. The period of more than twenty years he wrote his eighty books but he still despite protests from the book and hostile criticism.
Mirza Sahib had some religious education from some teachers. Because of the financial position of the family he had to join service as a clerk in the courts at Sialkot on a meagre salary of Rs. 15/- per month. This venture lasted from 1864 to 1868 when he resigned from service and became busy in the family litigation for the restoration of the family property and in the study of the religious literature. His father died when he was about thirty-five years old (Kitab-ul-Bairiyah, pages 146 to 149) At the end of the seventies of the last century he began writing some articles against Christianity, Arya Samaj and the Brahmo Samaj. He also had disputations and debates with the scholars and followers of those religions. He was thus introduced to the Ulama and the Muslim intelligentsia and gained some popularity amongst them.

In 1879 he advertised through a pamphlet his intention to write a book containing three hundred arguments in support of the superiority of Islam over Christianity and Hinduism. He exhorted the Muslims to send their subscriptions and contributions or price of the book in advance since he had no money to publish the same. He wrote in Haqiqa-ul-Wahi, page 537 that when he wrote his first book Baraheen-i-Ahamdiyya he had no money to get it printed. He then prayed to Allah, and alleged to having Ilham (inspiration) on which he wrote letters and received money from different sources.

The book was first priced at Rs.26/- for others and Rs.16/- for Muslims (See Baraheen-i-Ahamdiyya, Vol. 3, 1979 Ed. on the back of the title page). After the publication of the first two volumes it was priced at Rs.100/- for others and Rs.15/- or Rs 15/- for Muslims (See ibid, page 67).

Quite a number of persons paid the price in advance but only four volumes of the book could be published in four years upto 1884. The fifth was published in 1905. During the period of more than two decades between the publication of the fourth and the fifth volumes Mirza Sahib wrote about eighty books but he could not complete the fifth volume despite protests from the contributors of the price of complete book and hostile criticism by many (ibid, Vol. 5, page 1).
The first volume of the book consisted of 82 pages only (which in the edition of 1970 is condensed in 25 pages only). It was published in 1880 and consisted of preliminaries about the need of the book, list of contributors, some poems and a pamphlet promising award of a prize of Rs 12,000/- to one who refused even one-fifth of the arguments through the divinely inspired books of their religion. The second volume consisting of fifty-five pages (new edition 40 pages) of verse only was also published in 1880. The third volume of 143 pages (new edition of 100 pages) was published in 1882. The fourth volume was published in 1884 and consisted of 280 pages (new edition 191 pages) (See Seerat-ul-Mehdi, Vol. 2, page 151 for dates of publication).

It appears from the fifth volume of the book (page 1) that Mirza Sahib had originally intended to publish the book in fifty volumes and advance price of the book had been received from many contributors. But he declared that his promise was fulfilled with the publication of the fifth volume since there was difference of a zero only between the figures 5 and 50.

Despite the favourable reception of the Muslims to the pamphlets advertising the book long before its publication Mirza Sahib left no opportunity of complaining against the rich among them and blaming them for indifference. Only two instances of contributions may be reproduced. A sum of five thousand rupees, which was equal to an account of several hundred thousands of the present age, was contributed by one person alone and another sum of five hundred rupees was sent in two instalments by another gentleman (See the publisher’s note, Baraheen-i-Ahmadiyya, Vol. 1, page to the 1970 edition).

Mirza Sahib claimed that he had more than three hundred thousand revelations out of which fifty thousand related to money matters, i.e., whether and when the money would be received. This claim would indicate that money matters were uppermost in his mind.

The main theme in Baraheen-i-Ahmadiyya in which three hundred arguments were promised, is that of divine inspirations or revelations continue in the followers of the Prophet (PBUH). The purpose with which it was printed may have been new revelations not having had time to be abundantly. The pedantry and floundering of the allegedly new theories which laid the claim of being a promised Messiah (Nabiyy), the foundational claim of the book. See the volume of the book Seerat-ul-Mehdi, the fourth volume he claims to have published.

Mujaddidiyyat (revelationism) Baraheen-i-Tayyeb-i-Tayyeb, see Seerat-ul-Mehdi, Vol. 2. It is the publication of the book about the propagation of self, its revelations and the public ultimately help him in order to establish the last claim of Baraheen-i-Ahmadiyya.

(1) Itham is a means of meeting of affairs. God always creates a Community who believe in its injunctions truthfully by the Holy Prophets (Saw) as the most venerated and prominent of the Prophets and his ghazals. It is different from the above. This type of inspiration revelation (p. 215).

(2) The word Itham meaning. There is no certainty equivalent to Wahi (p).

(3) There is a dispute among the Ulema that whatever is called Itham by the Ulema
inspirations or revelations which according to Mirza Sahib continue in the followers of the Holy Prophet who qualify for it. The purpose with which the book was promised to be printed may have been served or not but the purpose which may have only been intended but not promised was served abundantly. The predominating theme in volumes three and four are the alleged revelations of Mirza Sahib and the theories which laid the foundation of his future claims of being a promised Messiah, promised Mehdi and a prophet. The foundational claim of Mamoos-un-Minallah (an appointee from God) was, however, made in the third volume of the book Seerat-ul-Mehdi, Vol. 2, page 151. In the fourth volume he claimed to have received the sign of Mujaddidiyyat (revivalism) (See pages 502 and 503 of Baraheen, Hayat-i-Tayyeba by Abdul Qadir, page 69; Also see Seerat-ul-Mehdi, Vol. 2, page 151). The real purpose of the publication of the book at public expense proved to be the propagation of self, the advertisement of his alleged revelations and the publication of his theories which would ultimately help him in making a claim to prophethood. In order to establish the last point a few extracts are given from Baraheen-i-Ahmadiyya.

(1) Ilham is a measure of information about hidden affairs. God always creates such men in the Muhammadan Community who believe in the Holy Quran, and act upon its injunctions truthfully and sincerely and consider the Holy Prophet [pbuh] as the true and perfect Prophet of God, more venerable and prominent than other Prophets, the last of the Prophets and his guide leader (page 215).

(2) It is different from the prophetic revelation which has ended but the above inspiration shall not terminate. This type of inspiration is a great proof of the prophetic revelation (page 215).

(3) The word Ilham cannot be limited to its dictionary meaning. There is concensus among the Ulema that Ilham is equivalent to Wahi (page 221).

(4) There is a dispute of words amongst us and the Ulema that whatever divine information We call Wahi, is called Ilham by the Ulema (page 222).
(5) If Ulama are not given the share of hidden knowledge how can they be the inheritors of the knowledge of the Prophet.

(6) Did not the Holy Prophet (ﷺ) say that there will be Mohaddas jame who is in communication with God in this Ummah (page 231).

(7) The deviation from the right path, the extreme mischief of the age the craftsiness, knavery of those who deny the extreme intemperance of the insolent and the negligent, the severity in heresy of the opponents demands that the inspired knowledge of such persons should be like that of Messengers (رسول) of God. These are the people who have been named Amsai ( Aiml) in Hadis and Siddiq in Quran (page 233).

(8) The time of their manifestation or appearance resembles the time of appearance of the Prophets. The advent of both is dependent on the extreme severity of deviation from the path of righteousness and insulance (page 233).

And all that the vanished.

 affectionate to you. If I am who has sent his messengers, religion that he may in page 239).

O! Ahmad! Allah b lips. May Allah raise for us.

O, thou enveloped Lord (page 242). I shall see the love (page 242).

(10) At this juncture how an ordinary person (ﷺ) can be associated with excellences. It is undoubtedly cannot be an equal part of angels can also not be enjoyed by other person have any Prophet (ﷺ). But O! attentively for this reason the Prophet (ﷺ) be manifest his light and acceptance has made this arrangement to have mercy that some person (ﷺ) who follow the submissively ... may it be the Prophet (ﷺ) through the power of his blessing the bounties become man's. Those praises and the emanate is the Holy P being the follower of resplendent person who (Page 39, 41, 241).
And tell that the truth has come and falsehood has vanished.

Say thou: If I am liar, on me then be my guilt. He is who has sent his messenger with the guidance and the true religion that he may make it prevail over all religions (page 239).

O Ahmad! Allah has overflowed his mercy upon your lips. May Allah raise for you your renown.

O thou enveloped, arise and warn and magnify your Lord (page 242). I shall raise you up to me and I flow on you my love (page 242).

(10) At this juncture there should be no such doubt: How an ordinary person in the Ummah of the Holy Prophet ﷺ can be associated with the names, qualities and excellences. It is undoubtedly correct that even a Prophet cannot be an equal partner in his pure perfections, the angels can also not boast of such equality. How can any other person have any relation with the perfections of the Prophet ﷺ. But O seekers after truth listen to this attentively for this reason that the blessings of the Holy Prophet ﷺ be manifest and till eternity the perfect rays of his light and acceptance may silence the opponents. God has made this arrangement with his perfect wisdom and mercy that some persons from the Ummah of the Prophet ﷺ who follow the Prophet ﷺ most humbly and submissively ... may manifest the blessings of the Holy Prophet ﷺ through their insignificant existence. Whatever praise is levelled on them from Allah or whatever signs and bounties become manifest from them the subject of all those praises and the person from whom those blessings emanate is the Holy Prophet ﷺ. But on account of his being the follower of the Sunnah of the Prophet ﷺ that resplendent person who is the excellent second of the Prophet ﷺ
stays like a shadow. For this reason whatever Allah's light or splendour appears in that Holy personage also manifests itself in his Zil (shadow). Appearance of that condition and behaviour in the shadow as is that of the cognate is something which is well known to all and is not a secret (pages 245, 244 also see page 301).

(13) O Adam you and your wife stay in paradise; O Mary you and your husband stay in paradise; O Ahmad you and your wife live in paradise. I blew up in you from my inspiration the spirit of truth (page 496).

This was translated by Mirza Sahib as follows—

O Adam, O Mary, O Ahmad you and whoever is your follower or comrade enter paradise i.e. enter the cause of true salvation. I have blown up in you the spirit of truthfulness. (He then explained that) the verse describes the cause of the name of the spiritual Adam. As Adam was born without assistance of any cause (father, mother) so the spirit is blown in the spiritual Adam without assistance of external causes. In fact this blowing in of spirit is something special with the Prophets and ultimately it was conferred by way of lineage or inheritance on particular persons in the Urmah of the Holy Prophet (page 497). (12)

We made these signs and wonders and this inspiration which is full of meanings and truth descend near Quadian for reason of truth and on account of necessity. Whatever information was given by Allah and His Prophet is fulfilled and what Allah wished had to be accomplished. These last words are a pointer to this that the Holy Prophet had pointed out in his hadith about his appearance and Allah had hinted about the same in his holy Book. That hint has already been mentioned in the

inspiration recorded in the text of the verse—

وَسَلَّمَ رَبِّنَا أَلْهَنَا وَأَلْحَمِيْلَ وَبِفَازْلِيْلَ نَزَّلَ صِدِّيقَ (15:89)

Mirza Sahib explained this as follows—

We made these signs and wonders and this inspiration which is full of meanings and truth descend near Quadian for reason of truth and on account of necessity. Whatever information was given by Allah and His Prophet is fulfilled and what Allah wished had to be accomplished. These last words are a pointer to this that the Holy Prophet had pointed out in his hadith about his appearance and Allah had hinted about the same in his holy Book. That hint has already been mentioned in the

(13) Thus God after creating and after conferring upon
in whatever: Allah's only personage also appears of that as is that of the sun to all and is not stay in paradise: O paradise: O Ahmad stood up by your (from page 496).

as follows:—
and whoever is your enter the cause of you the spirit of the verse describes lam. As Adam was (mother) so the (without assistance of in of spirit is ultimately it was once on particular (page 497), (12)

"أنا ابن لقية يُبشر برئاسة رسول الله و كنان أر سياده حسب هذه الاملكية.

and this inspiration 2nd near Quadian cessity, Whatever His Prophets is accomplished.

this that the Holy Baddah about his the same in his mentioned in the

67

inspiration recorded in the third volume. The divine hint is in the verse:

"هو الذي أرسل رسوله باガイド و دين احتلى ليظهر على الناس

(الفتح : 28)

(He sent His messenger with guidance and the true religion that he may make it to prevail on each religion).

This verse is a prediction in favour of the Messiah in the physical and political sense and the promise of superiority or victory of Islam will be manifest with the victory of Messiah. With the second coming of the Messiah the religion of Islam will spread through him in all the world. But it is manifested on this humble person that on account of his lawlessness, humility, trust in God and selflessness and by virtue of the luminous signs, he is the model of Messiah's first sojourn in the world and his nature very much resembles the nature of Messiah as if they are two pieces in the same jewel or two fruits of the same tree..... just as Jesus, a Prophet of high dignity was the follower of Moses and servant of (his) religion and his Bible was a branch of Torah, this humble person is a. lowly servant of that grand Prophet who is the leader of all messengers. If he is Hamidu (Mirza Sahib) is Ahmad. If he is Mahmud he (Mirza Sahib) is Muhammad رضي الله عليه و سلم (This may be marked that Mirza Sahib puts the words: "الغفران علي و سلم (P.B.U.H) when he refers to himself although these words are exclusively used for Prophets). Since this humble man has complete resemblance with Jesus, God included him from the beginning in the prediction about Messiah. Messiah is the manifest and physical object of that prediction while this humble person is its spiritual and plausible object. The spiritual victory of Islam which is dependent upon irrefutable logic and arguments are destined through this humble self whether it be manifest during his life-time or after his death (pages 498 and 499).

(13) Thus God after creating this humble slave in this age and after conferring upon him hundreds of heavenly
signs and the quality of penetrability into the hidden affairs and knowledge and after arming him with knowledge of irrefutable arguments, intended that he may publish and make prevalent the Quranic truthful science in every nation and in every country (page 501).

(14) Whatever sources of spreading the religion, arguments and reasoning for silencing all excuses have been made available to me were never given to anyone in the earlier Ummah (plural of Ummah, i.e. communities of followers of Prophets) (page 502).

(15) I had written this much when a person named Shahabuddin, said that Molvi Ghulam Ullah, Molvi Ahmad Ullah Amritsari, Molvi Abdul Aziz and some other Molvis deny those Ilham (inspirations) which resemble the prophetic revelations, their argument is that if such Ilham be true, then the companions of the Holy Prophet deserved them more. In authentication of the same the letters of Sh. Abdul Qadir Jilani and Mujaddid Alf Sani may be seen how abundant are their inspirations (محمود). Imam-e-Rabbanī Mujaddid Alf Sani in the fifty-first letter in the second volume of his letters writes plainly that a person who is not a Prophet has the honour of being in communication with and addressed by God. Such a person is known Mohaddas and his position is nearer the rank of Prophets (page 546).

(16) God did not give you nor is he angry with you. Did not we open your heart. Did not we make everything easy for you that we granted you Bait-ul-Fikr (house for contemplation) and Bait-ul-Zikr (house for worship). Whoever enters Bait-ul-Zikr sincerely with the intention of following with good faith and sound belief shall towards the end be in parin.............. By Bait-ul-Fikr is meant the room in which I have been and am even now busy in the writing of this book. By Bait-ul-Zikr is meant the Mosque built adjacent to that room. The last phrase describes the quality of the Masjid (Mosque) and from the letters of which can be found the date of its construction. The words سرمزک و مئارک وکل امر مئارک بطل قد (Murzak and Mazar and the whole order of Mazar Jeel) meaning that this Mosque is blessed and enters be committed in it (page 546).

The following mentioned extracts from

(1) Mirza Sahib of God and
(2) He called him the possible that this was called the di Ulema named
(3) He was the knowledge an
(4) In this age of messenger a Hadis and Sir
(5) The appearance advent of the
(6) Though no (P.B.H) but staunch fields becomes his
(7) The manifestation the Zil (Shad)
(8) If the leader first named and M himself put or "in according to such words prophets ag
(9) Mirza Sahib of his com
is blessed and confers blessings and every blessed act will be committed in it (pages 558, 559).

The following points are made out by the above mentioned extracts from Barahen-i-Ahmadia, Vol. 3 and 4:

1. Mirza Sahib claimed to have direct communication with God and was addressed by Him directly.

2. He called his Ilham as Wahi and apprehending the possible objection from the Ulema, he wrote that this was only a dispute over language: He called the divine information as Wahi while the Ulema named it Ilham.

3. He was the recipient of secret knowledge and knowledge about future events.

4. In this age of sin such a reformer should be like a messenger and such people were named Amsal in Hadis and Siddiq in Quran.

5. The appearance of such as he, resembles the advent of the Prophets.

6. Though no one can equal the Holy Prophet (P.B.H.) but a person on account of his being the staunch follower of the Prophet and his Sunnah becomes his Zil (Shadow).

7. The manifestation of the State and behaviour in the Zil (Shadow) is that of the original leader.

8. If the leader is Hamid the Zil is Ahmad. If the first named is Mahmood the other is Muhammad and Mirza Sahib who is saying this about himself puts (peace be upon him or in short) against Muhammad which according to him is his name but he does not put such words of prayer, which are reserved for the prophets against the names of the Holy Prophet.

9. Mirza Sahib resembled Jesus and the prediction of his coming applied to him in the manifest and
physical sense while it applied to Mirza Sahib in the spiritual sense.

(10) The coming of Mohaddas was predicted by the Holy Prophet ﷺ and according to Muhaddid Ali Safi Mohaddas is a person who has the honour of being in communication with and addressed by God and his position is nearer the rank of Prophets.

(11) The verse

"كُلُّ نَذِيرٍ آرَسُوا بِالْبَاقِعِ وَلَنْ نُغْفِرْ نِيَاهَهُ عَلَى الْمَسِيحِ" (التحري: 28)

was revealed for Mirza Sahib.

(12) Though the above verse is a prediction in favour of the Messiah in the physical and political sense but Mirza Sahib is the model of Messiah's first sojourn in the world and both are pieces of the same jewel.

(13) God sent a revelation to Mirza Sahib that He granted him Bait-ul-Fikr and Bait-ul-Zikr. Bait-ul-Fikr was the Chaubara in which he wrote Bahaish-e-Ahmadia and Bait-ul-Zikr means the Mosque built adjacent to the Chaubara. According to the Ilham the Mosque is blessed and confers blessings and every blessed act will be committed in it.

From these points it will be clear that while laying the foundation for his claim he lay persistent emphasis on Ilham (inspiration) which from reasons of his own he called Wahi (revelation). Mirza Sahib claimed in 1882 that he was appointed by God ﷺ and the purpose of appointment for reform is detailed in the 3rd volume of Baraish-e-Ahmadia but he took two years to declare himself as Muhaddid (Revelalist). For his claim of Messiah he wrote his resemblance with Jesus and of his being the person who would perform the function for which Jesus was commissioned in his physical appearance. For the claim of Zilli Prophethood he claimed to be recipient of Wahi (revelation) in the future and that he was the object of the Prophet and Zilbite. Thus attempt was made to undermine the claim of Promised Messiah, according to knowledge and two of them very well of the Holy Prophet (P.B.H.)

In these citations the claim that Jesus will be Messiah is not to be crossed by discovering the seal of authentication of Messiah. Consequently the Maseeh Mitha Sahib had to fail in coming of Messiah.

There is a clear version of the Prophet ﷺ being the first to be crossed by discovering the seal of authentication of Messiah.

There is no reason to think that qualifications appropriate to a Messiah would not be a difficult one.

Mirza Sahib claimed in 1991. He had there Missionaries also.

Abdullah Ahmad was an accept at disputing the two Missionaries from 25 regarding the truthfulness of religion. On the last day of prediction to the effect

Mirza Sahib had such a view with Missionaries from 25 regarding the truthfulness of religion. On the last day of prediction to the effect
Nahi (revelation) in the language and verse of the Quran and that he was the object of the verse Q 4:28. He was Zil of the Prophet and Zil had all the qualities of the cognate. Thus attempt was made to remove all hurdles in respect of future claim of Promised Messiah and Prophet. The manner in which, according to his claim, he had Ilimans were five and two of them very much resembled the manner in which the Holy Prophet (P.B.H.) received the Wa'ah (revelation).

In these citations there is no quotation in which it is said that Jesus will be coming physically in this world as Messiah. The subsequent development was only an attempt to prove that Messiah had died a natural death in Kashmir and his second coming in a physical sense was impossible. Consequently the Maseel (likeness of Messiah) that is Mirza Sahib had to fulfill the prophecy about the second coming of Messiah.

There is a clear verse in the Holy Quran about Holy Prophet (S.A.W) being the last of the Prophets. This huddle had to be crossed by discovering a new meaning of the word Khatam that the Prophet shall henceforth be commissioned from the Muslim Ummah and must bear the seal of authentication of the Holy Prophet (S.A.W.

There is no reference to Mehdi but in view of the qualifications appropriated by Mirza Sahib for himself this would not be a difficult claim to make.

Mirza Sahib claimed to be the Promised Messiah in 1891. He had thereafter disputations with Christian Missionaries also.

Abdullah Athar was a Christian who was considered an adept at disputation or contest by argument. Mirza Sahib had such contest with him and other Christian Missionaries from 22nd May, 1893 to 5th June, 1893 regarding the truthfulness and superiority of Islam as a religion. On the last day of the contest Mirza Sahib made a prediction to the effect that—
"last night I prayed to God with such humility and self-reproach that He may decide in this matter. We are humble servants and are helpless in the absence of a decree from you. He gave me this sign as a tiding that whoever among the disputants voluntarily and knowingly is opting for falsehood, abandoning true God and making a humble (person) a divinity shall at the rate of one month per day of contest be thrown in Hawiya (raging fire) and will be much disgraced provided he falls in court his wrong, and whoever is right and believes in true God will be honoured.
And when this prophecy comes true some of the blinds will have their vision restored, some persons who are lame shall start walking (like ordinary persons) and some deaf persons shall start hearing———.
I declare that if this prediction is proved incorrect and the party who is on the wrong path does not fall in Hawiya (raging fire) after death within fifteen months, I will be prepared to bear any punishment. I may be disgraced, my face may be blackened and after putting a rope round my neck I may be hanged. I swear by Great God that He will do so. He will certainly do so———.

On 22nd August, 1894, Mirza Sahib wrote a letter to one Munshi Rustam Ali in which he expressed his anxiety that the 'known person' (Atham) was still healthy and plump. He prayed for being saved from the test (Maktabat-i-Ahmadlyya, Vol. 5, Letter No. 3, page 129; Quaidian Mabah, page 324).

In Saeed-ul-Meladi, (Vol. I, pages 157-160) are described the steps taken by Mirza Sahib for the fulfillment of his prophecy. It is said that Mian Abdullah Sinossi informed him that a day before the expiry of period of prediction about Atham, the Promised Messiah asked him and Mian Ahmad Ali to bring grams in weight which he specified and recited on them such and such Chapter of the Quran in such number (The author did not recollect the number); nor the Chapter Sinossi continued that h Quran for the whole night they went to Mirza Sahib took both of them outside and directed them to stay well and then to go there without looking back directed.

On the last day of their head was not withered and the persons on account of death of Atham, there was no change. People went to God that they did not see Mesheh-i-Masood by S page 325).

Mirza Sahib's prediction was subject to withdraw from his disputation itself he (imposter) which he had in the presence of some proved the withdrawal continuous silence.也可以 called the Holy Pulpit from this penitence has Koozai, Vol. 9, page 6 also see Haqiqatul-Wal.

Mirza Sahib wrote 1903, page 91 that prophecy is delayed or against the completion, if he himself had die Vol. 19, page 453, public.

It may be noticed that Atham had cala
Such humility and
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Tafizi(at, Vol. 5,

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157-160) are
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number nor the Chapter of the Quzani. Man Abdullah
Sinousi continued that he recited the said Chapter of the
Quzani for the whole night. After finishing the recitation
they went to Mirza Sahib as directed. He (Mirza Sahib)
took both of them outside Quadian probably toward the
north and directed them to throw (the grans) in an un-
usable well and then to turn their faces and hasten from
there without looking back. The two acted as they were
directed.

On the last day of the prophecy faces of the Ahmadis
were withered and they were extremely dejected. Some
persons on account of unawareness had betted on the
death of Atham. There was dejection and disappointment
all round. People wept bitterly during prayers and prayed
to God that they might not be dishonoured (Seerat-i-
Meseeh-i-Masood by Sh. Yaqub Ali; Quadiani Mazhab
page 325).

Mirza Sahib explained this by saying that the
prediction was subject to the condition that Atham did not
withdraw (from his belief). So in the meeting of
disputation itself he had withdrawn the word Dajjal
(imposter) which he had said about the Holy Prophet 
, in the presence of seventy persons and not only this, he
proved the withdrawal (20) by his fifteen months’
continuous silence. The basis of prediction was that he had
called the Holy Prophet Dajjal and having benefited
from this penitence he died after fifteen months (Roohani
Khazain, Vol. 9, page 6, from Kashti-e-Nah, printed in
1902. Also see Haqiqatul Wahi, page 8).

Mirza Sahib wrote in Naseem-e-Daawat (printed in
1903, page 91) that sometimes the fulfilment of the
prophecy is delayed on account of penitence. Any objection
against the completion of the prophecy could be raised only
if he himself had died before Atham (Roohani Khazain,

It may be noticed that there is nothing in the prophecy
that Atham had called names to the Holy Prophet . The
basis of the prophecy was that Atham was abandoning true God and making a humble man a divinity which refers to his belief in the gospels. A period of fifteen months fixed for the death of Atham, expired without fulfillment of the prophecy.

Molvi Sanauallah of Amritsar was one of the great opponents of Mirza Sahib. On the 15th April, 1907, Mirza Sahib wrote a letter to him in a state of great exasperation (which is apparent from the letter) in which he referred to his (Molvi Sanauallah's) propaganda against him that he was an imposter, a liar and Dajjal (a deceiver) and then declared:—

"If I am such a liar and imposter as you paint me in your newspaper, I shall die in your lifetime because I know that a mischievous person and a liar do not live long and at length he dies disgracefully and in sorrow during the lifetime of his enemies. In fact it is better that he should perish so that he may not corrupt the creation of God. And if I am not a liar, imposter and I be in communication with and an addressee of God and I be the Promised Messiah, I except from the kindness of God that according to his law you will not be spared the punishment of a falsifier. The punishment shall also be not of human hand but shall be of divine hand just as plague, cholera or fatal diseases. If such punishment does not befall you, I am not from God ....."

At the end there is a prayer for God's decree in this matter (Hayat-i-Tayyiba, page 423 to 425).

The fact is that Molvi Sanauallah outlived Mirza Sahib by many long years and Mirza Sahib died in 1908 of diarrhoea according to the common version of his followers and of cholera according to the version of his father-in-law. (See Qadiani Mazhab by Hya: Bari page 137).

The followers of Mirza Sahib began to confuse the issue after his death that the letter was an offer for Mubahala (ماهبهلا) (cursing one another and praying that whoever is not on the Sanauallah did not accept incapable of being so internal matter which did not require

It is not important a Mirza Sahib before Molvi because of the high flow Sahib used and often was commissioned by God or by

The prophecy of death the mode adopted by Mirza. When same opponent did was considered to be permission of Mirza Sahib, compelled by order of the Commissioner) Gurdaspur, case of breach of peace. Procedure Code, to refrain death or disgrace of any person Mirza Sahib said he has that he would not use to Raisalat, Vol. 6, page 168. denied it. However he gave the 25th February, in the Magistrate Gurdaspur (Qu. Tableegh Raisalat, Vol. 8 page 122).

The publication of the great emphasis was laid by him received by him evoked much. They waited for other people. Sahib issued pamphlets and published took care of the Taawweel (to give a different meaning of a word) of what he

Mirza Sahib published dated 20th of February, 1890, his. 'His name is Emanuel a
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whenever is not on the right path may die) but Mofiz Sanaullah did not accept the offer. But the said letter is not capable of being so interpreted. It is clearly a unilateral matter which did not require the consent of the other.

It is not important as to who dies first. The death of Mirza Sahib before Mofiz Sanaullah assumed importance because of the high flown and stern language that Mirza Sahib used and often made life or death a test of his being commissioned by God or being an imposter.

The prophecy of death of his opponents was one of the mode adopted by Mirza Sahib to prove his truthfulness. When some opponent died, as he must die some day, this was considered to be proof of truthfulness of the alleged mission of Mirza Sahib. Mirza Sahib was ultimately compelled by order of the District Magistrate (Deputy Commissioner) Gurdaspur, dated 23rd August, 1897 in a case of breach of peace under section 197 Criminal Procedure Code, to refrain from making prophecies about death or disgrace of anyone (Al Baridiya, page 261). Mirza Sahib is said to have given an undertaking in Court that he would not use such language. [See Tableegh-i-Risalat, Vol. 6, page 168. Also see ibid page 166]. But he denied it. However he gave such an undertaking in 1899 on the 25th February, in the Court of Mr. M. D. S. District Magistrate Gurdaspur (Quaidani Mazhab, pages 156, 458, Tableegh-i-Risalat, Vol. 8 page 44).

The publication of Bahaareen-i-Ahamidiya in which great emphasis was laid by Mirza Sahib on divine revelations received by him evoked much curiosity among the Muslims. They waited for other prophecies and their fulfillment. Mirza Sahib issued pamphlets about certain prophecies which proved incorrect. He, therefore, became the object of criticism and ridicule and in order to clear up his position he resorted to Taawel (to give a different interpretation of an obvious meaning of a word) of what he said.

Mirza Sahib published a revelation in a pamphlet dated 20th of February, 1886 that a son would be born to him. His name is Emanuel and also Bashir. Whenever comes
(is born at that time) will be wealthy and a man of pomp and grandeur. When he comes he will cure many of their illnesses by his miraculous powers. He will be Kalian-e-Ullah (word of God). People began to wait for the fulfillment of this revelation.

It so happened that a girl was born to Mirza Sahib in May 1886. On this, as the author of Searat-ul-Mehdi said, those who believed were disappointed while such a wave of derision, mockery and ridicule arose among those who did not believe or were enemies (of Mirza Sahib) that it created condition like that of an earthquake. Mirza Sahib declared through pamphlet and letters that in that revelation there was no such hint that the son would be born in the same pregnancy (Searat-ul-Mehdi, Vol. 1 page 88).

A son was thereafter born in August, 1887. There were jubilations on his birth and many of those persons who were shaken in their belief became firm. People considered that this was the promised son and Mirza Sahib also had the same opinion on account of the birth of Bashir-1. People began to return (towards Mirza Sahib) but after a year that child died. This created a great storm and an earthquake in the country like of which was noticed neither before nor ever after this event. Many of those who believed received such a jolt that they never recovered thereafter (never returned to the fold).

Mirza Sahib again tried to convince people through pamphlets and letters that he was never certain that the son was the object of revelation. Since he had received many revelations in which he expressed his great excellence he also thought that perhaps he might be the promised son but in the revelation itself there was no such indication. Some of the people (followers) were assured by the explanation while others were disappointed. The opponents ridiculed (Searat-ul-Mehdi, Vol. 1 page 88).

It may be stated that the above mentioned pamphlet about the revelation was published on 20th February, 1886. Another pamphlet was published on 22nd of March 1886 in which it was said that the son would be born within 9 years. A third pamphlet was which it was said that a son is (of his birth) cannot exceed (Tableegh-i-Risalat Vol. 1, p) reason that people ridiculed was born in May, 1886. But Mirza Sahib in his own favour prophesied that the son was in pregnancy. The words that the time of pregnancy could mean within 2/2 or 3 years and also time within nine year (it obviously did not satisfy people).

The explanation that Mirza Bashir-1 was the object of revelation of pamphlet dated 7th expressed complete satisfaction the prophecy was proved on 1:30 A.M. that blessed son was born Vol. 1, page 59). The pamphlet (Jawab-e-Sayyid) The pamphlet of Sahib was himself certain and in the public.

The attempts of Mirza S. Begum and his failure are well.

In the pamphlet dated 2 there was the prophecy of a published another prophecy in revelation. He wrote that God women some of whom he wrote from the other writings and par was about his future marriage that Mirza Sahib was last mar (Hayat-e-Tayyiba, page 75).

In a letter written to M 1886 Mirza Sahib wrote that made manifest to him that a son would be born to him. Of late he 1
years. A third pamphlet was issued on 8th April, 1886 in which it was said that a son is to be born soon and the time (of his birth) cannot exceed the period of pregnancy (Tableeghi-Risalat, Vol. 1, pages 86, 87). It was for this reason that people ridiculed Mirza Sahib when a daughter was born in May, 1886. But this was also interpreted by Mirza Sahib in his own favour. It was said that it was never prophesied that the son would be born in the then pregnancy. The words that the time would not exceed the time of pregnancy could mean that he could be born even within 2 1/2 or 3 years and also that he could be born at any time within nine years (ibid). These interpretations obviously did not satisfy people.

The explanation that Mirza Sahib was not certain that Bashir-I was the object of revelation may be judged in the light of pamphlet dated 7th August, 1887 in which he expressed complete satisfaction with intense pleasure that the prophecy was proved correct and that night at about 1:30 A.M. that blessed son was born (Tableeghi-Risalat, Vol. 1, page 99). The pamphlet was headed 'Good News' (رسم اخبار). The pamphlet of good news proved that Mirza Sahib was himself certain and he himself spread the news in the public.

The attempts of Mirza Sahib to marry Mohammadi Begum and his failure are well-known.

In the pamphlet dated 20th February, 1887 in which there was the prophecy of the birth of the son, was published another prophecy alleged to be based on divine revelation. He wroug that God gave him good tidings about women some of whom he would get in future. It is clear from the other writings and pamphlets that the good tidings was about his future marriages. However, the fact remains that Mirza Sahib was last married on 17th November, 1888 (Hayat-e-Tasyiba, page 75).

In a letter written to Mawlvi Nooruddin on 8th June, 1886 Mirza Sahib wrote that about four months ago it was made manifest to him that a son of many excellences would be born to him. Of late he had been having numerous
inspirations that he would have to marry, again and it had been decided by God that a virtuous and chaste wife would be given to him and she would bear children. He then wrote about two proposals of marriage which were not approved by him (Makkubat-i-Ahmadyya Vol. 5, letter No. 2).

Mirza Sahib claimed that many times God had informed him by way of prophecy that he would be married to the elder daughter of Mirza Ahmad Beg whether in a virgin state or as a widow (Izlah-i-Auham, page 396).

On the 15th May, 1888 a letter of request for marriage of Mirza Sahib was published in Newspaper Nur Afshar. His opponents made him the target of their objections. Mirza Sahib responded by publishing a pamphlet dated 19th July, 1888 in justification of this letter and reiterated that he had asked for the hand of Moamammad Begum elder daughter of Mirza Ahmad Beg in obedience to the order of God. He further gave the details of the methodology used for achievement of this object. Some of his near relatives demanded signs from him and the father of the girl (Mohammad Begum) had been, obedient to them and considered his daughters to be their daughters and they thought likewise. They considered Mirza Sahib to be a liar and impostor. They raised objections against Islam and the Holy Quran and demanded signs from him. For this reason he prayed many a times for them. This prayer was accepted in this manner that the father of the girl beseeded him in an important matter. His sister was married to a paternal cousin of Mirza Sahib named Ghulam Hussain. Ghulam Hussain was missing for the last twenty-five years. His land to which Mirza Sahib was legally entitled as a heir was got recorded in the revenue record in the name of his wife. Ahmad Beg and her brother wished that the land which was worth about four or five thousand rupees might be granted in favour of his son Mohammad Beg. A gift deed was drawn on behalf of the wife of Ghulam Hussain and was brought to Mirza Sahib for obtaining his consent which was legally essential. Mirza Sahib was inclined to sign it but he received divine order that he should now make a move for demanding his daughter in marriage and inform him that the shaikh would be subject to that would be a source of bless for him. If they did not agree to come to grief. The person would die within 2½ years would die within three years Risanah, Vol. 1, page 116).

From the supplement published dated 15th July, of Mirza Sahib considered businessman (who made communication with God money). He wrote that the even by the signs shown righta (new relationship marriage was made only refused to believe in him and wonden. By their a signs of divine mercy and blessings on them, and the coming avoided. But if they neglect might be sent to warn them, I

Mirza Sahib did not write letters to his relatives. These were letters of enm February, 1886 to Mirza Ahm promise of marriage he was in addition his own proper Beg. He also promised that be employed in the revenue E to the daughter of one of him by M.S. Khalid, page 100, Ramsey, 5th Edition, pages 3 Mirza Ahmad Beg on 17th J prophecy regarding his ma entrusted him to assist in (Kalima-e-Mazhab Rahmani F Quidian Mazhab, pages 377
inform him that the show of benevolence or generosity would be subject to that condition and that the marriage would be a source of blessings and a sign of mercy for them. If they did not agree to the marriage the girl would come to grief. The person to whom she might be married would die within 2½ years of the marriage and the father would die within three years from that time (Tableeghi Risalat, Vol. 1, page 116).

From the supplement of the above pamphlet which is published dated 15th July, 1888 it appears that the relatives of Mirza Sahib considered him an imposter and a businessman (who made the claims of being in direct communication with God for the purpose of making money). He wrote that these persons were not satisfied even by the signs shown to them. He did not need this ricksha (new relationship by marriage). The request for marriage was made only by way of sign so that those who refused to believe in him may be shown by God the nature and wonders. By their acceptance (of proposal for marriage) signs of divine mercy and blessings might be made to descend on them, and the coming misfortunes and calamities might be avoided. But if they rejected (him) awful and terrible signs might be sent to warn them, ibid, pages 119, 120).

Mirza Sahib did not confine himself to these threats. He wrote letters to his relatives as well as to Mirza Ahmad Beg. These were letters of entreatment. In his letter dated 20th February, 1888 to Mirza Ahmad Beg he wrote that in case of promise of marriage he was prepared to sign the gift deed and in addition his own property would be of God and Ahmad Beg. He also promised that his son would, through his efforts be employed in the Police Department and would be married to the daughter of one of his rich disciples. (Nawishat-ul-Chaibh by M.S. Khalid page 100, See Quadiani Mazhab by Ilyas Burney, 5th Edition, pages 375, 376). He wrote another letter to Mirza Ahmad Beg on 17th July, 1892 in which he said that the prophecy regarding his marriage was very well-known. He entreated him to assist in the fulfillment of the prophecy (Kalima-e-Fazle Rahmani by Qazi Fazal Ahmad, page 123; Quadiani Mazhab, pages 377 to 379).
Fazal Ahmad son of Mirza Sahib was married to the daughter of Mirza Sher Ali whose wife was the sister of Mirza Ahmad Beg. Mirza Sahib wrote letters to Mirza Sher Ali and his wife also asking them to help him in getting the hand of Mohammadi Begum and threatened them that if she was married to some other person he would ask his son Fazal Ahmad to divorce his wife. Mirza Sher Ali wrote back to Mirza Sahib that if he substituted himself for Mirza Ahmad Beg, and the latter requested him to give the hand of his daughter in marriage and be had been more than fifty years old and had surpassed Musaimeela the imposter (a false Prophet of the time of the Holy Prophet ﷺ), could he have given his daughter in marriage to him.

In reply the threat of Mirza Sahib that in case of his refusal to influence Ahmad Beg through his wife (sister of Mirza Ahmad Beg) his son would divorce his daughter, Mirza Sher Ali Beg inquired how could his wife merely for the sake of his daughter, ask his brother to give his daughter in marriage to a sickly person who on account of melancholia had reached the stage of divinity (Qudadiani Mazhab, pages 381, 382).

Ultimately under pressure of Mirza Sahib his son Fazal Ahmad unwillingly divorced his wife daughter of Mirza Sher Ali Beg. Mirza Sahib’s first wife and his son Sultan Ahmad sided with Mohammadi Begum’s family. Mirza Sahib divorced his wife too and disinherited his son Sultan Ahmad. (Tableeghi Risalat, Vol. 2, pages 9 to 11).

Mohammadi Begum was married to Mirza Sultan Mohammad who did not die as predicted and remained alive for quite a long time. Mirza Ahmad Beg died within six months of his daughter’s marriage and this was taken as the fulfillment of the prophecy. But what about the marriage or the death of Sultan Mohammad? He outlived Mirza Sahib by many long years, fought in the first world war, was wounded but survived. (Qudianiyat by Syed Hassan Al Nadi, page 165).

In Seerat ul Mehdi it is conceded that Mirza Sahib wrote letters to his relatives and made great efforts for this marriage (Vol. 1 page 186) that there was no Prophet who fulfilled his prophecy (ibid., page 175). But assuming to force his son to divorce father in law that as a concept of disinheriting a son in the religion which Mirza he declared this in writing for the same reason of not being relatives for this most condemnable thing in Islam take revenge even from daughter in law.

The author of Seerat Mirza Ahmad Beg died by misfortunes. It is said that Beg the prophecy was fulfilled the husband of Mohamma years and her father would reasonable interpretation of the father would die after Mohammadi Begum but with but he died soon after the marriage to be the first victim remain.

The failure or success hardly material in normal assumed importance on account of Sahib about the divine (published in Stilish-Tarikh Mirza Sahib wrote that “I was in law of Ahmad Beg is right. If I am a liar this prophecy. And it was not fulfilled. The almost the same thing about 6th September, 1894. He wrote that the marriage of that is destiny which cannot be v
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marriage (Vol. I page 186) but the author tried to explain that there was no Prophet who did not make attempt for the fulfillment of his prophecies-certainly a very broad claim (bid. page 175). But assuming this to be true, was it lawful to force his son to divorce his wife, to threaten the son's father in law that as a consequence of his refusal to help him he would direct his son to divorce his wife. There is no concept of disinherit a disobedient son in one's lifetime in the religion which Mirza Sahib purported to follow but he declared this in writing. He divorced his first wife for the same reason of not being willing to prevail upon her relatives for this marriage. Divorce is the most condemnable thing in Islam but Mirza Sahib was quick to take revenge even from his wife and his son and one daughter in law.

The author of Seerat-ul-Mohdi writes that not only Mirza Ahmad Beg died but the family had to bear so many misfortunes. It is said that by the death of Mirza Ahmad Beg the prophecy was fulfilled. But the prophecy was that the husband of Mohammadi Begum would die within 2/12 years and her father would die within three years. The reasonable interpretation of the prophecy should be that the father would die after the death of the husband of Mohammadi Begum but within three years of the marriage. But he died soon after the marriage and the person who was to be the first victim remained alive.

The failure or success in betrothal or marriage is hardly material in normal circumstances but this matter assumed importance on account of the insistance of Mirza Sahib about the divne revelation. In Anjam-i- Abham (published in Silsila-e-Tasrif, Vol. VIII, page 4773, note) Mirza Sahib wrote that "essence of prophecy about the son in law of Ahmad Beg is his inevitable destiny, Wait for it. If I am a liar this prophecy shall not be fulfilled till I die."

And it was not fulfilled. This was 1899. Earlier he had said almost the same thing about marriage in a pamphlet dated 6th September, 1894. He wrote "the essence of the prophecy that the marriage of that woman with me is an inevitable destiny which cannot be withdrawn (prove false) because
this phrase is there in the divine revelation 'la tabdeela li kalimul ilah' which means that what i have said in this respect will not be withdrawn (prove false). if it is withdrawn (is proved untrue) the word of God is futile and of no worth.'

but at the time that these words were written the period fixed for the death of sultan mohammad had already expired but mirza sahib insisted that what is destined must happen though there may be some delay in it.

mirza sahib made a prophecy in 1891:

سلامت برطانيا تا هست سال، سلامت برطانيا تا هست سال

(The British rule for eight years or the British rule for 7 years only). This has been the subject matter of various interpretations because the British rule continued till after World War II (see Soert-ul-Mehdi, Vol. 2, page 7; No. 314).

In Baraheen-e-Akmdia, Vol. 5 (pages 73-74) mirza sahib mentioned verse Q 3 : 55:

Q 3 : 55

اًذ قال الله يعني اين مواليك وما معك من الناس

كفروا وجاعلون الذنيين اوق الله كفروا اني يوم القيامة

'(And remember) when Allah said: O Jesus! Lo! I am gathering thee and causing thee to ascend unto Me, and am cleansing thee of those who disbelieve and am setting those who follow thee above those who disbelieve until the Day of Resurrection' and said:

it means O Jesus I shall give you death and lift you towards Me and manifest your exonation I will make your believers predominant over those who deny you.

In this revelation the word isa (jesus) connotes me and the word 'followers' refers to my organization. The prophecy in the Quran is about Jesus and the words 'subdued community' diminishing every day, for me and my organization are outside of it. The incorrectness of not much is required to Quadianis in Pakistan alone and the number of Musalmen in the Punjab alone whereMirza sahib claim he had been clear from the Encyclopedia X page 530 (Q)

The movement has in 1889. In 1896 if Government census United Provinces, Presidency (obvious Mirza sahib claim) and before his death his followers at exaggeration must be 60,000 for the Punjab in 1912.

In the census of 1911 which Mirza Mahmoo.


In a Pamphlet dated 1911 Mirza sahib wrote that he had as three hundred in some ten thousand and wth
'subsidized community' refer to the Jews who are diminishing every day. The fresh revelation of this verse for me and my organization points out this that it is destined that those who were outside the organization will go on diminishing and all the sects of the Muslims who are outside my organization will continue to diminish; (in the sense that) they will continue entering my organization or they will be annihilated.

The incorrectness of this prediction is so visible that not much is required to be said about it. The number of Quadrans in Pakistan in the last census of 1901 is 103,500 and the number of Muslims has increased several times in Punjab alone where Mirza Sahib had some following. The number of Quadrans has always been exaggerated as will be clear from the Encyclopaedia of Religion and Ethics Vol. X page 530 (Q).

The movement has grown steadily since its inception in 1889. In 1904 it claimed 313 members. In the 1901 Government census 1113 males were returned for the United Provinces, and 11,087 for the Bombay Presidency (obviously an inaccuracy). In 1904, the Mirza Sahib claimed 'more than 100,000 followers' and before his death he estimated the total number of his followers at 500,000. Against this manifest exaggeration must be placed the returns of the census for the Punjab in 1911, viz. 18,695. Probably 60,000 would be a liberal estimate of the total strength of the movement throughout India today. There are also a few scattered followers in other countries'.

In the census of 1931 their number was 55,000 only which Mirza Mahmood Ahmad estimated at 75,000.

(Address of Mian Bashir ud Din Mahmood Ahmad in Al-Fazal Qadian Vol. 21 No. 132 dated 21-6-1934 c.f. Qadiani Mazhab, page 415).

In a Pamphlet dated 27th September, 1899 Mirza Sahib wrote that he had given the number of his followers as three hundred in some book. This number had reached ten thousand and within three years would exceed one
hundred thousand. (Tafseer-ul-Risalat Vol. 8 page 54). In a pamphlet dated 4th November, 1906 he assessed this number as thirty thousand (ibid Vol. 9 page 90).

Mirza Sahib took oath and said that “I say on oath that at least one hundred thousand in my organization are such who believe in me sincerely.” (Seerat-ul-Mehdi Vol. 1, page 146. In Tuhfat-ul-Nadwa (1902) also he fixed the same number and said out of them ten thousand were converted during the period of plague.

In supplement to Naqiat-ul-Wahi (printed 1907), page 117, Mirza Sahib fixed the number of his followers as four hundred thousands.

Besides Mirza Sahib and his successors, his followers including Mubarak Ahmad, Professor, Jamil Ahmadia Quadiani also inflated the number. The latter fixed the number of Ahmadis at 5 millions. Aburk Rahman Daud stated before Mr. Philby that the quadians outnumbered Muslims in Punjab. This statement was made when the Persian population of Punjab was only 15 millions. This means that according to his claim the number of Quadians in Punjab was 75 millions. Recently Economist London gave the number as 10 millions. The journal must have been fed by the quadians. The number of Muslims in the Punjab is more than 45 millions now while the quadians in the whole country number 103,000. So his was the prediction of Mirza Sahib.

The unity of Calcula in an article written on the death of Mirza Sahib fixed the number of his adherents at 20,000 (Seerat-ul-Mehdi Vol. 1, page 265; No. 290).

When Mirza Sahib had some little following he called his followers by bay’t. In a pamphlet dated 1st December, 1888 (Hayat-e-Gazylb, pages 37, 90). According to the article ‘Quadian’ in Encyclopaedia of Religion and Ethics (Vol. 10), the number of such followers was 33 in 1896.

After collecting some sizable number of followers Mirza Sahib took the second step of declaring himself the promised Messiah and the promised Mehdi in 1891. The apprehension of Muslim Ulema becoming a Prophet was paralysing. Sahib had already laid claim to be Maseeh-o-Masih.

Mirza Sahib declared that he was one who had communicated to the hearts of the people. He referred to the words used by many tribal chieftains while making a treaty. He declared that he was the chief of all the Pharsi and Phranah regarding whom i

Lo! We have sent us against you, even as we sent

Thus he who in his (second) of Moses but was punished a double or set and as Jesus son of Mary after the first communication same period after the sighted the second of printed in Rochan-i-Khaz. after the words “first ambiguous but I have got Mirza Sahib as has been c

Mirza Sahib wrote the has come” (page 9). This Sahib had been sent in the in Baha-ee-l-Ahmadiyah, resemblance with Messiah had been sent in the name developed that Jesus had in Kashmir and once his n return to this world.
apprehension of Muslim Ummah that he was on the road to becoming a Prophet was partly proved correct. In fact Mirza Sahib had already said the foundation of being the promised Messiah in Baraheen-i-Ahmdiyah in which he claimed to be Maseer-i-Maseeh (like Messiah).

Mirza Sahib declared in Fath-e-Islam (published 1897) that he was one who had been sent for the return of the people so that he may revive the religion, and establish it in the hearts of the people. He had been sent in the same manner as the one who was sent after Moses whose spirit after many trials and tribulations was raised. Then another one who communicated with God (like Moses) and who is really the chief of all the Prophets came to defeat the Pharaohs regarding whom it was said (Q. 73 : 15)

Lol We have sent unto you a messenger as witness against you, even as we sent unto Pharaoh a messenger.

Thus he who in his actions was Maseer (double or second) of Moses but was superior to him in rank was also promised a double or second (Maseen) of Messiah (Jesus) and as Jesus son of Mary came in the fourteenth century after the first communicator with God (Moses) so after the same period after the second communicator with God alighted the second of the Messiah (See Fathah-e-Islam printed in Roohan-i-Khaizain, Vol. 3, page 8). The language after the words “first communicator with God” is ambiguous but I have given the purport of the theory of Mirza Sahib as has been clarified by him at other places as well as in other books.

Mirza Sahib wrote that “the Messiah who had to come has come” (page 9). This was not a new theory that Mirza Sahib had been sent in the name of Messiah. It was stated in Baraheen-i-Ahmdiyah that he had a particular resemblance with Messiah in nature and for this reason he had been sent in the name of Messiah. The theory was later developed that Jesus had died and he died a natural death in Kashmir and once his spirit went to paradise it could not return to this world.
He further said in Tauritul Maram (published 1891) (see Ronah-ul-Khaazin, Vol. 5, page 60) that the door of revelation was not completely closed nor had revelation been sealed in all matters. The door of partial prophethood and revelation was still open and would always remain open. But this is not a complete prophethood. It is only partial prophethood which is known by the name of Mohaddiyyat which is obtained by following the perfect man. Mohaddas was explained at another place as a person who is in communication with God. In Barahaum-ul-Ahamduliyah he was called Mohaddas like a Prophet but now he called him a partial Prophet. The exact words in Barahaum-ul-Ahamduliyah are that his position is newer the position of a Prophet (page 64). He gave the illustrations of Mary mother of Jesus, mother of Moses, apostles of Jesus and Khizar none of whom was a Prophet. In fact he maintained his position about the absolute finality of prophethood upto 1890 but changed it later as stated above.

He kept the door open for advent of Prophets without Shariah by formulating his faith in the words that now so much inspiration and revelation from God is possible which may amend or abrogate injunctions of the Quaran or may have the effect of changing even one injunction. whoever believes to the contrary is beyond the pale of the Muslims-Ummahah and is an unbeliever and infidel (Isala-i-Authum, page 138).

Upto 1891 the Muslims of the Indian Sub-continent only ridiculed Mirza Sahib whenever his prophecy was falsified. It has already been seen in the episode of Mohammed Bismar that his own family members called him an imposter, Musalima and by such other epithets they probably knew him better.

But the claim of Messiah and Mehdi shook the Muslims. The floodgates of criticism, resentment and anger were opened. Mirza Sahib was quick to remove his steps a little obviously in order to appease the Muslims.

But before taking up this subject it would be advisable to explain the words Nabi (Prophet), Rasool or Mursal (Messenger).

Every Rasool (Messenger) is not necessary that each Person (Messenger). The difference (Prophet) is one to whom the angels come to him (Messenger) is one who brings some injunctions of the precepts however, is recognized (Messenger) or Mursal except Rasool (Messenger) is a person a person sent by any sene Baghdadil page 194).

At a later period the (Messenger) and Nabi (Prophets) any one made a distinction Dairat-ul-Maarat-ul-Islamih, (Rasool). According to Al- Omar Nasif, there is no difference. But in that book the word Rashad sense of one bringing Sharia.

Mirza Sahib used all Rasool (Messenger) and Mursal, He said while relating the Messiah "how it was possible who is perfect according to Nohawat (Prophethood), (Prophethood) and by the coming of Gabriel while the Clarification in the Quaran same person who has obtained belief of the reighen through about thirteen centuries Nohawat (Prophethood). It means that according to him it would be seen that Rasool (Messenger) have not distinctly.
Every Rasool (Messenger) is a Nabi (Prophet) and it is not necessary that each Prophet (Nabi) may also be a Rasool (Messenger). The difference in the two is that Nabi (Prophet) is one to whom come revelations from God and the angels come to him with revelations. Rasool (Messenger) is one who brings new Sharia or abrogates some Injunctions of the previous Sharia. No distinction, however, is recognized generally between Rasool (Messenger) or Mursal except that according to Karamiyah Rasool (Messenger) is a person sent by God while Mursal is a person sent by any sender (Usul-ul-Din by Abdul Qahar Baghdadi, page 154).

At a later period the distinction between Rasool (Messenger) and Nabi (Prophet) evaporated. However, if any one made a distinction it is as mentioned above (Urdi Dairat-ul-MArafi-i-Islamia, Vol. 10, page 253 on word ‘Rasool’). According to Al-Aqaidul Nasaafi by Abu Ha’fas Umar Nasafi there is no difference between the two words. But in that book the word Rasool (Messenger) is used in the sense of one bringing Sharia (ibid).

Mimza Sabi used all the three words Nabi (Prophet), Rasool (Messenger) and Mursal in Isla-e-Asham, page 534. He said while refuting the second coming of Jesus as Messiah “how it was possible that any other Nabi (Prophet) who is perfect according to the conditions of the perfect Nubuuwrat (Prophethood) could come after Khatimn Nabiyin. The essentials of the perfect Nubuuwat (Prophethood) of such a Nabi (Prophet) are revelations and the coming of Gabriel which are inevitable. According to the clarification in the Quran Rasool (Messenger) is the same person who has obtained the Injunctions and the belief of the religion through Gabriel but a seal was put about thirteen centuries ago upon the revelation of Nubuuwat (Prophethood), will this seal break at that time?” (It means that according to him the seal must not break).

It would be seen that the words Nabi (Prophet) and Rasool (Messenger) have been used interchangeably and not distinctively.
At page 761 it is said "fourthly Quran has not made lawful for any Rasool (Messenger) to come after the Khatamun Nabiyin (last of the Prophets) whether he be a new Rasool (Messenger) or old because the knowledge, of religion which is imparted to a Rasool (Messenger) by way of revelation through Gabriel cannot be sent now and it is not understandable that a Rasool (Messenger) may come but the revelation of Risaalat (Messengership) be extinct."

At page 614 of Itilal-e-Ahum referring to verse Q 33:40. "ماكان عمدا اخذ من راحكم ولدى رسول الله وعلم السين ' (Muhammad is not the father of any one amongst you, but he is Rasool (Messenger) of Allah and Khatamun Nabiyin (seal of the Prophets).

He explained the latter portion of the verse as meaning, but he is messenger of Allah and the one who put an end to the Prophets. He then said that "this verse clearly in proof of the fact that after our Nabi (Prophet) no Rasool (Messenger) will come in this world. It is also clear from it that Jesus son of Mary, Messenger of God cannot come in this world because he is a Rasool (Messenger) and this is essential for Rasool (Messenger) that the religious knowledge may have been obtained by him through Gabriel. "But he added that the revelation of Risaalat, however, is not determined till the day of judgment."

It would be seen that from the words Khatamun Nabiyin In which the word Nabi (Prophet) has been used, he has drawn the conclusion that there shall be no Rasool (Messenger) till the day of judgment (page 714). Earlier his position in Baraaheen-I-Ahmadiiya was that the prophetic revelation was at an end with the Holy Prophet (S) but now he again made an aperture in the finality of Prophethood by saying that the Revelation of Risaalat (Prophetic revelation) is not determined.

In a handbill dated 2nd October, 1891 reproduced in Tableeghi-I-Risaaat (Vol. 2, page 20) he said "I believe in all those things which are included in the Islamic faith and I believe what is believed by Ahle-Sunnat-wal-Jamaat.

On November 28, 1891 he stated in a speech: "The Islamic faith is based on the following propositions: First, the Prophet Muhammad (S) is the last Prophet. Second, the revelation of the Quran is complete. Third, the hadiths are the words of the Prophet Muhammad (S) as recorded by his companions."
(I believe in all those matters which are definitely proved from the Holy Quran and the Hadith and consider a claimant to Nubuwat and Rizalat (Prophethood and Messengership) after the Holy Prophet (النبي محمد ﷺ) who was ‘Khatam-ul-Mursaleen’ (the last of the Prophets) to be an imposter, false claimant and infidel. It is my faith that the Wahi (revelation) of Prophethood which started with Adam terminated on Prophet Muhammad (النبي محمد ﷺ). This last one again is a position different from what is discussed above.

In an other handbill published on the 23rd October, 1891 and distributed in a meeting held in Jamia Mosque Delhi and reproduced at page 44 of Tableeghi-Risaleet Vol. 2, he stated

"In all these matters my religion is the same as that of Ahle-Sunnat-wal-Jamaat. I now acknowledge about the following matters in this House of Allah (الله ﷺ) that I believe in the finality of the Prophethood of the last of the Prophets (Muhammad ﷺ) and I consider one who denies the finality of the Prophethood to be infeligious (سخا) and outside the pale of Islam."

In the first handbill dated the 2nd October, 1891, it was stated that Mirza Sahib treated a claimant of either Prophethood to be an imposter or a false Prophet and heretic. In the second handbill he used the word the finality of the Nubuwat but obviously in the sense as including a Nabi as well as a Rasool.
In his book Anjum-e-Atham (printed 1897) (end of Atham page 26 Margin) Mirza Sahib said:

"When the Messenger of Allah came to them who were in the state of Zul Qarnayn, he said to them: "Whoever you are, whether you are from the tribes of the world or the hidden tribes, all shall be called upon for the Day of Judgment."

The Prophets and Apostles (peace be upon them) were called upon in the desert and the savannah. They said: "We cannot be called upon in the desert and the savannah."

The Messenger of Allah said: "Whoever you are, whether you are from the tribes of the world or the hidden tribes, all shall be called upon for the Day of Judgment."

(See verse 52:27 and 11:27 of the Quran.)

(To the man who is not a Prophet or an Apostle, and does not believe in the Holy Quran and the verse)

"Whoever you are, whether you are from the tribes of the world or the hidden tribes, all shall be called upon for the Day of Judgment."

(And he is the Messenger of Allah and the seal of the Prophets) and can say that I am a Prophet and Messenger after the Holy Prophet.

The just people should remember that this humble (person) never really claimed prophethood (Nabwiyat) or apostleship (Risalat). The use of a word in an unrealistic manner, in day to day communication does not make that there may be a deceived. The communication God consists of the word Risalat (Messengership) is secret since I am an appointed one again and again, the word Murshid or Reason used about me is not which I give evidence in the last of the Prophets and him whether new or old.

(Whoever said after the Prophet or apostle whether way of inventing lies an Injunctions of the Holy imposer. Our religion, the prophetship in the seal from the blessings of the himself from that holy so of God he is religious person will introduce a Allah and his own Pe.)
communication does not amount to disbelief but I do not like that there may be a possibility of the Muslims being deceived. The communications which I have received from God consist of the word Nubuswat (Prophethood) and Risalat (Messengership) in abundance. I cannot keep them secret since I am an appointee from Allah. But I repeated again and again that in these revelations wherever the word Mursal or Rasool (Messenger) or Nabi (Prophet) is used about me it is not used in its real sense. The fact of which I give evidence in the open is that our Prophet is the last of the Prophets and there shall be no Prophet after him whether new or old).

"...from the Prophet, (peace and blessings of Allah be upon him): "Whoever says after our apostle and leader that I am a Prophet or apostle whether he says it in the real sense or by way of inventing lies and abandons the Quran and the Injunctions of the Holy Sharia, he is an infidel and imposter. Our religion, therefore, is that whoever claims Prophethood in the real sense, and keeping himself apart from the blessings of the Holy Prophet and separating himself from that holy source wants to become the Prophet of God he is irreligious and a heretic. Probably such a person will introduce a new Kalma (about the unity of Allah and his own Prophethood) and new manners of..."
worship and will also bring changes in Injunction. Such a
man will certainly be a brother of Musallma imposter and
there is no doubt of his being an unbeliever).

In 'Hammasatiul Bishra' (page 96
(published 1894) he said

"What can I say to the devoted Muslims and experts in
Islam?"

(It is not lawful in form that I may go out of the
pale of Islam by claiming Prophethood and mix with the
heretics) that his claim was not of Prophethood
but only of Wilayat and Mujaddadiyyat (abdication). He
also gave an analogy between his Ilham and that of
Abdel Qadir Jilani (a renowned saint of Islam).

He emphasised in 'Hammasatiul Bishra'
(page 34

Do not know that Allah declared our Prophet
without any exception as the last of the Prophets and
clarified its meaning by saying

(there will be no Prophet after me) and thus

elucidated this point of the prophetic Wahi (revelation)
not be correct, and it is

Prophethood stand firm.

The later portion deal
will come again and will be
said "our belief is that the
by the Advent of our Prophet"

From this last print according to Mina Sabil-th
does not mean the return
make him the Last of the Prophets"

This is also stated in
published 1899, (page 146)

(There is no mention
coming of Jesus son
Prophethood is meant
be a mischief to distort
new Prophet. There is
Haddis or Quran. On
clucidated this point. If we open the door of prophetic Wahi (revelation) after its closure, it will not be correct, and it is no secret for the Muslims, how can a Prophet come after our Prophet particularly when after his expiry revelation as well as Prophethood stand terminated).

The later portion deals with the point whether Jesus will come again and will be the last of the Prophets. He said “our belief is that the Prophethood obtained finality by the Advent of our Prophet (Muhammad ﷺ).”

From this last principle it would be clear that according to Mirza Sahib the prediction of descent of Jesus does not mean the return of Prophet Jesus since it would make him the last of the Prophets.

This is also stated in ‘Ayyam-e-Sulah’ published 1899, (page 146). He said:

(There is no mention in the Quran about the 2nd coming of Jesus son of Mary. Dictum of finality of Prophethood is mentioned there very clearly. It will be a mischief to distinguish between an old and a new Prophet. There is no such distinction either in Hadis or Quran. On the other hand the Hadis)
(there is no Prophet after me); negates R. in
general terms (which admits of no exception). How
daring an insouciance is it that the clear verses of the
Holy Quran be abandoned voluntarily under the
influence of disgraceful ideas and the coming of a
Prophet after the last of the Prophets be believed in
with the consequence of reviving the prophetic
relation after the same was determined because
whosever is conferred prophethood, his revelation
must be a prophetic revelation.

In a handbill dated the 23rd of Shawwal 1314 (1897 A.D.)
published in Tableeghi-Risalat, Vol. 6, page 2, he wrote

(We condemn the claim of prophethood. We believe
in the unity of Allah, and that there is no God except
Allah and that Muhammad ﷺ is his Prophet. We
also believe in the finality of his prophethood. We do
not believe in the prophetic revelation (which is
achieved by the saints under the shadow of the Holy
Prophet Muhammad ﷺ and by obedience to him).

The word seal ( jabr ) which was given a different meaning
after his claim to prophethood was used in Itilal-i-Azam,
page 577 in the same sense as stated above. Mirza Sahib
negated the prophetic revelation after the Holy Prophet ﷺ.

In 'Jang-e-Musaddas' published 1893) page 67,
Mirza Sahib refuted the allegation that he was claiming to
be a Prophet and explained Musajja (miracle). He said
Have no claim to prophethood. This is your mistake or you are saying this for some motive. Is it necessary that whoever says claim to Ilham (inspiration) may also becomes Prophet? I am completely a Moslem and a follower of Allah and his Prophet. I do not want to call these signs as Muajiza (miracles). According to our religion the name of these signs is Karamaat (supernatural acts performed by a saint) which are conferred upon me by my following the Prophet (PBUH) of Allah.

Sometime before his claim to prophethood Mirza Sahib started using about himself the word Nabi (Prophet) more frequently. He was quick to explain this also in his own way in order to resolve the excitement, hostility and uneasiness of the Muslims. He said in Siraj-ut-Munir (page 3 that—
(It is correct that in the revelations revealed by Allah on this servant (me) the words Nabi, Rasool and Messenger of Allah had been used for him. But these words had not been used in their literal sense (بَلْ أَنَّ هُناَكَ مَصْطَحًا) (every one has his own terminology). This is the terminology of Allah who used such words. We believe and acknowledge that neither a new nor old Prophet can come after the Holy Prophet (P.B.U.H) in the true sense of the word Prophethood (the word-old Prophet refers to the second coming of Jesus). Quran is opposed to the coming of such Prophet but in its allegorical sense it is for Allah to call any Mulhid (مَعْلِهِدْ) (who receives inspiration which Mirza Sahib called revelation) by the name of Prophet or Messenger.

In a letter published in Lecture-e-Qadian (لاِقْتَعُوْنَ) No. 29, Vol.2, dated the 17th August, 1900, Mirza Sahib said:

"We believe and acknowledge that neither new nor old Prophet can come after the Holy Prophet (P.B.U.H) in the true sense of the word Prophethood (the word-old Prophet refers to the second coming of Jesus). Quran is opposed to the coming of such Prophet but in its allegorical sense it is for Allah to call any Mulhid (who receives inspiration which Mirza Sahib called revelation) by the name of Prophet or Messenger.

(The correct position is that although for the last 20 years this humble (person) has been receiving Ilaham (Inspiration) in which the word Rasool or Nabi (Messenger or Prophet of Allah) has been used but he commits a mistake to understand it in the sense of true Prophethood or Messengership .... it is likely that the allegorical use of such words may be a source of mischief in Islam and its result may be untoward. These words should not be used in the ordinary daily talk of the members of his organization.)

It has been already stated that Mirza Sahib said in Tazhib-ul-Marat (فَأَنَّ اللَّهَ يَأْمُرُ بِالْمُتَّقِينَ) (The door of partial Prophethood and of revelation was not closed a communicates with and is sd. Prophet.

In Izala-e-Asham (page 1) unbelievers who considered it amending or abrogating an Inj to be received after the Holy Prophet of non Sharia prophethood of pages 534 he held the view and at page 761 he held the (Messengership) to be if Mirza Sahib was a step contrary to the faith of the Muslims, the opposition two steps back to was the same as their faith. He serve as a stepping stone for in claims in future and then the would repeatedly as a tree-saving deeper nearer prophet-hood, then it is and there again the seal of prophethood unbreakable. The door of prophethood. The same theme is then given followers are ready for the next.

The evolution of Mohadassiyat may now be examined. Sahib. In an agreement dated Molvi Abdul Hakim and Mir in Tableegh-e-Bisalat, Vol. 2, addressing all the Muslims in pamphlets Fath-ul-Islam (ائم) (Fath-ul-Islam) and Izala-e-Asham (Izala-e-Asham) and the Prophet and that Mohadasi prophecy or imperfect prophecy be made clear that all these their true sense they have dictionary meaning, otherwise
of revelation was not closed and that Mohaddas (one who communicates with and is addressed by God) is partial Prophet.

In Izala-e-Auham (page 138) he called those persons unbelievers who considered it possible that any revelation amending or abrogating an Injunction of the Quran may be received after the Holy Prophet (SAW). Thus leaving the door of non Shariah prophethood open. But in the same book at pages 534 he held the revelation of Nubuwat impossible and at page 761 he held the door of revelation of Risalat (Messengership) to be closed. This only proves that if Mirza Sahib went a step forward to say something contrary to the faith of the Muslims he took on sensing opposition two steps back to convince them that his faith was the same as their faith. Something contrary was said to serve as a stepping stone for improving and developing his claims in future and then the Muslims faith was reiterated repeatedly as a face saving device. First Mohaddasiyat was nearer prophethood, then it became partial prophethood and then again the seal of prophethood was held to be unbreakable. The door of prophethood was earlier closed. The same theme is then gradually developed till his followers are ready for the next claim.

The evolution of the theory and scope of Mohaddasiyat may now be examined in the words of Mirza Sahib. In an agreement dated 16th February, 1992 between Molvi Abdul Hakim and Mirza Sahib which is published in Tableegh-e-Risalat, Vol. 2, page 95, Mirza Sahib wrote addressing all the Muslims that it was recorded in his pamphlets Fath-ul-Islam (توفيق الإسلام) and Taazib-ul-Maram (توبیق مراحم) that Mohaddas in a sense is a Prophet and that Mohaddasiyat (علیه السلام) is partial prophethood or imperfect prophethood. It may be made clear that all these words have not been used in their true sense; they have been used in their simple dictionary meaning, otherwise by God I do not have a claim

id in and
to the real prophethood. I have already described in Izala-i-Ahram (p. 137) that I believe in the finitude of prophethood of Muhammad (ﷺ). I will like to make it clear to the Muslims brethren that if they resent such words and dislike their use they may consider them changed on my behalf and substitute the word Mohaddas for them. Wherever the word Nabi (Prophet) has been used it should be treated as deleted and substituted by the word Mohaddas.

In 'Hammanatul Bushra (p. 96) while refuting the claim of prophethood he asserted:

"I never said to any person except what I stated in my books that I am a Mohaddas (Prophet) and Allah talks to me in the same manner as He talks to other Mohaddaseen (Prophets)." [Also see Ain-e-Kamalat-i-Islam (published 1893) page 356; Silsila-e-Tasneef, Vol. 5, page 2082.]

At page 99 of 'Hammanatul Bushra he said "it is incorrect that I have said that part of Nubuwat will be found in Tabdeises (act of being a Mohaddas) but this is not a part in fact (factually) and so virtually and if the door of prophethood had not been closed he would have been a Prophet in fact (factually). It is, therefore, permissible to call him Al Nabyyul Mohaddas or the Mohaddas Prophet." And after opening the door of prophethood he exalted for himself full prophethood.

The claim of Messiah similarly underwent an evolutionary process.

Mirza Sahib wrote in Barahen-e-Imamadiyya that he was a model of Messiah's earlier life and the nature of the two resembled one another. Since Mirza Sahib completely resembled Messiah, his prophecy about Messiah coming to the world and would be a physical app object of the prophecy is also. According to this theory, Mirza Sahib would spirit, which he called Maseel, in Fath-e-Islam (p. 9) Sahib descended in the advent of Jesus. He declared Messiah to impart the king. Then he said a different. "He is the Messiah who him" (page 15).

This claim shook considerable opposition (see Asmaani Faisala). He immediately retracted his being a Maseel, (Tuziib-ul)

He said that he had nor did he believe in the claim to be Maseel Mohaddasyyat resembles his spiritual state rather Messiah, (Tableeqh-e-Rishehis claim that he is the that may be no other Messiah may descend in Dama Rohani Khazain Vol. 9, 10. Qadyani) or ten thousand. He added that he was the futile to wait for the other mask and said that no Me of Judgment nor will come (pamphlet dated Vol. 10 page 78).
resembled Messiah, God had included him also in the
prophecy about Messiah. It was said that Messiah will
come to the world and spread Islam everywhere. This
would be a physical appearance but Mirza Sahib was the
object of the prophecy in the spiritual sense (page 499).
According to this theory Jesus son of Mary must appear but
Mirza Sahib would spiritually be his second or double
which be called Maseel (ماسل) (see Fath-e-Islam page 11).

In Fath-e-Islam (page 11) it was stated that Mirza
Sahib descended in the age which resembled the age of
advent of Jesus. He declared that Allah sent the Maseel of
Messiah to impart the knowledge of faith to the people.
Then he said a different thing in unambiguous terms, that
"He is the Messiah who had to come. If you like accept
him" (page 15).

This claim shook the Muslims badly. There was
considerable opposition and he was declared an unbeliever
(see Aasmahi Faisala). Mirza Sahib, as was his wont
immediately retraced his steps and confined his claim to
being a Maseel. (Tauzil-ul-Maram, pages 16 to 21).

He said that he had no claim to be Jesus son of Mary
nor did he believe in the transmigration of soul. He only
claimed to be Maseel (second) of Messiah. Just as
Mohaddasayat resembles Nubuwat, in the same manner
his spiritual state resembled the spiritual condition of
his claim that he is the Messiah who had to come he said
that may be no other Messiah may come in future. Maybe
10,000 other Messiah may come and may be one of them
may descend in Damascus (Izaale-i-Aulam, page 295,
Rahani Khazain Vol., 3, Page 251 by Mirza Ghulam Ahmad
Qadzaji) or ten thousand. Maseel (second) may come. But
he added that he was the Maseel of this age and it was
futile to wait for the other (ibid, ydge 199). Later he tore the
mask and said that no Mehdi will come after me till the day
of Judgment nor will come any Messiah ... I am he who had
to come (Pamphlet dated 3th April 1905. Tableegh-i-Risalat
Vol. 10 page 78).
This is the same strategy which frequents the books of Mirza Sahib. He says several contradictory things at one time so as to take shelter behind what suits him at a particular time. Thus he wrote an inspiration in Izala-i-Ashram [page 634 (6حصتنا للسِّنَّةِ إِنْ مَعَهُ)] (We made you Messiah son of Mary) and referred to this inspiration in Arbaeen in support of his assertion that he was the Promised Messiah (see No. 3, page 44).

In "Nistan-e-Asmani" (page 35) which was published in 1892, Mirza Sahib published the so-called evidence of one of his followers that he was informed by some Gulab Shah that he (Mirza Sahib) was Maseeh-i-Maud whose advent was promised and whose name was written in the books as Fir'z (Jesus) and (at page 36) name of Eisa who had to come was Ghulam Ahmad.

Mirza Sahib had said this as far back as 1884 in Baraheeni-i-Ahmediyya that the spirit of Jesus was blown in him like Mary and he was declared pregnant for about 10 months then was made Jesus from Mary and became son of Mary. It is possible that at that time he might have thought it premature to tell his theory about the death of Jesus or possibly the theory had not been developed by that time. However, his intentions to be Jesus, the Promised Messiah is very clear and it was articulated as a fact later for example in Arbaeen, Aik Ghalti Ka Izala and Kashfi-e-Nuh. In Arbaeen (published 1900) Mirza Sahib wrote (No. 1, page 4) that he had been informed by God that he was the Promised Messiah and Mehdi on his behalf. This point has been repeated at various places in the book. In Aik Ghalti Ka Izala. Page 3, he said categorically that he was the Promised Messiah. It is not understandable how could be one of ten thousand Maseel or one of the same number of Messiahs. The point about Maseel was taken only to appease public opinion. At page 47 of Kashfi-e-Nuh he wrote that he did not realise the significance of this inspiration (about Jesus and Mary) but then he came and the secrets were disclosed to him and then he found that there was nothing new in this claim of being the

Promised Messiah. This was written several times clearly in

It is further stated that he would make him a sign and names of Mary and Jesus were about him that God shall ask that he was the same Jesus. He is the truth and he is the Promised Messiah.

Mirza Sahib laid claim further build up of his following above he had already been put his claim of Prophethood Baraheeni-i-Ahmediyya, Vol. community of Punjab and the community had long-anticipated this claim of Mirza Sahib had started 40 years before his claim of being the Promised Mehdi. The claim was made in pamphlet "Aik Ghalti" with the opening of the 20th century.

Before the actual claim, he tried to refer to the alleged prophesy but tried to make those refer to the word Rasool (Messenger) or been used in a metaphorical way. In Arbaeen (published in 1900) what had already been said in is Rasool (Messenger) of the Prophets. In the margin he used only metaphorically. Arbaeen wrote: "God is He who struck meaning this humble self with the reform of morals. He was asking that if he was an inventor of a crime.

In support of this theory he relied upon Q 40:28 (No. 3, page 44).
Promised Messiah. This was the same claim which was written several times clearly in Baraheen-i-Ahmadiyya.

It is further stated that God said about him that He would make him a sign and in the revealed writings the names of Mary and Jesus were used for him. It was said about him that God should make him a sign. It was also said that he was the same Jesus son of Mary who had to come. He is the truth and he is the Promised one (ibid page 58).

Mirza Sahib laid claim to Prophecyhood after some further build up of his following in the year 1901. As stated above he had already been preparing the Muslim public for his claim of Prophecyhood since the publication of Baraheen-i-Ahmadiyya, Vol. 3 and 4. The Muslim community of Punjab and then of the Indian Sub-continent had long anticipated this claim. The members of the family of Mirza Sahib had started calling him an imposter several years before his claim of being the Promised Messiah and the Promised Mehdi. The claim to prophecyhood was first made in the pamphlet ‘Aik Ghalati Ka Izaal’ (published with the opening of the 20th century in 1903).

Before the actual claim, as already seen Mirza Sahib tried to refer to the alleged revelations about Prophecyhood but tried to mask those references by the assertion that the word Rasool (Messenger) or Nabi (Prophet) for him had been used in a metaphorical sense and not in the real sense. In Arbaeen (published in 1900 No. 2, page 18) he referred to what had already been said in Buraheen-i-Ahmadiyya “This is Rasool (Messenger) of God in the vestments of the Prophets”. In the margin he said that this word had been used only metaphorically. At page 41 of Arbaeen (No. 3) he wrote: “God is He who sent his Rasool (Messenger) meaning this humble self with guidance in religion and reform of morals”. He was asked to inform (his opponents) that if he was an inventor of lies he would perish as it was a crime.

In support of this theory of destruction of liar he relied upon Q 40 : 28 (No. 3, page 5)
consists of injunctions as received by me twenty-four;[1] there are injunctions as you say that Shari'ah are new injunctions then was a new theory and gave to better his claim to Po.

In Al-Malikat, verse November 1907 to 8th june, apply to a question that was received by him the was a new Shari'ah or (prophecy) or a Nabi. But he had been called frequency of communicative dictionary the meaning it gives news.

Here again distinct (prophecy) with Shari'ah assertion is again contra Arbaeen (No. 4 page 7).

In the pamphlet 'wherever he had denied Risalat (apostleship) it brought with him a permanent Nabi (Prophet) contradicted by the above are specific injunctions of the Holy Prophet (SAW).

In Dafi-ul-Bala 5 wrote that true God (Messenger) in Qudsi page 391, he wrote that Unmash to receive the knowledge in abundance conferred upon different

\[
\text{أزكيكم} \\
\text{Lathe believing men to lower their gaze and be modest. That is purer for them. Lo! Allah is Aware of what they do.}
\]

(If he is lying, then his lie is upon him), Mirza Sahib translated first position of the verse as meaning

(If this Prophet is false he would perish by his falsehood).

This translation is not correct. On the other hand the established principle is that such a person is given a long rope and this principle was referred to by Motilal Sanadliah Amuziarsaei when Mirza Sahib predicted the death of whoever was false or wrong among them, ruling that such a person must perish.

At page 7 of Arbaeen No. 4, Mirza Sahib advanced a step further and claimed to be a Prophet with Shari'ah. This he did by introducing some changes in the definition of Prophet with Shari'ah. The earlier definition of such a Prophet was that he brings new Shari'ah or amends the earlier Shari'ah. He now defined Shari'ah as something "which described some injunctions (as) and prohibitions (as) through the revelation and prescribed a law for his Unmash. Such a person is a man with Shari'ah (Rasab-e-Shari'ah)". From the point of view of this definition also our opponents are accused persons (subject to blame) because in my revelation there are injunctions (as) as well as prohibitions (as). The revelation written in Sarhoen-i-Ahmadyya, i.e. Q. 24:30
consists of Injunctions as well as prohibitions and this was received by me twenty-three years ago. In my revelations there are Injunctions and prohibitions till to-day. Now if you say that Sharia means only that Sharia in which there are new Injunctions then this is absolutely incorrect. This was a new theory and a new definition of Sharia introduced to buttress his claim to Prophethood with Sharia.

In Al-Malfuzat, Vol. 10 (pertaining to the period November 1907 to 6th July, 1908, at page 267) he said in reply to a question what communication from God was received by him should not be taken to mean that there was a new Sharia or that it was a new Nabuwat (Prophethood) or a Nubuwat (Prophethood) with Sharia but he had been called a Nabi (Prophet) on account of the frequency of communication from God and according to the dictionary the meaning of Nabi (Prophet) is 'a person who gives news'.

Here again distinction was made between Nabuwat (Prophethood) with Sharia and one without Sharia. This assertion is quite contradictory to the definition stated in Arbaeen (No. 4 page 7).

In the pamphlet 'Alk Ghaleil Ka Izala' he said that wherever he had denied about Nabuwat (Prophethood) or Rizalat (apostleship), it was in the sense that he had not brought with him a permanent Sharia nor he was a permanent Nabi (Prophet). This assertion is, however, contradicted by the abrogation of Jihad about which there are specific: Injunctions in the Holy Quran and the Sunnah of the Holy Prophet ﷺ.

In Daft-ul-Bala published in 1901, Mirza Sahib wrote that true God is He who sent His Rasool (Nesseenger) in Quadian (page 11). In 'Haqiqat-ul-Wabi' page 391, he wrote that he was exclusively chosen from the ummah to receive the divine revelation and secret knowledge in abundance and this blessing was not conferred upon different degrees of saints, Aulia (نبای)
Abdal (Qādir) and Aun (Itri) before him. For this reason he had been specified for being named as Nabi (Prophet). All other people were not entitled to this name because in them was not found primary conditions of their being recipients of the revelation and the secret knowledge in abundance.

The order of Jihad was abrogated in 1900. It is stated in Albaeen (No. 4), page 15, that “the Promised Messiah is the manifestation of the Holy Prophet in amissibility. For this reason it was said (he will eliminate war or will not go to war).” In Majmuas-e-Ishkekarat (Vol. 3 from 1898 to 1906), page 19, Mirza Sahib wrote that “as my followers increase those who believe in the principle of Jihad shall go on decreasing because to accept me as Messiah and Mahdi amounts to denying the principle of Jihad.” This amounted to the abolition of Jihad. In “Jihad and Government-e-Angrezzi”, page 18, he wrote “look! I have come to you with an injunction which is to the effect that from now onwards there is an end to the Jihad by sword. The only Jihad which remains is that of purification of oneself” (also see Khudao-e-Jhania, page 29; Tafseer-e-Gulamravi (supplement), page 41; Tajallate-Ilahi, page 4; Tariqat-e-Qulub, page 332).

Mirza Sahib’s definition of a Nabi (Prophet) has already been quoted from Arbaeen (No. 4), page 7. That book was written in 1903. It also includes the orders about the prohibition of Jihad as already stated. It would clearly follow that the right to abrogate Jihad which is based on Quranic Injunctions was exercised by Mirza Sahib as an alleged Nabi (Prophet). In this way he undertook the task of completely abrogating the task of Shari‘a and achieving what he called Nubuooswat-e-Tammah (perfect Prophethood). This point about perfect Prophethood was discussed by Mirza Bashir Ahmad in Kalima-ul-Fasal, pages 112-113. He discussed the three categories of Prophethood: (1) the real Prophethood in which the Prophet brought Shari‘a; (2) the Prophethood in which no Shari‘a was brought by the Prophet; and (3) the shadowy (Zilli) Nubuooswat which according to the Quadrani view is achieved by strict obedience. Referring to the objection to this inferior type of Prophethood, a self-deception which had essential ingredient of Zilli Prophet is that he may say: “I have become the descendant in himself in the perfections of the Holy Prophet he will come so near to each of Prophethood of the Holy Prophet, him, he may then be called the demoted or requirement image” that he should be a messiah and there is consensus of all who considers the Zilli Messiah as inferior and denies his senses and be worried about the glory of that Prophet Prophethoods. I cannot understand the Prophethood of the Prophet people think it to be important Zilli Prophet on account of Prophethood and the Prophethood is very high. It is therefore not required of the Prophet which were the peculiarity of other hand each Prophet according to his talent and little, but the Prophethood only when he of the Holy Prophet?”

It has been noticed denying the second advantage was a Prophet while people for a period of thirteen hundred years ago principle be free of equivalent
achieved by strict obedience to the Holy Prophet ﷺ. Referring to the objection that the Zilli Prophethood is an inferior type of Prophethood, Mirza Bashir Ahmad called it a self-deception which had no reality because it was an essential ingredient of Zilli Prophethood that a man should sink himself to such an extent in the obedience of the Holy Prophet ﷺ that he may reach the stage "I have become you and you have become me." In such circumstances, he will find descending in himself in the form of a reflected image, all the perfections of the Holy Prophet ﷺ, and the two will come so near to each other that under the sheet of the Prophethood of the Holy Prophet ﷺ will be spread on him, he may then be called a Zilli prophet. So when this is the demand or requirement of the Zilli (shadow or reflected image) that he should be a complete replica of the original and there is consensus of all the Prophets on this point that God who considers the Zilli Prophethood of the Promised Messiah as inferior and imperfect should come to his senses and be worried about his Islam because he attacks the glory of that Prophethood which is the best of all Prophethoods. I cannot understand why people stumble on the Prophethood of the Promised Messiah and why some people think it to be imperfect because as I see he was a Zilli Prophet on account of re-appearance (Buruza) of the Holy Prophet and the status and position of such Prophethood is very high. It is clear that in old ages it was not required of the Prophets to have all those perfections which were peculiarity of the Holy Prophet ﷺ. On the other hand each Prophet received the share of perfection according to his talent and worth, some got much and some little, but the Promised Messiah was conferred prophethood only when he had attained all the perfections of the Holy Prophet ﷺ."
409-410) he said that it was true that the coming Messiah had been described as Prophet within the Ummah of the Holy Prophet but this prophethood would be imperfect prophethood. This was later developed by Mirza Sahib into perfect prophethood. Tashrih prophethood and Prophethood superior to that of other Prophets.

Mirza Sahib in no uncertain terms said that the door of coming of Gabriel in connection with revelation was closed (Ittala-e-Ahula, page 761). But this did not thwart his design, or programme. He frustrated the need of Gabriel by claiming to be in direct communication and communication with God and to be His addresser. But even this was not a satisfactory arrangement and did not bring him to the level of perfect Prophets. He therefore claimed that Gabriel came to him. In Haqiqat ul Wahi (page 163) Mirza Sahib said:

"وَقَعَ أَنْ لَكَ هَذَا نِصْرُ اللَّهِ وَقَدْ نَزَّلَ عَلَيْكَ رَبُّكَ وَقَدْ رَأَى عَمَلُكَ وَرَأَى الأَمْرَاتِ نَبْعَانَاتٍ وَفَطَرَتٍ ثُمَّ وَقَالَ "The English translation of its urdu rendering by Mirza Sahib is as follows

"And they will say from where did you acquire this position, Say that God has so many wonders, Aaeil came to me and he selected me and he moved his finger and pointed out the Promise of God has arrived. Blessed is he who receives it and looks at it. Various diseases will be spread and many calamities will cause loss of life."

Aaeil was explained by Mirza Sahib in the margin as meaning Gabriel.

The coming of Gabriel is a sign of the perfection in prophethood and this makes Mirza Sahib, a perfect Prophet.

These paragraphs clearly established that Mirza Sahib was not considered as an imperfect Prophet on this other hand he was considered a Prophet Sahib. This is also Sahib was considered to be one of the Prophets.

The equality or even being traced to what he said in Ahmadiyya, Vol. 4. He revelations in which the name of Jesus, etc., had come and it was written that he was meant by these Prophets (see pages 5).

In Malfuzat-e-Ahmad he said that Mirza Sahib said in Prophets "different categories of other Prophets, but our faith in this respect. The Holy Prophet those perfections in a Zul mean merely reflected in Mirza Sahib) the Jewish, Moses, Noah, and Christian Baptists (Yahya) and Jesus.

At an earlier place he was speaking of the main now we are the Zul (referring Holy Prophet Sahib).

There is no difference of originality, practically of the other. This is also Sahib that he was the Zul perfection while each recipient of lesser number according to Mirza Sahib superiority he was equal, superior to the other Prophets in Baraheem-I-Ahm revelations in the form
hand he was considered a perfect Prophet like the Holy Prophet ﷺ. This is also proved by the fact that Mirza Sahib was considered to be higher in status than all other Prophets.

The equality or even superiority of Mirza Sahib can be traced to what he said about himself in Baraheen-i-Ahmadiyaa. Vol. 4. He referred to different alleged revelations in which the names of Abraham, David, Joseph, Jesus, etc. had come and after reproducing each of them he wrote that he was meant wherever the reference was to these Prophets (see pages 555, 557).

In Mafuzat-e-Ahmadiyaa, Vol. 4, page 142, it is said that Mirza Sahib said in respect of the perfection of the Prophets "different categories of perfection were found in other Prophets, but our Prophet ﷺ excelled all of them in this respect. The Holy Prophet ﷺ has now conferred all those perfections in a Zill manner (manner of reflection) upon us (it may-mean that all those perfections are reflected in Mirza Sahib) for this reason our name is Adam, Abraham, Moses, Noah, David, Joseph, Solomon, John the Baptist (Yahya) and Jesus."

At another place he said "previously all the Prophets were shadows of the main qualities of the Holy Prophet ﷺ, now we are the Zill (reflection) of all the qualities of the Holy Prophet ﷺ."

There is no difference between Zill (reflection) and the original itself. Practically one is the second or the double of the other. This is also established from the claim of Mirza Sahib that he was the Zill of the Holy Prophet ﷺ in all his perfections while each of the other Prophets was the recipient of lesser number of perfections. It is clear that according to Mirza Sahib in matters of perfection or superiority he was equal to the Holy Prophet ﷺ and much superior to the other Prophets.

In Baraheen-i-Ahmadiyaa there are a number of revelations in the form of verses of the Holy Quran which
were revealed in respect of the Holy Prophet ﷺ, Mirza Sahib claimed that all these verses had been revealed in his respect also and he was the object of those verses. An evident example of it is verse 48: 28 (وَهَوَّالِدُوا أَرْسَالَ رَسُولَ اللَّهِ ﻣَدَى يَدُورُونَ)

"Some other examples are Q 8: 17; Q 68: 2; Q 3: 31; Q 28: 25 etc. He had, therefore, laid the foundation of his being equal to the Holy Prophet ﷺ in Baraheem-ul-Ahmadiyya.

He claimed to have received revelations numbering three hundred thousands out of which fifty thousands were about receipt of money from different sources. At various other places Mirza Sahib tried to demonstrate that the signs received by him were much in excess than the signs given to other Prophets like Noah, Joseph and Jesus.

In Kalima-tul-Fasal (Review of religions No. 3, Vol. 14, page 147) Mirza Bajhir Ahmad said that it is not possible that one who denies the Holy Prophet ﷺ may be an unbeliever but a person denying the Promised Messiah may not be an infidel. If the denial of the first Advent be disbelieved the denial of the second Advent in which according to the Promised Messiah his spirituality was stronger, more perfect and more complete must not be treated as infidelity. The second Advent is the prophethood of Mirza Sahib. While comparing the spirituality of the Holy Prophet ﷺ and that of Mirza Sahib it is said that it is stronger, more perfect and more complete which is a measure of his superiority over the Holy Prophet ﷺ too.

This is proved by an episode which happened during the life time of Mirza Sahib. One Qazi Akmal a Poet who was the follower of Mirza Sahib wrote panegyric poetry for Mirza Sahib which was published in Newspaper 'Al-Badar' of Quadian, dated the 25th October, 1902. One of the couplets of the poetry was

(穆罕默德 has done excells more in his form of Mirza Sahib and eminence of the Holy Prophet.)

The next step is that for himself this will be rigid.

"The real worth of the Holy Prophet ﷺ by any one except Prophets reality in any thing belongs. This is a power to the Holy Prophet (Tashheez-ul-Akhlaq 2nd August, 1917)."

In short I am on the account of abundance of hidden matters has been of the Saints whether (highest religious order) a high share of (divine grace) to bear the name of Prophets name because of the personal and abundant knowledge them fill? And it was not happened. The was the prophecy of the Holy Prophets persons who have been abundance divine commun (of) hidden matters, they are called Prophets. In that the Prophet ﷺ would have
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(Muhammad has descended again amongst us and excels none in his eminence and glory) (see paghman-e-Suleh, Lahore No. 47, Vol. 32, dated the 30th November, 1944; Daily Badar Quadian, 17 July, 1922).

The reference to the second Advers of Muhammad in this couplet means that Muhammad has reappeared in the form of Mirza Sahib and his pomp and glory exceeds the eminence of the Holy Prophet ﷺ (Khutba-e-Rhamia).

The next step is that of claiming finality of Prophethood for himself this will be evident from the following:

"The real worth of the finality of Prophethood of Muhammad ﷺ cannot be appreciated by any one except one who like the last of the Prophets (Rasool Allah ﷺ) because the appreciation of reality in any thing depends upon one to whom it belongs. This is a proved fact that finality belongs either to the Holy Prophet ﷺ or the Promised Messiah. (Tashheez-ul-Azhan Quadian, No. 6, Vol. 12, 1st and 2nd August, 1917; Quadiani Mazhab, page 167)."

In short I am the only person in this Ummah who on account of abundance of revelations and knowledge of hidden matters has been specified (for Prophethood). None of the Saints whether Qutab or Abdul (mendicant of the highest religious order) of this Ummah was given such a high share of (divine) grace, only I have been particularised to bear the name of 'Prophet', others are not entitled to this name because of the pre-conditions of copious revelations and abundance of hidden matters which none of them fill? And it was necessary that it should have so happened. This was the only way for fulfillment of the prophecy of the Holy Prophet ﷺ. If other righteous persons who have been before me had shared in such abundance divine communication and knowledge of hidden matters, they would have been qualified to be called Prophets. In that situation the prophecy of the Holy Prophet ﷺ would have received a crack. For this reason
the divine had prevented those righteous and virtuous persons from being the absolute recipient of this graciousness so that as is mentioned in the authenticated traditions, there would be only one such person.

(Haqiqat-ul-Wahi, page 391)

This passage reflects the view of Mirza Sahib about his being the only Prophet after Muhammad ﷺ who being the manifestation of Muhammad ﷺ is entitled to that name. It would, therefore, follow that he and not the Holy Prophet ﷺ is the last of the Prophets. This would be more evident from the following citations:

"I have stated many a times that by virtue of the verse Q 62 : 1 (وَأَرَاءَتْنَا بِهِمَا نِعَمَائِنَ تَبْلُغُونَ فَسْمً) 3 (الله) along with others of them who have not yet joined them, I am the same Khatam-ul-Ambiya (last of the Prophets) by way of buraq (manifestation) (Alk Ghulati Ka Ijala, page 5).

"I am the final means of access out of the passage (leading) to God. I am the last light out of His lights" (Kashi-e-Nuh, page 56). (But he is the messenger of Allah and the last of the Prophets). There is a secret prediction in this verse that Prophethood has been sealed till the day of judgment except the Buraq person which is the personality of the Holy Prophet ﷺ himself; no one is capable of receiving openly from God knowledge of the hidden things (توضيح) like the Prophets. Since I am that manifestation of Muhammad (Buraq-e-Muhammedi) the Prophethood in the Buraq way (by way of incarnation) was conferred upon me. Now the whole world is powerless before this Prophethood because there is a seal on it. One incarnation of Muhammad ﷺ with all the perfections of Muhammad ﷺ was destined to appear infinitely and he has now appeared". (Alk Ghulati Ka Ijala).

"Let it be known that to Muhammad ﷺ I am his spirit and shadow" (Mal Fa Mauooood, Zameema K)

It was destined by God that a period of return not in any manner, be in creating me. He made me and gave me their names. Ahmadyya as Adam, A Solomon, Joseph, John the manner all the old Prophets. Finally was born the named Jesus Christians a page 4 Kalima-tul-fasad page.

These writings were Mirza Sahib, Mirza Sahib (page 116) that "the app great Prophethood, God for persons can be Muhammad whoever is a holder of known as Muhammad man, attainment of the perfect reason only one person at.

This clinches the manner the door of Prophethood Sahib alone. The argument the entrance of prophethood merely and exception in favor.

"In Ejazul Massial two advents of the Holy manifestation of the name advent (advent of Mir manifestation of the name 140). A third advent was the
“Let it be known that finality was given from eternity to Muhammad ﷺ. It was then conferred upon one to whom his spirit imparted knowledge and made his shadow” (Mal Farqu fi Adama wal Maseeh-il-Mauood, Zameema Khutba-i-Illamia page B (w)).

It was destined by God for the ultimate period that it will be a period of return (راجع) so that this Ummah may not in any manner, be inferior to other Ummahs. So after creating me He made me the likeness of all past Prophets and gave me their names. I was thus named in Babheen-e-Ahmadiyya as Adam, Abraham, Moses, Noah, David, Solomon, Joseph, John the Baptist, Jesus etc. as if in this manner all the old Prophets were born in this Ummah till finally was born the Messiah. All my opponents were named Jesus Christians and polythists (Nuzul ul Maseeh page 4 Kalima-tul-Fasal page 133).

These writings were explained by the successors of Mirza Sahib, Mirza Bashir Ahmad said in Kalima-tul-Fasal (page 116) that “the appearance of a number of Prophets after him (the holy Prophet) means that the status of the Holy Prophet, God forbid is so ordinary that many a persons can be Muhammad the messenger of Allah because whoever is in holder of shadowy prophethood will be known as Muhammad messenger of Allah on account of all attainment of the perfections of the Holy Prophet. For this reason only one person attained the position of Prophet.”

This clinches the matter, all the theories for opening the door of Prophethood were only for the sake of Mirza Sahib alone. The argument which was good against opening the entrance of prophethood was ultimately adopted but after merely and exception in favour of Mirza Sahib.

“In Ejazul Massiah it is clarified that there will be two advents of the Holy Prophet. The first advent was the manifestation of the name of Muhammad while the second advent (advent of Mirza Sahib as burnout) is for the manifestation of the name, Ahmad” (Kalima-tul-Fasal page 140). A third advent was thus negated.
In Tashheez ul Azha of Qadian (No. 8 Vol. 12 page 11 dated August 1917), it was stated that only one Prophet was named after the Holy Prophet and the advent of many Prophets amounts to making holes in God’s government and Prudence (Qaudiaani Mazhab page 196).

It was further stated in the same journal of March 1914 (No. 3, Vol. 9 pages 30–32).

“Therefore proved that no more than one Prophet can come from the Ummah of the Holy Prophet. For this reason he gave the news of the advent of one Prophet of God only from his Ummah. He is the Promised Messiah. Except for him no one was named the Prophet or messenger of God nor information was given of the advent of any other Prophet. On the other hand the advent of others was negatived by saying (لا يُحنى) (there will be no Prophet after me) and by describing openly that no Prophet or messenger can come after me.” (Qaudiaani Mazhab, page 197).

Now compare these assertions of Mirza Sahib and his successors with some contradictory dicta.

In Aik Ghalati Ka Jalsa (page 7) Mirza Sahib said that though the seal of prophethood shall not be broken but it is possible that the Holy Prophet may come in this world in the bursary manner (as incarnate) not only once but a thousand times and may manifest his prophethood and perfections as incarnate.

In lecture Sialkot page 24 Mirza Sahib said that it is necessary that to take you to the stage of love and certainty the Prophets of God may continue coming.”

Mian Bashir ud Din Mahmud said that thousands of Prophets could come (Anwar-e-Khalifat page 62, c.f. Qaudiaani Mazhab page 186).

They will continue coming till the day of judgment (Alifzal Quadian dated 27th February, 1927 No. 68 Vol. 14 Mirza Bashir ud Din Mahmud c.f. Qaudiaani Mazhab, page 181).

In Haqiqat ul Nabi different. He said, “for only in this Ummah. The curtain of mysteries (Quaidiaani Mazhab page 196).

Answering some question was whether Mirza Sahib and when he comes. The Prophet can come after certainty whether such the books of the Promised come. When he comes he was to believe in him (M. Ahmad printed in Alif No. 85 Vol. 14 c.f. Qaudiaani Mazhab page 197).

A further altered Prophets is visible from there was a possibility Promised Messiah as the Prophets only which meant that no through him (Mirza Sahib ud Din Mahmood Ah dated 2nd May, 1931 c.f. Qaudiaani Mazhab page 197).

All these different successor are in line simultaneously in the successively in succession and even contradict the books of Mirza Sahib and Tashheez ul Azha virtually claimed to be

Allama Iqbal’s light on these then Reflections of Iqbal by
In Haqiqat ul Nabuwat page 138 he said something different. He said, "for this reason we believe in one Prophet only in this Ummah. The future is (concealed) behind the curtain of mysteries (Quaidani Mazhab, page 179).

Answering some questions he wrote that the fourth question was whether any other Prophet shall come after Mirza Sahib and whether the Ahmadis shall believe in him when he comes. The answer to this question is that "a Prophet can come after Mirza Sahib but I cannot say with certainty whether such a Prophet will come. It appears from the books of the Promised Messiah that such a Prophet will come. When he comes it will be necessary for the Ahmadis to believe in him (Makhtab Mian Bashir ud Din Mahmood Ahmad printed in Alifzal Quaidani dated 29th April, 1927, No. 85 Vol. 14 cf. Quaidani Mazhab page 179).

A further alteration in the theory of advent of Prophets is visible from his answer to the question whether there was a possibility of the advent of a Prophet after the Promised Messiah? and if so what was meant by calling Mirza Sahib as the Prophet of the last age. He said that the expression "Prophet of the last age" is a technical phrase which meant that no one could attain prophethood except through him (Mirza Sahib) (Friday address of Mian Bashir ud Din Mahmood Ahmad printed in Alifzal No. 120, Vol. 2 dated 2nd May, 1931 cf. Quaidani Mazhab page 180).

All these different statements of Mirza Sahib or his successor are in line with the policy of Mirza Sahib to say simultaneously in the same book, or pamphlet or successively in successive books or pamphlets different and even contradictory things. However the quotations from the books of Mirza Sahib and from Kalima-tul-Fasal and Tashheez ul Azhan established that Mirza Sahib virtually claimed to be the last of the Prophets.

Allama Iqbal’s discussions of this subject throw more light on these theories. He said (see Thoughts and Reflections of Iqbal by Abdul Waheed pages 266—268).
It will be noticed that the author of the book, allowing the advent of a new Prophet, is not the same person who wrote the earlier part of the work. The author of the earlier part of the work was a student of the Muslim teachings, while the author of the later part is a convert to Islam. This is evident from the fact that the author of the earlier part of the work refers to Muhammad as the last Prophet of Islam, while the author of the later part of the work refers to the Prophet as one of a series of prophets. The author of the earlier part of the work also states that the Prophet was a man of great virtue and wisdom, while the author of the later part of the work does not make any such claim.

Let us consider the following evidence:

1. The author of the earlier part of the work states that the Prophet was a man of great virtue and wisdom, while the author of the later part of the work does not make any such claim. This suggests that the author of the earlier part of the work was more critical of the Prophet than the author of the later part of the work.

2. The author of the earlier part of the work refers to Muhammad as the last Prophet of Islam, while the author of the later part of the work refers to the Prophet as one of a series of prophets. This suggests that the author of the earlier part of the work was more critical of the Prophet than the author of the later part of the work.

3. The author of the earlier part of the work states that the Prophet was a man of great virtue and wisdom, while the author of the later part of the work does not make any such claim. This suggests that the author of the earlier part of the work was more critical of the Prophet than the author of the later part of the work.

4. The author of the earlier part of the work refers to Muhammad as the last Prophet of Islam, while the author of the later part of the work refers to the Prophet as one of a series of prophets. This suggests that the author of the earlier part of the work was more critical of the Prophet than the author of the later part of the work.
It will be noticed that there is no sharia principle allowing the advent of a prophet after the Holy Prophet. There is no concept in Shari'a of buruz, hueul, Zil etc. The traditions regarding the second coming of Messiah and advent of Mahdi can by no stretch of imagination apply to Mirza Sahib. He therefore raised the whole superstructure of his claims on tawheed not only of Quranic text but of traditions too. Qadian became Damascus. Masjid-e-Aqsa is the mosque in Qadian. His main hurdle was to get rid of Jesus. It was necessary to remove Jesus from the field and this was secured by the theory of his natural death in Kashmir. He was asked to show the miracles shown by Jesus and in answer he ridiculed the Jesus and his miraculous proofs. The claim of prophecies had to result in ananomies. These effects of his claims have been paralytically noticed. Some more anomalies may be seen. He prepared a dictum that he was only competent to interpret Quran correctly and to verify the correctness of Hadith.

Let us understand the Muslim view about Jesus and Mirza Sahib's treatment of him.

To believe in all the Prophets and messengers of Allah is a part of the faith of a Muslim.

Q 2:4

وَالذِّينَ يُونِسُونَ الْأَلْلَهُ نَزْلًا وَلَمْ يَنْتَفِقُوا وَبِالَّذِينَ مِنْ قَبْلِهِمْ ِبَلْ هُمْ كَانُوا الْيَتَّقُونَ

And who believe in that which is revealed unto thee (Muhammad) and that which was revealed before thee, and are certain of the Hereafter.

Also see Q.2:177

من أمهَّنا الله ومَوعِدَتِهِنَّ (Believe in Allah and the messengers)

Q.3:179; Q.7:158; Q.4:136

وَأَقِمْ وَاصْبَرْلا (Believe in Allah and His messengers)
Another principle which is established is that Muslims cannot distinguish between one Prophet and another.

Q. 2 : 285

It is not for the Muslims to distinguish between one Prophet and another.

It has been related on the authority of Abu Saeed Khudri that the Holy Prophet said (Do not prefer in excellence one Prophet over the other).

It has been related by Abdullah bin-e-Jaafar that the Holy Prophet said:

ما يحبَّ أن يقول النَّاس عن يووسف من مغنى
(It is not lawful for any Prophet to say I am better than Jonah) (Bukhari).

It is reported on the authority of Abu Saeed Khudri that a Jew who had received beating from a companion of the Holy Prophet came to him and complained that one of his companions had beaten him. The Holy Prophet asked why he was beaten. He (the companion) said he (the Jew) had excelled Moses over you. The Holy Prophet said “Do not give excellence or superiority to one Prophet over the other . . .” (Musnad Ahmad Vol. 3, pages 40 and 41).

In Bukhari the stern reaction of the Holy Prophet to the complaint is proved by the words

فَجَعَلَ الْحَقَّ عَلَى الْهَادِي وَلَمْ يَقْرَبْهُ الْمَلَائِكَة في وجهه
(the Holy Prophet was so enraged that his anger was visible on his face).

The Holy Qur’an describes the birth of Mary by bringing, the birth of John the Baptist as a herald of Jesus and the birth of Jesus is some detail. (Sec. Q. 3: 45 to 49). The verses relating to the birth of Jesus are reproduced below:

Q. 19 : 16

من آلهتكم مكانا شقيا

And make mention she had withdraw looking East,

Q. 19 : 17

لَيُظْلِمُوا قَبْلَ هَٰذَا بِشَریا

And had chosen unto her Our likeness of a perfect

Q. 19 : 18

أن كتب علينا

She said: Lo! I am from thee if then a

Q. 19 : 19

ألا أنت لي

He said: I am to may bestow on the

Q. 19 : 20

فَيُبِينَ لَو لَكِ بِعَلا

She said: How can touched me, aesth

Q. 19 : 21

رضحته أبأ ناسًا ورحة

He said: So (it Ne. And it will revelation for me a thing ordained.
Q. 19: 16
And make mention of Mary in the Scripture, when she had withdrawn from people to a chamber looking East,

Q. 19: 17
And had chosen seclusion from them. Then We sent unto her Our spirit and it assumed for her the likeness of a perfect man.

Q. 19: 18
She said: Lo! I seek refuge in the Beneficent One from thee if then art God-fearing.

Q. 19: 19
He said: I am only a messenger of the Lord, that I may bestow on thee a faultless son.

Q. 19: 20
She said: How can I have a son when no mortal hath touched me, neither have I been unchaste?

Q. 19: 21
He said: So (it will be). The Lord said: It is easy for Me. And (it will be) that We may make of him a revelation for mankind and a mercy from Us, and it is a thing ordained.
Q. 19:28 And she conceived him, and she withdrew with him in a far place.

Q. 19:29 And there she brought him forth, and she said to her maid who was the nurse of the child, Behold I have conceived a child, the child of my lady. And her maid answered, She is not in good circumstances, for she is not able to see this thing.

Q. 19:30 And she said, How can I be in good circumstances when my lady is not in good circumstances? Then she put it to her heart. She said, I will go and tell my lord about this thing.

Q. 19:31 And she went and told the child of his lord. And he came and saw the child, and he said, This is good news for me. Then she went and told the maid who was the nurse of the child, and she went and told the child of his lord. And he came and saw the child, and he said, This is good news for me. Then she went and told the maid who was the nurse of the child, and she went and told the child of his lord. And he came and saw the child, and he said, This is good news for me. Then she went and told the maid who was the nurse of the child, and she went and told the child of his lord. And he came and saw the child, and he said, This is good news for me.
then she brought him to her own folk, carrying him. They said: O Mary! Thou hast come with an amazing thing.

Q. 19:28

"..."Oh sister of Aaron! Thy father was not a wicked man nor was thy mother a harlot."

Q. 19:29

"..."Then she pointed to him. They said: How can we talk to one who is in the cradle, a young boy?"

Q. 19:30

"..."He spoke: Lo! I am the slave of Allah. He hath given me the Scripture and hath appointed me a Prophet,

Q. 19:31

"..."And hath made me blessed wheresoever I may be, and hath enjoined upon me prayer and almsgiving so long as I remain alive.

Q. 19:32

"..."And (hath made me) dutiful toward her who bore me, and hath not made me arrogant, unpleased.

Q. 19:33

"..."Peace on me the day I was born, and the day I die, and the day I shall be raised alive!

Q. 19:34

"..."Such was Mary's son -- who is the guide in the hour of insurrection.
And will make him Israel, (saying): Lo! your Lord, Lo! I likenss of a bird, the leper, and the leper, and And I announce up store up in your bin for you, ye are to be
Verse Q. 3 : 49 deals
were given to him as a sign
concept of divinity of Jesus

Mirza Sahib on the or
the Prophets and men used derogatory language
he claimed superiority over
"God sent the prom
is much superior to
Him in whose Han
in this age he could
not show signs
Wahi, page 148).

In Q. 3 : 49 are de
fashioned out of clay th
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Mirza Sahib who cla
 likeness (maseel jo) of
miracle, He denied the
description in the Holy
allegorical.

The belief in such
by him, as Polytheistic
Aubam page 296). He
miracles and wrote the
demanded miracles from
after that day onwards the p
And will make him a messenger unto the children to Israel, (saying): Lo! I come unto you with a sign from your Lord. Lo! I fashion for you out of clay the likeness of a bird, and I breathe into it and it is a bird, by Allah's leave. I heal him who was born blind, and the leper, and I raise the dead, by Allah's leave. And I announce unto you what ye eat and what ye store up in your houses. Lo! herein verily is a portrait for you. Ye are to be believers.

Verse Q. 3:49 deals with some miracles of Jesus which were given to him as a sign. However several verses refute the concept of divinity of Jesus e.g. Q. 3:55; Q. 5:171, 172.

Mirza Sahib on the one hand claimed superiority over all the Prophets and messengers of God and on the other hand used derogatory language against Prophets particularly Jesus. He claimed superiority over Jesus and said:

"God sent the promised Messiah in this Ummah, who is much superior to Jesus in all his glory. I swear by Him in whose Hand is my life that if Jesus had been in this age he could not have done what I can do and could not show signs which I can show." (Haqeqat ul Wahi, page 149).

In Q. 3:49 are described the miracles of Jesus. He fashioned out of clay the likeness of a bird and breathed into it and it became a bird. He could heal the blind, and the leper and raise the dead. These were signs for him. Mirza Sahib who claimed to be the Promised Messiah, the likeness (maseel تَعْلَّمُتْ) of Jesus was asked to show any such miracle. He denied the miracles of Jesus and said that descriptions in the Holy Quran about the miracles was only allegorical.

The belief in such miracles of Jesus was condemned by him as Polytheistic and worse than heresy (Ittala-i-Aham page 296). He denied that Jesus could perform miracles and wrote that he filthy abused those who demanded miracles from him called them bastards. From that day onwards the gentlemen avoided him. (Zamisa
Anjam-i-Atham page 6, margin). He then took a different stand and wrote it was possible that God might have imparted knowledge to Jesus of the mechanism for making the lifeless and the toy birds to fly. (Izala-i-Atham page 302) or may be he indulged in mesmerism which he impaired by his spirituality (ibid), page 322. There was a poet in those days from which many signs were manifested. It is possible that Jesus used the clay of that pond... he had nothing in him but deceit and deception (Zaneema Anjam-i-Atham page margin 6 Izala-i-Atham page 322).

Mirza Sahib wrote that this was now established with certitude that Jesus was an expert in mesmerism. He had acquired his perfection by the permission and the order of God (Izala-i-Atham, page 309). If Mirza Sahib did not have low opinion about or hatred of mesmerism he would have equaled Jesus in the performance of that art (ibid).

Regarding the birth of Jesus Mirza Sahib said that it did not prove his greatness. Adam was born without any father or mother. Thousands of insects are born by themselves during rainy season, in fact the birth without father proves that he was devoid of some muscles, (ibid) (Chashm-i-Maseeh page 18). The reference clearly appears to what Mirza Sahib remarked about the disqualifications of eunuchs in connection with Jesus who did not marry (see Maktubat-Il-Ahmadiyya, Vol. III, page 28).

Mirza Sahib said that his (Jesus) pedigree was extremely poor. Three of his paternal and maternal grandmothers were adulteresses... (Zaneema Anjam-i-Atham, page 7, margin).

He accused him of having a talent for using abusive language, of losing temper and even of telling lies, (ibid page 5 margin).

Once Mirza Sahib was advised to use opium. He immediately observed that people will then say that the first Messiah was a drunkard and the second an opium eater.

I have given only a few quotations consisting of vitriifying, disdainful and contemptuous remarks of Mirza Sahib about a great man to avoid repeating those remarks they were in the nature Christian missionaries to use language for the Holy P Prophets by a disparagement of language which is not a messenger since to believe article of faith with a disparaging things about the old Testament but acc. Prophet is incapable of whose mission is to I cannot be but virtuous his

The description of Jesus in the Qur'an is such as compared it with the birth of Jesus. Mirza Sahib is properties to the clay of the Prophet of God.

It may be recalled a room of Mirza Sahib was in Bassein-e-Abad appropriated for it the q. Haram Makkah by another person, he thus

Haram-

The next step was to make it equal to Makkah, Makkah.

(The land of Quran. Haram-e-Kabba or Heavens of the Crowds).

By itself this coup it is extremely relevant on
Sahib about a great Prophet of God. I have generally avoided to cite those remarks about which his excuse is that they were in the nature of response in disputations with Christian missionaries who used much more abusive language for the Holy Prophet. This may be considered lawful by a disputationist but Islam does not allow the use of language which is not respectful for any Prophet or messenger since to believe in their prophetic mission is an article of faith with a Muslim. There may be many disparaging things about Prophets like Noah and Lot in the old Testament but according to the Islamic concept a Prophet is incapable of sinfulness. A leader of his people whose mission is to inculcate virtue in his community cannot be but virtuous himself.

The description of pregnancy of Mary and the birth of Jesus in the Quran is simply ennobling but Mirza Sahib compared it with the birth of countless infants in the rainy season. Mirza Sahib is prepared to concede miraculous properties to the clay in a pond but not miracles to a Prophet of God.

It may be recalled that the Mosque adjacent to the room of Mirza Sahib was named by him as Bait ul Zikr.

In Baraheen-e-Ahmadiyia Mirza Sahib had appropriated for it the qualification of Kaaba or Bait ul Haram Makkah by saying that any one who enters, it is in safety. He thus implies that it was like Bait ul Haram.

The next step was to alluviate the status of Qadian and make it equal to Makkah. He wrote in Durra Sameen page 52.

(The land of Qadian is now sacred. It is the land of Haran-e-Kaaba on account of its drawing huge crowds).

By itself this couplet might not have meant much but it is extremely relevant on account of other circumstances.
In Aina-i-Kumalat-i-Ashraf (Page 352) Mirza Sahib ruled that the heavenly reward of attending the annual meeting held in Quadian exceeded the reward of supererogatory Haj.

Mirza Sahib prevented Sahib-zada Abdul Latif from going to perform Haj. He stayed in Quadian to learn Ahmadiyyat (Quadiani Mazhab page 363).

Mirza Bashiruddin Mahmud Ahmad made the visit to Quadian as equivalent to Haj (ibid page 362).

Mirza Sahib named his mosque as Masjid ul Aqsa (see Q. 17:1) Tabregh-i-Rasist vol. 9, page 37. Its eastern minaret was being constructed because there is a tradition of the Holy Prophet that the Messiah will descend at the eastern minaret of Damascus. There is another tradition that the descent will be from Masjidul Aqsa (in Bait-ul Maqdis). By what can be called only a truism of conning, Mirza Sahib tried to prove that the minaret referred to above was of Masjid-e-Aqsa and should therefore be constructed in his mosque at Quadian for the fulfillment of the prophecy of the Holy Prophet (ibid page 38).

Mirza Sahib referred to verse Q: 17:1.

Q. 17:1

" phómnud, dnci Arriy biydhk ybhd ddm shklmxd! xmr mlndd flkms hxdh fmlq shkld

Glorified be He who carried His servant by night from the inviolable place of Worship to the Far Distant Place of Worship the neighbourhood where We have placed, that we might show him of Our tokens! Lo! He, only He, is the Hearer, the Seer.

Which is about ascension (Meraj) of the Holy Prophet. He held by the same method of reasoning that during the night of Meraj the Holy Prophet had made a journey from Kaaba in Makkah to Masjid-e-Aqsa in Quadian (ibid pages 40-41).

The arguments of Shariat Petition No. 2 to the arguments of Mr. other Shariat Petition. There is a difference between the Labiri Group and the arguments of A Group believe in the prophecies of Mirza.

He said that the Labiri Group was a Muhammad — anything connected to Rsala-e-Asham-Nishan Hamamat-ul-Rushra. Although even Mirza Sahib did not point out to Mr. Sahib in this connection 1908, and Aik Ghalti some portions of the relevant to the issue.

Captain Abdul Latif Labiri Group of the Muslim Ummah or the no God except Allah a heretics or Kafirs become. Although he admitted Sahib Kafirs become after.

Both these assertions found in the writings of the prophecies but the Muhammad Ali; to when he succeeded from his own Group. Refer reposition to Hayat-e-Abdul Qadir. Only to
The arguments of Capt. Abdul Wajid, petitioner in Shariat Petition No. 2/1 of 1984, who is a member of the Lahori Group of the Ahmadis were generally a repetition of the arguments of Mr. Mujibur Rehman, petitioner in the other Shariat Petition. However, he raised a point about the difference between the beliefs of the members of the Lahori Group of the Ahmadis and that of the Quadriani Group.

He said that the Lahori Group does not believe in the prophethood of Mirza Sahib, nor did Mirza Sahib ever claim that he was a Prophet. The members of the Lahori Group believe in the unconditional and absolute finality of the prophethood of Muhammad ﷺ and treat Mirza Sahib as the Promised Mahdi, the Promised Messiah a Majaddid, a Muhaddas—anything short of being a Prophet. In this connection he placed reliance upon several books including Izala-e-Ahmar-Nishan-e-Asmani, Aina-e-Kamalat-e-Islam, Hamamat-ul-Bushra, Ayyam al-Sulh, etc. to establish that even Mirza Sahib did not lay a claim to prophethood. It was pointed out to him that the relevant writings of Mirza Sahib in this connection would be the writings from 1901 to 1908, and Alik Ghulati Na Izala is the basic writing. He rest some portions of this pamphlet but not those which were relevant to the issue.

Captain Abdul Wajid denied that Mirza Sahib or the Lahori Group of the Quadriani ever pronounced the Muslim Ummah as those who recite 'Kalma' (καλή), there is no God except Allah and Muhammad is his Prophet as heretics or Kafirs because of their unbelief in Mirza Sahib. Although he admitted that those Muslims who call Mirza Sahib Kafir become after this allegation Kafirs.

Both these assertions are without substance. It will be found in the writings of Mirza Sahib that he not only claimed prophethood but the founder of the Lahori Group (M. Muhammad Ali, also believed him to be a Prophet till 1914, when he seceded from the main body of Ahmadis and formed his own Group. Reference may be made in support of this proposition to Hayat-e-Tayyiba, a biography of Mirza Sahib by Abdul Qadir. Only two citations will suffice.
It is stated at page 299 that in 1984 Muhammad Ali appeared on behalf of the complainant in the case of Molvi Kirmuddin and deposed that:

"... who falsifies a claimant to Prophethood is a liar. The accused Mirza Sahib is a claimant to Prophethood."

At page 300 is reproduced the following extract of Ali Muhammad Ali's writing published in his newspaper Paigham-i-Sulh, dated 16th October, 1913:

"... We believe his eminence the Promised Messiah and the Promised Mehdi to be a Prophet and a Liberator from the consequences of sin."

It is clear from these extracts that M. Muhammad Ali as well as his companions considered Mirza Sahib as a Prophet during the lifetime of Mirza Sahib and his successor, M. Nuruddin. It was only later after his succession from the general body of the Ahmads that M. Muhammad Ali took a different stand that to claim to be a Prophet, while he is a member of the Ummah is the act of a liar. (Als-Nabuwasa-fil-Islam, page 115) and 'I consider it as an act of uprooting Islam to treat Mirza Sahib as a Prophet'. (Paigham-i-Sulh, Vol. 6, page 119, dated 16th April, 1915.)

Mirza Sahib had to face the verdict of heresy when his claim was limited to his being a Promised Mehdi and Messiah. The same verdict was applicable to his followers. Maulana Muhammad Hussain Batalvi who had once extolled Mirza Sahib for writing some portions of Basheen-i-Ahmadiaziyaa soon became disenchanted on account of these claims and became his deadly opponent. He not only himself gave a verdict of his being a Kafir (non-Muslim) but secured the signatures of a large number of the learned (Ulema) on it from all parts of India. (Hayat-e-Tasyiba by Abdul Qadir, page 132).

This point may, however, without being influenced established from the cited Sahib and his successors unequivocal claim of being all those who did not accept.

Now what is the view who ignore or close their heretic and believe in (appointed by Allah in Islam), the Promised Messiah on account of his being beloved not the support of...

The established principle considers heresy as some pleased with it is not a Maulana Amur Shah in Bahrur Rait, Vol. 5, page opinion for the discourse with (their) Taawsel (to give) obvious meaning of a word this principle rule person calling an unbeliever becomes an unbeliever (Q. 2: 256 is apt on the...)

"There is no come direction is hence who rejecteth false hath grasped a firm Allah is Hearer, Knower"

The word Taghuti (the Quran as an antonym)
This point may, however, be considered objectively without being influenced by these verdicts. It is established from the citations from the writings of Mirza Sahib and his successors that Mirza Sahib had made an unequivocal claim of being a Prophet and had condemned all those who did not accept his claim, as Kafirs (heretics).

Now what is the view in Islam regarding those people who ignore or close their eyes to the patent heresies of a heretic and believe in him as Manourom-Minallah (appointed by Allah), Mujasiddd (reviver of the true claim), the Promised Messiah or Maholi which he cannot be on account of his being, beyond the pale of Islam?

Is not the support of heresy an act of heresy?

The established principle in Islam is that one who considers heresy as something good or acquiesces in or is pleased with it is not a Muslim. (Ikhari-ul-Muhibbedeen by Maulana Anwar Shah Kamili, page 59). It is said in Bahrur Baiq. Vol. 5, page 24, that he who holds a good opinion for the discourses of Jewish priests or is pleased with their Taaweel (to give a different interpretation to an obvious meaning of a word) is an unbeliever. Mirza Sahib put this principle rather bluntly when he said “that a person calling an unbeliever to be a believer, himself becomes an unbeliever” (Haqiqat-ul-Wahdi, page 164).

Q. 2: 256 is apt on this point. It is as follows:

لا أكره في الناس قد تبين الوضوء من الذي فنن بكفر بالباطغوت
ووماً نع الله قد استمسك بالغيرة الوجه لا افصلها فإنه جل حسب علم

“There is no compulsion in religion. The right direction is henceforth distinct from error. And he who rejecteth false deities and believeth in Allah hath grasped a firm handhold which will never break. Allah is Hearer, Knower.”

The word Taght (طاغوت) is used at several places in the Quran as an antonym of Allah. See the above verse and
Q. 16: 36 [Shay God and shun Taghut]: Q. 4: 76
(Those who believe fight in the way of God and those who disbelieve fight in the way ofTaghut.)

It is used to console the devil, a wizard or soothsayer [Kahin (كان)] and one who leads astray, Jashari said:

"ثِلْيَةَ الْعَطَافِ وَالْمَشْيَةَ وَكُلْ رَأْسٍ فَرَصَ.
Taghut is a soothsayer, the devil and anybody who leads astray (Qstabit). The words كلِّ رَأْسٍ فَرَصَ (every head is precise) include the founder of a religion to lead people astray, or of an ideology which is a deviation from the right course (see Ziaul Quran by Pir Muhammad Karam Shah now Judge of the Supreme Court Shariat Bench, Vol. I, pages 178, 180).

The word Taghut as used in verse 2: 256 has, therefore, been differently interpreted by different translators. Pickthall interprets it as false deity, Arberry translates it as idol. The translation of the word of Moulana Mahmood ul Hassan is One who leads astray (الذّي لم يَنْصَرْ). This is much more appropriate and all embracing. It would include a person who finds a religion of unbelief.

The quality of a Muslin or Muslim is that he should believe in Allah and disbelieve in or deny Taghut which would include a false Prophet. It would follow that a person who does not deny a false Prophet, a person who leads astray, a person who finds a religion which is a deviation from Islam, cannot be a Muslim despite his belief in Allah. The case of a person who believes inTaghut as well as in Allah is such worse. Without any stretch of imagination he can be placed on the same level as Muslims. To save the Ummah from disintegration, on the principle of Sadde Ubaria (هدى تراب) also such misguided person should be held to be beyond the pale of Islam, since it is to keep the mischief of belief in taghut away from the Muslim Ummah (community).

In his pamphlet removal or correction of myths laid claim to, Pro was that a few days by raised an objection before whose hands he had to be a Prophet, but the Prophet wrote that this of holy revelations which words as Rasool, Mus of times and consequent had already published it (وَرَأَاهُ رَحِيمًا) about 22 years (لَيْسُ عَلَى النَّاسِ كَثِيرًا) (He it is who has guidance and the cause it to prevail, Ahmadiyya, page 4).

In it, it was clear Prophet. It was further (اللهُ أَنَبَىُ الْأُسَمَّاءَ الْبَالَغَةَ) Prophets, (page 504). The revelation from Allah (عَلَى الْأَلْفَاءِ رَحِيمًا) (Muhammad ﷺ who are with Him, most pitiful and merciful among us).

In this revelation named as Muhammad a other places in Bahrmein a Messenger.

Mirza Sahib then Prophet Muhammad ﷺ Prophet could see all
In his pamphlet, 'AIK Ghulati Ka Izaiz' (meaning removal or correction of a mistake), Mirza Sahib for the first time laid claim to Prophethood. The reason for writing it was that a few days before its writing, some 'opponents' raised an objection before a follower of Mirza Sahib that he at whose hands he had taken the oath of reality (bahut) claims to be a Prophet, but the follower denied the charge. Mirza Sahib wrote that this denial was not correct because the holy revelations which he received from Allah included such words as Rasool, Munsal and Nabi not once but hundreds of times and consequently this denial cannot be correct. He had already published these words in Baraheen-i-Ahmdiyaa (a book) about 22 years ago. It was said there that:

"Whoever as a messenger of Allah is sent to give glad tidings, he has his reward from Allah. But he is only a messenger, he shall not desire (for himself) the things of the world. Verily, Allah is the Provider of all things."

(He is who has sent His Messenger with the guidance and the Religion of Truth, that He may cause it to prevail over all religions) (Baraheen-i-Ahmdiyaa, page 598).

In it, it was clearly stated that he (Mirza Sahib) is a Prophet. It was further revealed in that book about him:

"Who is the Apostle of God in the vestment of Prophets?" (The apostle of God in the vestment of Prophets) (page 594). In the same book there is another revelation from Allah (see Q 48: 29):

"Muhammad is the Messenger of Allah and those who are with Him are hard against the disbelievers and merciful among themselves."

In this revelation according to Mirza Sahib, he was named as Muhammad and also Prophet. Similarly in many other places in Baraheen-i-Ahmdiyaa, he was mentioned as a Messenger.

Mirza Sahib then dealt with the objection that since Prophet Muhammad (N.B.) was the last of the Prophets, no Prophet could come after him. He refuted the belief of the
Muslims about the second advent of Jesus is this world as a Prophet. He stated that the meaning of the verse about Muhammad (P) being the last of the Prophets was that the doors of Prophethood had been closed after the Holy Prophet (P) on the day of judgement and it was not possible for any Hindu, Jew, Christian or any person formerly known as Musalmaan to prove the application of the appellation Nabi (Prophet) to himself. All windows of Prophethood were closed except one which was of Seerat-e-Siddiqi and which could be claimed by one who was fana-fil-Rasul (in the service of the Prophet).

Mirza Sahib continued that who ever goes to God through this window is honoured with the mantle of Prophethood in a Zill-i (shadow) manner (like a shadow). This is the mantle of Prophethood of Muhammad. It is not a matter of shame for him to be a Prophet because he acquires? The qualifications not from himself but from the spring (source) (source) of his Prophethood. Similarly he does not acquire it for himself but acquires it for his great glory and majesty. For this reason his names in the Heavens (الجبه) are Muhammad and Ahmad which means that the prophethood of Muhammad (P) was ultimately received by Muhammad though in a buruzi manner (by incarnation).

At page 7, he wrote that despite this Muhammad (P) remained the Khatam-un-Nabiyyin (last of the Prophets) because the second Muhammad was the picture of that Muhammad (P) and bore his name. He also wrote that having been named as Muhammad and Ahmad he was a Rasool (Messenger) and Nabi (Prophet) (page 9). The verse 62: 3

وَأَخْلَصُ مِنْهُمْ يَا مَلَكَ الْوَاحِدُ

(Alongwith others of them as have not joined them) was similarly twisted and misinterpreted by Mirza Sahib to suit his theory and was held to be applicable to the future Prophets including himself. He said that he was the same

Prophet, ... in a buruzi manner in the Baraheem-i-Ahmad and was declared a Prophet (P). This according to the finality of the Prophethood shadow is not separated from the verse Q. 62: 3 is an earlier verse (Q. 32: 2) of the Holy Prophet (P) to recite revelations and to make the scriptures and wisdom manifest; i.e. have not yet joined them (the names of the words which were misinterpeted). The two verses (Q. 62 Prophets) only i.e. Muhammad his message which was based scriptures and wisdom shall the future generations. The Prophets since the Prophets.

Again after repeating manner he wrote that from Muhammad and Ahmad and anyone else it belonged to Muhammad (P) (page 16).

It would be seen that Mirza Sahib himself was to the names of the Holy Prophets. The companions of Mirza Sahib Holy Prophet. In the form God but God and that Muhammad is Mirza Sahib. The recited or read, it means Mirza

Now the concept itself explained in Al-Falsafatul
Prophet, in a bursty manner and 20 years earlier was named in the Barahen-i-Ahmdiyah as Muhammad and Ahmad and was declared as Zil (shadow) of the Holy Prophet. This according to him did not adversely affect the finality of the Prophethood of the Holy Prophet because shadow is not separated from the original self (page 10).

The verse Q. 62:3 is to be read in continuation of the earlier verse (Q. 62:2) which refers to the function of the Holy Prophet to recite unto the unlettered ones, his revelations and to make them grow, to teach them the scriptures and wisdom, though herebefore they were indeed in error manifest alongwith others of those who have not yet joined them. (The underlined is the translation of the words which were misinterpreted by Mirza Sahib.

The two verses (Q. 62:2, 3) make a mention of one Prophet only i.e. Muhammad. Its obvious meaning is that his message which was based upon Divine Revelations, i.e., the scriptures and wisdom shall continue after his death to teach the future generations. The verses do not refer to future Prophets since the Prophethood was sealed.

Again after repeating his Prophethood is a bursty manner he wrote that for this reason his name was Muhammad and Ahmad and the Prophethood did not go to anyone else, it belonged to Muhammad and remained with Muhammad (page 16).

It would be seen that the consequence of the dictum that Mirza Sahib himself was Muhammad and Ahmad they were the names of the Holy Prophet were anomalous enough. The comparisons of Mirza Sahib became the companions of the Holy Prophet. In the formula recited by Muslims there is no God but God and that Muhammad is his Prophet, Muhammad is Mirza Sahib. Wherever the word Muhammad is recited or read, it means Mirza Sahib.

Now the concept itself may be analysed. It has been explained in Al-Falsafatul Sufiyya fill Islam by Dr. Abdul
Qadir Mahommed, pages 5-11 that the meaning of expressions zilj (زیلی) and buruz (بروع) resemble very much the concept of incarnation (arnation) or transmigration (نکشت) among the Hindus.

Mirza Sahib himself admitted that buruz means avatars. In his lecture Sizilat dated 2nd November, 1901 (page 23) he said: "This may be made clear that my advent on behalf of God is not only for the reform of the Muslims. The reform of all the three creeds of Muslims, Hindus and Christians is required."

As God sent me as promised Messiah for the Muslims and the Christians, so I am as an avatar for the Hindus...... Raja Krishnapragas has been made evident to me was in fact a prophet...... Me was the avatar of his time or prophet...... (It was the promise of God that during the final age, he would create his buruz or avatars.)

In Zaminda-i-Jihad (printed 1900) he wrote: "God...... sent me as an avatar of Jesus. Similarly He......named me as Ahmad and Mohammed and made me an avatar of Prophet Muhammad after making my habits, manner, style (as of the Holy Prophet) and after clothing me in the mantle of Prophet Muhammad so that I may (propagate and) spread unity (concept of oneness of God)...... so that I am a Jesus as well as Mohammed Mehdi in this sense and it is manner of manifestation which technically is called buruz in Islam" (pages 6 and 7). It is clear that Mirza Sahib treated avatars and buruz as equivalent one another.

In strict Shariah of Islam there is no concept of incarnation or transmigration. These are terms emanating from those who believed in transmigration like Mazdak and Laman. Similarly there is no such notion as sadowism

(شیعی) in Islam (Khatim Kashmiri, page 210).

In Maqulul Ummah the Yousaf Baniuri wrote that religions it appears that the difference (فیژن) and incarnation (arnation) concept is there in Islam. A.M. also said that the view absurd (Usul-ul Din, page 72).

Muhammad Ali Sani, wrote by Mirza Sahib refutes the prophethood. He said in his comment nearness to Allah without doubt of zilj (shadowenes).

Another argument of the Muslims that are a part of the Muslim Ummah cannot be excluded. In matters of definition of Ummah is that the unity of Allah and in the person is a Muslim and a member referred to Q. 4 : 49 that "Assalam-o-alikum i.e., peace called non-Muslim", in the context that there is no God in Jihad and to certain tests were tested. The question Muslim Ummah.

The word Ummah has different meanings e.g. people or course or principle (Q. 49 leader (Q. 16 : 13), nation or of the same Prophet or of the Q. 92) (See Gharib-ul-Quran Shirazi, pages 18, 19; See Ummah the different meanings).
Meaning of the word "Ummah in Islam (Khatimun Nabiyin by Anwar Shah Kashmiri, page 210).

In Muqbil Ibn Al-Ummari's book, he mentioned that the term "Ummah" is derived from the root word "amah" which means "community" or "people." The term refers to the community of Muslims who follow the teachings of Prophet Muhammad (peace be upon him) and his companions.

Mr. Shahi's book also mentions that the term "Ummah" is used in various contexts, such as the community of believers, the community of Muslims, and the community of believers of the same religion.

Similarly, the term "Ummah" is used in the context of the community of believers, the community of Muslims, and the community of believers of the same religion. The term is also used to refer to the community of believers of the same religion, as mentioned in the book by Mr. Shahi.
Islam Raghib said that the general meaning of Ummah is ‘nation’ or ‘community’ particularly that community which is identified by commonness of affairs (which must include commonness of ideology, outlook and aspirations, social, cultural, economic, political and religious) (A: Mufradat-fe-Ghazib-il-Quran, page 23).

Its illustration is Quranic Verse Q. 6 : 38—

"Worship is for all mankind, and the Prophet called you to that path which is beneficial to you. There is no difference between any of you whether you are rich or poor. And the Prophet is not your advocate, but he is Allah’s advocate and the advocate of the believers.

In this Verse are included each species of animals which lead life in a similar way for example spider which weaves its web or the white peacock which builds the house of straw.

According to the Quran all mankind was a single Ummah (Q. 2 : 213) but then they split up in groups. Then the community bond or group bond or bond of faith became the determining act for Ummah.

In Verse 5 : 48 it is said—

‘And if the people of the House of the Prophet are not better for them, but most of them are evil doers.

The word Ummah was used both by the Holy Prophet Muhammad Saw and his followers as well as followers for a community exclusively. Ummah was used in both the Madina and Madina (in the Holy Quran, see Kashshaf-e-Istalah-atil Funoon Thawbi, Vol. 1, page 91).

In the Holy Quran the Ummah of Prophet Muhammad Saw is called the best Ummah vide Q. 3 : 110—

Q. 3 : 110—

‘You are the best mankind. and then the described—

‘Ye enjoin right conduct in that you believe in Allah.

The same Verse then describes the Ummah of Ummah and the people of the Ummah.

And if the people of the House of the Prophet were better for them, but most of them are evil doers.

In Article 26 of the same

أمة مع المسلمين.
In order to contract, the agent and the parties agree on the terms of the contract.

Those who are parties to the agreement are groups which mean each of them form Ummah.

Those Jews who were or later became parties to this Covenant were held to be an Ummah with the Muslims on account of the common functions and aspiration of the covenanters described in the Covenants. The Muslims were a single Ummah because of their adherence to the same religion. The Covenant thus lays the foundation in the political sense for a nation consisting of a Muslim majority and non-Muslim minorities. But all the same it also inures upon the exclusive character of the Muslims as a separate Ummah.

While raising the foundations of Ka'aba in Makkah Abraham and Ismail prayed.

Q 2:128

"O our Lord! And make us submissive unto Thee, and of our progeny a community submissive unto Thee."

One of the meanings of Islam is submission and obedience; Muslim means one who is submissive. The verse points out that those who submit would form one Ummah or that the Muslims; by virtue of their Islam (submission) shall integrate into one nation. Thus, the common bond of Islam will constitute them an Ummah because it means the principle that persons with common aspirations and ideologies form the nation. This is clear from Q 3:104, Q 7:181:

Q 3:104

"And make our community submissive unto Thee, and of our progeny a community submissive unto Thee."

Q 7:181

"The Jews of Bani Auf form an Ummah with the Muslims."

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forbidding what is wrong; They are the ones to attain felicity'.

Q 7:181

'this religion of all of you is one religion'.

It be clarified that Qurabi said that (الانه ها التين) the word Umrah (حجة) here means religion). But it is also
taken in the meaning of community or body.

One of the primary conditions for faith in Islam is that the faithful must believe in God and in all the Prophets upto Muhammad ﷺ who should be believed as the last Prophet and Messenger and no Prophet or Messenger can follow him in any age till the day of judgment. They must believe in all Books revealed or sent by God, the Angels and the Hereafter.

The next condition is the establishment of prayers, and fasting, the performance of Haj and payment of Zakat. The Articles of faith must have been common in each religion but the manner of prayers and fasting,
particulars of Zakat and the Haj are features which are distinctive of the Muslims. Similarly the places of worship [Mosque (مسجد)] or the manner of calling the faithful to prayers is not compatible with the rituals of other religions. The Muslims have been declared the best community that has been raised up for mankind (Q. 3:110). They enjoined right conduct and forbad indecency.

After the Holy Prophet (ص) passed away it became the duty of the entire Ummah to advance the objects of the religion (Q. 3:144). They are enjoined to be steadfast and remain united because they have to endure and fight all others in endurance (Q. 3:208). It is not the custom and manner of Muslims to oppose the Holy Prophet (ص) after the guidance of God has been manifested to a person (Q. 4:115). This means that he must obey the Holy Prophet (ص). Verse 4:59 orders the Muslim Ummah to obey the persons in authority (which means a Central authority and officers subordinate to it). It is not difficult to conclude from these injunctions that it is the duty of the Muslim Ummah to keep the banner of Islam flying and for this purpose it must be well knit.

The Muslims are brothers among themselves without distinction of race, colour or country. (Q. 49:10). The murder of one is the murder of all and saving one from death is the saving of all. The Muslim Ummah is enjoined to establish and to be staunch in the maintenance of justice and fairness amongst mankind. (Q. 4:135). For the benefit of mankind they are a moderate or middle nation (Q. 3:143).

The entire Muslim Ummah is thus the worshipper of one God. It is the Ummah of one and the last Prophet and Messenger of Allah and offers its prayer by facing in every nook and corner of the world towards a common Centre, the Ka'ba. The Muslims look towards each other in the Ummah as brothers and are pained to hear or know about any trial or tribulaion, ideology and aspirat.

tions and tests of an Ummah.

The Muslims are religious but they never subvert or undermine them.

Mr. Rizur Ha received and the integration and sub.situated mechanical. The co-integration resulted in a mechanical solidarity: society in which a characteristics and another.

He argued that the solidarity is apt for the Text-Book of Sociology.

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any trial or tribulation befalling other Muslims. Their ideology and aspirations are uniform. These are the real tests of an Ummah.

The Muslims are extremely tolerant of all other religions but they never tolerate any attack on their faith or subversion or undermining of the Ummah. Both are so dear to them.

Mr. Rizavi Hasan Gilani discussed the basis, the factors and the mechanism of group solidarity and integration and submitted that solidarity is organic and mechanical. The concept organic solidarity refers to integration resulting for division of labour while mechanical solidarity is used to describe the community or society in which all members share the same basic characteristics and consequently feel sympathy for one another.

He argued that the description of mechanical solidarity is apt for the Muslim Ummah and quoted from "A Text Book of Sociology" by O.G. Bου and Nimske, page 87:

"Tusik, mechanically integrated, show the basic characteristics of the ideal folk society: isolation, cultural homogeneity, organisation of the conventional understandings into a single web of inter-related meanings, the predominantly personal character of social relationship, the relative importance of familial institutions and the relative importance of sacred as compared with secular sanctions. Merida, organically integrated, tends to show the opposite characteristics".

The passage deals partly with the social structure and its grouping on culture — pattern basis.

Ibn-e-Khalid discussed at great length group feelings among the tribes for persons of the same descent and bound by the ties of blood relationship and for their clients and allies. The strong feeling is the result of the Desert life which bred, extreme courage, valor and bravery (Muqaddimah English Translation, Vol. I, page
The reason for this is that because of their savagery, the Arabs are the least willing of nations to subordinate themselves to each other as they are rude, proud, ambitious, and eager to be the leader. Their individual aspirations rarely coincide. But when there is religion (among them) through prophecy or sainthood, then they have some restraining influence in themselves. The qualities of haughtiness and jealousy leave them. It is then easy for them to subordinate themselves and to unite (as a social organization). This is achieved by the common religion they now have. It causes rudeness and pride to disappear and exercises a restraining influence on their mutual envy and jealousy. When there is a Prophet or Saint among them, who calls upon them to fulfill the commands of God and rids them of blameworthy qualities and causes them to adopt praiseworthy ones, and who has them concentrate all their strength in order to make the truth prevail, they become fully united (as a social organization) and obtain superiority and royal authority. Besides, no people are as quick (as the Arabs) to accept (religious) truth and right guidance, because their natures have been preserved free from distorted habits and uncontaminated by base character qualities. The only difficulty lies in the quality of savagery, which, however, is easily taken care of and which is ready to admit good (qualities), as it has remained in its first natural state and remote from the ugly customs and bad habits that leave their impress upon the soul. “Every infant is born in the natural state”, as is stated in the tradition that was quoted above.

It cannot be denied that faith is a stronger stimulant towards the achievement of co-operation, fellow feeling, comradeship and ideological cohesion irrespective of colour, ethered, racial, linguistic and cultural barriers. The emotional fervour and t

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emotional fervour and the instinct of attachment to and affinity with the ideological base generates fraternal feeling which it is not difficult to demonstrate from Islamic History. The offensive against Raja Dahir of Sind by the Muslims was the result of appeal for help by some Muslims. Muslim armies despite heavy odds travelled such a long distance to respond to the appeal of a few fellow Muslims.

There is, however, a big difference between a nation of the modern era and a religious Ummah. A nation is a combination of a group of persons but in that combination the main motive and the driving force is self interest. There are a complex of factors and qualities for the combination but self-interest of the individuals and the groups is one of them, rather it is the main criterion. But a religious Ummah is oblivious of such a factor.

The factors which helped the formation and cohesion of the Muslim Ummah are the humanitarian character of Islam, its emphasis on equality of all rich and poor, master and slave, men and women irrespective of distinction of country, colour, race, language or culture, its stress on fraternity and the individual freedoms guaranteed by it.

The armies of Islam were the torch bearers of these qualities and spread the spirit of tolerance and forbearance, love for education and research, though unfortunately in the era of their political weakness. They were the victims of savagery and religious intolerance.

The love of their heritage and the pride for their history are some other factors for their fusion in an Ummah.

All these are factors related to the teachings of religion and the excellence of Islam as a vital force. But the most important factor is the love and respect of the Muslims for the Holy Prophet صلى الله عليه وسلم through whom all these blessings were conferred upon the Ummah. Intensity of this love and respect is demonstrated by the fact that all details of the life of the Prophet صلى الله عليه وسلم are preserved and thousands of books have been written by Muslims on his Seerat (life). The Muslims are bound to obey the Quran as
well as the Sunnah of the Holy Prophet ﷺ and they collected and preserved all incidents of his prophetic life, even the most minor ones. To obey him is to love him but the Love which transcends obedience to him is the emotional and sentimental attachment to the Holy Prophet ﷺ.

The finality of Prophethood is an article of faith with each Muslim on account of the intense love for the Holy Prophet ﷺ and the belief in the finality of Prophethood is the most important element in the integration of the Ummah as Aqsha Iqbal puts it.

The consciousness of affinity in the Ummah and its integrity help in the growth of tenacity which along with emotional fervour in the Ummah creates resistance against all impulses of disintegration. The claims of Prophethood have, therefore, been resisted by the Ummah vigorously to keep the mainstream of the faith pure. As such they have asserted all encroachments on the nexus between Islam and finality of Prophethood.

The Quadianis are not a part of the Muslim Ummah. This is amply proved by their own conduct. In their opinion all the Muslims are unbelievers. They constitute a separate Ummah. The paradox is that they have substituted themselves for the Muslim Ummah and turned the Muslims out of that Ummah. The Muslims consider them beyond the pale of Muslim Ummah and curiously enough they consider the Muslims out of the pale of that Ummah. Clearly the two do not belong to the same Ummah. The question who are members of the Muslim Ummah could be left unsolved because of the absence of forum in British India but in an Islamic State in which there are institutions to determine the issue, this matter does not present any difficulty. The Legislature as well as the Federal Shariat Court are competent to resolve it.

This friction and absolute separation between the Quadianis and the Muslims is borne out by the writings of Mirza Sahib as well as his successors. Mirza Bashiruddin Mahmood in his book Awaare-Khilafat discussed this point in detail and elaborates that and offer the General prayer of their women with non-Ahmadi according to the Quadianis. Mirza Bashiruddin Mahmood met a renowned religious sc Shaikh Yaqoob Ali who opinion the Quadianis were enemies propagated that the disbelievers. He then agreed there was a difference between (world). Whenever a matter Quadianis) should single Khilafat, page 90-93).

In Kalims-ul-Falsaf, Messiah meted out the same which was meted out by Christians. Our prayer was Ahmadis. To give our prayers prohibited. We were funeral prayers. Nothing I associate with them. Their religious and worldly achieved through the source of earthly relation things are absolutely prohob.

In Ameerul Sadat referred to the alleged whoever treated even one false he is in out case (4). He then exorted Ahmadis for their distinctive signs. This, while their opponents during the period of Mirza Sahib, and non-Ahmadi should Mirza Sahib asked "while you conceal the signs and
and they say: the holy life of Imam but the national and faith with the Holy faith is not of the life and its soul without one against falsehood and most to they have Islam and Ulmah. In their institute a constitution Muslims and the they look Ulmah. They would be British constitutions any at all.

In the teachings of Ulmah and this

point in detail and elaborated the reasoning why Quadianis cannot offer prayer behind a non-Ahmadi imam, cannot offer the funeral prayer of non-Ahmadis and cannot marry their women with non-Ahmadis. The basic reason is that according to the Quadianis non-Ahmadis are unbelievers. Mirza Bashiruddin Mahmood wrote an anecdote that he met a renowned religious scholar (I.a) in Lucknow who told Shaikh Yaqoob Ali who accompanied him that in his opinion the Quadianis were broad-minded people but their enemies propagated that they considered the non-Ahmadis as unbelievers. They then advised the Quadianis that there was a difference between Deen (religion) and Dunya (world). Wherever a matter of religion is involved they (Quadianis) should single themselves out. (Anaware Khilafat, page 90-93).

In Kalima-tul-Fasal it is said that the Promised Messiah meted out the same treatment to non-Ahmadis which was meted out by the Holy Prophet ﷺ to the Christians. Our prayers were separated from those of non-Ahmadis. To give our girls in marriage to them was declared prohibited. We were prevented from offering their funeral prayers. Nothing remained there in which we may associate with them. There are four types of relationship religious and worldly. The religious relationship is achieved through the assembly for prayer while the main source of worldly relationship is intermarriage. Both these things are absolutely prohibited for us” (page 169).

In ‘Azeem Sadaqat Mirza Bashiruddin Mahmood referred to the alleged revelation of Mirza Sabih that whoever treated even one word of the promised Messiah as false he is an outcaste (mardood) from the Court of God. He then exhorted Ahmadis that they should not abandon their distinctive signs. They believed in a true Prophet while their opponents did not believe in him. During the period of Mirza Sabih, a proposal was made that Ahmadis and non-Ahmadis should propagate (Islam) together but Mirza Sabih asked “Which Islam you will propagate? Will you conceal the signs and rewards given to you by God?”
There is nothing strange in this approach of Qadianis since it has been a worldwide phenomenon that members of each religion consider the members of any other religion to be infidels, heretics or beyond the pair of their religion. It is the same with Jews, Christians, Magians, Hindus, and others. This is not only true about the religious communities but also the secular ideological groups like communists and socialists.

The principle generally acknowledged by followers or members of ummah (plural of umma) of different Prophets is that whoever does not believe in the Prophet of one ummah is outside that ummah or an outcast to that community. It followed necessarily from the claim of prophethood of Mirza Sahib that whoever did not believe in him or considered him a false prophet or impostor, could not be within the ummah or community of Mirza Sahib known by the name of Ahmadis.

The orders about prayers and marriage are those of Mirza Sahib and not of any successor. Even before his specific claim of prophethood he wrote: "whoever does not follow me is not within our bai't (does not take oath of fealty) or opposes me, consents disobedience to God and his abode is hell" (Tazkiyah pages 342-343, Extract from the letter of Mirza Sahib dated 16th June, 1899 to Babu Habib Zakhsh).

Mirza Sahib stated this instighe for the fact that he had earlier stated that the belief in the promised Messiah was not an article of faith. In Haqeeqat ul Wahi page 179 and 180 he described two categories of disbelief: Firstly in which a person denies the truthfulness of Islam and does not acknowledge the Holy Prophet as Messenger of God; Secondly that in which he does not believe in the promised Messiah and instighe of conclusive arguments treats him to be false although there is injunction of God and His Messenger for believing the contrary which is also repeated in the books of the earlier Prophets. For this reason (by his disobedience in Mirza Sahib) he is an unbeliever because of his denial of the Injunctions of God and His Messenger. If one ponders over this matter it will be clear that both types of unbelief and consequences because Injunctions thereof to Messenger cannot be Messenger. According to the Qur'an even the person who possesses knowledge is called Kafir so for his disobedience in answer to a call of Haqeeqat ul Wahi have invented lies & an unbeliever instigates this unbelief with Mirza Sahib... Because he also does not believe.

Mr. Mujaddrat arguments of Mr. Kha the above concept only upto 1925 and also to that period. He made no mention of Kha. Bakhshuddin Mahan agitations of the Mauwak was not a major kha. Mirza Sahib hence Mirza Sahib blames because he will be Messenger. There is being outside the Mauwak. Mirza Sahib of Kafar (Tazkiyah).

In his letter he wrote that "Go
types of unbelievers are the same (riddled with equal consequences) because a person who despite knowledge of injunctions therefrom fails to believe in God and His Messenger cannot be said to have faith in God and His Messenger. According to the specific verses in the Holy Quran even that person who disbelieves for lack of knowledge is called Kafir (unbeliever) and we also call him so for his disobedience to the dictates of Sharia.”

In answer to a question Mirza Sahib said (at page 353 of Haqueeqatul Wahi) that “if in the opinion of a falsifier I have invested lies against God, I am in that case, not only an unbeliever but a great unbeliever and if I do not invent lies this unbelief will undoubtedly fall on him (falsifier of Mirza Sahib)...... Besides this whoever does not believe in the Adh also does not believe in God and His Messenger.”

Mr. Mujeerber Rehman took exception to these arguments of Mr. Riaz-ul-Hassan Gilani and submitted that the above concept of heresy of non-Ahmadis continued only upto 1923 and all the references to this effect pertained to that period. He submitted that Mirza Bashir Ahmad was not an imam or Khalifa for the Ahmadis; he was only their spokesman. But Mirza Bashiruddin Mahmood had explained before the Muntir Enquiry Report that he had not called the non-Ahmadis as infidels in the sense that they were outside the Muslim ummah meaning that their heresy was not a major kula (heresy). The explanation of Mirza Bashiruddin Mahmood in times of distress when the agitation of the Muslim ummah in Pakistan had reached its peak was no more than retracing of steps as was done by Mirza Sahib himself several times as already explained. Mirza Sahib himself said that such a person is a Kafir because he will be taken not to believe in God and his Messenger. There can be no better proof or such a person being outside the Muslim ummah.

Mirza Sahib called his Muslim opponents as leaders of Kufi (Tazkirah, pages 134, 373).

In his letter to Dr. Abdul Hakeem dated March 1986 he wrote that “God has revealed to me that every one to
whom my message has reached and who does not accept me
is not a Muslim (Tazkirah page 600). Mirza Bashiruddin
Mahmood equated the Ahmadiyya sect of Muslims with Christians.
Shaikh Nur Muhammad asked Mirza Sahib to accept his
resignation from the Jamaat (Jamaatis Ahmadiyya) on
which he replied “tell Shaikh Noor Muhammad that not
only is he dissociated from the Jamaat but he is also
severed from Islam” (Seerat Mahdi, Vol. III page 49).

It is well known that Sir Zafarullah Khan Ex-Foreign
Minister of Pakistan did not offer the funeral prayer of
Quaid-e-Azam. According to ‘Zamindar’ dated 8th of
February, 1950 Maulana Mohammad Ishaq Khateeb of
Jania Mosque Abbottabad asked Sir Zafarullah for the
reason for non-participation in the prayer. He replied that
he considered Quaid-e-Azam to be only a political leader.
He was asked whether he also held the Muslims to be
unbelievers on account of their disbelief in Mirza Sahib,
“although you are a Minister in the Government”, Sir
Zafarullah said you may treat me as a Muslim servant of a
Kafir (heretical) Government or a heretic servant of the
Government of Mussalims.

Mr. Mujeeber Rehman could not contradict the
position taken by Sir Zafarullah. It is, therefore,
established beyond any shadow of doubt that as Sir
Zafarullah Khan put it, either the majority of people living
in Pakistan are unbelievers (Kafir) or the Qadianis are
unbelievers which means that the two shall never meet
and by the members of the same ummah. There is no
meeting point because of the belief of the Muslims in the
finality of prophethood and the contrary belief of the
Qadianis who believe in Peer Sahib as a new Prophet.
The Qadianis have been held to be a threat to the
integration of the Muslim ummah and the torch bearers of
the forces of disintegration by the great luminaries of the
Muslim society who said that “It (the Muslim Umah) is
secured by the idea of the finality of prophethood alone”
(Thoughts and Reflections of Iqbal page 249).

He further said—

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"After all, if the integrity of a community is threatened, the only course open to that community is to defend itself against the forces of disintegration. And what are the ways of self-defence? Controversial writing" and refutation of the claims of the man who is regarded by the parent community as a religious adventurer. Is it then fair to preach toleration to the parent community whose integrity is threatened and to allow the rebellious group to carry on its propaganda with impunity, even when the propaganda is highly abusive?" (Ibid. p. 253).

The loyalty and love of Mirza Sahib for the Imperialist and Colonialist British Government is axiomatic. Almost in each of his books he had devoted at least some pages for extolling the British Government and so was done by his successors. A few examples of such writings are given below:—

(a) Some foolish persons asked whether it will be correct to fight with this Government in Jihad or not. They should remember that this question of theirs is one of extreme stupidity because how can one enter into Jihad against one gratefulness for whose Ehsan (beneficence) is a bounden duty. I speak the truth that to wish ill of one who has been benevolent is the act of a bastard and a scoundrel. So my belief which I have been manifesting again and again is that there are two parts of Islam, one is that they should obey God and the other is that they should obey this Government which assured (us) peace and has given us shelter from the tyrants (Shahadatul Quran published in 1893, page 3).

(b) The wise who on the one hand finds in my writings support for the religion and on the other hand listens to my advice that fulfilled loyalty should be given to this Government and their good and welfare should be wished, cannot mistrust me and why should they do so. It is a
truth that the Muslims are subject to the divine and prophetic order that they should be loyal to the Government to whom they are subject. I have elaborated these religious orders in detail in my books. The Government can now consider the extent to which my father had been a well-wisher of the Government, My brother walked into his footsteps (in its respect) and I am also rendering service (to the Government) through my pen for the last 19 years (Kashful Ghata published in 1898, page 10).

(c) And I have made it clear in the conditions of oath of fidelity (مَاكِلْ شَهَدَة), clause 4, that they should wish well to the British Government, show true compassion for the humanity, refrain from adopting methods of enraging others and show themselves as models of piety, virtuous and free from depravity and evil doing (Kitabul Bariyah published in 1898, page 12).

(d) The Deputy Commissioner ordered that if any trouble is caused to the Ahmadis then all the leaders of the Musalmans shall be expelled from the country under the new law. Such an order cannot emanate except from a person whose sympathies extend to the entire humanity. This fresh treatment was meted out by this Government to your Malabari brothers and whoever shows kindness to one’s brother, shows it to that one. Thus we should be grateful to our Government because the Malabari Ahmadis are our brothers. One of our preachers had gone to Mauritius. The non-Ahmadi decided that he must not be able to deliver his lecture wherever he might wish. He petitioned to the Government for allotment of the Government-hall. The Governor allowed him to deliver his lecture in that hall for 3 days in a week, thus giving half of the week to our preacher and keeping the other half for Rashiduddin Khan.

(e) In Kitabul Barium, the number of the Government reference to had praised the Government in several dozen.

Mr. Riaz-al-Hashmi, few illustrations that Sahib to the British Government and purpose. He made and a part of their own. Jehad for which there was more loyal Ahmadia Movement and was started on blessed protection. The war of independence and disharmony in the new religion out of Islam.

The learned counsel by Miza Sahib as establish his point by Sahib and gave the following:

1. "O Friends! now prohibited is the guide religious war the light of preposterous in Jehad and his belief in 1902, page 41."
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other half for himself. (Anwar-e-Khilafat by Bashiruddin Mahmood Abroad, page 96).

(e) In Kitabul Bara'iyah at pages 7 and 8 are given the names of the books, their dates of publication and the number of pages in which the British Government is extolled by Mirza Sahib. He made reference to 24 books and pamphlets in which he had praised and spoken highly about the British Government. The number of pages amounted to several dozens at least 11 years before his death.

Mr. Riaz-ul-Hasan Gilani argued on the basis of these few illustrations that the unflinching loyalty of Mirza Sahib to the British Government was not without reason and purpose. He made it an article of faith for his followers and a part of their oath of fidelity for him. He also banned Jihad for which there are specific Quranic orders. Mirza Sahib was more loyal than the king himself because the Ahmadia Movement had the Blessings of the Government and was started on their instructions and under their blessed protection. The interest of the Government after the war of independence of 1857 was to cause disintegration and disintegration in the Muslim Ummah and carving out a new religion out of Islam served that purpose.

The learned counsel criticised the abolition of Jihad by Mirza Sahib as opposed to the Quran. In order to establish his point he referred to the writings of Mirza Sahib and gave the following few illustrations:

1. "O Friends give up the idea of Jihad now. It is now prohibited in religion to engage in war and assassination. The Messiah has come now and he is the guide in religion. Now is the end of all religious warfare. Descends from the heavens (swt) the light of God; the verdict of war and Jihad is now preposterous. He is an enemy of God who indulges in Jihad and a denier of the Prophet who entertains his belief in it. (Tuha-e-4-Bolarviya published in 1902, page 41 poem of Mirza Sahib)."
2. It (the breaking of cross) cannot mean that the wooden cross which is hung by the Christians will be broken by the promised Messiah. It points out to another truth which is the same as brought by us. We have declared with full clarity that Jihad is now prohibited. As that (to establish peace) is the function of the promised Messiah so it is his concern to do away with war. For this purpose it was essential for us to give a verdict about the prohibition of Jihad. We, therefore, say that it is prohibited and is an act of worst sin to draw sword or lift weapons now in the name of religion (Mafzuzat Vol. 4, published in 1907, page 18).

3. The Injunction about Jihad is abolished during the time of the promised Messiah (Abreiz 4, published in 1900, page 15)

4. My principal beliefs and instructions for guidance do not contain anything concerning warfare and violence and I believe that with the increase in my followers the number of those who believe in Jihad will decrease because belief in me as Messiah and Mehdi is repudiation of Jihad (Majmua-e-ilsaharat Vol. 3, from 1908 to 1908, page 19).

It is unnecessary to add such citations which are numerous.

Mr. Mujeeb ur Rehman argued that Mitea Sahib was not the only person in the 19th century or the early 20th century to show loyalty to the British Government but a number of Ulama and Intellectuals in the country had written something or the other in the praise of the Imperialist Power.

From the citations given by Mr. Mujeeb ur Rehman it appears that the Ulama had taken various factors into consideration while opposing Jihad.

The main factor was that the Muslims had been subjected but they enjoyed religious freedom and were governed by their personal consideration by some repressive religious law as they did not fight. It means that one of the reasons was the respect to the Sharia.

The matter is.

Mujeeb ur Rehman stated that the principal reason of war in relation to the account of the previous wars is the result of the murder of the Prophet and of the killing of the Prophet. It does not mean that believers shall not perpetrate an end to conditions prevailing abrogated the Quran.

It is also not a short period. The assertion. The Hadjur and Mahomet's adoration on it for the possibility of the appearance of the Messiah.

The matter is not political situation but when the entire people are ruled by the class of Toadies to the Ruling Power. They have been known as Englishmen.

It is clear that history including the unwavering loyalty to that state.

The writings are not without any precedent. The above citation is not necessary. It is not without any precedent. The above citation is not necessary.
mean that the Christians will be brought to a state of clarity that will establish the rule of Messiah so far as war for this purpose. For this reason it may be stated that the principle of putting an end to war in relation to the promised Messiah only means that on account of the preponderance of Islam which will be the result of murder of the anti-Christ, of the breaking of Cross and of the killing of pigs, there shall be no unbelievers in the world. It does not mean that the rule of the unbelievers shall not be resisted. The principle of putting an end to war did not apply at all to the conditions prevailing during the period when Mirza Sahib abrogated the Qur'anic order of Jihad and abolished it.

It is also not correct that he suspended Jihad only for a short period. The citations given above refute this assertion. The Hadith of (Putting an end to Jihad) on the advent of Messiah means the absolute elimination of Jihad. Reliance on it for abolition of Jihad negates the possibility of the order of abolition being of a transitory nature.

The matter has to be looked at in the context of the political situation in the Province of Punjab. It was a time when the entire feudal or Landlord class was known as a class of Toadies who would go to any length to please the Ruling Power. They considered it a matter of pride to be considered an Englishman.

It is clear from the writings of Mirza Sahib that his family including his brother and himself continued their unflinching loyalty for the Britishers.

The writings in which he extolled the Britishers are not without any purpose. One of the purposes is clear from the above citation that the Ahmadiys were under the shelter governed by their personal law. Another factor taken into consideration by some Ulema was that Jihad was not permissible as there was no Imam to lead and no weapons to fight. It means that the impossibility of winning in Jihad was one of the reasons for most of such verdicts.
of the British Government. The other citation about Mauritzion prove that they were the favourites of that Government as notwithstanding opposition by Muslims to the delivery of lectures about Ahmadism by the Ahmadi Preacher, the Government of Mauritius allowed the Government Hall for 3 days in each week to enable the Preacher to preach Ahmadism. The praise of the British Government by Mirza Sahib crossed the limits of even flatery and sycophancy. It is certain to raise doubts in the minds of the public that either he was playing the role assigned to him by that Government to cause disintegration among the Muslim Ummah and to condemn them to perpetual slavery or he was after acquiring benefits from it.

The argument that other Ulema had given similar verdict does not fit in because it is not a stray opinion or stray verdict in favour of the Government but a continuous process of feeding the bait.

It is difficult to treat it as an accident that Mirza Sahib, a claimant of being a Mujaddid, the promised Messiah and Mehdi and a Prophet extolled the British Government and in Iran near about the close of the 13th century and after, Mirza Ali Muhammad Bab, founder of the Babi religion and Hussain Ali (Bahaullah founder of the Bahai religion) had eulogized the Russians. In addition Bahaullah had extolled the English Government also and both of them had abrogated Jihad. Bahaullah in fact decreed abolition of Jihad in the same manner as Mirza Sahib.

At the end of the discussion on this point it would be pertinent to cite the views and reasoning of Allama Muhammad Iqbal—

"Does the idea of Caliphate in Islam embody a religious institution? How were the Indian Muslims, and for the matter of that all Muslims outside the Turkish Empire, related to the Turkish Caliphate? Is India Dar-ul-Harb or Dar-ul-Islam? What is the real meaning of the doctrine of Jihad in Islam? What is the meaning of the expression "From amongst you" in the Quranic verse?"

He summed up at the end:—

"As I have already pointed out, Ahmadism in the matter of doctrine is to furnish a basic political substructure for the establishment of a government in which the masters of the future will be Allah.
the Quranic verse: 'Obey God, obey the Prophet and the masters of the ahl al-Sunnah, i.e. rulers, from amongst you. What is the character of the Traditions of the Prophet? Instructing the advent of Imam Mendi: These questions and some others which arose subsequently were, for obvious reasons, questions for Indian Muslims only. European imperialism, however, which was then rapidly penetrating the world of Islam, was also intimately interested in them. The controversies which these questions created formed a most interesting chapter in the history of Islam in India. The story is a long one and is still waiting for a powerful pen. Muslim politicians whose eyes were mainly fixed on the realities of the situation succeeded in winning over a section of the Ulama to adopt a line of theological argument which as they thought suited the situation; but it was not easy to conquer by mere logic the beliefs which had ruled for centuries the conscience of the masses of Islam in India. In such a situation logic can either proceed on the ground of political expediency or on the lines of a fresh orientation of texts and traditions. In either case the argument will fail to appeal to the masses. To the intensely religious masses of Islam only one thing can make a conclusive appeal, and that is Divine Authority. For an effective eradication of orthodox beliefs it was found necessary to find a revelational basis for a politically suitable orientation of theological doctrines involved in the questions mentioned above. This revelational basis is provided by Ahmadism. And the Ahmadis themselves claim this to be the great service rendered by them to British imperialism.'

He summed up at page 31:

"As I have explained above, the function of Ahmadism in the history of Muslim religious thought is to furnish a revelational basis for India's present political subjugation."
he argued that the very
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Ulul Amm in the very
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For the second point
of the Court to the view
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referred to in the order

(1) Scope and extent of Article 203-D.
(2) The principles of understanding the Quran.
(3) The spirit of the Quran.
(4) The scope of the right to profess and practice the religion.
(5) The right to propagate one’s religion.
(6) The effect of the various covenants between the Quadrans and Muslims before and at the time of creation of Pakistan which ensures for them complete freedom of religion including the right to propagate it.

Mr. Mujeeb Rehman argued upon the scope of Article 203-D in relation to the limitations on the power of the State and the authority conferred upon the Federal Shariat Court. He submitted that according to Quran and the Sunnah there is no obedience to any order involving commission of sin or disobedience of Allah and His Prophet. This is based on the famous tradition:

(There is no obedience in sin) (Bokhari: Khabar-ul-Ekdam, vol. 5, pages 1577, 1578 and 1579, and similar other traditions, relying upon Q. 4:59)

"مَا قَالُواَ الَّذِينَ آمَنُواِ اتَّبَعُواِ اللَّهَ وَاتَّبَعُواِ الرَّسُولَ وَأَوْلَاهُ"(Q. 4:59) O ye who believe! Obey Allah and obey the messenger and those of you who are in authority; and if ye have a dispute concerning any matter, refer it to Allah and the messenger. If ye are (in truth) believers in Allah and the Last Day, that is better and more seemly in the end.

The argument unexceptional-i-
he argued that the verse refers to the dispute between the ruler and the ruled. He submitted that by the expression Ulul Amr in the verse are meant only the persons in authority and not the Ulama or any other religious scholar as held by some of the scholars. He further submitted that the wisdom in Article 203-D is that it has been enforced for the avoidance and resolution of conflict in loyalties to Allah and to others including the State. For the first proposition he cited from several books.

For the second point he particularly drew the attention of the Court to the view in Tarjamanul Quran Vol. I, page 98, that there should be an institution for deciding the dispute referred to in the order (Q. 4: 59)

"فإن تعارضوا في شيء فوده الله والرسول"

(and if you have a dispute concerning any matter; refer it to Allah and the Messenger), and argued that this Court is such an Institution.

It is not necessary to cite from any book on the interpretation of Ulul Amr or to discuss this point since the point raised is unexceptionable and has been held so by this court in case No. S.P. -K-2 of 1982. It was held that by Ulul Amr are meant the persons in authority including the Legislatures, Executive and the Judiciary in the State.

It is laid down in Article 203-D of the Constitution that the function of this Court is to eliminate the discrepancy and repugnance with the Quran and the Sunnah of the Holy Prophet ﷺ from any law over which the Court’s jurisdiction extends. It, therefore, appears to be correct that to the extent of its constitutional jurisdiction the Court is an Institution as contemplated in Tarjamanul Quran, Vol. I, page 98, which can decide a dispute in respect of vices of a law vis-à-vis the Injunctions in the Quran and the Sunnah of the Holy Prophet ﷺ. There is hardly any cavil with this argument of Mr. Mujibur Rehman.

The argument that there is no obedience in sin is also unexceptionable. This Court has already dealt in detail
with this point as well as the scope of legislative power of a Muslim State in the recent judgments on the Press and Publications Ordinance, 1963 (Ordinance XXX of 1963) and the Civil Servants Acts of the Punjab, Sind, NWFP and Baluchistan.

On the second point he argued that what has been declared by the Qur'an and the Sunnah as lawful cannot be made unlawful by the State Authorities and for this one must look at the specific nass (verse). He laid stress on the necessity of ignoring Taqfeed.

This in effect is an indirect challenge to the right of the Parliament to declare the Quadrants non-Muslims. The short answer to this point is that as stated by Allama Muhammad Iqbal, this is a legal question. The Parliament, the Law making authority, there fore, acted within its authority in making the declaration in Article 260 of the Constitution. Allama Muhammad Iqbal said:

"...... the question whether a person or community has ceased to be a member of Islam is, from the point of view, purely legal question and must be decided in view of the structural principles of Islam."

A similar argument as mentioned above was also addressed by Sh. Chias Muhammad, Counsel for the Federal Government. This Court has already decided this point and the scope of its jurisdiction while examining the Provincial Civil Servants Acts. It was held that the Courts jurisdiction is not limited to specific nass of the Qur'an and the Sunnah. The Court can while examining the vire of any law go into the principles laid down by the Qur'an and the Sunnah. The Court also held in the case of Muhammad Riaz et al. Verses Federal Government etc. FLD 1980 FSC I that in public law it was not bound by the doctrine of Taqfeed. This is sufficient to assure the apprehensions of Mr. Mujib Rehman.

Mr. Mulhib Rehman then dealt with the principles of understanding the Qur'an. He submitted that the first principle is that the Qur'an be interpreted in the light of

Quran itself since it deals different ways. The object of subject matter on human matter has been treated at another.

He referred to Quranic:

Q 6:105

"Two do We display unto thee Muhammad that We may make (knowledge).

Q 17:89

နာမည်ခြင်းကို ရှာဖွေရာ ဒေသ သော့သည်ဳအတွက်

Q 17:41

As, "We verily have do Quran that they may in naught save aversio.

Q 18:54

ကြိုးထပ် : ကြွေနာမည်ကို အနောက်

And verily We have Quran all manner of anything contention.

There is no dispute course of argument Mr. Mo
Quran itself, since it deals with each subject matter in different ways. The object of repetition is to engrave the subject matter on human memory; sometimes the subject matter has been treated shortly at one place and elaborated at another.

He referred to Quranic verses:

Q. 6:105

"وَكَذَلِكَ نَصِرَ فِيهِ الْأَيَاتِ وَلَيْفَوْلُواٰ دِرَسَتُ وَلَيْسَ لَهُم مَّلْعَابٌ"

'Thus do We display Our revelations that they may say (unto thee, Muhammad): "Thou hast studied", and that We may make (it) clear for people who have knowledge'.

Q. 17:89

"وَلَقَدْ صَرَفْنَا لَهُمْ فِي هَذَا الْقُرْآنِ مِن كُلِّ مِثْلِ فَأْيَٰ أَكْثَرِ النَّاسِ الاْكْفُوُا"

'And verily We have displayed for mankind in this Quran all kinds of similitudes, but most of mankind refuse aught save disbelief'.

Q. 17:41

"وَلَقَدْ صَرَفْنَا فِي هَذَا الْقُرْآنِ لِيُبَدِّلَ وَمَآ يَضِلُّونَ الاْكْفُوُا"

'Ve have displayed (our warnings) in this Quran that they may take heed, but it increaseth them in naught save aversion'.

Q. 18:54

"وَلَقَدْ صَرَفْنَا هَذَا الْقُرْآنَ لِلاَسْمَانِ مِن كُلِّ مَثْلٍ وَكَانَ الاْسْمَانُ

'And verily We have displayed for mankind in this Quran all manner of similitudes, but man more than anything contention.'

There is no dispute with these principles. During the course of argument Mr. Mujibur Rehman had been drawing
our attention to various verses of the Holy Quran which according to him are not controlled by the reason for revelation and have to be treated as general in scope.

The second principle which he submitted, is that in order to understand a verse it is necessary to find out the reason for its revelation. This is helpful in the understanding of a verse though its meanings are not limited or particularised by the reason of revelation. The generality in the scope of its applicability is not cut down. It includes guiding principles applicable till the day of judgment. He sought support from Al-liqan (Vol. I., about the ninth classification of reasons of revelation, pages 70 to 87).

The third principle is to consult the Sunnah of the Holy Prophet ﷺ if there is no guidance in the Quran. The last principle is that in case no light is thrown by Sunnah the next source to seek guidance for interpretation is the Ansaar (what the Companions of the Holy Prophet ﷺ said). He urged the spirit of the Quran shall be properly understood and kept in view.

On the fourth point which includes freedom of belief and right to practise one’s religion, Mr. Mujibur Rehman submitted that a few questions arise in this connection:

1. Does Islam entitle or allow a non-Muslim to declare the unity of Allah?

2. Does Islam entitle and allow a non-Muslim to acknowledge the Holy Prophet ﷺ as truthful in his claim?

3. Does Islam entitle non-Muslim to acknowledge the Quran as, furnishing a good Nazm-e-Haya (علوم حياة) i.e., way of life and to treat it as worthy of obedience?

4. Is this permissible or not for a non-Muslim to act upon the Injunctions of the Holy Quran if he so likes?

5. If the answer be in the negative where is the Injunction in the Quran and the Sunnah in support of the negation?

(6) What course of action provide for a person who knows there is no such thing as Prophethood of Muhammad the oneness of Allah? Relying upon verses Q. 26:23, Q. 90:10, Q. 10:108, and the commentaries of renowned men, he concluded that according to the Injunctions of Islam, the course of action should be as follows:

(a) There should be no conversion to Islam;

(b) There should be no proselytising for Islam;

(c) No one may be forced into Islam;

(d) No one who does not wish to embrace Islam should be stopped from expressing his opinion.

He also referred to verses Q. 4:19

"Whoso believeth not in God or the Prophet, nor believeth in what hath come down in him from God, nor maintainteth the calling of his Lord, and is not of the believers, God has cursed them and placed them in everlasting torment."
(6) What course of action does the Quran propose or provide for a person who is not considered Muslim nor has any right to be so considered by believers, in the truthfulness of Quran in the Prophethood of Muhammad Rasoolullah ﷺ and the oneness of Allah?

Relying upon verses Q. 2: 256; Q. 8: 29; Q. 10: 99; Q. 10: 108; Q. 26:3; Q. 90: 10; Q. 91: 8; Q. 91: 9; Q. 91: 10 and commentaries of renowned commentators be summed up that according to the Injunctions of Islam,

(a) there should be no compulsion for accepting religion;
(b) there should be no restraint against voluntary conversion to it;
(c) no one may be turned out of his religion by use of force; and
(d) no one who does not want to stick to his religion should be stopped from forsaking it.

He also referred to verses.

Q. 16: 106

'Whoso disbelieveth in Allah after his belief - save him who is forced thereto and whose heart is still content with Faith - but whoso findeth case in disbelief: on them is wrath from Allah. Theirs will be an awful doom.'

Q. 4: 19

'Yabaa' la fuehla 'alaa minhun waa la kula' nasa' ee raba'oo, 'ola taa'oo minhun la amma la mayyoo minhun la aayin ayaa la ismaa haddii aadu dbaa.'
O ye who believe! It is not lawful for you to take any woman as a wife, until you have asked her father’s permission thereto, if he has given them to you without being guilty of any fault; and if he withholds them, then Allah doth give you the right to marry them, only for the good pleasure of Allah. And there is no compulsion in religion. Allah loveth not idolatry, nor loveth unto you the ungodly. If any attract you to hearken to a discourse which ye have heard before, and then follow it not, ye shall be resented at for it. Allah is He Who knoweth all things.

And if thy Lord willed, all who are in the earth would have believed together. Wouldst thou (Muhammad) compel men until they are believers?
Q. 10 : 108
"O mankind! Now hath the Truth from your Lord come unto you. Whosoever is guided, is guided only for the good of his soul; and whosoever erreth, erreth only against itself. And I am not a warder over you."

Q. 26 : 3
"It may be that thou tormentest thyself (O Muhammad) because they believe not."

Q. 28 : 4
"O People! We sent down upon them the sky a potent so that their necks would remain bowed before it."

Q. 90 : 10
"And guide him to the parting of the mountain ways."

Q. 91 : 9
"He is indeed successful who causeth it to grow."

Q. 91 : 10
"And he is indeed a failure who stantheth it."

Q. 18 : 29
"And whoso erreth against his Lord from the earth, his abode will be the fire: and forewarned are the negligent."

Q. 106 : 9
"And every soul is under the power of Allah."

Q. 161 : 1
"The right way. And he that is in Allah's path never break.

Q. 161 : 2
"And he that is in Allah's path never break.
'Say: (It is) the truth from the Lord of your (all). Then whosoever will, let him believe, and whosoever will, let him disbelieve. Lo! We have prepared for disbelievers Fire. Its tent encloseth them. If they ask for showers, they will be showered with water like the molten lead which burneth the faces. Calamitous the drink and ill the resting place.'

Verses Q. 109: 4, Q. 109: 5 and Q. 109: 6 clinch this matter and leave everyone to his religion. It is as follows,:

Q. 109: 4

'فَلَأَتَا عَلَى وَهْبٍ مَا عَدَّلْنَّ '

'And I shall not worship that which ye worship'.

Q. 109: 5

'وَإِلاَّ مَا أُنْتَهْتُ هَبْتُنِئْنِ '

'Nor will ye worship that which I worship'.

Q. 109: 6

'لَكُمْ دَيْنُكُمْ وَلَنِيَ دَيْنُ '

'Unto you your religion, and unto me my religion'.

Commenting on the verse Q. 109: 100 Syed Qutab wrote: "It is said that if Allah wished to compel all mankind He would have done so and have left no one with a discretion to the contrary. But the divine wisdom some of which we know invests mankind with the capacity to do good or commit mischief to be guided or remain misguided. Belief is a matter based on discretion. Even the Holy Prophet cannot compel anyone to accept it because there is no scope for compulsion in matters concerning heart (شِمْنَة) or conscience (Fi-Zilal-il-Quran, part 11, page 189).

The commentary known as Taseer-e-Buhul Rayan by Ismail Haqqi (Vol. 5, page 84) is to the same effect. It is stated that it is not within the wisdom of Allah to base the creation of mankind on be a believer. The div be l bel stated further that who wished that all person verse and suspended it. His will or pleasure a wish this but do you not will (that all person).

The commentary of this verse was abrogated added that the correct because the compulsion this is a matter pertains to Tareeel, Vol. 1, page: Ma'ariful-Quran, Vol. 1, page 158.

The words مَكَانْ عَلَى مَكَان are not set there as a keeper for them) in Q. 6: 107 (Taseerul Mataghi, part 4, page 48. Al-Man Quran, part 7, pages 407-413. Taseerul Kabir by...

In Al-Man the stated and it is said th Allah to acquaint the give good news to the consequences if they d religion of Allah. The he is not a keeper not empowered to inter using compulsion in res il-Quran (commentary involves the formulation.

All commentations on Ikhah or compulsion is
creation of mankind on the principle that everyone should be a believer. The divine principle is that a person may believe or may not believe according to his own liking. It is stated further that when Allah found that His Prophet wished that all persons should believe. He revealed this verse and suspended the belief of his (Prophets’) people on his will or pleasure and said to him your creator does not wish this but do you want to compel on what Allah does not will (that all persons may become believers).

The commentary refers to the view of Al-Kashi that this verse was abrogated by the verse about Jihad, but added that the correct position is that it is not abrogated because the compulsion is matter of faith is not correct as this is a matter pertaining to heart. Also see Madzirik-ul-Tanzeel, Vol. 2, page 38. Al-Man’ar part 11, pages 483-484. Ma’ariful Quran, Vol. 4, page 577, Tafseerul Maraghi, part 11, page 158.


In Al-Man’ar the functions of a Vakeel or keeper are stated and it is said that the Holy Prophet was sent by Allah to acquaint the people or teach them the religion or give good news to them or inform them about adverse consequences if they do not believe and thus establish the religion of Allah. These are the functions of the Prophet but he is not a keeper over them from the Creator. He was not empowered to interfere with his people to the extent of using compulsion in respect of belief. According to Fii-Zilalil-Quran (commentary by Syed Qutab Shahr) the verse involves the formulation of the ‘Ummah.

All commentators have dealt with the principle of Ikhrah or compulsion in religion. See Al-Mugham, part 8.
that it is not restricted creating conditions under which or practice one’s

The first four quantities that we have to answer—Constitutional, legal, non-Muslim to declare the Holy Prophet acknowledge the Quran and to act upon its injunctions arise in view of the affinities. A clear answer to the Muslim’s question is to be dealt with subject to the conditions imposed which shall be considerably

The four priciples Rehman in regard to is unexceptionable because it is the same as done by Mr. Mijib, the principle is that one may use the force. He added we have been turned impugned Ordinance to their religion.

It was argued that calling themselves Muslimeen and turning them out of the path of Islam, We have also have reached the conclusion that the Ordinance, therefore, themselves what they must deicide anybody passing off as Muslim is Sahib and the Qulbati Group have to calling them non-Muslim and by substituting

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According to Al-Mughani one view is that mere threat may amount to Ikhraj. According to Al-Manaar, Vol. 3, page 16, belief is the real religion. It is obtainable by satisfaction of mind. It is not possible that satisfaction of mind may be obtained by compulsion. The only course for achieving is that of arguments and reasons.

The important point (see Al-Manaar, Vol. 9, page 665) is that is not permissible to compel a person to give up his belief. The right not to be compelled is treated a fundamental right. (Fizilal-Il-Quran, Vol. 3, pages 26-28).

Reliance was placed for interpretation of Q. 18 : 29 on Al-Maraghi, part 12, page 153, Fizilal-Il-Quran, part 15, page 95, Tafsir-e-Mutalzahi, Vol. 6, page 10, Tafseer-e-Mutal Quran, Vol. 3, page 23). It is clear from this verse that gives an option to each man to accept a belief or not.

The sum and substance of all the arguments based on these verses is that there is no compulsion in matter of religion and this is not the scheme of Allah that all persons should believe. The Holy Prophet (n.w.) was seen only for the purpose of making His message known, it was never intended that he should compel people to accept Islam. There is nothing in the Quran and the Sunnah which may permit placing of restrictions upon non-believers against believing in the unity of God, the truthfulness of the message, and reason of the Holy Prophet (n.w.) the message of the Quran or making the Quran their grund norm. Similarly it is not lawful to turn a person by force out of the religion he wishes to stick to. He added that the Ordinance amounts to turning the Quadrant by force out of the religion of Islam to which they would like to stick. In this connection the meaning of the word Ikhraj was also commented upon
that it is not restricted to use of force only but extends to creating conditions under which it may not be conducive to profess or practice one's religion.

The first four questions posed by Mr. Mujibur Rehman have to be answered in the affirmative. There is no bar-Constitutional, legal or Sharia against the right of a non-Muslim to declare the unity of Allah, to acknowledge the Holy Prophet as truthful in his claim, to acknowledge the Quran as furnishing a good way of life and to act upon its injunctions. The 8th question does not arise in view of the affirmative answer of the 4th question. A clear answer to the 6th question is that such a non-Muslim is to be dealt with like other minorities, subject to the conditions imposed by the Quran and the Sunnah which shall be considered at the appropriate place.

The four principles formulated by Mr. Mujibur Rehman in regard to I'krah (force) (compulsion) are also unexceptionable but the application of the third principle as done by Mr. Mujibur Rehman is not correct. The third principle is that no one may be turned out of his religion by use of force. He adds to this in the written arguments "as we have been turned out". There is nothing in the impugned Ordinance that they have been turned out from their religion.

It was argued that to restrain the Ahmadis from calling themselves Muslims or plying as such amounts to turning them out of their religion which according to them is Islam. We have already considered this question and have reached the conclusion that the Ahmadis of either persuasion are not Muslims but are non-Muslims. The Ordinance, therefore, restrains them from calling themselves what they are not since they cannot be allowed to deceive anybody specially the Muslim Ummah by passing off as Muslims. It has already been noticed that Mirza Sahib and the Quadrians other than belonging to the Lahore Group have turned the faba upon the Muslims by calling them non-Muslims and beyond the pale of Islam and by substituting them as the Muslim Ummah for a
community in which love and reverence of the Quran is supreme. This cannot be tolerated and non-Muslims cannot be allowed to encroach upon the rights and privileges of the Muslim community to the utter disintegration of the Ummah. Moreover this does not affect the rights of the quadians to profess their faith in Mirza Sahib whether as a Prophet or as a Muajjed, Promised Messiah or Promised Messiah nor does it interfere with their right to practice their religion or to worship in their place of worship according to its dictates.

The Muslim Sharia affords a full protection to the practice of religion by the non-Muslims as well as to its profession. This claim is supported from the verses of the Holy Quran reproduced above and the interpretation of the same by the commentators. It is for this reason that the Holy Prophet (P.B.U.H) and his worthy successors agreed to the best terms in rotation in connection with the freedom of religion to the Polytheists and non-Muslims whether at war with Muslims or not.

The first step in this direction which was taken by the Prophet (P.B.U.H) was the written Covenant with the Jews, Christians and other non-Muslims of Medina. The first article of this Covenant establishes in the language of Dr. Muhammad Hamidullah that “all those who were parties to the agreement were considered to be as one Ummah (community).” This was clearly an attempt to make a political nation which could assist Muslims as well as non-Muslims.

In Article 26 of the Covenant it is stated that the Jews of Bani Aus are an Ummah with the Muslims which means that they formed a political unit on the basis of political alliance. The parties to the agreement who consisted in rotation of Muslim Ummah agreed by the Covenant to be moulded into a political Ummah which was given the name of (Raza e Ahsana) (a united political entity).

After the formation of the Covenant, the article provided in Article 26 described their respective rights and privileges of the Muslim community to the utter disintegration of the Ummah. Moreover this does not affect the rights of the quadians to profess their faith in Mirza Sahib, whether as a Prophet or as a Muajjed, Promised Messiah or Promised Messiah nor does it interfere with their right to practice their religion or to worship in their place of worship according to its dictates.

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After the formation of (المولودة من دون الأنس) were described their respective rights and obligations in which it is implied that each one had the right to profess and practise his religion. This was, however, specifically provided in Article 26 that the Jews shall follow their religion and the Muslims shall follow their. (See Ibn-e-Hisam, Urdu Translation, Vol. 1, page 554).

In Al-Haroon Albramakah by Umar Abunnsar (Urdu Translation by Shaikh Muhammad Ahmad Panj Piri at pages 278-279) it is stated that in the time of Haroonur Rashid their is not one example of prejudice or intolerance in Syria, Egypt and Rome Christians had a general permission to construct Churches to worship in them and to take out the procession of the Cross. The Jews had complete, right to worship in their Synagogues. Fire worshippers could keep their fire burning without any restriction and could worship fire. In Sind there was no restriction on the Hindus to worship in Temple or bowing before their idols.

In short there was no compulsion in matter of religions.

In his book Tariikh Al-Tamaddan Al-Islami, Jarii Zaidan Editor of Al-Hilal of Egypt writes (Vol. 3 page 194) that one of the reasons of the hurried progress of the Mussalmans in the educational field was that the Caliphs of Islam had great regard for the Scholars of each nation and each religion and rewarded them generously. They never thought about their religion, lineage or race. Among them were people belonging to every religion i.e., Christian, Jews, Sabians, Samaritans and fire-worshippers. The Caliphs treated them with utmost respect and regard. The non-Muslims had the same freedom and status which the Muslims' Ameers and officers enjoyed.

At page 282 is given an example of the treatment of Haroonur Rashid and the tolerance shown by him towards the Christians. It is stated that "this tolerance was so strong that once being desperate of the successive breaches of promises of the Roman Caeser and the depredations at the border, lie asked the Chief Justice. Imam Abu Yousaf, why the Churches of the Christians in the Islamic realm were
protected and who allowed them to take out processions of the Cross in the cities. Imam Abu Younas douringly replied
that during the reign of Hazrat Umar after conquest of Roman Provinces, it was given in writing to the Christians
that their Churches shall be protected and they had full
right to practice their religion and to take out the Cross.
Now it was not within the power of any one to abrogate
this order.

It is well-known that Hazrat Umar refused to
distribute the conquered land in possession of the Zimmis,
protected subjects; among the Muslim conquerors,
notwithstanding their demand to the contrary. The
covention of amnesty given by Hazrat Umar to the residents
of the Baitual Maqdas as a historical document, the relevant
portions of which are as follows:

"This amnesty is granted by Amirul Momineen, the
slave of Allah to the people of Elia (אֵל). This amnesty
covers their lives, property. Church, Cross, the
healthy and the sick and all people of their religion.
Their Churches shall not be inhabited nor shall be
demolished, nor their Crosses or properties shall be
diminished. There will be no compulsion on them in
the matter of religion". (Tatikhe Tabri Vol. II Urdu
translation by Syed Muhammad Ibrhim page 501;
Covenant 357 pages 304, 303 of Siasi Wasiqa Jat by Dr.
Muhammad Hamidullah; Al-Farwoq by Shibli
Numani Vol. II page 149).

Huzifa Bin-Ilyaman gave a writing to the people of
Madinar that their religion will not be changed and there
will be no interference in their religious matters. (Tatikhe
Tabri page 155).

On the occasion of the conquest of Jaryan it was
stipulated in a contract that amnesty was given to their
lives, property, religion and none of these things shall be
changed (ibid page 155).

In the amnesty granted by the Holy Prophet (ص) to the
residents of Maqna, Hunain and Khyber it is stated that he

had come to know through these groups had returned to
"There is amnesty for them.
Not only there is amnesty
religion, property, slave and
all these things you are under
His Prophet (ص). Besides
concessions are granted to

1. Exemption from pa
2. .................................................................
3. .................................................................
4. Exemption from f
5. Exemption from m
6. Exemption from m
7 to 8. .............................................................
9. Allowed to go out
10. You can fight any
light you will be
subject to retal
enemy.

11 to 17. ............................................................
18. There will be no
dead bodies.
19. It is incumbent
and all the Mo
nobles.
20 to 23. ..........................................................
22. It is not permit
become a Muslim
23 to 24. .........................................................
had come to know through a divine revelation that these three groups had returned to their houses. Let them return. "There is amnesty for them from Allah and His Prophet ﷺ. Not only is amnesty for your lives but also your religion, property, slave and everything that you own. In all these things you are under the protection of Allah and His Prophet ﷺ. Besides these the following other concessions are granted to them:

1. Exemption from payment of Jazia.
2. Exemption from.Exemption from.
3. Exemption from forced labours.
4. Exemption from participating in Military Manoeuvres.
5. Exemption from forcing them to vacate their houses for Military exigencies.

7 to 8. Exemption from...

9. Allowed to go out armed.
10. You can fight anyone who attacks you and in such fight you will not be forced to pay the Diya or be subject to retaliation for the murder of your enemy.

11 to 17. Exemption from... ...

18. There will be no restriction on your taking your dead bodies.
19. It is incumbent upon the family of the Prophet and all the Muslims to have full regard for your nobles.

20 to 21. Exemption from...

22. It is not permissible in Islam to force a man to become a Muslim.

23 to 26. Exemption from...
27. Whoever reads or listens to the subject of this letter and proposes alteration in it or opposes it is subject to condemnation from Allah, His Angels and the entire World. I shall be his enemy (on the day of judgment).

(Siassi Wasiqil Covenant 34 pages 51 to 62).

Covenant No. 94 (ibid pages 96 to 98) is a covenant between the Prophet ﷺ and the Christians of Najran. It contains most liberal conditions. The relevant conditions about religion are in Articles 88 and 9. The Prophet ﷺ made himself responsible for the freedom of their religion and for their softnesses and religious leaders who lived in seclusion.

The covenant with Zaid bin Haris and other Christians of his community provided `inter alia` for the complete freedom in matters of belief and practice of religion which was undertaken by the Holy Prophet ﷺ (Article 8) and “the protection of their Churches, places of worship, seclusionary places for rest of travelers whether in hills or plains or in dark caves or whether they are surrounded by populous places or are situated in the valleys or deserts” (Covenant No. 95 ibid page 109). “No Christian can be compelled to become a Muslim” (Article 23), “In religious discourse they should be treated well” (Article 24).

The Order of the Prophet ﷺ for the relatives of Salman Farisi, who were fire-worshippers (ibid page 351), granted similarly null protection in respect of their religion. (Article 8), “the restoration of their places of worship, their income and the freedom of their expansion and development (Article 4 ibid pages 334 and 335). “If a Christian is the wife of a Muslim she should be free to practice her religion and to consult her religious scholars on matter (concerning Christian wife from the opponent of this event he is also a liar” (Article 4).

During his Caliphate the people facilities and concessions offered were given to the Prophet and gave concessions about the protection of their worship, of the people of Najran (ibid 114, 115).

Sections 208 and 209 by Dr. Muhammad Ham.

“(208) The famous Al-Ma'ani: Muslims and non-Muslims show respect to each other; and just are respected in their deaths. (209) In the Quran or the Hadith (tafshih) they can’t be.

In section 100 of the Muslim law distinction between Muslims and non-Muslims is recognized; and many respect the latter from the surplus protection they get. Muslims male in female rate of 2/3:1/3 on the Dibans (or about L) context. Whereas if the case is that they are paid compensation with their compensation military so their cases are paid in accordance with their economic status.”
on matter (concerning religion). Whoever restrains his Christian wife from the practice of her religion is an opponent of this covenant from Allah and his Prophet and he is also a hara" (Article 35).

During his Caliphate Hazrat Umar gave a new amnesty to the people of Najran. He maintained all the facilities and concessions given to them by the Holy Prophet and gave them some additional specific concessions about the protection, inter alia, of the manner of their worship, of their clergy men and hermits (Covenant No. 98 ibid 114, 125).

Sections 208 and 209 of the Muslim Conduct of State by Dr. Muhammad Hamidullah are as follows:

"(208) The famous compendium of Hanefite law, i.e., al-bahr al-Ra'iq, is explicit that the graveyards of non-Muslims should be respected as much as those of Muslims; and just as their life, property and honour are respected in their life, so also their bones after their death. (209) Both Abu Hanishah and Ash-Shafi'i agree that if non-Muslims wish to study the Holy Quran or the Hadith of the Prophet, or the Muslim law (fiqh), they cannot be prevented from that."

In section 200 of the book it is stated:

"Muslim law has maintained a considerable distinction between Muslim, and non-Muslim subjects. In many respects the latter are better off. They are exempt from the surplus property tax (Zakat) which all the Muslims male or female, young or old, pay every year at the rate of 2 1/2% on their savings above the minimum of 200 Dhimmi (or about 1.2 — 10). They are also exempt from conscription, whereas all Muslims are subject to compulsory military service. They enjoy a sort of autonomy, their cases are adjudicated by their co-religionists in accordance with their personal law. Their life and property is protected by the Muslim State even as those of the Muslim subjects."
In Tareekh-i-Afkar-i-Siyasat (تاريخ أفكار سياسة) Abdul Waheed Khan writes at page 181 about the religious tolerance of Muslims:

"Almost in every age religious tolerance has been a distinctive feature of the Muslim State. There are instances when some times religious restrictions on the Muslims were imposed by the Government and many a time Muslims had to suffer desperately when they were made to account for their religious beliefs (which may be in variance with the belief of the monarch). But the history is unable to furnish any example of the equality of treatment afforded to and the liberty in matters of religion enjoyed by non-Muslims as a subject of a Muslim State."

He writes that in Islamic States there was complete religious liberty and members of different religions used to practise their religion in their own manners (according to their conscience). It was the duty of the Government to protect their places of worship. Some instances of oppressions suffered by Zimmis can be traced down to the time of Mutawwaqil Allah but one reason for that was at that time non-Muslims had started conspiring against the established Government, and such conspiracies were held in their places of worship. It was for this reason that their movements had to be restricted and their dresses had to be prescribed by the Government. Otherwise Mutawwaqil Allah personally was absolutely an anorthodox person and was a supporter of religious tolerance.

He further writes that Abbasii Government went so far in religious tolerance that the followers of Maaari who could not have any asylum in Iran although it was their own country (homeland), were permitted to propagate their ideas in Baghdad. Similarly the learned people of India, Jews and Christian Missionaries used to propagate their religion in Islamic Countries without any restriction. During the Rule of Banu Unmayyaa the non-Muslims were appointed to high offices of the State but during the period of Banu Abbas a non-Muslim was appointed a Prime Minister. The Prime Minster Marwan was a Christian.

Abdul Rahim in his book (page 351) from Baddul Mukhtar, the non-Muslims and within the prohibited deen, the Court will strike a blow against him for his maintaining the law. Monday, the non-Muslim, and will be a damage. Similarly, after a Magian subject to within the prohibited deen, and the Court will strike a blow against him for his maintaining the law. Monday, the non-Muslim, and will be a damage. Similarly, after a Magian subject to within the prohibited deen, and the Court will strike a blow against him for his maintaining the law. Monday, the non-Muslim, and will be a damage. Similarly, after a Magian subject to within the prohibited deen, and the Court will strike a blow against him for his maintaining the law. Monday, the non-Muslim, and will be a damage. Similarly, after a Magian subject to within the prohibited deen, and the Court will strike a blow against him for his maintaining the law. Monday, the non-Muslim, and will be a damage. Similarly, after a Magian subject to within the prohibited deen, and the Court will strike a blow against him for his maintaining the law.
Minister. The Prime Minister of Muhottomim i.e. Fazal bin Marwan was a Christian and during his tenure the entire management of Balut Hikmat in which the books of different subjects were translated was in the hands of non-Muslims. The importance obtained by Ibrarul family in the Court of Banu Abbas is a famous historical event.

Abdul Rahim in Muhammadan Jurisprudence (reprint 1958) refers at page 253 to a tradition of the Holy Prophet from Raddul Mukhtar. (Vol. III, page 319-20) 'Leave alone the non-Muslims and whatever they believe in'. It is on this principle that according to him Stafet verdict is that Muhammadan law will abstain from interfering with a non-Muslim drinking alcohol while 'in Abu Hanifa’s opinion, the law will also uphold the sale of wine by a non-Muslim, and will hold a person who destroys it liable to damage. Similarly, according to him the law will not interfere with a Magian subject of the Muslim State marrying a person within the prohibited degrees of relationship as reckoned in Islam, and the Court will, if called by the wife, pass a decree against him for her maintenance.'

In his book ‘Islami Riyasat’ Mautana Masoodi stated that:

‘Zimmis are of two types. Firstly those who while achieving the guarantee from the Muslim State entered into a contract with it and secondly those who obtained the guarantee without such contract. The first type of Zimmis will be governed by the terms of the contract. So far as the second kind of Zimmis is concerned, it is clearly implied that we shall safeguard their lives, property and honour in the same manner as we protect our own lives, property or honour. The price of their blood will be the same as the price of the blood of Muslims. They will have perfect liberty to profess and practise their religion. Their places of worship will be immune. They will have a right to arrange for their religious education and the Islamic education will not be thrust upon them.’ (page 523).
It is clear from the Verses of the Holy Quran, the covenants of the Holy Prophet and his successors and the conduct of the other Muslim Caliphs in history that the non-Muslims enjoyed such concessions in those days which have not been provided by the Colonialists to their subjects in some countries till recently. In fact, such rights have not been provided by many states to their citizens. In respect of practising and professing off their religion the non-Muslims enjoyed full freedom and the right to profess and practise the religion was treated as virtually a fundamental human right.

Islam teaches absolute tolerance in matters of religion and leaves it to the conscience of a man to accept the religion of Islam. No compulsion in this respect is allowed in Islam. A person may believe or may not believe. Even the Holy Prophet, سید Muhammad, was not empowered to interfere with his belief except that his function was to take the message to him and explain the same, and give good news of paradise if he believed and to give bad news of hell if he disbeliefed, (the last is his function in his capacity as سید Muhammad-Nazir).

All these arguments are however hardly relevant since the impinged law does not force the Quadisians to change their belief and to be converted to Islam.

Faced with this situation Mr. Muzeeb Rehman complained that the Quadisians are restrained from professing Islam as their religion and have been deprived of the right to call Azam which is a part of the religion and to call their places of worship as Masjid. But they are neither Muslims nor are these matters covered by the principle of Ijma or force or threat to which these verses apply. The verses apply to conversion to Islam from an other religion.

Mr. Muzeeb Rehman discussed the binding nature of Covenants according to the Holy Quran and the Sunnah. It is not necessary to deal with these arguments since the Injunctions of (و الذي من غير الموالدين) (و الذي من غير الموالدين) (履行你的契约 and (履行你的契约) leave no doubt about the correctness of this proposition. The bald statement of All Daudiya in which he said that polytheists of Makkah, in the Muslims, he would be instances in which he tortured by the Makkans, they were ordered by the Islamic obligations to the stop.

Mr. Muzeeb Rehman establishment of Pakistan between Quaid-i-Azam declaration of Quaid-i-Azam Pakistan of Muslim and interalia of professing amounted to an implied included or implied in Country up to 1973. The of all citizens of Pakistan their religions and up Quadisians non-Muslims.

No covenant here Azam was known to Muslims nor the establishment of Pakis-Quadis. No reliance was of 1956, 1962 and the of Quadisians were declared amendment which was the result of verses of Quadisians non-Muslims.

In order to un enforcement of this O consider the effect of the by which the Quaid view put forth with the said that the Constitution non-Muslims but did r
of this proposition. The best instance of this is of the treaty of Hudaybiya in which one of the conditions agreed upon by both parties was that if any Muslim who was with the polytheists of Mecca went without their permission in the Muslims, be would be returned to the Makkanas. There were instances in which Muslims who were maltreated and tortured by the Makkanas escaped and reached Medina but they were ordered by the Holy Prophet to return because of his obligations to the stipulations in the treaty.

Mr. Mujeeb Rehman argued that at the time of the establishment of Pakistan there was virtually a Covenant between Quaid-i-Azam and the Ahlu-Sunnah and the declaration of Quaid-i-Azam about the complete equality in Pakistan of Muslim and non-Muslims and their freedom to profess and practice their religion amounted to an implied contract of warranty, which were included or implied in different Constitutions of the Country up to 1973. The Constitutions guaranteed the right of all citizens of Pakistan to profess, practice and propagate their religions and up to 1974 they did not declare the Quanidis non-Muslims.

No covenant between the Quanidis and Quaid-e-Azam was known to us that they shall be treated as Muslims nor this question arose at the time of establishment of Pakistan or during the life time of Quaid-e-Azam. No reliance can be placed upon the Constitutions of 1956, 1962 and the original Constitution of 1973 since the Quanidis were declared non-Muslims by a Constitutional amendment which was unanimously passed and which was the result of series of agitations by Muslims. It declared the Quanidis non-Muslims.

In order to understand the necessity for the enforcement of this Ordinance it would be necessary to consider the effect of the Constitutional amendment of 1974 by which the Quanidis were declared non-Muslims. The view put forth with vehemence by Mr. Mujeeb Rehman was that the Constitution merely declared the Quanidis as non-Muslims but did not impose any liability upon them to
treat themselves as non-Muslims. We posed a question to him whether the Constitution was binding upon the Quaddiani citizens of Pakistan or not. He agreed that it was binding upon them. It would follow from this concession that the Quaddians are bound by the declaration that according to the Constitution and the law they are non-Muslims. They can be candidates in elections to the National and the Provincial Assemblies for seats reserved for non-Muslims. It suits involving question of their faith they must call themselves non-Muslims. No legal right can be claimed by them on the assumption of their being Muslims. Their insistence on calling themselves Muslims while arguing this petition is clearly unconstitutional.

Article 260 (3) declares the Quaddians as non-Muslims for the purpose of the Constitution and the law. Article 20 guarantees to the citizens of Pakistan the right to profess their religion. This Article is no doubt subject to the other provisions of the Constitution. This point was in fact conceded by Mr. Mujibur Rehman. Read with Article 260(3) of the Constitution, the above provision of Article 20 will mean that the Quaddians can profess that they believe in the unity of Allah and/or the prophethood of Mirza Sahib, but they cannot profess themselves to be Muslims or their faith to be Islam. Inadvertently in the short order certain observations have crept in, but the position has been fully explained in this comprehensive judgment. It is not, therefore, correct to urge that the Constitution does not oblige them to call themselves non-Muslims.

The whole difficulty in this case arose because of the conduct of the Quaddians that despite their obligation not to call themselves Muslims or their faith as Islam they persisted in calling themselves Muslims and carrying on their propaganda and preaching in the name of Islam. They should have refrained from directly or indirectly postling as Muslims but they obstinately persevered in trying the patience of the Muslim Ummah by acting contrarily.

One of the reasons for banning the use of epithets which are exclusive for the companions of the Prophet (P), his wives and the member the Quaddians indirectly by Ummul Mumineen (M), Mumineen, Khalifatul Muslimeen (all denoting Head or Chief of the words Mumineen (M) deceive the people that the themselves Muslims. The used in the Quran a form of the Holy Prophet (P) words 'Sahabi' and abl-e-the companions and men Propekt respectively all of The use of such terms is members of the family Quaddians are posing as M it is that in the view of the expressions by the Qua members of the family Mirza Sahib amounts to do.

Similarly calling of for the place of worship person calling 'Azan' or the persons congregating is being Muslims.

The provisions ban expressions in imply provision and a consequent Ordinance of the pros attribute or pose to be indirectly.

The ban on pro this similar considerations.

The Quaddians achieve members of the Muslim, because of their strategy assuring them that eventual renunciation of Islam.
his wives and the members of his family is that by their use the Quadianis indirectly pose as Muslims. The expressions Umul Mumineen (mother of the Muslims) Ameer ul Mumineen, Khalifatul Muslimeen, Khalifat ul Mumineen (all denoting Head or Chief of the Muslim Ummah) include the words Mumineen (Muslims) or Muslimum which may deceive the people that the bearers of such names are or call themselves Muslims. The expression ‘Razi allah anho’ is used in the Quran as a form of blessing for the companions of the Holy Prophet ﷺ or at most for the Muslims. The words ‘Sahabi’ and ahil-e-bait are used by the Muslims for the companions and members of the family of the holy Prophet respectively all of whom were the best of Muslims.

The use of such terms in respect of the companions or members of the family of Mirza Sahib means that the Quadianis are posing as Muslims. The other point no doubt is that in the view of the Muslims the use of such sacred expressions by the Quadianis in respect of the wife, members of the family, companions and successors of Mirza Sahib amounts to defiling them.

Similarly calling of Azan and the naming of Masjid for the place of worship is considered as sure sign of the person calling ‘Azan’ or of the persons calling ‘Azan’ or of the persons congregating or praying in the mosque (Masjid) as being Muslims.

The provisions banning the use of these epithets and expressions is in implementation of the Constitutional provision and a consequence of the reiteration in this Ordinance of the principle that Quadianis cannot call themselves or pose to be Muslims in any manner directly or indirectly.

The ban on preaching of religion is motivated by similar considerations.

The Quadianis achieved some little success among members of the Muslim Ummah mainly in the Punjab because of their strategy of calling themselves Muslims and assuring them that acceptance of Ahmadism did not mean relinquishment of Islam or conversion from belief to
unbelief but gave them an option to become better Muslims. For this purpose they touch the usual chord of the educated Muslims’ distaste for the intense sectarianism and persistent rigidity of the Ulema and tend to draw them towards what they preach to be liberalism in Islam. This strategy which paid some little bonus bears strong resemblance to the passing off by a trader of his inferior goods as the superior well known goods of a reputed firm. Let the Quadianis accept that their preaching is for conversion to a religion other than Islam even the unwary among the Muslims may be loose to change his belief for unbelief. On the other hand Quadianis may have feeling of disenchantment about Ahmadism.

We are in agreement with Professor Tahir ul Qadri that if the Quadianis had taken steps to implement the Constitutional provisions the promulgation of this Ordinance might not have been required. This is one reason why the propagation of the religion had to be banned.

Another important reason was that the Quadianis by posing themselves as Muslims try to propagate their religion to every Muslim they come across. They outrage his feelings by calling Mirza Sahib a Prophet because every Muslim believes in the finality of prophethood of Muhammad ﷺ. This creates a feeling of resentment and hostility among the Muslims which gives rise to law and order problem. His claim of being a Promised Messiah and Mehdi was also resented. This is not a mere claim. It would be clear from the history of Quadianism - in fact from the books of Mirza Sahib himself - that he had to face considerable hostility at the hands of not only the Ulema but also of the general body of Muslims. His writings are therefore couched in the most un-complementary and abusive language for his opponents. There were events when there were mass protests. See for instance Hayat Tayyiba by Abdul Qadir pages 121, 126, 140. Most of the writings of Mirza Sahib are full of imprecations and abuses for his opponents. He also mentioned the hostility of the Muslims generally to him. (See Hammamat

ul Bushra, page 33; Izala-i-Hammamat ul Bushra, he writes:

“It is this claim on the part of the Muslims’ quarrel with the apostate (فرانک). They had no reverence to one who was called (کوفہ). They said that he was an imposter (کوفہ). But they would have been satisfied.

Some events caused such earthquakes by calling earthquakes by name. According to the enumeration of Mehdi, there were five such events:

(i) The first tremor was the birth of a daughter to Mirza Sahib about during the same period.

(ii) The second tremor was born to a woman during the same period.

(iii) The third one which was born in India was the coming of Messiah and Mehdi.

(iv) The fourth tremor was the fulfillment of the prophecy.

(v) The fifth was that which was born in Britain and also of a fatal disease which was taken by Mirza Sahib for being taken by God (Seer-ul-Mehdi, N.

This enumeration is being made by Mirza Sahib.
ul Bushra, page 33; Iqala-i-Ahram, page II). At page 35 of Hammanat ul Bushra, he wrote:

“It is this claim on which my people (non Ahmadi Muslims) quarrel with me and consider me an apostate (]). They talked loudly and did not pay reverence to one who receives inspiration from Allah (]). They said that he is a renegade, liar and an imposter (]). But for their fear of the sword of the rulers they would have murdered me.”

Some events caused such a tremor and shock that they were called earthquakes by the followers of Mirza Sahib. According to the enumeration of the compiler of Seerat-ul-Mehdi, there were five such earthquakes.

(i) The first tremor which shook Ahmadism was the birth of a daughter in 1886 after the prediction by Mirza Sahib about the birth of the promised son during the same pregnancy.

(ii) The second tremor was caused by the death of the son who was born after the daughter.

(iii) The third one which staggered the Muslims of India was the claim of being the Promised Messiah and Mehdi.

(iv) The fourth tremor was caused by the non-fulfilment of the prediction about the death of Aham.

(v) The fifth was the one caused by the death of Mirza Sahib (much before Molvi Sanaullah and also of a fatal disease which was said to be Cholera, a death which according to the principle enunciated by Mirza Sahib was reserved for those who are forsaken by God and who invent lies against Him). (Seerat-ul-Mehdi, No. 113 pages 86 to 90).

This enumeration is based on a prediction said to have been made by Mirza Sahib about five earthquakes. But if
each of these events be treated to be an earthquake within the meaning of that prediction, the enumeration is decidedly incomplete. The riducile faced by Mirza Sahib over his failure to marry Mohammad Begum was seismologically of much longer duration and of successive tremors. Similarly the opposition and hostility faced by Mirza Sahib on his claim of prophethood had been such that its intensity is undiminished till today. The first, second, fourth, fifth earthquake and the episode of Mohammad Begum made Mirza Sahib the object of ridicule derision and banter for the Muslims, Christians and Hindus alike. The claim of being the Promised Messiah and Mehdi in 1991 and of being a Prophet or the manifestation of the Holy Prophet engendered lasting hostility, indignation, condemnation and execrations among the Muslim masses, religious scholars and intelligent alike (see Seerat-ul-Mehdi Vol. 1 pages 86 to 90; Vol. 2, pages 44, 64, 87, Vol. 3, page 94).

This is a picture of the recurring extreme exasperations of the Muslims in his lifetime. After the creation of Pakistan the imposition of Martial law of 1953, the setting up of Muneer Committee, the Constitutional Amendment of 1974 all prove the extreme agitation, chagrin, tension and mortification of the Muslims. Section 298C of the Pakistan Penal Code prohibits the outraging, of the feelings of the Muslims which furnishes proof of the restlessness and anger of the Muslims on matters ultimately prohibited by the Ordinance.

The expressions Ummul Momineen, Ahe-Brut, Sahabi, Ameerul Momineen, Khalifat-ul-Momineen and Khalifat-ul-Muslimeen were exclusively used by the Muslims for the family of the Prophet for the wives of the Prophet, for the companions of the Prophet and for those rightful Caliphs who ruled after the Prophet respectively. These very expressions which according to the Muslims were limited only for those superior personalities and those who were blessed with the association and society of the Holy Prophet are also used by the wife, family and compatriots of non-Muslims. This has caused the Muslims to take exception to such use of expressions.

The expressions Ummul Momineen and the word Ahe-Brut exclusively for the wives of the Prophet has the sanction of the Holy Prophet. There are a number of traditions proving that the Holy Prophet was called Ummul Momineen. They are mothers and secondly the prohibition of the use of such expressions is not licence to use such expressions against the Holy Prophet. In verse Q. 33 : 32 it is stated (O wives of the Prophet you are the mothers of the believers). Similarly in verse Q. 33 : 28 it is stated (Proverbial name is given to you which is very easy for Allah).

These two verses clearly indicate that the Holy Prophet are also the wives of the Prophet and why they have been called Ummul Momineen or Ahe-Brut. It is kept in mind that the wife is the wife even in the absence of any inheritance.
Holy Prophet ﷺ are used by the Quadrants in respect of the wife, family and companions of Mira Sahib who were held non-Muslims. This is always been presented by the Muslims. It was for this reason that the Ordinance made the use of such expressions by Quadrants, a criminal offence.

The expressions Ummahabul Momineen or Ummul Momineen and the word Azwajul Mutaharrat were used exclusively for the wives of the Prophet and this exclusive use has the sanction of the Holy Quran behind it. In regard to the wives of the Prophet it is said in the Quran (Q. 33: 6) (زوجاتي أمت محترمة)، (his wives are their mothers). Similarly there are a number of traditions in which each wife of the Prophet was called Ummul Momineen (the mother of the Muslims). They are mothers of the Muslims in addition to each Muslims' natural mother and his foster mother (See Q. 4: 23). The reason for this relationship is firstly the superiority of the wives of the Prophet over all the women and secondly the prohibition against marriage with any wife of the Prophet after him.

In verse Q. 33: 32 it is said (زوجاتي أمت محترمة) (to wives of the Prophet you are not like all the women). Similarly in verse Q. 33: 30 it is stated (زوجاتي أمت محترمة) (your case is different from those of the wives of the Prophet).

These two verses clearly establish that the wives of the Holy Prophet ﷺ are not like other women. This is one reason why they have been given the name of Ummahabul Momineen or Azwajul Mutaharrat. This should also be kept in mind that the wives of the Holy Prophet ﷺ were left without any inheritance on account of the dictum that Ummah inherits the Prophet of Allah. Thus they were left
without any income to support them. They lived during his life time in a state of absolute penury. In spite of this if they had money or edible in their houses they would prefer to give it in charity to a needy than satisfy their own wants.

Once they made certain demands. Sopt came the warning from God. He gave them the choice to live a hard life or be divorced on payment of worldly goods and money (Q. 33 : 28). They, however, opted for the blessed association of the Holy Prophet ﷺ. Among these wives of the Holy Prophet there were some who had seen affluence because they belonged to rich families for example, Hazrat Sauda, Hazrat Safia, Hazrat Juwairiya and Hazrat Umme Habiba. But they also preferred to live in a state of penury and want rather than leave the Holy Prophet ﷺ. It is impossible to compare these high personalities with any other woman and enroach upon their title for some other woman.

The other expression of ‘Abîl Bait’ from the use of which the Quaids have been stopped is in respect of the members of the family of the Holy Prophet ﷺ. In Q. 11 : 73 it is said (Rahmat Allah be upon you O members of the family”). It is said in Q. 33 : 33 (O, members of the family of the Prophet Allah wishes to remove from you all that is dirty and wants to clean you with a thorough cleaning

The object of these orders was to inform the family of the Prophet that they should remain away from all the qualities of sins and disobedience and should maintain purity and cleanliness in matters of faith, action and manners.

It is clear from the Quran that these were the qualities of the members of the family of the Holy Prophet ﷺ, otherwise the son of Noah was not considered to be a member of his family because of his disobedience to the Injunctions of Allah, Verses 45 and 46 of Surah Hood (Q. 11 : 45, 46). read as follow:

Noah cried unto his Lord, "O my Lord! Is this my household? ... (Q. 6 : 100)

The expression Abîl Bait members of the family evident from several traditions

Those persons who been Muslims cannot be such name by the Quaids of Mirza Sahib is nothing. Other person can have the family of the Holy Prophet. Therefore, surprising that.

The use of the expression situation and consequently "Ummah to prevent the Quran by making its use by them a (Q. 5 : 100)
lived during spite of this If would prefer own wants.

on came the like a hard life $ money (Q. 33

citation of the Holy Prophet because they say, Narrat ibn. But they sent rather than compare these enroach upon

the use of the respect of the Prophet. In Q. 11 : 1 blessings be in Q. 33 : 33

اللَّهُ وَالَّيْلَ وَالَّيْلَ

family of all types of a purity and

the qualities Prophet needed to be a
distence to the flood (Q. 11

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وَ نَادَىْ نُوحُ رَبَّهُ قَالَ رَبِّ أَنَّ منْ أَهْلِي وَأَنَا وَعَدَتَ الْحِكْمَةِ اللَّهِ الَّذِي لَمْ يَعْلَمَهُ لَمْ يَعْلَمَهُ اللَّهُ إِلَّا أَنَّكَ تَكُونَ مِنَ الْجَاهِلِينَ

Noah cried unto His Lord and said: My Lord! Lo! my son is of my household! Surely Thy promise is the Truth and Thou art the Most Just of Judges. He said: Oh! Noah! he is not of thy household; Lo! he is of evil conduct.

The expression 'Able Bait' is also exclusive for the members of the family of the Holy Prophet as would be evident from several traditions.

Those persons who are not Muslims or who have not been Muslims cannot be called by this name. The use of such name by the Quadrantis for the members of the family of Mirza Sahib is nothing but adding insult to injury; no other person can have the same quality as the members of the family of the Holy Prophet possessed. It is not therefore, surprising that the Muslims resented this insult. The use of the expression tends to create, law and order situation and consequently it was in the interest of the Ummah to prevent the Quadrantis from the use of this name by making its use by them a criminal offence.

The expression 'Razia Shah Abn), رضي الله عنه means God is well pleased with him. There is sufficient guidance in the Quran about those for whom this expression can be used. The following are the relevant Verses Q. 9 : 100, Q. 48 : 18 and Q. 58 : 22 : —

(Q. 9 : 100)

وَالسَّابِقُونَ الأَولُونَ مِنْ الْمُهَاجِرِينَ وَالْأَنْصَارِ وَالَّذِينَ آمَنُوا مِنْ فِي الْأَهْرَامِ

بِأَحْسَانِ وَرَضْوَانُ وَرَضْوَانُ عِنْدَ اللَّهِ جَنَّتَكُمْ جَنَّاتَ الْأَفْرَاءِ حَنْانِينَ وَيَوْمَ الْبُطُورِ ذَلِكَ الْفُؤَارِ عَلَى الْأَفْرَاءِ

Q. 9 : 100 And the first to lead the way, of the Muhallilin and the Ansar, and those who followed them in
goodness-Alah is well pleased with them and they are well pleased with Him, and He hath made ready for them Gardens underneath which rivers flow, where in they will abide for ever : That is the Supreme triumph.

Q. 45 : 18

"لقد رضى الله عن المومنين إذ يعبّرنك تحت الشجرة علم ما قررتم فنزل السحبة عليهم وانجح فاحقاً قريباً."

Q. 48 : 18 Allah was well pleased with the believers when they swore allegiance unto thee beneath the tree, and He knew what was in their hearts, and He sent down peace of reassurance on them, and hath rewarded them with a near victory.

Q. 58 : 22

"لا تجدوما يوموم باليوم الآخر يواردون من حساب الله ورسوله ولو كانوا أهلهم أو أبناءهم هم أؤخاهم أو عشأشكم أو أسركم كتب في قلوبكم الإيمان وإapsed بروح منه وبدخلهم جبت كتب مسن مهما الأخبر خلدين بها ورضوا بهم ورضوا بهم للذين اؤثروا حب الله ألا ان حرب الله هم الفائزون."

Q. 58 : 22 Thou wilt not find folk who believe in Allah and the Last Day loving those who oppose Allah and His messenger, even though they be their fathers or their brethren or their clan. As for such, He hath written faith upon their hearts and hath strengthened them with a Spirit from Him, and he will bring them into Gardens underneath which rivers flow, wherein they will abide. Allah is well pleased with them, and they are well pleased with Him. They are Allah's party. Lol is it not Allah's party who are the successful?

It is clear from these verses that Allah gave this good news to either companion of the Holy Prophet ﷺ or to

Momineen (believers), cannot be used for non be pleased. The heretic news. For them the net rather than in paradise possible to lay down a heretic may also be able in Islam is that Allah though forgiveness is pa : 80, Q. 63 : 6 and Q. 9 : 17.

Q. 9 : 80

"فهم سعيدا فان يفسر يدى الظلم الفاسقين."

Q. 9 : 80 Ask forgive not forgiveness for them seventy That is because / messenger, and A.

Q. 63 : 6

"فمن لهن ان يباب الله على ما ؟"

Q. 63 : 6 Whether tho forgiveness for Allah guideth no.

Q. 9 : 114

"عده وعمه يا إله."

Q. 9 : 114 The prayer father was only I him, but when (his father) wa discovered him. suffering.
Momineen (believers). The expression ‘Razullah Anho’ cannot be used for non-Muslims with whom Allah cannot be pleased. The heretic and Kafir has no share in this good news. For them the news is that they shall remain in hell rather than in paradise. In these circumstances it is not possible to lay down any such principle under which the heretic may also be able to use it. The established principle in Islam is that Allah will not forgive the unbelievers though forgiveness is prayed for them by Muslims. See Q. 9:80. Q. 65:6 and Q. 9:114 which are reproduced below:

Q. 9:80 "Ask forgiveness for them (O Muhammad) or ask not forgiveness for them though thou ask forgiveness for them seventy times. Allah will not forgive them. That is because they disbelieved in Allah and His Messenger, and Allah guideth not wrongdoing folk.

Q. 65:6 "Surely they ask forgiveness except from Allah. And this is in consequence of their disbelief. Allah is well aware of their disbelief.

Q. 9:114 "What is the prayer of Abraham for the forgiveness of his father? It was only because of a promise he had promised him, but when it had become clear unto him that he (his father) was an enemy to Allah he (Abraham) disowned him. Lo! Abraham was soft of heart, long-suffering."

The Arabic text is not provided, but it appears to be a philosophical or religious discussion involving the concept of forgiveness and its application in different circumstances, particularly for unbelievers. The text seems to emphasize the severity of punishment for those who disbelieve and the conditional nature of Allah's forgiveness under specific circumstances.
It would be evident from these views that those who are not to be excused cannot hope that Allah will be pleased with them.

Mr. MujeebUr Rehman showed us a number of books in regard to Sufis and other Muslims for whom this expression was used. But this cannot be helpless to him because as stated above it can be used for the believers. It was not denied that this expression was not used by non-Muslims. But the Quaid-e-Azam used it for the companions of Mirza Sahib.

The meanings of this term were explained by Allah Mai Sakhawi. "Abel Hussain writes in Motamad that 'Sahabi' is a person who has remained associated for long with the Holy Prophet ﷺ as a follower and acquired knowledge from him". (Faith ul Mujeebs page 371).

Sahabi was therefore that fortunate person who had the good luck to associate with the Holy Prophet ﷺ as believer and who died as a believer. (See Madsikkhas Isaba, Vol. I, page 13 and Und-ul Ghaba Vol. I, pages 18, 19). A person who associates with one who is called a false Prophet cannot be called by that special and technical name.

It is worthwhile noticing that the Holy Prophet ﷺ said:

"وَإِنَّ اللَّهَ لَمَّا أَخَذَهُ مِنْ ثَلَاثِيْنِ قَبْرٍ إِنَّ اللَّهَ لَمَّا أَخَذَهُ مِنْ ثَلَاثِيْنِ قَبْرٍ إِنَّ اللَّهَ لَمَّا أَخَذَهُ مِنْ ثَلَاثِيْنِ قَبْرٍ إِنَّ اللَّهَ لَمَّا أَخَذَهُ مِنْ ثَلَاثِيْنِ قَبْرٍ إِنَّ اللَّهَ لَمَّا أَخَذَهُ مِنْ ثَلَاثِيْنِ قَبْرٍ إِنَّ اللَّهَ لَمَّا أَخَذَهُ مِنْ ثَلَاثِيْنِ قَبْرٍ إِنَّ اللَّهَ لَمَّا أَخَذَهُ مِنْ ثَلَاثِيْنِ قَبْرٍ إِنَّ اللَّهَ لَمَّا أَخَذَهُ مِنْ ثَلَاثِيْنِ قَبْرٍ إِنَّ اللَّهَ لَمَّا أَخَذَهُ مِنْ ثَلَاثِيْنِ قَبْرٍ إِنَّ اللَّهَ لَمَّا أَخَذَهُ مِنْ ثَلَاثِيْنِ قَبْرٍ إِنَّ اللَّهَ لَمَّا أَخَذَهُ مِنْ ثَلَاثِيْنِ قَبْرٍ إِنَّ اللَّهَ لَمَّا أَخَذَهُ مِنْ ثَلَاثِيْنِ قَبْرٍ إِنَّ اللَّهَ لَمَّا أَخَذَهُ مِنْ ثَلَاثِيْنِ قَبْرٍ إِنَّ اللَّهَ لَمَّا أَخَذَهُ مِنْ ثَلَاثِيْنِ قَبْرٍ إِنَّ اللَّهَ لَمَّا أَخَذَهُ مِنْ ثَلَاثِيْنِ قَبْرٍ إِنَّ اللَّهَ لَمَّا أَخَذَهُ مِنْ ثَلَاثِيْنِ قَبْرٍ إِنَّ اللَّهَ لَمَّا أَخَذَهُ مِنْ ثَلَاثِيْنِ قَبْرٍ إِنَّ اللَّهَ لَمَّا أَخَذَهُ مِنْ ثَلَاثِيْنِ قَبْرٍ إِنَّ اللَّهَ لَمَّا أَخَذَهُ مِنْ ثَلَاثِيْنِ قَبْرٍ إِنَّ اللَّهَ لَمَّا أَخَذَهُ مِنْ ثَلَاثِيْنِ قَبْرٍ إِنَّ اللَّهَ لَمَّا أَخَذَهُ مِنْ ثَلَاثِيْنِ قَبْرٍ إِنَّ اللَّهَ لَمَّا أَخَذَهُ مِنْ ثَلَاثِيْنِ قَبْرٍ إِنَّ اللَّهَ لَمَّا أَخَذَهُ مِنْ ثَلَاثِيْنِ قَبْرٍ إِنَّ اللَّهَ لَمَّا أَخَذَهُ مِنْ ثَلَاثِيْنِ قَبْرٍ إِنَّ اللَّهَ لَمَّا أَخَذَهُ مِنْ ثَلَاثِيْنِ قَبْرٍ إِنَّ اللَّهَ لَمَّا أَخَذَهُ مِنْ ثَلَاثِيْنِ قَبْرٍ إِنَّ اللَّهَ لَمَّا أَخَذَهُ مِنْ ثَلَاثِيْنِ قَبْرٍ إِنَّ اللَّهَ لَمَّا أَخَذَهُ مِنْ ثَلَاثِيْنِ قَبْرٍ إِنَّ اللَّهَ لَمَّا أَخَذَهُ مِنْ ثَلَاثِيْنِ قَبْرٍ إِنَّ اللَّهَ لَمَّا أَخَذَهُ مِنْ ثَلَاثِيْنِ قَبْرٍ إِنَّ اللَّهَ لَمَّا أَخَذَهُ مِنْ ثَلَاثِيْنِ قَبْرٍ إِنَّ اللَّهَ لَمَّا أَخَذَهُ مِنْ ثَلَاثِيْنِ قَبْرٍ إِنَّ اللَّهَ لَمَّا أَخَذَهُ مِنْ ثَلَاثِيْنِ قَبْرٍ إِنَّ اللَّهَ لَمَّا أَخَذَهُ مِنْ ثَلَاثِيْنِ قَبْرٍ إِنَّ اللَّهَ لَمَّا أَخَذَهُ مِنْ ثَلَاثِيْنِ قَبْرٍ إِنَّ اللَّهَ لَمَّا أَخَذَهُ مِنْ ثَلَاثِيْنِ قَبْرٍ إِنَّ اللَّهَ لَمَّا أَخَذَهُ مِنْ ثَلَاثِيْنِ قَبْرٍ إِنَّ اللَّهَ لَمَّا أَخَذَهُ مِنْ ثَلَاثِيْنِ قَبْرٍ إِنَّ اللَّهَ لَمَّا أَخَذَهُ مِنْ ثَلَاثِيْنِ قَبْرٍ إِنَّ اللَّهَ لَمَّا أَخَذَهُ مِنْ ثَلَاثِيْنِ قَبْرٍ إِنَّ اللَّهَ لَمَّا أَخَذَهُ مِنْ ثَلَاثِيْنِ قَبْرٍ إِنَّ اللَّهَ لَمَّا أَخَذَهُ مِنْ ثَلَاثِيْنِ قَبْرٍ إِنَّ اللَّهَ لَمَّا أَخَذَهُ مِنْ ثَلَاثِيْنِ قَبْرٍ إِنَّ اللَّهَ لَمَّا أَخَذَهُ مِنْ ثَلَاثِيْنِ قَبْرٍ إِنَّ اللَّهَ لَمَّا أَخَذَهُ مِنْ ثَلَاثِيْنِ قَبْرٍ إِنَّ اللَّهَ لَمَّا أَخَذَهُ مِنْ ثَلَاثِيْنِ قَبْرٍ إِنَّ اللَّهَ لَمَّا أَخَذَهُ مِنْ ثَلَاثِيْنِ قَبْرٍ إِنَّ اللَّهَ لَمَّا أَخَذَهُ مِنْ ثَلَاثِيْنِ قَبْرٍ إِنَّ اللَّهَ لَمَّا أَخَذَهُ مِنْ ثَلَاثِيْنِ قَبْرٍ إِنَّ اللَّهَ لَمَّا A consideration of conditions above is that he must have met him as a bel and not in unbelief.

The other expression Khalifatul Muslimeen, Kh expressions which include Muslimen (believers) are not. It is a well known quality whether he is called by the name of Prime Minister Khalifatul Muslimeen or should be a Muslim. Have of Khalifatul Muslimeen of Allah (Deputy of Allah) only assumed the title of second Caliph took the rest he would call himself which means that he was of the Holy Prophet ﷺ, Khalifa (successor) is personal the title which would take authority of the title of Nizam of MujeebUr Rehman, page or Khalifa Monim per or Khalifa Monim per thus became exclusive for only rulers would like that this title to non-Muslims or who seek for this reason and pitted the Muslims towards the epithets and expressions of.
that those who Allah will be
member of books
for whom this
helpful to him
the believers. It
not used by non-
ments.
by! This word
20 of the Holy
the Quadians
ed by Allah
at ‘Sahabi’ is
along with the
owed knowledge
son who had
‘Prophet’ as
Malakikkhas
11 pages, 18,
called a false
and technical
Prophet (N)

whose who are
ina. From this
person who
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and did not
were those
important
consideration of condition for being a Sahabi as stated
above is that he must have met the Holy Prophet (N). He
must have met him as a believer and then died as a believer
and not in unbelief.

The other expressions are Ameerul Mominen, 
Khalifatul Muslimeen, Khalifatul Momineen. These three
expressions which include the words Momineen and
Muslimeen (believers) are obviously exclusive for Muslims.
It is a well known qualification of the highest office holder
whether he is called by the name of President, or by the
name of Prime Minister, King, Khalifatul Momineen,
Khalifatul Muslimeen or Ameerul Momineen, that he
should be a Muslim. Hazrat Abu Bakr had adopted the title
of Khalifatul Rasoolullah. Although every man is a Khalifat
Ullah (Deputy of Allah on this earth) but Hazrat Abu Bakr
only assumed the title of Khalifatul Rasoolullah. When the
second Caliph took the reins of Caliphate he thought that
he would call himself Khalifatul Khalefa Rasoolullah
which means that he was to be a successor of the successor
of the Holy Prophet (N). But it was felt that if the word
Khalifa (successor) is joined to the title of each succeeding
ruler the title would go on mongering. Hazrat Umar
therefore took the title of Ameerul Momineen. (Islam Ka
Nizame Hukumat, pages 244, 245). The title of Ameerul
Momineen or Khalifatul Muslimeen or Khalifatul
Momineen became a title which was exceptional and
exclusive for only rulers among the Muslims. No Muslim
would like that this title be adopted by persons who are
non-Muslims or who accede from the Muslim Umrahah. It is
for this reason and particularly on account of the hostility of
the Muslims towards the Quadians for the use of these
epithets and expressions that this Ordinance was promulgated.

Mr. Mujeeb Rehman argued that the expression
‘Raziaul Asho’ was used for several Sufis, Saints. The
expressions Ameerul Momineen was used for Imam Malik
who was called Ameerul Momineen fil Hadith and for
Nizam of Hyderabad, the word Ummal Momineen was used
for a female disciple of a Saint.
These arguments are beside the point. The stray use of such terminology for Muslims or for Saints among them was not taken exception to because at least all the persons for whom it was used were Muslims and not unbelievers, secondly it was not done for the purpose of imitating the Holy Prophet \( \text{ص} \), thirdly these examples were stray.

The use of such expressions by the Qadianis is based on the principle that Mirza Sahib was the manifestation of the Holy Prophet \( \text{ص} \) and his alleged advent is the second advent of the Holy Prophet \( \text{ص} \). Consequently his companions, his wife, his members of the family and his successors are entitled to the same respect and recognition as the companions, the wives, the members of the family, the successors of the Holy Prophet \( \text{ص} \), if Mirza Sahib is Muhammad his companions are the Companions of the Holy Prophet \( \text{ص} \) (Alfazal Qadian Vol. 3 No. 8 dated 15th July 1915 taken from Qadiani Mazarib, page 353).

Mirza Sahib is more specific. He said My person became his personality (رسال ومعتد ووعود) whoever enters my group entered the body of the Companions of the Holy Prophet \( \text{ص} \). (Khuṭābā-i Iḥāmīa pages 258, 259).

The impugned Ordinance in this respect is fully justified.

The next question is about the ban on Azan. The Ordinance prohibits the non-Muslims i.e. Qadianis from calling persons to prayers by the formula of Azan. The word Azan means to call. Mo'azzan is the person who calls. These Dictionay meanings are clearly established from a reading of Verses Q:7:44, Q:12:70 and Q:22:27.

The Holy Quran says —

Q. 7:44

And a cry in between them crieth: The curse of Allah is on evil-doers:

Q. 12:70

و اذکر نسراً.

And then a crier crieth:

Q. 22:27

وعلى كل ضارب يتأين سى.

And proclaim unto us they will come from e

In these three verses Azan is a noun has been used, the sense of caller. These are words Azzana, Azan and Mo'azzan.

In the words (فصول) given for prayer) the refer to prayer which is known as Azan. In these words were translated verse and its translation is (مأذن) from day of remembrance is (مأذن).

Q. 62:9. O ye who believe for the prayer of the remembrance of Allah is better for you.

There was no concept Hijrah people were called (الصواى ملع) which cannot be offered. The Holy Prophet for calling for prayer. The
Q. 12:78

And then a cry cried: O camel-riders! Ye are swuly thieves!

Q. 22:27

And proclaim unto mankind the pilgrimage. They will come unbare on foot and on every lean camel; they will come from every deep rain:

In these three verses the word Azana (أذن) of which Azan is a noun has been used in the meaning of call. The call is for information. The word Mo'azzin has been used in the sense of caller. These are the dictionary meanings of the words Azana, Azan and Mo'azzin.

In the words (سورة الناس) in Q. 62:9 (when call is given for prayer) the reference is to the mode of call for prayer which is known as Azan. It is for this reason that these words were translated as 'when Azan is given'. The verse and its translation is as follows:

Q. 62:9. O ye who believe! when the call is given (Azan) for the prayer of the day of congregation, hasten unto the remembrance of Allah and leave your trading. That is better for you if ye did but know.

There was no concept of Azan before Hijrah. After the Hijrah people were called for prayer by a person calling the congregation which connected the prayer was about to be offered. The Holy Prophet ﷺ gave importance to the order for calling for prayer. Three companions namely Hazrat
Abu Bakr, Hazrat Omar and Hazrat Abdullah bin Zaid dreamt about the manner of Azan. Out of three dreams, the dreams of Hazrat Abdullah bin Zaid and Hazrat Omar are well known. Hazrat Abdullah bin Zaid informed the Holy Prophet ﷺ about the dream on the same night but Hazrat Omar informed him in the morning. The Holy Prophet ﷺ directed Hazrat Bilal to call people for prayer by Azan from that day. Later the words (prayer is better than sleep) were added in the Azan for morning prayer by Hazrat Bilal and the Holy Prophet ﷺ approved it. (Al-Jamiu-l-Ahkam-il-Quran) by Qurtubi, Vol. 6 page 225.

There is a difference of opinion about the necessity of Azan. However, as Abu Omer said Azan is the distinguishing characteristic or sign between Darul Islam and Darul Harb (ibid).

It is one of the characteristics, token or distinguishing mark [Aslanud-din (علم الدين)]. It is, therefore, considered to be a Shia’ar meaning distinguishing characteristic of the Muslims [Behur Rai’q (الرائق)] by Ibn Nujsaim, Vol. I, page 246. It is said that there is a consensus on the point that it is a Shia’ar (distinguishing feature) of Islam (Fatawa Qazi Khan on the margin of Fatawa-e-Alamgeeri; Hujjatullah li Bahgha by Shah Waiil Ullah, Vol. I, page 474).

The following arguments will be sufficient for its being a Shia’ar:

1. During the time of the Holy Prophet ﷺ the well-known methods for calling people to their places of worship were —
   a. the blowing of horn;
   b. the ringing of bell; and
   c. the lighting of fire.

But none of these were approved otherwise. It is of the father of Ibn Batu that ‘the Holy Prophet did not assassinate any 361). This Hadith in Bukhari, Vol. I, p. 95.

3. There is another trad —


The reason for the din in the first Hadith and his presumption that the persons were Muslims who were immune from attack.

The Jurists have for those who calls Azan should give evidence in the form of Muslim (Bahur Raiq, Vol. Raddul Mukhtar by Ibn Aal
But none of these manners was approved by the Holy Prophet ﷺ; he ultimately approved the manner of call by Azan.

(2) The principle in Islam is that a person calling Azan shall be treated to be a Muslim unless proved otherwise. It is reported on the authority of the father of Ibn e Hassam Marandi who said that “the Holy Prophet ﷺ sent us with a raiding party and directed us that when you see a Mosque and listen to the voice of a person calling Azan, do not assassinate anyone (Sunan Abi Daad, page 361). This Hadith is also reported in Sahih Bukhari, Vol. I, page 86) on the authority of Hazrat Anas.

(3) There is another tradition of Hazrat Anas:

"عن انس بن المثنى صل الله عليه وسلم كان يفر عنه صلى الله عليه وسلم وكان يسمع فانما علم أماكن الاذان ابصار

("The Holy Prophet ﷺ attacked the enemy at the time of morning prayers he would stop if he heard from that place the call of Azan otherwise he would attack) (Sunan-e-Abi Daad, Vol. I, page 354, also Mishkat, Vol. I, page 160) (Urdu translation).

The reason for the direction of the Holy Prophet ﷺ in the first Hadith and his own conduct in restraining himself from attack on hearing Azan is that Azan bears a presumption that the persons living in the locality are Muslims who were immune from attack.

The Jurists have for this reason taken the view that whoever calls Azan should be treated to be a Muslim. If people give evidence in respect of a Zimmi (protected non-Muslims) that he had called Azan he should be treated as a Muslim (Bahir Raiq, Vol. I, by Ibne Nujaim, page 279, Raddul Makhtab by Ibne Aabideen, Vol. I, page 355).
In view of these opinions, Mr. Mujeeb Rehman argued that a person who calls Azan should be treated as a Muslim. But this argument is not correct since the object of the above tradition is only to the effect that by the calling of Azan there should be a presumption in favour of one being a Muslim but this presumption is rebuttable; it is not conclusive. If ultimately it is found that the person calling Azan is really a non-Muslim or his beliefs become evident which prove him a non-Muslim he cannot be allowed to take advantage of calling Azan and claim to be entitled to be called Muslim on that account only. It is clarified in Radul Muhtar. Vol. I page 279, that the call of Azan by Mouazzin in a Mosque raises a presumption of his being a Muslim because he is allowed to call it usually, meaning thereby that if he had been a non-Muslim he would not have been allowed by those who offered prayer in the Mosque to call Azan. It is, however, clarified that the Azan by a Khifir is not at all correct. From this it can be concluded that a person does not become Muslim only by calling Azan. Weighty presumption in favour of Islam shall arise if he does it by habit and also believes in the unity of Allah and the Prophethood of the Holy Prophet ﷺ.

Now we may take up the argument of Mr. Mujeeb Rehman. He relied upon the above traditions of the Holy Prophet ﷺ and Verse 4 : 94 which is as follows:

"O ye who believe! when ye go forth (to fight) in the way of Allah, be careful to clarify the truth or found not the truth, and say not unto one who offereth you peace: "Thou art not a believer," seeking the outer profits of this life (so that ye may despise him). With Allah are plenteous spoils. Even thus (as ye now in) were ye before: but Allah hath since (been been gracious unto you. Therefore take care to discriminate Allah is ever informed of what ye do."

The answer to this argument word (مسمى) (clarify the truth or not like a Muslim, or saying there is Azan or praying in what is in presumption about one's being rebuttable, which means that it should not be called Momin or Muslim). Professor Tahir ul Qadri says Allah discriminates between right and reliance upon verses Q. 25 : 1; 25; Q. 59 : 40; Q. 57 : 10 Momins have been defined described. Just as it is not possible by the name of righteousness so it cannot be permissible to the name of Muslim and vice versa. Had this that if some one calls a person is not an unbeliever the he is a false accuser. There is no reason to be called a believer or Muslim.

Mr. Mujeeb Rehman conceived the Muslims but submitted Quadrains also. When the same the matter would be governed by They are as follows:

"لا يَعْشَ أَلَّا نَجْزِيَ حاجَةً وَلَا حُرَّاسًا فَعَلْنَا رَسُولَ مُسْلِمٍ وَلَن يَعْشَ الْأَمْامُ إِلَّا مَسْنُونٌ وَهُمُانِكُمُ الْأَلاِيِّمُ الْمَيْمَوْنُ وَعَلَى أَنْ يَسْلُبُوا الْعَفْوَ الْأَصْحَابُ وَلَا أَنْ يَسْلُبُوا الْإِسْلَامَ"
The answer to this argument is in the verse itself. The word (الْحَرَامَ) (clarify the truth or find out the truth) wishing like a Muslim or saying there is no God but God or calling Azan or praying in what is like a Masjid may raise a presumption about one's being a Muslim but it is rebuttable, which means that if there is proof in rebuttal he should not be called Momir or Muslim.

Professor Tahis ul Qadj submitted that the Book of Allah discriminates between righteousness and inequality and relied upon verses Q 25: 1; Q 41: 34; Q 5: 100; Q 35: 22; Q 59: 20; Q 34: 4; Q 57: 10; 32; 18. The Muslims and Momins have been defined and their qualifications described. Just as it is not possible to call unrighteousness by the name of righteousness or evil by the name of good so it cannot be permissible to call a non-Muslim by the name of Muslim and vice versa. There is a well-known Hadith that if some one calls a person as infidel (kaafir) and he is not an unbeliever the herey will turn towards the false accuser. There is no reason why a non-Muslim should be called a believer or Muslim. The argument is unexceptionable.

Mr. Mujeribu Rehman conceded that Azan is a Shia’ar of the Muslims but submitted that it is the Shia’ar of Quadianis also. Where the same Shia’ar is common to both, the matter would be governed by verse Q 5: 2 and Q 3: 64. They are as follows——

ب* *لا يَا يَا اللَّاهُ أَلَا نَحْنُ شَاهِدُونَ أَنَّ النَّاسَ يُكَبِّرُونَ حَرَامَ اللَّهَ وَالْقُلُوبَ مَسْتَعِبَاتٌ وَقَبْلَهُ آمَنُونَ فِي الَّذِينَ كَفَرُوا وَلَكُمْ مَرَاضِيمُ إِنَّ الْحَرَامَ كَثِيرًا.*

Q 5: 2. O ye who believe! Profane not Allah’s monuments nor the offerings nor the garlands, nor those repairing to the Sacred House, seeking the grace and pleasure of Allah.
of Allah. But when ye have left the Sacred territory, then go hunting (if ye will). And let not your hatred of a folk who (once) stopped your going to the inviolable place of Worship seduce you to transgress: But help ye one another unto righteousness and pious duty. Help not one another unto sin and transgression, but keep your duty to Allah. Lo! Allah is severe in punishment.

Q. 3: 64

"قُلْ يَا أهْلِ الْكِتَابِ تُعَاوِنُواْ أُنَّكِمْ سَوَاءً وَيُسِكُّنِ اللَّهُ الْأُمُّوتَ وَالْحَيَاةَ الدُّنْيَا وَالْآخِرَةَ. فَانْتَهُواْ قُلْوَاهُمْ وَلَا تَفْلَحَنَّ عَلَيْهِمْ شَيْءٌ مِّنْ دُونِ اللَّهِ. قُلْ: اذْكُرُواْ نِعْمَةَ اللَّهِ كَثِيرًا (انْتَهُواْ إِلَى مُعْلُومٍ)."

Q. 3 : 64. Say : O People of the Scripture ! Come to what is (acknowledged) to be common between us and you; that we shall worship none, but Allah, and that we shall ascribe no partner unto Him, and that none of us shall take others for lords besides Allah. And if they turn away, then say : Bear witness that we are they who have surrendered (unto Him).

It may be stated the words have been translated “come to an agreement between us and you” by Pickthall. This translation is not correct because the reference is to something equally common in this verse and not to any agreement. The Urdu translation by Maulana Fazal Muhammad is, however, unexceptionable and it is reflected in the translation given above.

The argument of Mr. Mujeeb-ur Rehman is that what is good and common between the Quadarians and the Muslims should not be interfered with because it is Kalimatun Sawain (کلامتین سوائیں) between them. For the interpretation of the expression Kalimatun Sawain (کلامتین سوائیں) he referred to Muhaddith-ul-Tantzeel, Vol. I, page 22. It is said that Kalimatun Sawain (کلامتین سوائیں) (something equal), means such a thing which is equal "between us and you." and in respect

of which there is no opposition in the Quran. Kalma means anyone except Allah. Ibn Kaseer (ابن قیسیر) means to have been the common call of a Muslim.Mujeeb ur Rehman in Chapter 41, verse 33.

Q. 41 : 33 And who is better in religion than one who prays unto his Lord in prayer and is constant in prayer, and who commands the families around him to do justly and righteousness (religious moral action) in the earth. And is a (sincere) worshipper of Allah. He is one who is good.
of which there is no opposition between Torah Bible and the Quran. Kalasa means that we should not worship anyone except Allah. Ibn e Kasseer said that Kalimatin Sawain (کلماتین سوائی) means to worship one God and this has been the common call out all the Proynets (Tafseer ibne Kasseer (Urdu), Vol. 1, c. 76).

According to Addarul Mansur by Suyuti (Vol. 2, page 40) by Kalimatin Sawain (کلماتین سوائی) it means that "There is no god but Allah." Muffti Muhammad Shafi said about Kalimatin Sawain (کلماتین سوائی) that on this people should join from this Mr. Mujeeb-ur-Rehman deduced that it cannot be made a punishable offence.

In Chapter 41, verse 33 it is stated—

Q. 41:33

رَبِّ اِحْمَدَنَّ تُوْلَىٰ مِنْ دُوِّيَّ اللَّه وَإِلَى اللَّهِ صَالِحًا وَقَالَ اسْتِنِي

Q. 41 : 33 And who is better in speech than him who prayeth unto his Lord and doth right, and saith: 'O of those who surrender (unto Him).

The reason for revelation of this verse was, as stated by Al-Qalbi that when the Meazin called Azan and the Muslims stood for offering their prayers the Jews used to cut jokes and used insulting language in respect of Meazin. They scoffed at his voice. In this verse, therefore, Azan has been stated to be (بِسْلَةٍ وَرَجْعًا) (most pleasant utterance or best utterance. (Qurtub, Vol. 6 pages 224 and 225).

It has already been seen that the Azan of a non-Muslim is not Azan and consequently the expression must pleasant utterance cannot be applied to it. The above verse defines a Momin or Muslim which leaves no doubt that Azan is a (بِسْلَةٍ وَرَجْعًا) (most pleasant utterance) only when called by a Muslim since it qualifies for being so called along with the caller's good action and his faith as a Muslim.
There was a controversy before the Court as it has always been on the reason of revelation of verse Q. 5 : 2. The question is whether the Shai’r (signs) of Allah referred to therein were the characteristics or signs of the polytheists or they were of Muslims. Mr. Mujeebur Rehman quoted authorities from the opinion of the commentators for supporting the view that the characteristics or Shai’r referred to in this verse were of the polytheists but Mr. Riazul Hasan Gilani relied upon the other set of opinions. The opinion of Pir Muhammad Karam Shah, now a Judge of the Supreme Court Shariat Bench in his well-known commentary Ziaul Quran favours the opinion of Mr. Mujeebur Rehman.

There are some views that this verse has been abrogated. Mr. Mujeebur Rehman argued that the portion of the verse that (لا نكم تعرى الله) was never abrogated.

It is not necessary to enter into this controversy. If the verse related to the characteristics or Shai’r of non-Muslims about taking animals for slaughter in Mina at the time of Hajj, a different order was passed in Q. 9: 20 which is as follows:

Q. 9 : 20

"If ye wish to obtain the benefit of the sacrifices of the Mecca (Mina) you should offer them in the same manner as in Mecca."

Q. 9 : 28 O ye who believe! The idolaters only are unclean, so let them not come near the inviolable place of worship after this their year. If ye fear poverty (from the loss of their merchandise) Allah shall preserve you of your beauty if He will. I.e. Allah is Knower Wise.

The Polytheists or Idol worshippers were restrained from coming near the Ka’ba. There is a Hadith also that in order to implement this divine Injunction the Holy Prophet

Sent Hazrat Ali to M. Haji for non-Muslims.

This Injunction is performing the Shai’r of the Holy Prophet was (see Ta'ifeezaqul Quran, obviously concluded for allow a non-Muslim to Shai’r means the distinction with which it is known being in power allows a Muslim which effects a Muslim ummah. It was discharge of its duties. Islamic Shai’r in an Islamic State prohibition become verse 5: 28 and the subs. prove the power of it prevent non-Muslims is for this reason that the Islamic State to a Muslim who does not Shai’r of Islam as his Ordinance. This will Mujeebur Rehman about.

Mr. Mujeebur Rehman in this respects -

1. If Azan is (distinguish) found common the non-Muslim

2. Whether in halimatin Status the Muslims in
sent Hazrat Ali to Makkah decreeing the prohibition of Hajj for non-Muslims.

This Injunction is prohibitory of the Idol worshippers performing their Shaa'ir in Ka'ba and the decree of the Holy Prophet was prohibitory of their Shia'ar of Hajj (see Tafheemul Quran, vol. 2, p. 186, note 25). It is thus obviously concluded from it that Islamic Sharia does not allow a non-Muslim to adopt Shia'ir of Islam, because Shaa'ir means the distinguishing features of a community with which it is known. If an Islamic State inspite of its being in power allows a non-Muslim to adopt the Shia'ar of Islam which effects the distinguishing characteristics of Muslim ummah, it will be the failure of that State in discharge of its duties. To allow a non-Muslim to adopt an Islamic Shia'ar in an Islamic State amounts to an illegal behaviour with the Shia'ar of Islam and as such reason for its prohibition becomes stronger. The above mentioned verse 9:28 and the subsequent Practice of the Holy Prophet prove the power of jurisdiction of the Islamic State to prevent non-Muslims from adopting the Shia'ar of Islam. It is for this reason that it is also in the legislative power of the Islamic State to provide punishment for the non-Muslim who does not abstain himself from adopting the Shia'ar of Islam as has been provided in the impugned Ordinance. This will also cover the arguments of Mr. Mujibur Rahman about Ta'zir.

Mr. Mujibur Rahman formulated the following points in this respects:

1. If Azan is one of the Islamic Shia'ar (distinguishing feature) and the same Shia'ar be found common among the non-Muslims, whether the non-Muslims can be stopped from it?

2. Whether in view of the Injunction regarding Kalimatin Sawain (نكملتين سوا) it is not essential that the Muslims and non-Muslims should join in it?
(3) Whether saying of what is pleasant (most pleasant; utterance) can be made a punishable offence?

The answers to these questions have already been given and may be summed up now. In view of verse 9:28 and the rule emanating from it non-Muslims can be stopped from pursuing a Shia'ar which is common among Muslims and non-Muslims. Kalimatin Sawain (كلماتين سوان) has been used in respect of different matters but in view of the answer to the first question the second question becomes redundant. However, it may be emphasized that though the non-believers used to perform Tawaf but they were not permitted to do so after the Muslims took control of the Khana Kaaba. It has been held that the Azaan by a non-Muslim is not covered by the expression, راصلون فول (best of utterances) and if under the answer the first question a person can be restrained from that Shia'ar he can also be directed to be punished for violation of the restrained order.

The conduct of the Quadians when they were in Qadian and held a majority and considerable influence there is relevant. The Quadians had stopped the Muslims from calling Azan in their own mosques. The Ahbar sent some volunteers to call Azan in mosques of Muslims in Qadian but the Quadians attacked them with sticks and caused a large number of injuries to each of them. They had to remain bedridden in hospitals. (Fehrikh-I-Khatam-e-Nubuwat 1891. — 1974 by Shorish Kashmiri, page 78). This could have been by brute force only by the British rule. This is an example that what they considered to be their Shia'ar (distinctive feature) was made by them practically unlawful for the Muslims. It follows that in their view also such restraint by the majority in power is legal.

The argument of Mr. Mujeebur Rehman against the prohibition of naming their place of worship as masjid was that according to the Quran, the word masjid is not exclusive for the Muslims but has been used for the

mosque of those who are not Muslims. Whether during the last 1400 persons other than Muslim name of masjid he answered. The days stated that he had been synagogues of the Jews in masjid-e-Bani Israel are written in the writing from which worship is a synagogue. Someone as masjid-e-Bani common among the Jews.

The question whether other than those who are for have been called in the Q. besides the point. Islam had the very beginning, i.e., at masjid has been used for who belonged to the Umm followed. It was prevalent concluded that the name places of worship of non-during the last 1400 years given to the mosques of the customary only among the N masjid.

In the Holy Quran there within its dictionary meant understood in the technical the Muslims only (see Al- 212). According to this everyone prayer, is not a masjid.

Reference was made follows:—

Q. 22 : 40

إِنَّهُ لِلَّهِ زَيْنُ اللَّهِ

الْحَقَّ الحَقًّا وَعِلَامَاتٌ وَعِبَادةً
These questions have already been summed up now. In view of verse 9:38 stating from it non-Muslims can be a Shi'a whose which is common among the Qadianis. Kalimazin Sawain (كليمن سنير) has different matters but in view of the question the second question becomes it may be emphasized that though the question perform Tawaf but they were not the Muslims took control of the been held that the Azan by naiyud by the expression (تلازم في) (best of all the answer the first question a need from that Shi'a he can also be asked for violation of the restrained the Qadianis when they were in majority and considerable influence Qadianis had stopped the Muslims in their own mosques. The Ahl sent of Azan in mosques of Muslims in Qadianis attacked them with sticks and of injuries to each of them. They had in the hospitals. (Tehrik-i-Khatam-e-Nabi by Shabbir Kashmiri, page 78), by brute force only during the British, that what they considered to be their future was made by them practically im. it follows that in their view also unity in power is legal. Mr. Mujahid Rizvan against the their place of worship as masjid was Quran, the word masjid is not aliens but has been used for the mosque of those who are non-Muslims now. When asked whether during the last 1400 years places of worship of persons other than Muslims have ever been known by the same of masjid be answered in the negative but after a few days stated that he had been able to trace out at least one synagogue of the Jews in Karachi on which the words masjid-e-Bani Israel are written. He showed Photographs of the writing from which it appears that the place of worship is a synagogue but it has been translated by someone as masjid-e-Bani Israel. Such a name is not common among the Jews.

The question whether places of worship of persons other than those who are followers of the Holy Prophet & have been called in the names of masajid besides the point Islam has been the divine religion from the very beginning, i.e. starting with Adam. If the word masjid has been used for the places of worship of those who belonged to the Ummah of some other Prophet and followed the then prevailing religions of Islam, it cannot be concluded that the name masjid was the name given to the places of worship of non-Muslims too. The point is that during the last 1400 years this name has been exclusively given to the mosques of the Muslims. It has been in fact customary only among the Muslims to call their mosques as masjids.

In the Holy Quran the word masjid has been used within its dictionary meanings but now the same word is understood in the technical sense of the place of worship of the Muslims only (see Al-Maqaz-ul-Dawla, 3 of Islam p. 212). According to this even Eidgah (place of offering kid prayer) is not a masjid.

Reference was made to the verse 22:46 which reads as follows:

Q. 22: 46

لا طلبت من الله حلاً واحلاً لَّهُمَا وَطَلَبُوا رَبَّهُمَا وَلَمْ يَكُونَا لَهُمَا رِضَاً وَرَبَّهُمَا لَهُمَا رَبِّيَّةٌ وَرُسُلُهُمَا رُسُلُهُمَا وَلَمْ يَكُونَا لَهُمَا وَلَدٌ وَلَدٌ وَلَمْ يَكُونَا لَهُمَا ذِرَاءٌ وَذِرَاءٌ. (السَّبِيلِ): 46

The words 'السَّبِيلِ' are used to denote a valid legal rule or saying. 'ورَبَّهُمَا' means 'their God' and 'ورَبِّيَّةٌ' means 'His God'. 'رُسُلُهُمَا' means 'their Messengers' and 'ذِرَاءٌ' means 'sons' or 'children'.
Q. 9 : 17 It is not for sanctuaries, bearing witness to disbelieve. As for such, Fire they will abide.

Q. 9 : 18 Who are the adherents of the faith of the time? They are those who bear witness to Allah and the Last Day, the angels, the Scriptures, and the prophets, and who give alms, and bow not down to what they have been wont to worship of old. And if Allah wills, He will guide them. There has been a difference of view among the Muslims as to the sanctity of mosques, and the word masjid has been used to denote the places of worship of Muslims (Ahkamat Qur'an, Vol. 12, page 73). But assuming that the word masjid has been used even for the places of worship of these who after the advent of the Holy Prophet affirmed the difference of view about the Muslim on the day of the Kabah. The Holy Prophet, being a distinctive feature of Islam (Shia'ah, or Shi'ah). The person who uttered prayer in it has to be presumed to be a Muslim unless proved to the contrary.

The following two verses No. 17 and 18 from Chapter 9 (Quran: 9:17-18) provide solution to the problem before us:

Q. 9 : 17

Q. 9 : 18
Q. 9 : 17 It is not for the idolaters to tend Allah's sanctuaries, bearing witness against themselves of disbelief. As for such, their works are vain and in the Fire they will abide.

Q. 9 : 18

There has been a difference of view whether the non-Muslims or idolaters can construct a mosque or enter into it. Regarding the construction the accepted principle is that though made by non-Muslims, it must be made to serve as the place of worship of the Muslims. There is, however, a difference of view about the right of entry. The Malikis and Asharis are against entry in the masjid. The Shafis considered it lawful with the permission of the management except in the case of Masjid-e-Harazm. But the Hanafi view is that they can enter a masjid.

The Holy Prophet ﷺ had expelled the hypocrites from the masjid. It has been related on the authority of Ibn-e-Abbas that "once while delivering the sermon on Friday the Holy Prophet ﷺ ordered some persons who were sitting in the congregation for prayer, by name to get out from the masjid because they were munafiqun (hypocrites)." (Ruhul Maani by Auli, Vol. II, page 10).

This discussion may be summed up by the opinion of Sir Zafarullah Khan, a renowned Ahmadi. 'If Ahmadis are non-Muslims they can have no concern with masjid (mosque)." (Tahdis-e-Nemat page 162).
The preposition was correctly put by him. But the Ordonnance only prevents the Quacidians from naming or calling their places of worship as mosque.

This is not objectionable in Shariah. Rather it advances the Shariah objective.

The right to propagate other religions in an Islamic State cannot be un-limited on account of the principle of Iridad (conversion of a Muslim to another religion). The Holy Quran says as under:

Q. 5 : 54

"Whoever you believe! Whoso of you becometh a renegade from his religion, know that in his stead Allah will bring a people whom He loveth and who love Him, humble toward believers, stern toward disbelievers, striving in the way of Allah, and bearing not the blame of any blamers. Such is the grace of Allah which He giveth unto whom He will. Allah is All-embracing, All-knowing.

Q. 2 : 217

And Whoso becometh a renegade and dieth in his disbelief, such are they whose works have fallen both in the world and in the Hereafter. Such are rightful owners of the Fire; they will abide therein.

It is not necessary to go into this question at any length since this has been the established practice of all religions that the conversion of a person from one religion to another was never looked with less hostility by his co-religionists. An example in point is the antagonism shown by the Hindus i.e. called secular state on Castes to Islam.

It is possible the succession from one religion to another and a Monarch about the secular and non-Muslim religion, but such instances may not be in favour of any alien religion in order to counter Islam.

Mr. Mujeeber Rehman verse of the Quran, the opinion of any just man in Islam allows to non-Muslims to preach and what we need is the unbeliever to preach.

Q. 2 : 170

And when it is shown to the unbelievers that Allah hath revealed thereunto them which is hereafter.

Q. 2 : 170
it is possible that the reason may be that such secession from one religion to another is likely to be a disintegrating force for that religious community. In the Quadrimens' literature also any person converted from Islam to Quadianists and then re-converted to Islam is known as Mustad and it is believed to be liable to torture in hell like a non-Muslim. In this situation it is difficult to lay down that Islam confers a fundamental right upon non-Muslims to propagate their religion among Muslims unconditionally.

There have been instances in Islamic history when religious discussions were held in the Court of the Caliph or Monarch about the superiority of one's religion. Muslim and non-Muslim religious scholars alike participated in it but such instances cannot be held to be effective precedents in favour of any alleged right of propagation of one's religion in order to convert the Muslims to a religion other than Islam.

Mr. Mujibur Rahman did not rely upon the verse of the Quran, tradition of the Holy Prophet or the opinion of any jurist to substantiate his argument that Islam allows to non-Muslims a right to propagate their religion in an Islamic State.

He submitted that according to the Quran it is a duty to preach and what complements this duty is the right of the unbeliever to preach his religion. He referred to verse Q. 2 : 176;

Q. 2 : 170

And when it is said unto them: follow that which Allah hath revealed, they say: We follow that wherein we found our fathers. What! Even though
their fathers were wholly unintelligent and had no guidance

and submitted that the verse condemns blindly following one's ancestors. He also cited Verses Q. 2:112; Q. 3:165, Q. 5:77; 78 and Q. 43:21 to 23 and submitted that a joint reading of these verses shows that whenever the Prophet preached to the infidels the message of truth they had only one answer that their ancestors were sufficient for them though their ancestors had no sense at all. It is the spirit of Islam that this stress on the doctrine of Tauhid should be vanquished by resort to both types of arguments i.e., Afaq (أفق) and Anfusi (أنفس). The Afaq argument deals with the order of nature, the creation of the earth and sky the alternation of day and night etc. as described in the Quran. They should be made to realise the orderliness and beauty of the system which would not be possible if there had been two gods. Anfusi argument means that they should ponder over the creation of different stages of life and they would discover that only one God has created man.

This is the method about which the Quran says:

Q. 16:115

Call unto the way of the Lord with wisdom and fair exhortation, and reason with them in the better way. He emphasized that the main thing is argument

Q. 8:42

"And whoso believeth not in that day, shall perish.

He who perished (on that day) might perish by a clear proof (of His sovereignty) and he who survived might survive by a clear proof (of His sovereignty)."
Lastly he referred to verses Q. 6: 148; Q. 20: 75; Q. 37: 156, 157; Q. 27: 64; Q. 21: 24 and Q. 2: 111 relevant portions of which are reproduced below:—

Q. 6: 148

"هل عددكم من علم ففجر نافع لنا."

Have you any knowledge that you can adduce for us?

Q. 37: 156

"أم تكم نشئ من سبين"

(O have you a clear authority)

Q. 37: 157

"قاتلا بكتانكم ان كنتم صادقين"

(Then produce your book, if you are truthful).

Q. 28: 25

"افقنا هاوا برهاكم"

(We shall say: Bring your proof).

Q. 21: 24

"قل هاوا برهاكم"

(Say bring your proof)

Q. 27: 64

"قل هاوا برهاكم"

(Say bring your proof)

Q. 2: 111

"قل قاثوا برهاكم"

(Say bring your proof)

He also cited a number of commentaries on the interpretation of these verses. It is not necessary to reproduce them as the meanings of these verses are clear that the Muslims can ask the Polytheists and non-Muslims to give argument in favour of their strong belief.
But Mr. Mujeeb ur Rehman’s argument is that this gives the non-Muslim a right to preach his religion to convert them.

We do not agree with this even as a remote possibility.

All these verses relate to the principles of Tableegh or propagation of Islam and the manner and method to be used for such propagation. The principle is that when talking to a non-Muslim for the purpose of propagating Islam one should be gentle and polite and should not only demonstrate logically and rationally all good points in Islam but also let the non-Muslim place his view about the good points in his own religion before him. It is necessary that a view point of the non-Muslim about his own religion should be plainly put forward so as to enable Muslims to refute them and to demonstrate the superiority of Islam over the conceptual philosophy of the other religion. In fact the Quran does not only allow such free discourse among two persons but asks the Muslims to challenge the non-Muslim to bring forth the arguments in favor of his belief as is clear from the word (bring your arguments), which is suggestive of the inability of the non-Muslims to give any such argument. (See Almaaregi Vol. 1 page 194 It is sad in the general rule of language a form of address for falsification).

There is a conclusive presumption that the arguments of the Quran cannot be refuted. No argument favourable to unbelief is possible.

This negates the possibility of the conversion of the Muslim by being influenced by the discourse of the non-Muslim in favour of his religion. The verses only apply to the form of persuasion which is required for propagation of Islam before the non-Muslim. These verses cannot be turned for the benefit of the non-Muslims in support of their claim to propagate their religion.

As stated there is nothing in the Holy Quran, the Sunnah of the Holy Prophet ﷺ or the commentaries on them recognizing the right of preach his religion among Muslims.

These verses and comments for holding in favour of the Muslims to propagate and Muslims. Despite this it is for non-Muslims to preach to their Article 20 of the Constitution non-Muslims preach as non-off as Muslims. It is for these conditions also.

Maulana Maududi in his 582 to 602 has dealt with the length and has also stated in the Islamic State by non-Muslims of their religion, but he adds religion before Muslim law further added that no Muslim religion.

Mr. Mujeeb ur Rehman Human Rights of United Article relied upon by him is a

“Art. XVIII. Everyone thought, conscience an to change his religion either alone or in company of public or private, to make teaching, practice, worship.

There is nothing in this article or the right to profess a country other by the Islamic Council and the other is Constitution.” Generally the two pamphlets on the basis of the Quran and the Sunnah of the human rights as approved by
them recognising the right of a non-Muslim to propagate or preach his religion among Muslims.

These verses and commentaries also are not sufficient for holding in favour of the fundamental rights of non-Muslims to propagate and preach their religion among Muslims. Despite this it is for the Islamic State to allow the non-Muslims to preach their religion as has been done in Article 20 of the Constitution but this can be allowed if the non-Muslims preach as non-Muslims and not by passing off as Muslims. It is for the legislature to lay down other conditions also.

Maulana Maudoodi in his book Islami Riyazat pages 582 to 592 has dealt with the rights of the minorities at length and has also stated in favour of publishing materials in an Islamic State by non-Muslims to prove the superiority of their religion, but he added that propagation of one's religion before Muslim individually is not permissible. He further added that no Muslim can be allowed to change his religion.

Mr. Mujeeb-ur-Rehman cited from the Declaration of Human Rights of United Nations passed in 1948. The Article relied upon by him is as follows—

"Art. XVIII. 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."

There is nothing in this Charter to give to the citizens of a country the right to propagate or preach his religion.

Lastly reference may be made to two pamphlets issued by the Islamic Council one is 'Declaration of Human Rights' and the other is 'A Model of an Islamic Constitution.' Generally the Human Rights described in the two Pamphlets on the basis of the Injunctions of the Quran and the Sunnah of the Holy Prophet (S) include the human rights as approved by the United Nations. Some of
the rights are in addition, for example right to justice, right to protection against abuse of power, right to Asylum, rights of the Minorities to be governed by their personal laws, rights and obligations to participate in the conduct and management of public affairs, status and dignity of workers, right to social security, etc.

In the pamphlet entitled 'Universal Islamic Declaration of Human Rights' paragraphs XII and XIII deal with the right to freedom of belief, thought and speech and right to freedom of religion. They are reproduced below:

"XII. (a) Every person has the right to express his thoughts and beliefs so long as he remains within the limits prescribed by the law. No one, however, is entitled to disseminate falsehood or to circulate reports which may outrage public decency, or to indulge in slander, innuendo or to cast defamatory aspersions on other persons.

(b) Pursuit of knowledge and search after truth is not only a right but a duty of every Muslim

(c) It is the right and duty of every Muslim to protest and strive (within the limits set out by the law) against oppression even if it involves challenging the highest authority in the State.

(d) There shall be no bar on the dissemination of information provided it does not endanger the security of the society or the state and is confined within the limits imposed by the law.

(c) No one shall hold in contempt or ridicule the religious beliefs of others or indue public hostility against them; respect for the religious feelings of others is obligatory on all Muslims.

XIII. Every person has the right to freedom of conscience and worship in accordance with his religious beliefs".

Similarly Articles 8 and 9 of an Islamic Constitution do not deal with the minorities and are as follows:

"8 Every person has the right to freedom of thought and belief and the right to manifest those beliefs in public or private, in teaching, in the family, and at any other time and in any manner, provided, in accordance with the provisions of this Constitution, the private and public order and morality. In the case of Jabindar and the Supreme Court has held that the words 'subject to' were correctly held to be "subject to".

9 Every person has the right to education. In the case of Jabindar and the Supreme Court has held that the words 'subject to' were correctly held to be "subject to".

10 Every person has the right to freedom of thought and belief and the right to manifest those beliefs in public or private, in teaching, in the family, and at any other time and in any manner, provided, in accordance with the provisions of this Constitution, the private and public order and morality. In the case of Jabindar and the Supreme Court has held that the words 'subject to' were correctly held to be "subject to".

11 Every person has the right to freedom of thought and belief and the right to manifest those beliefs in public or private, in teaching, in the family, and at any other time and in any manner, provided, in accordance with the provisions of this Constitution, the private and public order and morality. In the case of Jabindar and the Supreme Court has held that the words 'subject to' were correctly held to be "subject to".
Similarly Articles 8 and 16 of the Pamphlet 'A Model of an Islamic Constitution' deal with the religious rights of the minorities and are as follows:

"8 Every person has the right to his thoughts, opinions and beliefs. He also has the right to express them so long as he remains within the limits prescribed by law.

16 (a) There is no compulsion in religion.

(b) Non-Muslim minorities have the right to practise their religion.

(c) In matters of personal law the minorities shall be governed by their own laws and traditions, except if they themselves opt to be governed by the Shariah. In cases of conflict between parties, the Shariah shall apply."

It may be noticed that the right to propagate one's religion is not included in the Human Rights of the Minorities. This is in accordance with what has been stated above.

Article 20 of the Constitution confers the fundamental right upon all citizens of Pakistan to profess, practise and propagate one's religion but this right is subject to law, public order and morality. It reads:

Subject to law, public order and morality —

(a) every citizen shall have the right to profess, practise 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.

In the case of Jabindar Kashore PLD 1957, S.C. page 9, the Supreme Court had an occasion to interpret similar language in Article 18 of the Constitution of 1956. It was held that the words 'subject to law' do not permit the Legislature to take away with another hand what has been given by the Constitution by one hand and this right may
only be regulated but cannot be taken away. Mr. Justice Muhammad Munir, Chief Justice (Retd) made the following observations in this respect:

"But the scope of regulation by law cannot be so curtailed when a law and order situation arises".

Article 20 is also subject to law and order, and the right of preaching is subject to it.

It has already been noticed from historical review of Mirza Ghulam Ahmad’s claims and their evolutionary trend that the Muslims of the Indian Sub-Continent had feeling of un-easiness soon after the claim of Mirza Ghulam Ahmad to be a Mujadid and mamoor un minallah (a person appointed by Allah). They had shown an apprehension prophetically enough that this was likely to be the first step towards Prophethood. Mirza Sahib was quick in refuting this and in claiming that he was a firm believer in the finality of the prophethood of the Holy Prophet Muhammad (P.B.H) and in his view any claim to prophethood was not less than kufr (unbelief).

This uneasiness resentment and hostility among the Muslims increased when the claim of being the Promised Messiah and Mehdi was made in 1890. It would be clear from the books of Mirza Sahib and other Qadiani literature that Muslims crowded around the places of his stay in different cities whenever he visited them. The Ulama were also extremely agitated.

This agitation reached its peak by the distinct claim of Mirza Sahib to prophethood made in 1901.

After the establishment of Pakistan, there was such an agitation on this point that the Martial Law of 1953 had to be enforced to curb it. This, however did not succeed in quietening the Muslims’ demand as voiced by the Ulama in their 22 points programme for incorporating in the Constitution the non-Muslim and minority status of the Qadianis.

The agitation continued despite the imposition of Martial Law till the representatives of the Muslim public in the Parliament and the Constitution (Second Amendment) Bill 2000, for full hearing to the Qadiani Chief of the Qadianis. Article 260 of the Constitution of the two states and placing them through juxtaposition with other non-Christian Parliaments and Hick.

As a result of the unanimous demand of the Qadianis to call Islam of their concept least respect for the law and order, the present Ordinance was continued as before to continue to propagate of books, journals, etc to create resentment for the law and order situation, for the above reason are dismissed.

Before finishing this record our deep appreciation to Advocate for the Federal and presentation of the case.
the Parliament and the National Assembly had to pass the Constitution (Second Amendment) Act 1974 after giving a full hearing to the Quadianis through Mirza Nasir Ahmad, Chief of the Quaidani Sect, and to add a definition to Article 260 of the Constitution of 1973 declaring the Quadianis of the two well-known groups as non-Muslims and placing them through an amendment in Article 106, in juxtaposition with other minorities in Pakistan like Christians, Parsis and Hindus, etc.

As a result of the declaration which was the result of a unanimous demand of the Muslims it was not possible for the Quadianis to call themselves Muslims or to propagate Islam or their concept as true Islam but they showed the least respect for the Constitutional Amendment and continued as before to call their faith as Islam. They continued to propagate their religion freely by publication of books, journals, etc. as well as among individual Muslims to create resentment which obviously was likely to create law and order situation and all this continued till the present Ordinance was passed and promulgated. In these circumstances the Ordinance appears to be covered by the exception in Article 20 about its being subject to maintenance of law and order.

For the above reasons the two petitions are without force and are dismissed.

Before finishing this judgment we would like to place on record our deep appreciation of the assistance given to us by Mr. Majeedur Rahman, petitioner and Mr. Hadez Hasan Gilani, Advocate for the Federal Government. Mr. Gilani's preparation and presentation of the case was commendable.

Islamabad dated the 28th October, 1984.

(PLD 1985 FSC S)
SUPREME COURT OF PAKISTAN
(SHARIAT APPELLATE BENCH)
1988

- Mr. Justice Muhammad Afzal Zullah
  (Chief Justice)
- Mr. Justice Nasim Hasan Shah
- Mr. Justice Pir Muhammad Karam Shah
- Mr. Justice Maulana Muhammad Taqi Usmani
SUPREME COURT OF PAKISTAN
SHARIAT APPELLATE BENCH

Mr. Justice Muhammad Afzal Zullah, Chairman,
Mr. Justice Nasim Hasan Shah,
Mr. Justice Shafi-ur-Rahman,
Mr. Justice Pir Muhammad Karam Shah,
Mr. Justice Maulana Muhammad Taqi Usmani,

Capt. (Retd.) ABDUL WAJID and 4 others—Appellants
versus

FEDERAL GOVERNMENT OF PAKISTAN—Respondent

Shariat Appeals Nos. 24 and 25 of 1984, decided on

(On appeal from the judgments/orders of the Federal
Shariat Court, Lahore, dated 12-6-1984 in Shariat
Petitions Nos. 17/L/1984, 2/L/1984, 17/L/1984 and
21/L/1984).

Manzoor Ellahi, Advocate-on-Record for Appellant
No. 1 (in S.A. No.24 of 1984).
Appellant No. 2 in person (in S.A. No.24 of 1984).
Appellant No. 1 (In person) and Hameed AtaQureshi, Advocate-on-Record and others in person (in
S.A. No.25 of 1984).
Dr. Riazui Hassan Gilani, Deputy Attorney-General and Ch. Akhtar Ali, Advocate-on-Record for Respondent (in both Cases).


JUDGMENT

JUSTICE MUHAMMAD AZIZUDDIN ZULLAI (CHAIRMAN),--Appeals Nos.24 and 25 of 1984 jointly filed by two and four appellants respectively are directed against a decision of the Federal Shariat Court, rendered under Article 263-D of the Constitution. They were preferred under Article 203-F, have now been withdrawn and dismissed accordingly.

The impugned judgment was passed on two petitions of the appellants separately presented, wherein a law, "Anti-Islamic Activities of the Qadiani Group, Lahori Group and Ahmadis (Prevention and Punishment) Ordinance 1984", was challenged and sought to be rendered ineffective on the touchstone of the "Injunctions of Islam", in pursuance of Article 203-D. The Court declined to grant the prayer, after giving detailed reasons (running into over 200 pages), as required by Clause (2) (a) of the said Article.

Appeal No.24 of 1984 is by the 'Lahori Group' and No.25 of 1984 by the 'Qadiani Group' of the 'Ahmadis', as they are described in Article 106 and Clause (3) of Article 260 of the Constitution. They were added originally by Second Amendment in 1974, which was enacted by a duly elected parliament, in what have been considered as free and impartial elections, on the basis of adult franchise. This Court had also accepted it as competent to frame the constitution after the split of the country into two parts. It passed the amendment not only with the necessary higher percentage of votes for this purpose but also unanimously in each House. There was no dissent. The sole member walk out by one of the original movers was, as the official record/proceedings amendment did not go.

The amendment Ghulam Ahmad, gen Muslims. It was parliamentary-cum-judicial leaders of both the opportunity of hearing of the Special Committee referred to this Court the sole member who contained that the activities internally and therein recent Conferences world, held in Mecca held that "Qadiani Islam and Muslim claims to be an I. Parliament Debates Vol.18 was sought. After proceedings (which Committee unanimously

(a) That the Court follows:
(i) that in Art. persons of the Group (who
(ii) that a non-
i Article 203-
To give a
Bill to the
Committee
(b) That the
section 295-A of
"Explanations-
propagates ag

record/proceedings show, on the ground that the amendment did not go far enough.

The amendment defined the followers of Mirza Ghulam Ahmad, generally known as the Ahmadis, as non-Muslims. It was enacted in a democratic and parliamentary-com-judicial method. The acknowledged leaders of both the groups of Ahmadis were afforded opportunity of hearing in very lengthy proceedings by a Special Committee of the Full House. The resolution referred to this committee (moved, amongst others, also by the sole member who later staged a walk-out) inter alia, contained that the Ahmadis were "indulging in subversive activities internally and externally, . . . . . . . . . . . . ."; and that, in the then recent Conference of 140 delegations from all over the world held in Mecca-Al-Mukaram, it was unanimously held that "Quadianism is subversive movement against Islam and Muslim World, which falsely and deceitfully claims to be an Islamic sect" - (National Assembly Parliament Debates Volume 4--1974), hence the amendment was sought. After lengthy hearing and voluminous proceedings (which are matter of record) the Special Committee unanimously resolved, as follows:

"(a) That the Constitution of Pakistan be amended as follows:

(i) that in Article 106 (3) a reference be inserted to persons of the Quadiani Group and the Laheji Group (who call themselves "Ahmadis");

(ii) that a non-Muslim may be defined in a new clause in Article 260.

To give effect to the above recommendations a draft Bill unanimously agreed upon by the Special Committee is appended.

(b) That the following explanation be added to section 286-A of the Pakistan Penal Code:

"Explanation. - A Muslim who professes, practises or propagates against the concept of the finality of the
prophethood of Muhammad (peace be upon him) as set out in clause (3) of Article 260 of the Constitution shall be punishable under this section.

(The Gazette of Pakistan Extraordinary dated 14-11-1974—pp. 1203 and 1206)

The draft Bill recommended by the Committee is the same as was finally passed by the Parliament (for text see National Assembly Parliament debates, Volume-5, 1974).

It would have been noticed that the said Special Committee had recommended an amendment in the Penal Code also. It cannot be denied that these measures were adopted to resolve a longstanding controversy raging in the country for nearly three quarters of a Century over the position of Ahmadis—(appellants’ description in ground No.10 in “Addendum dated 15-1-1985” filed in Appeal No.24 of 1984 is “microscopic minority”, as against Muslims who from the “vast majority” not only in Pakistan but as against Muslim. World, it is even much less). There has been blood shed, martial law, judicial inquiry and interventions, prosecutions and agitations over this controversy. All solutions had earlier been tried. This time the Constitutional and Parliamentary method was used. The law impugned before the Federal Shariat Court, which prima facie seems to be a sequel and result of what has been stated above, attempts to control and prevent some of the Anti-Islamic activities of the Ahmadis which had resulted in the grave consequences noticed above.

Coming to the appeals before us, as indicated already, the appellants challenged the impugned law before the Federal Shariat Court on the touch stone of ‘Islamic Injunctions’. It has the jurisdiction under Article 203-D of the Constitution to declare it as repugnant to them, as distinguished from the jurisdiction possessed by the other superior Courts to annul a law en ground of its repugnancy to a fundamental right, as guaranteed in the Constitution. The Federal Shariat Court having declined to accept the prayer, that the impugned law was repugnant to the Injunctions of Islam they filed appeals to (the Shariat Appellate Bench of) the Supreme Court in b of the Constitution and hear appeals against de under Article 203-D. The Judges of the Court and Judges on this Bench Supreme Court having b for nearly twenty years, international fame, who I Dastul Ulms and possess various branches of knowledge, the Federal Shariat Court Appellate Bench.

The appeals in hand, adjourned on a request (Appellant No.1 in A adjournment or the gr. Advocate-on-Record of had also supported the came up for hearing at the Bench. Cases like the p are not heard in a Bench. Ulma Judges are a need.

In the background expected that these app the same appellant six year, this time on the from illness, he had n had not engaged a law when adjourned. A and some question in Advocate, showed the long adjournment and might appear and arg

When the second the appellants therein also were not willing
Appellate Bench of this Court. The said Shariat Bench of the Supreme Court has been constituted under Chapter 8-A of the Constitution and has the exclusive jurisdiction to hear appeals against decisions of Federal Shariat Court under Article 203-D. The Bench consists of three permanent Judges of the Court and two Ulama Judges. The permanent Judges on this Bench are three senior Judges of the Supreme Court having been members of superior judiciary for nearly twenty years. The Ulama Judges are scholars of international fame, who have organized (ind head) eminent Decl Ulama and possess a high degree of attainment in various branches of knowledge. They have also served on the Federal Shariat Court before appointment to the Shariat Appellate Bench.

The appeals in hand were fixed for 22-5-1985 but were adjourned on a request received from the appellants' side. (Appellant No.1 in Appeal No.24 of 1984 prayed for adjournment on the ground of his illness, for few months. Advocate-on-Record of appellants in Appeal No.25 of 1984 had also supported the adjournment request). They again came up for hearing after two and a half years before a Full Bench. Cases like the present one, according to our practice, are not heard in a Bench of less than five Judges. The two Ulama Judges are a necessary part of this Bench.

In this background, to our surprise when it was expected that these appeals would be heard this time, again the same appellant sent application for adjournment for a year, this time on the ground that though he had recovered from illness, he had not yet recovered his full memory. He had not engaged a lawyer. He insisted on arguing his case, when adjourned. The intrinsic evidence in the application and some questioning of his co-appellant, who is an Advocate, showed that it was a lame excuse. We declined long adjournment and ordered that the applicant/appellant might appear and argue on the next day.

When the second appeal (No.26/1984) was taken up, the appellants therein sprung a still bigger surprise. They also were not willing to argue the case. Similar attempts
were made on the basis of two applications placed on record, more than two years ago. It was well-known to the appellants that the requests for the applications were of such nature that orders could be sought in Chambers at least for the fixation of these applications. They related to the summoning of the tape-records regarding proceedings before the Federal Shariat Court and the expungement of a part of the impugned judgment, before the hearing of the appeal.

Be that as it may, the first request for tape-records, as explained at the Bar, was for resolving the controversy regarding the nature of arguments before the Federal Shariat Court, reference to which is made from page 9 to page 152 of the impugned judgment, and the same was sought to be expunged in the second application.

At the end of this application, the Court was told to ‘determine’ this issue ‘before the appeal is taken’; otherwise, the appellants “will have no interest left in appeal”. Thus, a serious attempt was made to get the appeal adjourned for another long period.

After some discussion, we declined to summon the tape-records, at this stage, as it would entail unnecessary adjournment, and at the same time we assured the appellants that if they argue the appeals and during their hearing we felt the need for summoning the tape-records we would do so on our own initiative.

Finding no further scope to press any further the first request at this stage, the second application was then pressed. It was also an extraordinary request, in the circumstances. We were being virtually told to "expunge" nearly two-thirds of the impugned judgment as unnecessary, irrelevant and "outrageous" for the appellants' religious reasons forgetting that even jurisdictional facts and aspects of the new dispensation under Article 203-D of the Constitution, essentially relate to the religion (ab) of Islam.

They were required to establish that the law in question was repugnant to the "Injunctions of Islam" – as a Deen.

Not only this, the facts of the judgment (not despite some formal stipulation: if the verdict did argue with "peni not non-Muslims. Two who was present in the appellants on this fact record was not com grounds of appeal, the in para 1 of "the correctness of what is 9 of the impugned however, has been qu.

After hearing on that the request of there could not be granted the appeal's hearing of the appeal's expungement, might the final judgment, would not be the appellate jurisdiction been examined what conferred by Article "reasons" for the im settling aside, unbeknown, was the law noticed, the appellants (not to be interest allowed) did not even subject, yielding the.

Before going on to two appeals, it is on writing of this judgments and that in the Federal Sha that, they are not have argued the ap
Not only this, the facts recorded at page 8, paras 13 and 14 of the judgment (not sought to be expunged) showed that despite some formal statement, made presumably to change position: if the verdict went against the appellants, they did argue with "persistance" and "emphasis" that they are not non-Muslims. Twice learned Deputy Attorney-General, who was present in Federal Shariat Court, refuted the Appellants on this fact; when, they tried to show that the record was not correct. We also noticed that in their grounds of appeal, the appellants in Appeal No.26 of 1988 in para 1 of "the Addendum", have not denied the correctness of what is recorded in the opening part of page 3 of the impugned judgment. Its jurisdictional aspect, however, has been questioned.

After hearing on the question of expungement, we felt that the request of the appellants in Appeal No.25 of 1984 could not be granted, as a preliminary relief without hearing the appeal wherever it is need be, during the main hearing of the appeals the points and petitions for expungement, might be noted for orders on this question in the final judgment. Now law was cited to show that it would not be the proper procedure for us to follow in the appellate jurisdiction. In that eventually it might also have been examined whether the scope of special jurisdiction conferred by Article 205-F vis-à-vis the validity and "reasons" for the impugned judgment, the expungement, setting aside, upholding of the objected part or any other order, was the lawful course to be adopted. As already noticed, the appellants having themselves taken a decision (not to be interested in appeals if their request was not allowed) did not evince any interest in this approach to the subject, yielding finality to the impugned judgment.

Before going on the next application, the fourth in the two appeals it is necessary to mention that we have during writing of this judgment, discovered from the appellants' own pleadings and memoranda submitted in this Court and in the Federal Shariat Court that, they did argue the point: that, they are not non-Muslims. If the appellants would have argued the appeal, we might have considered all this
in juxtaposition to the constitutional position and what they stated before us as also in their statements before the Federal Shariat Court. After that the legal question might also have been examined: that if the appellants did argue a point and invited the Court to give decision on it, which went against them, could they in an appeal under Article 203-F, succeed in getting the decision on these arguments expunged on the grounds stated in the application or that the Federal Shariat Court had no jurisdiction in the matter.

The last application of the appellants in Appeal No. 25 of 1986 (there is no such applications in Appeal No. 24 of 1986), presented in Court, sought the exclusion of the two Ulema Judges from this Beach on the ground of bias. They are stated to have expressed opinion in favour of the enactment of a law as is involved in the appeals before us. Written material in this behalf was also placed on record. After having perused the same, we felt that it was like the expression of an opinion in a tentative manner and that too without hearing, the foll arguments as often judges do when hearing applications for stay or preliminary arguments for admission of regular cases, as for that matter, when granting leave to appeal even in this Court. It has never been treated per se as either creating any kind of bias, prejudice or bar. Moreover, the Ulema Judges we have noticed, felt more concerned and bound than any other, by the Quranic verse No. 135, in Chapter IV (Surah Al-Nisa). The text and the translation follow:

"O ye who believe, bear witness to justice, be witnesses of Allah and_fpskum اذ ملكت اذ اذ أراد الذين لا يذون عنكم، ولا على ما هبوا، ولا على رضوان الله وتعلقهم من العداوت وفرحوا، وادعوا لعداوت ورحمة الله، وتعبدوا، وتعبدوا."

"O ye who believe, bear witness to justice, be witnesses of Allah and of His servants whenever you are brought as witness, be rich or poor. Allah is most competent to deal with them both, therefore, do not follow your low desires

The Qu’ran and Sun emphasising, undiluted jurisprudence in Western jurisprudence. It is after Yusuf and the Rabaat in this light in a concept of ideas, Islam in a era and decides does not treat it as an extreme case might arise on.


Even if opinions reiterated in judicial principle of Rajoo’i (العربية) of what happened in the Court on this aspect. Both the learned firmly believed that if a felt the need for Rajoo to discovered that both the so on several important question of imposition of and the other relating to Dar-ul-Harb. They both for this point. See: Hayat-Ur-Rahman Al-Dari-Urdu Versio follows:
223

lest you deviate, and if you swerve or turn aside then surely Allah is aware of what you do."

The Qur'an and Sunnah are full of injunctions emphasizing undiluted justice, with its much more pronounced importance in our polity, as compared to Western jurisprudence. It is one of the main pillars of Islam—after Tawhid and Rasulat like Taqwa in one sense. It is in this light that, in a conceptul sense, totally different from Western ideals, Islam in a given situation, does not prohibit hearing of a case and decision even against oneself. Qur'an does not treat it as an impossibility, though such an extreme case might arise only rarely.

The treatment of similar objection by Federal Shariat Court in Federation of Pakistan v. Hazoor Buksh and 2 others PLD 1983 FSC 286 at pages 281 and 302, is also unexceptionable. Reliance therein was placed on Miss Asma Jilani v. The Government of Punjab and another PLD 1972 SC 139 at 178; Mr. Zulfiqar Ali Bhutto v. The State PLD 1978 SC 125 at 132 and on interpretation of Statutes by Maxwell 12th Edn., at pages 59, 51 and a case from English jurisdiction, cited as Re Mew (1862) 31 LJ Bk. 87.

Even if opinions relied upon by the appellants be treated as firm in judicial sense which is not the case, the principle of Rijoo (ریجو) in Islam would come in. In view of what happened in Court, it is not necessary to dwell on this aspect. Both the learned Ulema Judges stated that they firmly believed that if after hearing the arguments, they felt the need for Rijoo 'they will do so'. It has now been discovered that both the learned Ulema Judges have done so on several important subjects. One, for example, the question of impossibility of death sentence in a Ta‘zir offence and the other relating to charge of interest by a Muslim in Dar-ul-Harb. They both follow Imam Abu Hanifa's view on this point. See: Hayati-i-Imam Abu Hanifa by Muhammad Abu Zahra-Urdu Version by Malik Soms. It reads as follows:
Not only this, we in addition to this procedure to ensure confidence, also adopted the one laid down by this Court in an absolutely similar situation in Islamic Republic of Pakistan v. Abdul Wali Khan PLD 1976 SC 57 at p.188, 1975 Pakistan Supreme Court Reports. When an objection was raised regarding the sitting of the two Judges on the Bench bearing that case, it was observed as follows at page 214 of the Report: PLD 1976 S C 57 at p. 188:

“As regards the objection taken to the Constitution of the Bench, learned counsel were informed on the very first day that no party to a litigation can claim the right to be tried by a particular Judge or Judges of his choice. In the case of superior Courts, it is entirely a matter for the Judge or Judges concerned to decide as to whether they will or will not sit in that particular case. Mr. Wali Khan has been informed that both the learned Judges, against whom the objection has been raised, have now recorded minutes in writing which have been placed on the record of these proceedings to say that they do not feel embarrassed in sitting to hear this proceeding. The objection based purely on conjectures is, therefore, in our view, unwarranted. Judges concerned are fully conscious of their own responsibilities. There is nothing to show that they are in any way disqualified from sitting to hear this reference. The objection is, accordingly, overruled.”

The relevant principles have been discussed in that case. No further discussion is necessary. The appellants refrained from referring to this case and insisted on citing Chairman, Federal Land Commission and another v. Sardar Ashiq Muhammad Khan Mazari and 37 others 1985 S C M

R 317; it which it seems, we.
However, when the opinion the end of the report, was
objectors, this case was no
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To our further surprise,
Appeal No.24 of 1984 which
stated earlier, also stood
without any argument or
emphasised that no such ap-
appellants in Appeal No.24 or
No.25 of 1984. He was then
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according to facts if required
in the case of B.Z. Faika
Pakistan and others PLD 19
we refrained from doing so
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Record, filed his power of
with the application to wit
behalf of appellant No.1
accordingly as withdrawn.
R 317, which it seems, was not approved for reporting. However, when the opinion of two Judges on the Bench at the end of the report, was brought to the notice of the objectors, this case was not pressed any further. Attempt, nevertheless was made to distinguish Abdul Wali Khan’s case. We did not agree on this point. The two Ulemas Judges then also asked as to whether they would in any way feel embarrassed in sitting on the Bench, to which, both answered in the negative. These proceedings were of such solemn character that we genuinely felt that now the hearing of Appeal No.25 of 1984 would commence. But abruptly, without consulting his other co-appellants or informing the Advocate-on-Record, appellant No.1 who was then standing at the Bar, announced that they withdraw the appeal. We pointed out to him that he did not consult the others, to which he responded with indication that there’s was also the same position. Then the other appellants present in Court and the A.R.K. stood up and withdrew the appeal. We ordered its dismissal accordingly.

To our further surprise, the second appellant in Appeal No.24 of 1984 which stood adjourned to next day as stated earlier, also stood up and withdrew his appeal without any argument or giving any reason. It is emphasised that no such applications had been filed by the appellants in Appeal No.24 of 1984, as were filed in Appeal No.25 of 1984. He was then asked about his co-appellant’s attitude to which the reply was that he would be contacted for this purpose. The next day none appeared in that appeal. We waited for quite some time and perforce passed order for its adjournment to another date. Though, according to facts if required a finding of abandonment, as in the case of B.Z. Kakeva v. Federal Government of Pakistan and others PLD 1982 5 C 409 could be rendered, we refrained from doing so, in the interest of the absent party. After some time, Mr. Manzoor Ilahi Advocate-on-Record, filed his power of attorney and other documents with the application to withdraw Appeal No.2 of 1984 on behalf of appellant No.1 also, which we dismissed accordingly as withdrawn.
Before parting, it needs be observed that, in the circumstances of the case, for the sake of propriety, we have not examined nor have tried otherwise to discover the underlying intention and motive for the conduct of the appellants. Amongst others, the questions which arise, in this context, are that if they were genuine, in this behalf, why did they seek decision of the first two applications particularly the one relating to the expungement of major part of impugned judgment, before the hearing of the appeal. This exercise would have involved examination of merits by the same Bench, the constitution whereof was objected to in the third application. It means that till then they had no apprehension that justice would not be done on that vital issue. And most important of all, they, as noted earlier, had already decided not to press the appeal if second application was disallowed. If they had to withdraw the appeal due to this reason then why it was not done at that stage when we declined to accept the most extraordinary plea and the facade that some members of the Court were biased was raised, although the decision not to press the appeal had already been taken by them.

Thus, in view of the facts and circumstances noted above, both the Shariat Appeals No.24 and 25 of 1984 stand dismissed as withdrawn and the impugned judgment of the Federal Shariat Court shall rule the field. There shall be no orders as to costs.

Petition dismissed as withdrawn.

(PLD 1988 Supreme Court 187)
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LAHORE HIGH COURT
1987

Mr. Justice Muhammad Rafiq Tarar
LAHORE HIGH COURT
Mr. Justice Muhammad Rafiq Tarar, J

MALIK JAHANGIR M. JOYA — Petitioners

versus

THE STATE — Respondent
Mujeebur Rehman, Malik Mahmood Majid and Mirza Naseer Ahmad for Petitioner.
Khalilur Rehman Ramdey, A.-G. and Awaiz Nasim for the State.
Rashid Murtaza Qureshi for the Complainant.
Date of hearing: 28th June, 1987.

JUDGMENT

MR. JUSTICE MUHAMMAD RAFIQ TARAR.— This is a petition for bail on behalf of Malik Jahangir Muhammad Khan Joya, Advocate who is accused of offence u/s 298-C of the P.P.C.

2. The F.I.R. version is that on 18-3-1987 the petitioner and his co-accused who are Qadriatis by faith displayed badges bearing "KALMA TAYYABA" on their persons and thus committed the offence u/s 298-C of the P.P.C.
3. The petitioner and his co-accused moved an application for bail in the Sessions Court, Sargodha. Co-accused were granted bail by the Additional Sessions Judge but this concession was denied to the petitioner because of his "Adamanant attitude" towards law and successive acts of abusing the concession of bail.

4. On 9-6-1987 Sh. Mujjib-ur-Rehman Counsel for the petitioner had almost completed his arguments when Syed Rizq-ul-Hassan Gillani Advocate submitted that the offence falls under 295-C of the P.F.C which is punishable with death or imprisonment for life. He maintained that Mirza Ghulam Ahmad Qadiani proclaimed himself as "Muhammad Dur Rasulallah" and his followers believe him as such, therefore, when they wear "KALMA TAYYABA" on their persons they defile the sacred name of the Holy Prophet Muhammad (peace be upon him) because by Muhammad Dur Rasulullah they mean Mirza Ghulam Ahmad Qadiani. In support of the contention he produced an extract from "Kalima-tul-Fasal" by Mirza Bashir Ahmad which reads as under:

"...افاخر واحترام بالقول وبكلمات..."

Sh. Mujjib-ur-Rehman did not controvert the contents of the above noted extract. He however stated that he does not want to discuss the question pertaining to faith and requested that his statement to that effect be recorded.

5. The learned Advocate-General requested for adjournment as he had to attend the Provincial Assembly and case was adjourned to 14-6-1987. On the said date, Sh. Mujjib-ur-Rehman, Malik Muhammad Majid and Mirza Naseer Ahmad Advocates submitted an application for withdrawal of the bail application. The grounds taken in this petition are that in the course of arguments the petitioners counsel (Sh. H.) submitted that the argument of bail and that the detailed arguments which were made in the main case and findings were based on the prosecution or the evidence the counsel also requested that in the event the case was adjourned case in Chambers. It was further stated that extraneous matters were before the Court and the enquiry into matters which are of general investigation or trial and the petitioner feels that it will be unjust to withdraw his bail.

The learned Advocate-General to the contents of the application. He added that the contempt of Court and as such make a reply statement in correct factual and legal considerations. The learned Advocate-General Mr. Rashid Murtaza Qureshi submitted withdrawal application and withdrawal of the petition. The learned Advocate-General argued that the Section 295-C of the P.F.C.Q religious books of the Qadri Ghati Ks. Azala, Aulinen-I-I Risalat written by Mirza Qadir Xheen that Mr. proclaimed himself as "Mu" used most filthy language and claim to Prophethood and, product of (502x567) of the I
petitioner's counsel (Sh. Mujeeb-ur-Rehman, Advocate) submitted that the arguments be restricted to the limited question of bail and that "he did not wish to enter into detailed arguments which might touch on the merits of the main case and findings whereupon may prejudice the case of the prosecution or the defence". It is further stated that the counsel also requested that his statement to this effect may be recorded but the same "could not be recorded" and the case was adjourned on the request of the learned Advocate-General who wanted to go to the Assembly Chambers. It was further submitted that "certain extraneous matters were brought under discussion and it appeared as if the Court was about to enter into a roving enquiry into matters which are not mentioned in the F.I.R. and which are, if at all, more appropriately a subject for investigation or trial" and "in the circumstances the petitioner feels that it will be better in the interest of justice to withdraw his bail application for the present".

The learned Advocate-General took strong exception to the contents of the application and the language used therein. He added that insinuations made amount to contempt of Court and, as such he was given opportunity to make a reply statement in order to place on record the correct factual and legal position. The matter was adjourned to 22-4-1987 and then to 28-6-1987 on which date the learned Advocate-General addressed arguments and Mr. Rashid Murtaza Qureshi, Advocate filed a reply to the withdrawal application wherein it is stated that the withdrawal of the petition is being sought mals fide to avoid adjudication of the question of applicability of Section 295-C of the P.P.C. Quoting references from various religious books of the Qadiani community including Aik Ghalti Ka Azala, Aaina-i-Kamaal-e-Islam and Tabligh-i-Risalat written by Mirza Ghulam Ahmad it has been asserted therein that Mirza Ghulam Ahmad Qadiani proclaimed himself as "Muhammad dar Rasul-ullah"; he used most filthy language against all those who rejected his claim to Prophethood and, on his own showing, he was a product of the British imperialism, therefore,
when he claims that he is "Muhammad dur Rasul-ul-jah" and his followers believe him as such they offer greatest contempt and insult to the Holy Prophet Muhammad (peace be upon him). Relying on the aforesaid references it is submitted that discussion on the question of faith is inevitable as the meaning which the Qadianis attach to the "KALMA TAYYABA" has to be gone into specially when they do not controvert writings of Mirza Ghulam Ahmad and other Qadianis containing the meaning which was assigned to the words "Muhammad dur Rasul-ullah". A copy of the aforesaid application was delivered to the counsel for the petitioner in Court and he was asked if he would like to make any submission in reply but he stated that he would not add anything to his request for withdrawal.

6. The plea that Court was about to commence "a roving enquiry on the question of faith (so was stated in Court but in the withdrawal application the words "arguments which might touch on the merits and "matters which are not mentioned in F.I.R...", have been used) has been taken to avoid the question sought to be raised by the learned Advocate-General and the learned counsel for the complainant. It is pertinent to note that in the bail application it has been contended that "there is no definite law regarding kalama Tayyaba relating to the Non-Muslims...". I do not want to make a detailed comment on this assertion as the bail application has been withdrawn but in view of the suggestion made it may be pointed out that for Non-Muslim Qadianis, the use of KALMA TAYYABA in the sense or with the meaning attributed by them becomes relevant for seeing whether the act complained of amounts to defiling the sacred name of the Holy Prophet Muhammad (peace be upon him).

7. I would not have incorporated the contents of the application and that of the reply, had a request simpliciter to withdraw the main application been made but the learned counsel for the petitioner chose to use improper language and to include uncalled for insinuation. The learned Advocate-General submitted that these remarks amount to cont. recording of answer in this one proceedings, then insinuation made who made the wil community, this declining to proceed. With these dismissed as with...
amount to contempt. This situation necessitated the recording of contents of the withdrawal application and the reply in this order. As regards initiation of contempt proceedings, though the language used is intemperate and insinuation made is contemptuous but as the advocates who made the withdrawal application belong to minority community, this Court should show benevolence and decline to proceed further in the matter.

With these observations the bail application is dismissed as withdrawn.

Application dismissed

(PLD 1987 LAHORE 458)
BALOCHISTAN HIGH COURT
(QUETTA)
1987

Mr. Justice Amir-ul-Mulk Mengal
BALOCHISTAN HIGH COURT (QUETTA)
Mr. Justice Amir-ul-Mulk Mengal

ZAHIRUDDIN and 4 others ...... Petitioner,
versus
THE STATE ...... Respondent

Mujeeb-ur-Rehman assisted by Mubarak Ahmed,
Syed Ali Ahmed Tariq, Khalid Malik, Ehsanul Haq
and Mirza Abdul Rashid for Petitioners.
Ch. Muhammad Ejaz Yousuf, Muhammad Moquim
Ansari and Basharatullah as Amicus-curia for the
State.
Dates of hearing: 19th September, 3rd, 4th and 5th
Criminal Revisions Nos. 38 to 42 of 1987.
Decided on 22nd December, 1987.

JUDGMENT

MR. JUSTICE AMIR-UL-MULK MENGAL.-- I propose
to dispose of the following Criminal Revisions by this
single judgment since these petitions arise out of common
questions of facts and law.
(1) Criminal Revision No.38 of 1987, Zahiruddin v. The State.


(3) Criminal Revision No.40 of 1987, Abdul Majid v. The State.

(4) Criminal Revision No.41 of 1987, Abdur Rehman v. The State.


The relevant facts leading to filing of these petitions are that different I.I.R.s. were lodged against the petitioners with identical allegations that they were wearing badges of 'KALMA TAYYABA' although they were Ahmadis. Consequently challenges were put before the Extra-Assistant Commissioners-1, and City Magistrate, Quetta, who, after conducting the trial convicted the petitioners under section 298-C, P.F.C. and sentenced each of them to undergo rigorous imprisonment for one year and to pay fine of Rs. 1,000 each and in default to further undergo rigorous imprisonment for one month.

The fact that petitioners are Ahmadis and were wearing badge of 'KALMA TAYYABA' was not disputed by any one of them at the trial.

Being dissatisfied with the order of conviction the petitioners preferred appeals in the Court of learned Sessions Judge, Quetta who was pleased to transfer the same to the Additional Sessions Judge-1, Quetta. After hearing the appellants the learned Additional Sessions Judge-1, Quetta was pleased to dismiss the appeals vide his order dated 16-6-1987.

All these petitions have been filed against the aforesaid orders dated 10-7-1986 passed by City Magistrate and order dated 16-6-1987 passed by Additional Sessions Judge-1, Quetta.

Learned counsel for Rehman raised several public importance, he Mohammad Moghim Advocates as amicus curiae was also heard as State was.

Before proceeding of the preliminary leg Mejeeb-ur-Rehman learned counsel vehemently argued that as the appellants, were dismissed learned appellate court the proviso of section Cr.P.C. Learned counsel as used in section 361 of conception under C. consolidating the judgment even if a common judge judge to discuss the case separately and with full also contended that if evidence of every individual distinctly and without reference to the individual judgment, the same be set aside with order writing. Reference was made:

(i) Raja Muhammad 1965 Karachi63 decision of two illegal, however, the case as of record will record of other case.

(ii) The case of Gul 1963 Karachi 59 two appeals are
Learned counsel for the petitioners Mr. Mujeeb-ur-Rehman raised several legal questions which were of public importance, hence the Court appointed Mr. Muhammad Moqim Ansari and Mr. Basharratullah, Advocates as amicus curiae. Besides... Mr. Eja. Yoursuf, was also heard as State counsel.

Before proceeding further it will be proper to dispose of the preliminary legal objections as raised by Mr. Mujeeb-ur-Rehman learned counsel for petitioners. It was vehemently urged that since five separate appeals filed by the appellants, were disposed of by a common judgment, hence learned appellate Court has erred in law by violating the provisions of section 367, Cr.P.C, read with section 324, Cr.P.C. Learned counsel referring to the word "every trial" as used in section 366, Cr.P.C, canvassed that there is no conception under Criminal Procedure Code for consolidating the judgments. It was further averred that even if a common judgment is written, it is required of the judge to discuss the case of each individual accused person separately and with reference to material on record. It was also contended that if a judge without discussing the evidence of every individual accused person separately and distinctly and without making reference to the evidence regarding the individual accused person passes a common judgment, the same becomes erroneous and thus, liable to be set aside with orders of remanding the same for rewriting. Reference was made to the following cases:

(i) Raja Muhammad v. The State reported in PLD 1993 Kasch 587. In this case it was observed that disposal of two cross-cases by one judgment is not illegal. However, care must be taken that each case should be disposed of separately on material of its record without reference to the material and record of other case.

(ii) The case of Gul Sher v. The State reported in PLD 1993 Kasch 598 wherein it was held that when two appeals are heard together each appellant is
entitled to consideration of his case separately and individually.

(iii) Tahir v. The State reported in 1968 P. Cr. L J 465 whereas it was observed that if the judgment of appellate Court is neither setting out facts of case nor points for determination nor discussion of evidence in it, the appeal cannot be said to have been disposed of as required by law.

(iv) Another reference to the case of Sreed Abdus Wahed v. The State reported in 1968 P. Cr. L J 776 also indicates that appellate Court dealing with six appeals and arriving at omnibus judgment was said to have not complied with the relevant provisions of Cr.P.C. and the case was remanded for rehearing and decision by separate judgment on evidence in each case.

(v) Finally the case of Kalubegari v. The State reported in P.LD 1958 Dacca 541 was relied upon wherein it was held that final Court of appeal on facts, at least, give some indication in its judgment as to the application of its mind to the evidence from which at least the Court of revision would be in a position to judge whether there had or had been a proper appreciation of evidence and all the points falling to be decided in the case by the final Court of appeal on facts.

From the perusal of the aforesaid judgments and section 24, Cr.P.C. it may be observed that the judgment of the appellate Court should deal with the material on record and should contain reasons for inferences drawn or conclusions reached regarding each individual accused persons. The other purpose seems to be that the judgment of the appellate Court should be such as to enable the High Court in revision to grasp the nature of the case without reference to the record. If a judgment deals with the material on record and also discusses the relevant provision of law and gives reasons for its conclusions, said judgment cannot be said to have been passed under Cr.P.C.

Applying the observations to hereinafter to the present case that the learned Appellate Court had as well as factual aspects of the case have admitted the fact that the wearing badge of KALMA TAYYABA determination was whether or no offence within the meaning of s point was common in all the ap said that the appellants were pre common judgment or that the failed to abide by the provisions Cr.P.C. I have perused the judgments in the light of the arguments a counsel for the petitioner and I see no reason being Atamadis the petitioners KALMA TAYYABA. There was reference or to discuss the prosecution for the reason that all before the trial Magistrate that the wearing badge of Kalma Tayya common stand that by doing so they no offence. Since in all the fact determination was whether wearing TAYYABA by Ahmadis constitute preview of section 298-C, P.P.C. did not suffer from any legal unjustice has been caused to the petitioners no reason to dislodge the judgment legal objection.

It was next contended by Mr. on the conviction awarded to the petitioners as the charge put to the petitioners. According to learned counsel, the charge violated provisions of
cannot be said to have been passed in violation of section 424, Cr.P.C.

Applying the observations made in the cases referred to hereinabove to the present case, it may be pointed out that the learned Appellate Court has dealt with the legal as well as factual aspects of the case. Since all the petitioners have admitted the fact that being Ahmadi they were wearing badge of KALMA TAYYABA hence the point for determination was whether or not they have committed an offence within the meaning of section 298-C, P.P.C. This point was common in all the appeals hence it cannot be said that the appellants were prejudiced in any manner by common judgment or the the learned appellate Court failed to abide by the provisions of sections 367 and 424, Cr.P.C. I have perused the judgment of the appellate Court in the light of the arguments advanced by the learned counsel for the petitioners and I see no reason to hold that the same s in contravention of section 424, Cr.P.C. The reason being that the nature of the offence was the same i.e. being Ahmadi the petitioners were wearing badge of KALMA TAYYABA. There was no occasion to make reference or to discuss the evidence as led by the prosecution for the reason that all the petitioners admitted before the trial Magistrate that they are Ahmadi and were wearing badge of Kalma Tayyaba. All of them took a common stand that by doing so they in fact have committed no offence. Since in all the five petitioners, point for determination was whether wearing of badge of KALMA TAYYABA by Ahmadi constitutes an offence within the purview of section 298-C, P.P.C. hence common judgment did not suffer from any legal infirmity. Furthermore, no injustice has been caused to the petitioners. I therefore see no reason to dislodge the judgment on this preliminary legal objection.

It was next contended by Mr. Mujeeb-ur-Rehman that the conviction awarded to the petitioners is not sustainable as the charge put to the petitioners was defective. According to learned counsel, the Magistrate while framing charge violated provisions of Chapter XIX Cr.P.C.
particularly section 322, Cr.P.C. Learned counsel contended that the charge as read out to the petitioners was different from the questions put to the petitioners under section 342, Cr.P.C. The contention was that questions as put to the petitioners in their statements recited under section 342, Cr.P.C. could not have been put to the petitioners without first amending the charge to that effect. In order to appreciate the aforesaid contention it may be profitable to reproduce the charge against the petitioners, which was as follows:

The relevant question put to the petitioners under section 342, Cr.P.C. was as under:

Mr. Mujeeb-ur-Rehman urged with the considerable vehemence that there was palpable inconsistencies in the question put to the accused/petitioners under section 342, Cr.P.C. and the contents of the charge. This according to the learned counsel caused great prejudice to the petitioners in their defence inasmuch as they were misled.

After perusal of the relevant provision of Cr.P.C. relating to framing of charge, irresistible conclusion would be that the object of framing of charge appears to enable an accused person to exactly know the allegations which he has to meet and for which he should be ready before taking of evidence. The legal requirement in this context would be to provide the particulars of the offence with which the accused person is charged with certainty and accuracy of facts. If the accused person is well-aware of the allegations which the prosecution wants to prove against him and he knows the substantive charge which he is to meet, the object of framing of charge would be satisfied.

Relying on the case of S. as reported in A.I.R. 1958 S.C. 759, the learned counsel argued which the offence was omitted to the accused in the charge. two judgments. Both of which offence of cheating and it was cases that the term "manner" includes with reference to an ingredient by virtue of which it of mere non-criminal deceit cheating within the meaning and effect of the deception upon reputation or property would "manner" of cheating.

Examining the facts of observations made in aforesaid provisions enshrined in Cr.P.C charge has been properly put to petitioners were not misled in as defence. The slight change in section 342, Cr.P.C. has in no petitioners in their defence be were akin in substance, covering C. P.P.C. The petitioners were facing charge under section 21 took a common plea that by Tawabah they have committee because Kalna Tawabah is part understand how the petitioners defence or were in any mater questions put to them under sec therefore, would be that this of the same is overruled.

This leads us to the matter determination and which may be
counsel contended that the offence was committed under section 342, and the petitioners were not misled in any manner in setting up the defence. The slight change in the questions put under section 342, Cr.P.C. has in no manner handicapped the petitioners in their defence because the questions so put were akin in substance, covering ingredients of section 298-C, P.P.C. The petitioners were well aware that they were facing charge under section 298-C, P.P.C. They, therefore, took a common plea that by wearing badge of Kalma Tayyaba they have committed no offence under law because Kalma Tayyaba is part of their religion. I failed to understand how the petitioners were hampered in their defence or were in any manner prejudiced from the questions put to them under section 342, Cr.P.C. The result, therefore, would be that this objection is not tenable, thus, the same is overruled.

This leads us to the moot question which needs determination and which may be put as under-

Relying on the case of Sardar Gian Singh v. Emperor as reported in A I R 1938 Lahore 828 and the case of Muhammad Ehsan Khan v. State as reported in 1968 P Cr. I J. 759, the learned counsel argued that the "manner" in which the offence was committed must specifically be put to the accused in the charge. I have perused the aforesaid two judgments. Both of which incidently pertain to the offence of cheating and it was observed in the aforesaid cases that the term "manner" in section 223, Cr.P.C. includes with reference to an offence of cheating, every ingredient by virtue of which the act ceases to become one of mere non-criminal deception and becomes one of cheating within the meaning of section 415, P.P.C. and the effect of the deception upon the victim's body, mind, reputation or property would thus, be a part of the "manner" of cheating.

Examining the facts of this case in the light of observations made in aforesaid cases as well as the provisions enshrined in Cr.P.C., I am of the view that the charge has been properly put to the petitioners and petitioners were not misled in any manner in setting up the defence. The slight change in the questions put under section 342, Cr.P.C. has in no manner handicapped the petitioners in their defence because the questions so put were akin in substance, covering ingredients of section 298-C, P.P.C. The petitioners were well aware that they were facing charge under section 298-C, P.P.C. They, therefore, took a common plea that by wearing badge of Kalma Tayyaba they have committed no offence under law because Kalma Tayyaba is part of their religion. I failed to understand how the petitioners were hampered in their defence or were in any manner prejudiced from the questions put to them under section 342, Cr.P.C. The result, therefore, would be that this objection is not tenable, thus, the same is overruled.

This leads us to the moot question which needs determination and which may be put as under-
“Whether by wearing a badge of Kalma Tayyaba the petitioner who were Qadiyanis have committed an” offence within the meaning of section 298-C, P.P.C.

Lengthy and dexterous arguments were advanced by Mr. Mujeeb-ur-Rehman and learned Amicus Curiae on this point. The contentions raised by Mr. Mujeeb-ur-Rehman may be summarised on the point as under-

(a) Wearing of badge of Kalma Tayyaba does not constitute an offence within the meaning of section 298-C, P.P.C. because Kalma Tayyaba has not been expressly mentioned in section 298-C, P.P.C. and on the principle of literal construction it cannot be deduced that it forms part of section 298-C, P.P.C.

(b) The omission to mention Kalma Tayyaba in section 298-C is not accidental but it is intentional. The legislature was fully well aware that saying or uttering Kalma Tayyaba is common between Muslims and Ahmadis.

(c) The criminal law should be interpreted strictly and that too in favour of the subject. The principle of Expressio Unius Est Exclusio Alterius i.e. Express mention implied exclusion was not properly appreciated by Courts below.

(d) That in order to construe the true meaning of section 298-C, P.P.C. the Rule of “Et jedum Generis and Nosciitur Associis” are applicable.

(e) It was further contended that “Or” as used several times in section 298-C, P.P.C. has been used mostly in explanatory and illustrative form. The same has been used very often neither in conjunction nor in disjunction. However, the learned counsel submit that only three offences are made out in section 298-C, P.P.C.

(f) That mens rea is the basis of commission of any offence which is lacking in the present case.

On the other hand the Muhammad Moqim Ansari advanced lengthy arguments, arguments may be summed up as

(i) The intention of the clear. The literal and words used in the a further interpretation Generis and Nosciere because the intention is clear.

(ii) Going through the leg the learned amicus curiae 298-B and 298-C, P.P.C., creating distinct offence to protect the Holy names section 298-C, describes general behaviour.

(iii) It was further contended that the legislature can best be of a particular statute indicating the intention.

In order to appreciate the learned counsel for the particular stage to reproduce Ordinance Islamic Activities of Qadiani Ahmadis (Prohibition and Puni-

“Ordinance XX of 1981, Qadiani Group, Labari (Prohibition and Punishment) An Ordinance to amend Qadiani Group Labori Group a in Anti-Islamic activities.

(Gazette of Pakistan, Extra 1984).
On the other hand the learned Amicus Curiae Mr. Muhammad Moqim Ansari as well as Mr. Basharatullah, advanced lengthy arguments. The salient features of their arguments may be summed up as under:

(i) The intention of the Legislature is manifest and clear. The literal and grammatical meanings of the words used in the aforesaid sections required no further interpretation. The Rule of Ejusdem Generis and Noscitur Associis are not applicable, because the intention of legislation is absolutely clear.

(ii) Going through the legislative history on the point, the learned amicus curiae submitted that sections 298-B and 298-C, P.P.C. are independent sections creating distinct offences. Section 298-B, relates to protect the Holy names, titles and places, whereas section 298-C, describes offences pertaining to general behaviour.

(iii) It was further contended by them that intention of legislation can best be inferred from the preamble of a particular statute, which provides a guideline indicating the intention of the legislature.

In order to appreciate the contentions as raised by the learned counsel for the parties it would be proper at this stage to reproduce Ordinance XX of 1984 called as Anti-Islamic Activities of Qadiani Group, Lahori Group and Ahmadies (Prohibition and Punishment) Ordinance, 1984:


An Ordinance to amend the law to prohibit the Qadiani Group Lahori Group and Ahmadies from indulging in Anti-Islamic activities.

(Gazette of Pakistan, Extraordinary, Part I, 26th April, 1984).
No. F.17(1)/84-Pub.—The following Ordinance made by the President is hereby published for general information:

Whereas it is expedient to amend the law to prohibit the Qadiani Group, Lahori Group and Ahmadis from indulging in Anti-Islamic activities:

And whereas the President is satisfied that circumstances exist which render it necessary to take immediate action;

Now, therefore, in pursuance of the Proclamation of the fifteenth day of July, 1977, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:

PART I—PRELIMINARY

1. Short title and commencement.—(1) This Ordinance may be called the Anti-Islamic Activities of Qadiani Group, Lahori Group and Ahmadis (Prohibition and Punishment) Ordinance, 1984.

(2) It shall come into force at once.

2. Ordinance to override orders or decisions of Courts.—The provisions of this Ordinance shall have effect notwithstanding any order or decision of any Court:

PART II—AMENDMENT OF THE PAKISTAN PENAL CODE ACT (XLV OF 1860)

3. Addition of new sections 298-B and 298-C. Act XLV of 1860.—In the Pakistan Penal Code Act (XLV of 1860), in Chapter XV, after section 298-A, the following new sections shall be added namely:

298-B. Misuse of epithets, descriptions and titles, etc., reserved for certain holy personages or places.—(1) Any person of the Qadiani Group or the Lahori Group who call themselves ‘Ahmadi’ or by any other name who by words, either spoken or written, or by visible representation:

(a) refers to or as the Caliph or as Muhammad (p. b. u. w. Muminneen, ‘b. u. w. Muslims’);

(b) refers to, or addresses as the wife of the Hearer (Able-bolt or as ‘Masjid’;

(c) refers to, or addresses as member of the Prophet Muhammad

shall be punished in accordance with a description for a period of years, and shall also shall extend to three years.

(2) Any person of (who call themselves who by words, either words, or visible representation, refer to, or address prayers followed by him as used by the imprisonment of others extend to three years.

298-C. Person himself a Muslim his faith—Any person of the Lahori Group (who call himself as a Muslim, or preaches to others to accept him as written, or by words, or in any manner whatsoever, the Muslims, shall be
(a) refers to or addresses, any person, other than a Caliph or companion of the Holy Prophet Muhammad (peace be upon him), as 'Ameer-ul-Mumineen', 'Khalifa-tul-Mumineen', 'Khalifa-tul-Muslimineen', 'Sahabi' or 'Razi Allah Anho';

(b) refers to, or addresses, any person, other than a wife of the Holy Prophet Muhammad (peace be upon him), as 'Ummei-Mumineen';

(c) refers to, or addresses, any person, other than a member of the family (Able-bait) of the Holy Prophet Muhammad (peace be upon him), as Aale-bait or .

(d) refers to, or names, or calls, his place of worship as 'Masjid';

shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

(2) Any person of the Qadiani Group or Lahori Group (who call themselves 'Ahmadis' or by any other name) who by words, either spoken or written, or by visible representation, refers to the mode or form of call to prayers followed by his faith as 'Azan, or recites Azan as used by the Muslims, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

298-C. Person of Qadiani Group etc., calling himself a Muslim or preaching or propagating his faith. Any person of the Qadiani Group or the Lahori Group (who call themselves 'Ahmadis' or by any other name), who, directly or indirectly, poses himself as a Muslim, or calls, or refers to, his faith as Islam, or preaches or propagates his faith, or invites others to accept his faith, by words, either spoken or written, or by visible representations, or in any manner whatsoever outrages the religious feelings of Muslims, shall be punished with imprisonment of
either description for a term which may extend to three years and shall also be liable to fine."

As the outset it was strenuously urged by learned counsel for the petitioners that to construe real meaning of the words used in an enactment and to know intention of the legislature, it is a well-settled principle that a statute must be read as a whole. According to the learned counsel it is the statute which is to be read as a whole and not some sections from here and there which may be read together. On this legal proposition the learned counsel argued further that section 298-B and section 298-C, PPC are both part of the same statute i.e., Ordinance XX of 1948, therefore, when there is ambiguity, (as according to the learned counsel the words of section 298-C, PPC are ambiguous) the same is to be interpreted with reference to section 298-B, PPC. It was further contended that only those actions of Qadianis which have been prohibited under section 298-B, PPC have been made punishable in section 298-C. According to the learned counsel a Qadian or Ahmadi is said to have posed himself as a Muslim under section 298-C, PPC if he refers to or addresses to any other person, other than a Caliph or companion of the Holy Prophet Muhammad (peace be upon him), as ‘Ameer-ul-Mumineen’, ‘Khalifa-ul-Mumineen’, ‘Khalifa-ul-Muslimeen’, ‘Sapahi’ or ‘Razi Allah Anho’ or for that matter recalls his place of worship as Masjid etc. which are mentioned in section 298-B (1), (a), (b), (c) and (d). Thus, the learned counsel attempted to conclude that since reciting of KALMA TAYYABA or wearing, badge of Kalma Tayyaba are not mentioned in any of the classes of section 298-B, the same cannot, therefore, be presumed to be offences in section 298-C, PPC. Having regard to the maxim expressus unius exclusio alterius, it was argued that the provisions of section 298-C are general whereas offences mentioned in section 298-B are particular, therefore, the particular excludes the general and thus section 298-C, PPC provides only those actions as offences which are particularly and expressly mentioned in section 298-B, PPC. Another limb of the arguments of the learned counsel for the petitioners was that it is not the function of the court to otherwise are omitted by has not been mentioned, C - PPC, therefore, the added to section 298-C, PPC describing a well-settled cannot be created by imp

In support of the counsel relied on the case of Saradha Division and held in the aforesaid case courts cannot extend a prevision has clearly as this connection the expression Statute Law, Fifty Edn. of

"The authorities are unanimous. No Court to alter an omission", said Lord Henderson. In Committee of the House of Lords, gaps disclosed in the function of the

The case of Qas on in PLD 1969 Lah 18 on page 52 read as under: "It is expository statute, and not not provided for merely because should have been consequently to quoted as the g
may extend to the line.

ged by learned counsel. A meaning of the statute, learned counsel and not some other person, is to be placed before the House of Lords, a fact to be dealt with in this case. The function of the court is to add words in the statute which otherwise are omitted by the legislature. Since Khaliq Tasyabi has not been mentioned, rather than omitted in section 298-C, PPC, therefore, the same cannot be extended into or added to section 298-C, PPC. In fact the learned counsel was describing a well-settled rule of interpretation that offence cannot be created by implication.

In support of the aforesaid contention the learned counsel relied on the case of Khizar Hayat v. Commissioner, Sargodha Division and others PLD 1967 Lah. 349. It was held in the aforesaid case that it is well-settled rule that the courts cannot extend a statute to meet a case for which provision has clearly and undoubtedly not been made. In this connection the following passage from Craies on Statute Law, Sixty Edn. from page 70, was also reproduced:

"The authorities on this subject are numerous and unanimous. No case can be found to authorise any Court to alter a word so as to produce a 'casus omnisus', said Lord Halsbury in Mersey Docks v. Henderson. In Crawford v. Spooner, the Judicial Committee said: We cannot aid the Legislature's defective phrasing of an Act, we cannot add and mend, and, by construction, make up deficiencies which are left there. In 1961 in Mayor and St. Mellons R.D.C. v. Newport Corp. It was held by the House of Lords, that a Court has no power to fill any gaps disclosed in an Act. To do so would be to usurp the function of the Legislature."

The case of Qasu and others v. The State reported in PLD 1969 Lah. 88 and the relevant observations being at page 52 read as under:

"It is exorbitant that nothing is to be added to a statute and words are not to be read into it. A case not provided for in a statute is not to be dealt with merely because there seems no good reason why it should have been omitted, and the omission consequently to have been unintentional" has been quoted as the gist of the decision in Lloyds Bank v.
Elliot by Maxwell in his book *Interpretation of Statutes*, Eleventh Edition, at page 12, under the heading "Omission not to be lightly Inferred."

The third case referred to in support of the aforesaid contention was the case of Ch. Khasim Hussain v. The State - PLD 1985 S C (A and N) page 125. On page 130 while following the principles laid down by the Supreme Court in case of State v. Zia-ul-Rehman and others reported in PLD 1975 S C 99 it was observed at under:

"It is only in the case of any ambiguity that a Court is entitled to ascertain the intention of the legislature by construing the provisions of the statute as a whole while taking into account the circumstances which led to the enactment of the statute. The rule is well-founded that a statute has to be construed as a whole and every part of the statute is to be given a meaning consistent with the other provision thereof."

The aforesaid rules of interpretation or any other rules have been devised to enable the courts to exactly ascertain or discover the legislative intent in a statute. The fundamental and basic phenomena is to give effect to the legislative intent from the words used in a statute. If the words are plain and clear, no other rules of interpretation or any other rules have been devised to enable the courts to exactly ascertain or discover the legislative intent in a statute. The fundamental and basic phenomena is to give effect to the legislative intent from the words used in a statute. If the words are plain and clear, no need does not arise to have recourse to different rules of interpretation but to give effect to the ordinary grammatical meaning of the words used in an enactment. This is now almost a well-settled law and if any reference is at all necessary reliance may be placed on the case of S.A. Haroon v. Collector of Customs, Karachi - reported in PLD 1959 SC (Pak.) 177. The relevant observations made by the Hon'ble Supreme Court as follows:

"All rules of interpretation have been devised as aids to the discovery of the legislative intent behind an enactment. Where the words are plain and unambiguous that intent can be best judged by giving full effect to the ordinary grammatical meaning of those words. But when this is not the case, an attempt should be made to discover the true intent by considering the relevant provision in the context of the whole Act in which the Court has to be passed. The words might have to be provided are not the consideration."

It is further a construction that the Court can take from a statute any grounds to justify the interpretation which intends the intention of the legislator, unambiguously and clearly in the legislative history, is learned amicus curiae. When there was no such construction that Qadia stage emerged when the Constitution of the Islamic Republic of Pakistan Article 268 after clause (3):

"(3) A person who as a Muslim (prophets or claim word or of a Muhammadian claimant as a Prophet Muslim for the purposes of this Act shall claim if it is alleged that he is not a Muslim, he need not produce evidence of the same."

It was the submission of the learned amicus curiae that Qadia stage emerged when the Constitution of the Islamic Republic of Pakistan Article 268 after clause (3):

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the whole Act in which it appears and by having regard to the circumstances in which the enactment came to be passed. The previous state of law the mischief sought to be suppressed and the new remedy provided are relevant factors to be given due consideration."

It is further a well-established principle of construction that the Courts are not supposed to add or to take from a statute anything unless there are adequate grounds to justify the inference that the legislature intended something which was omitted to express. The intention of the legislature in the present case is manifest, unambiguous and clear. The same may be deduced from the legislative history, as aptly put by Mr. Bakhautullah, learned amicus curiae. The first stage existed till 21-9-1974, when there was no express provision in law or under Constitution that Qadzais were non-Muslims. The second stage emerged when Constitution (Second Amendment) Act, 1974 was introduced in the Constitution of Islamic Republic of Pakistan (hereinafter referred to as the "Constitution"), on 21st of September, 1974. In the aforesaid amendment the following clause was added in Article 26A after clause (2):

"(4) 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 a Prophet or a religious reformer, is not a Muslim for the purposes of the Constitution or law."

It was the stage when the legislature made a declaration that Qadzais are non-Muslims. After being declared as non-Muslims the Qadzais vs Ahmadis et al. continued to claim themselves to be Muslims, but there was no penal section under any law is forbid them from claiming to be Muslims. However, for the purpose of the constitutional rights they were non-Muslims. Hereinafter
came the next stage when Muslims and non-Muslims were specified in the Constitution by an amendment so made in the Constitution, known as Constitution (Third Amendment) Order, 1983. Then came the last stage when it was felt necessary to provide penal clauses in law to give effect to the Constitutional amendment as mentioned hereinafore. This was done by Ordinance XX of 1984 already reproduced in the preceding paras by virtue of which sections 288-B and 288-C were introduced in the Pakistan Penal Code. It starts with the preamble—:

"Whereas it is expedient to amend the law to prohibit the Qadiani Group, Labari Group and Ahmadiya from indulging in anti-Islamic activities;"

meaning thereby that Qadianis being non-Muslims continued indulging in anti-Islamic activities. From this brief survey of legislation in respect of the status of Qadianis it may be conveniently gathered that Ordinance XX of 1984 was primarily meant to curb the activities of Qadianis from indulging in anti-Islamic Activities. The aforesaid amendment provided two sections 288-B and 288-C in Pakistan Penal Code. Section 288-B, P.P.C. is admittedly particular in its contents and certain actions have been foiblesider under law which have already been mentioned in clause (b), sub-clauses (a) to (d) of section 288-B and sub-clause (2) provides punishment for the same. But the legislature further felt it necessary to add section 288-C which covers the general behaviour and conduct of Qadianis towards Muslims.

From the above discussion, I conclude and hold that section 288-B, P.P.C. and section 288-C, P.P.C. are two independent sections creating distinct offences. Section 288-B is primarily intended to protect the Holy names, titles, personages, plasters etc. from misuse. But section 288-C prescribes punishment for conduct and general behaviour of a Qadiani if he directly or indirectly poses himself as a Muslim, or cult, or refers to, his faith as Islam, or preaches or propagates his faith, or invites others to accept his faith, by words either spoken or written, or by visible representation or in any other manner.

The religious feelings of the people of Pakistan are so strong that there is no ambiguity in the provisions given in Ordinance XX of 1984. The Ordinance was enacted with an additional purpose of dealing with the phenomenon known as "sectarianism." The Ordinance XX of 1984 is a valid legislation in the present times and is needed to prevent sectarianism being indulged in by members of the Qadiani sect. The OrdinanceXX of 1984 was enacted with an additional purpose of dealing with the phenomenon known as "sectarianism." The OrdinanceXX of 1984 is a valid legislation in the present times and is needed to prevent sectarianism being indulged in by members of the Qadiani sect. The OrdinanceXX of 1984 was enacted with an additional purpose of dealing with the phenomenon known as "sectarianism." The OrdinanceXX of 1984 is a valid legislation in the present times and is needed to prevent sectarianism being indulged in by members of the Qadiani sect.

Now adverting to the words used in section 288-C, they are susceptible to more than one meaning of the simplest form, the literal meaning of the word "sectarian" as used in the Oxford Dictionary. However, the term is used in the Oxford Dictionary to denote an attitude, esp for action or attitude, esp for action.
Muslims were not so made in a
status of activities. The
B and 298-C
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representation or in any other manner whatever outrages
the religious feelings of the Muslims. It is thus clear that
there is no ambiguity in the words used in section 298-C,
P.P.C., to disclose the legislative intent. Mr. Majeeb-ur-
Rehman the learned counsel for petitioners then adopted
another argument by contending that if the meaning of
words used in a particular enactment or section thereof are
ambiguous on two or more words are susceptible of
analogous meanings, they are understood to be used in
their cognate sense. It was urged with vehemence that the
words take their colours from similar words as are
conjointly used in a particular provision of law. In fact it is
the rule of Noscitur a S context. But from the bare perusal of
section 298-C, P.P.C. it transpires that the aforesaid rule is
not applicable because as already observed, section 298-C is
an independent section creating distinct offence. I am
therefore of the firm opinion that no other rule of
interpretation or construction can be adopted in
interpreting section 298-C, P.P.C. except that the legislative
intent can be well-judged by giving effect to grammatical
meanings of these words as well as scheme of the
Ordinance. It thus, ends the discussion on this point.

Now, adverted to the interpretation of the words as
used in section 298-C, P.P.C., it is to be seen whether these
words are susceptible of different meanings, connotate more
than one meaning or these are aptly used to indicate in the
simplest form, the intention of the legislature. In this
regard the first word which came to limelight was the word
"pose" as used in the section. It was rightly pointed out by
Mr. Majeeb-ur-Rehman, the learned counsel for the
petitioners that the word "pose" is in fact not a judicial
word and it is not commonly used in legal terminology. It
does not find mention anywhere in any—. . . Judicial
Dictionary. However, the word "pose" as used in the
(assumption, claim, etc.); propound (question, problem); place
(artist's model, etc.) in certain attitude. 2. Assume an
attitude, esp. for artistic purposes, or to impress others; set
up, give oneself out as (connoisseur etc.); as, pretend to be,
(3) Attitude of body or mind, esp. one assumed for effect. Likewise the word "pose" as defined in Shorter Oxford English Dictionary, Volume II, Third Edition revised, means an act of posing, an attitude or posture of the body, or of a part of the body, esp. one deliberately assumed, or in which a figure is placed for effect, or for artistic purposes, i.e. An attitude of mind, esp. One assumed for effect, inter to assume a certain attitude. Similarly in Legal Treasurus the word "pose" means act as, act the part of, ape, assume the character of, assume the role of ... , but the State Counsel Mr. Ejaz Younas relied on the definition used in Corpus Juris Secundum wherein it means, affirm, to state as a proposition. The learned State Counsel then went on defining the word "affirm" and then adduced this was seriously objected to Mr. Majeedur Rehman on the ground that meaning of words cannot be construed at that manner.

However, the simplest meaning of pose as used herein seems to be assumed the role of or to pretend to be what in fact one is not. Thus, in its simplest form if a Qadiani poses himself as Muslim means when he acts as a Muslim or he assumes the role of a Muslim. Thus, when a Qadiani by his conduct or by any positive act, assumes the role of a Muslim and acts as a Muslim, his act falls within the mischief of section 298-C, P.F.C. For instance if a Qadiani displays or brands himself by affixing badge of Kalma Takyaba as in the instant case, he poses himself to be a Muslim.

The next word as repeatedly used in this section is "or" according to the learned counsel the word "or" has mostly been used in an illustrative or explanatory form. It has neither been used in conjunctive nor disjunctive form. However, according to the learned counsel section 298-C creates three offences which are as under

(1) if a Qadiani, who directly or indirectly poses himself as Muslim or calls or refers to his faith as Islam;

(2) he preaches or propounds his faith by worshipping visible representations

(3) in any manner with sentiments of Muqaddam

Thus, according to the learned counsel, "or" has been used only twice and "or" has been used in conjuction with what we submit to the Court.

The learned counsel version with the help of the defence counsel himself prepared and

[Diagram of a flowchart]

CH SECTION
(i) Poss as Muslim
Who directly or indirectly
Pre sumably invites
(ii) to

(iii) in any manner

[Diagram of a flowchart]

Mr. Basharatullah says "OR" has been used in section 298-C, P.F.C. The simplest form is if a Qadiani or commits an offence with sentiments of Muqaddam.

P.F.C. The word Muslim means a person who is
(2) Preaches or propagates or invites others to accept his faith by words either spoken or written or by visible representation.

(3) In any manner whatsoever outrages the religious sentiments of Muslims.

Thus, according to the learned counsel the word "or" has been used only twice as disjunctive and the remaining "or" has been used in conjunctive or in illustrative form.

The learned counsel attempted to substantiate his version with the help of the following chart which he himself prepared and which is reproduced as follows:

**CHART I**

<table>
<thead>
<tr>
<th>SECTION 298-C</th>
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<tbody>
<tr>
<td>Who directly or indirectly poses as a Muslim or cell or refers to OR</td>
</tr>
<tr>
<td>(i) Preaches or Propagates or invites others to accept OR</td>
</tr>
<tr>
<td>(ii) Preaches his faith by words either spoken or written by visible representation</td>
</tr>
<tr>
<td>(iii) In any manner whatsoever outrages the religious sentiments of Muslims</td>
</tr>
</tbody>
</table>

Mr. Basharatullah on the other hand contended that "OR" has been used disjunctively creating 7 offences in section 298-C, F.P.C. Be that as it may, the question put in simplest form is if a Qadiani poses himself as a Muslim or commits an offence within the meaning of section 298-C, F.P.C. The word Muslim as defined by the Constitution means a person who believes 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 does not believe in, or recognizes as a 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). Thus, a person enters the realm of Islam only if he believes 'in the unity and oneness of, Almighty God and in the absolute and unqualified finality of Prophethood Muhammad (peace be upon him) as last of the Prophets.' Learned Amicus Curiae Mr. Muhammad Moqim Ansari rightly pointed out that KALMA TAYYABA is not a Sharia as pointed out by Mr. Mujeeb-ur-Rehman but it is one of the fundamentals of Islam without which no one can be entered in Din-e-Islam. It was also pointed out by learned State Counsel Mr. Ejaaz Yusufzai that as per Sahih Bukhari Sharif, KALMA TAYYABA is one of the five fundamentals of Islam. It is otherwise known that whenever a non-Muslim converts his religion and adopts Din-i-Islam, the first fundamental is that he recites KALMA TAYYABA. There is thus no cavil that KALMA TAYYABA is one of the fundamentals of a Muslim. He, who recites KALMA TAYYABA is generally known to be a Muslim. Thus, when a Qadriani wears a badge of KALMA TAYYABA and roams in the streets, he poses himself to be a Muslim. In the instant case the petitioners admit that being Qadrians they have affixed badge of KALMA TAYYABA when they were apprehended. There remains thus, hardly any doubt that the petitioners committed an offence within the meaning of section 298-C, P.P.C. The petitioners failed to put any explanation for affixing the same except that as per arguments of the learned counsel for the petitioners that KALMA TAYYABA is common Shari'ah between Muslims and Qadrians. This aspect has been thoroughly and dexterously dealt by the Federal Shariat Court in the case of Majeeb-ur-Rehman and 3 others v. Federal Government of Pakistan and another as reported in PLD 1985 F.C. 8 and it was observed at page 111 as under:

"This Injunction worshipers perform the decree of the Mo- their Shariat of Hadj p.86, note 25). Wt is that Islamic Shariah adopt Shiat'ar of Isl distinguishing feature is known."

This may be a case advanced by the learned colleague.

Now I embark upon raised by Mr. Mujeeb-ur-Rehman can be made out unless the accused. According KALMA TAYYABA being Muslims hence the same intention to ridicule KALMA TAYYABA was not just to prove their intention or mens rea for Basharatullah, the learned generally criminal intent commission of an offence out in any particular of Amicus Curiae there is p. in which no criminal int made to sections 124-A, 17.

Be that as it may, it to what was the intention KALMA TAYYABA and obvious reason seem to make the people believe depicts the criminal intent. Thus, it cannot be argued facts of this case, that I rea or criminal intention to assign any reason
This Injunction is prohibitory of the idol worshippers performing their Shia'a in Ka'ba and the decree of the Holy Prophet ﷺ was prohibitory of their Shia'a of Hajj (see Tafheemul Qur'an, Vol. 2, p.186, note 25). It is thus, obviously concluded from it that Islamic Sharia does not allow a non-Muslim to adopt Shia'a of Islam, because Shia'a means the distinguishing features of a community with which it is known.

This may be a complete answer to the arguments advanced by the learned counsel for the petitioners.

Now I embark upon to determine yet another point raised by Mr. Mujeeb-ur-Rehman that no criminal offence can be made out unless mens rea is proved, on the part of the accused. According to the learned counsel since KALMA TAYYABA being common between Qadiyanis and Muslims hence the same was in fact affixed not with an intention to ridicule KALMA TAYYABA or to pose themselves as Muslims or injure the feelings of Muslims but just to practice their own religion and there was no intention or mens rea for doing so. On the other hand Mr. Basharatullah, the learned-Aamicus Curiae pointed out that generally criminal intention is fundamental ingredient for commission of an offence but it is not always to be found out in any particular offence. According to the learned Amicus Curiae there are provisions in Pakistan Penal Code in which no criminal intention is revealed. Reference was made to sections 124-A, 131, 340, 140 and 402-A, P.P.C.

Be that as it may, it is to be seen in the instant case as to what was the intention of the Qadiyanis to wear badge of KALMA TAYYABA and to go in crowded streets? The obvious reason seems to be that the petitioners intended to make the people believe that they are Muslims. This depicts the criminal intention or mens rea on their part. Thus, it cannot be argued, keeping in view the admitted facts of this case, that the petitioners acted with no mens rea or criminal intention because petitioners failed to give or assign any reason for affixing badge of KALMA
TAYYABA while going out in busy streets of the town except that they pretended to be Muslims or they wanted others to believe that they are Muslim.

The last but the most pertinent question in this petition was about the vires of Ordinance XX of 1984. Although Mr. Majeeb-ur-Rehman has very candidly conceded that vires of any legislation cannot be challenged in exercise of revisional jurisdiction of this Court yet he attempted to argue this point indirectly. However, undoubtedly vires of any legislation cannot be challenged collaterally or incidentally before High Court in its revisional jurisdiction, as in this capacity question regarding illegality, impropriety, excess of jurisdiction or illegal assumption of jurisdiction by subordinate courts can only be scrutinized. It may be seen that this law (Ordinance XX of 1984) even otherwise has been declared as a valid piece of legislation by the Federal Shariat Court in case of Majeeb-ur-Rehman and others v. Federal Government of Pakistan and another reported in PLD 1985 S C 8. It was also pointed out by Mr. Majeeb-ur-Rehman that the appeal against the aforesaid judgment is sub judice before the Supreme Court. As per Article 203-GG of the Constitution, the verdict of Federal Shariat Court is binding on the High Court. The said provision of the Constitution is hereby reproduced:-

"203-GG. Subject to Articles 203-D and 202-F, any decision of the Court in the exercise of its jurisdiction under this Chapter shall be binding on a High Court and on all Courts subordinate to a High Court.

Thus, this Court while exercising revisional jurisdiction shall not call in question the validity of Ordinance XX of 1984.

So far as merits of the case are concerned, as discussed hereinabove, the petitioners have admitted that they are Qadriyans and were wearing badge of KALMA TAYYABA, and no explanation whatsoever has come on record as to why they did so. The above factual and relevant legal aspects have been appropriately discussed and determined by the trial Court as well as apparently no illegality, improper jurisdiction in deciding the matter.

The upshot of the above merits in these petitions. He sentence taking into account circumstance of case and the offenders a lenient view is that each of the petitioners is released months' R I. the amount of fine in same.

Resultantly, with the above, all the five petitions are dismissed.

Before leaving the case, appreciation for the valuable assistance of Majeeb-ur-Rehman, and the Basharatullah and Mr. M. Advocates, as well as Mr. Ejaaz.
by the trial Court as well as appellate Court. These is apparently no illegality, impropriety or excess or failure of jurisdiction in deciding the matter, warranting interference.

The upshot of the above discussion is that I find no merits in these petitions. However, regarding quantum of sentence taking into consideration the peculiar circumstances of case and the fact that petitioners are first offenders a lenient view is taken. Thus, the sentence of each of the petitioners is reduced from 1 year R.I. to 9 months' R.I. the amount of fine, however, shall remain the same.

Resultantly, with the aforesaid reduction in sentence all the five petitions are dismissed.

Before leaving the case, I feel it incumbent to note my appreciation for the valuable assistance rendered by Mr. Mojeeb-ul-Rahman and the learned Amicus Curiae, Mr. Basharatullah and Mr. Muhammad Moquim Ansari, Advocates, as well as Mr. Ejaz Younas.

Petitions dismissed.

(PLD 1988 QUITTA 22)
FEDERAL SHARIAT COURT
1990
- Mr. Justice Gul Muhammad Khan
  (Chief Justice)
- Mr. Justice Abdul Karim Khan Xundi
- Mr. Justice Abdul Razak A. Thahir
- Mr. Justice Fida Muhammad Khan
FEDERAL SHARIAT COURT
Mr. Justice Gul Muhammad Khan, Chief Justice
Mr. Justice Abdul Karim Khan Kundi,
Mr. Justice Ibadat Yar Khan,
Mr. Justice Abdul Razzak A. Tahim
Mr. Justice Fida Muhammad Khan, JJ

MUHAMMAD ISMAIL QURESHI ...... Petitioner

versus

PAKISTAN through Secretary, Law and Parliamentary Affairs ...... Respondent

Shariat Petition No.6/L of 1987.

Mian Abdul Sattar Najam, Deputy Attorney-General,
Hafiz S A.Rainman and Rikhar Hussain Ch. for the Federal Government.

Nazir Ahmad Ghazi, A.A.-G., Riaz-ur-Rehman

Mian Muhammad Ajmal, Addl. A.G. for the N.W.F.P.
Government.

Hafiz S. A. Rehman for the Sindh Government.

Ghazi Rashid and Allah Bakhsh Gondal for Others.


Decided on 30th October, 1990.

JUDGMENT

GUL MUHAMMAD KHAN, CL: This order shall also dispose of Shariat Petition No, 1/L of 1994 and S.S. M. No. 106/87 on the same point. Petitioner Muhammad Ismail Qureshi, Advocate, challenges section 295-C of the Pakistan Penal Code, which was enacted vide Ordinance 1 of 1984. Earlier, the same petitioner had moved a similar application (Shariat Petition No. 1/L of 1984) but before it could be decided the legislature, of its own, amended the law and inserted section 295-C, P.P.C., referred to above. The petitioner feeling unsatisfied even with that has approached this Court. Section 295-C reads as under:

Section 295-C. Use of derogatory remarks etc., in respect of the Holy Prophet. Whoever by words, either spoken or written, or by visible representation, or by any imputation, insinuation, or innuendo, directly or indirectly, defiles the sacred name of the Holy Prophet Muhammad (P.B) shall be punished with death, or imprisonment for life and shall also be liable to fine.

2. The precise objection taken against this provision is that the alternate punishment of life imprisonment therein is repugnant to the injunctions of Islam as laid down in the Holy Qur'an and Sunnah of the Holy Prophet (P.B). The contention raised is that any disrespect or use of derogatory remarks etc. in respect of the Holy Prophet (P.B) comes within the purview of hadd and the punishment of death provided in the Holy Quran and Sunnah cannot be altered. The learned counsel for the petitioner referred to Surah Anfal, Verse 85 of the Quran and urged that no one can contest the constitutionality of a statute in his own case and the decision of the Supreme Court made in 1967 was also cited. The learned counsel also referred to Holy Prophet (P.B) in support of sentence of death only is to be given the authority sentence of life imprisonment.

3. This Court has requested some Jurisconsults at Lahore, Karachi and Islamabad the assistance of the following:

(1) Maulana Subhan Mirza
(2) Maulana Multi Gul
(3) Maulana Hafiz Sahab
(4) Maulana Muhammad
(5) Maulana Syed Abdul
(6) Maulana Faiz Hadi
(7) Maulana Saeedud Din

Out of the above, the opinion taken by the petitioners to say sentence for this offence:-

(1) Maulana Subhan Mirza
(2) Maulana Multi Gul
(3) Maulana Hafiz Sahab
(4) Maulana Muhammad
(5) Maulana Syed Abdul
(6) Maulana Faiz Hadi

The following further evidence was shown by the applicant:

(1) Maulana Subhan Mirza
(2) Maulana Multi Gul
(3) Maulana Hafiz Sahab

Maulana Saeed ud-Din Sheikoti, however, stated that even lesser punishment could be given.

4. Maulana Subhan Massood relied upon Verses 9:65 and 66, 33:57, 49:2, 2:217, 5:75, 39:1, 65, 47:28. He has related some Ahadith and juristic opinions wherein the contemner has been considered an apostate. He has further relied upon a Hadith related on the authority of Abu Quilubah wherein the punishment of contemner has been prescribed as death. He has also relied upon the Hadith related by Qari Ayaz that Holy Prophet said “Kill the person who abuses the Prophet and whip the one who abuses his companions.” He also relied upon Ahadith that the Holy Prophet ﷺ had punished his contemners with death. He also referred to the consensus of opinion of the Jurists that the punishment of contemner is death. He further maintained that the punishment of life imprisonment can be given to a woman contemner or a non-Muslim contemner of the Holy Prophet ﷺ.

5. Maulana Mufti Ghulam Sarwar Quadri, relied upon Verses 49:57, 66:56, 6:61-62, 88:8, 33:57, 4:65, 2:104 of the Holy Quran and some Ahadith to say that punishment of death only is prescribed for contemner. He also referred to the Ahadith wherein the Holy Prophet ﷺ had pardoned his contemners. He also cited verses of Holy Quran and also Ahadith of the Holy Prophet ﷺ to argue that they are clear on the point that repentance is acceptable in any offence. Reference was also made to the sayings of the prominent Hanafi Jurists specially Ibn Abidin and concluded that the repentance of the contemner is acceptable and this is the preferred view of Hanafi Jurists.

6. Maulana Hafiz Salahuddin Yousaf, relied upon the views of Hanafi Jurists that the repentance of the contemner can be accepted and thereafter he will not be given the punishment of death. He also cited verses of Holy Quran and Ahadith of the Holy Prophet ﷺ, particularly a Hadith related on the authority of Ibn Abbas about Holy Prophet ﷺ said, “Kill the person who changes his religion (Islam).” In his view a Muslim contemner becomes an apostate and so must quoted opinion of Ibn Himam that punishment is death.

7. Maulana Mufti Ghulam Sarwar Quadri relies upon the opinion of the Holy Prophet ﷺ prescribed the punishment further stated that the punishment of the contemner is death.

8. Maulana Syed Ali Shafiuddin Fathalian 33:57 and 9:12. He also stated that the punishment did not punish his contemner. He also referred to the views of different Jurists Muzaffar ibn Abdul Majeed by Abu Bakr and Shihabuddin by Abu a’la Mada. He also quoted opinions of the contemner is death.


11. Almost all its following verses which state: “(39:57) Lo! those you Allah hath cursed...”
apostate and so must be condemned to death. He also quoted opinion of Ibn Taimiyyah that the punishment of the contemner is death. He also relied upon the views of Imam Malik, Shafi and Ahmad to the same effect.

7. Maulana Muhammad Abu-hu Al-Falajah, among other verses relied Verse 4:46 of the Holy Quran and Ahadith of the Holy Prophet wherein the Prophet has prescribed the punishment of death for his contemner. He further stated that there is consensus of the opinion among the Jurists on the Point that the punishment of the contemner is death.


9. Maulana Fazle Hadi, relied upon Verses 49:2, 33:57, 58, 9:12, 9:65 and 66. He also cited some Ahadith of the Holy Prophet wherein the punishment of death has been prescribed for the contemner of the Prophet. He also quoted opinions of Jurists that the punishment of the contemner is death.


11. Almost all the Jurists and contest have relied upon the following verses which are as under:

*33:57* Let those who malign Allah and his Messenger, Allah hath cursed them in the world and the
Hereafter, and hath prepared for them the doom of the disbelievers.

Explaining this verse Allama Qurtubi writes:

"Everything which becomes a means of maligning of the Holy Prophet whether by quoting words bearing different meanings or similar actions comes under his maligning (i.e., Al-Jamis Liiskami: I) Quran, Vol. XIV, page 239."

Allama Isma'il Haqqi while explaining this verse writes:

"With the maligning of Allah and His Prophet is meant only the maligning of the Prophet in fact, and mention of Allah is only for glorification and exaltation and to disclose that the maligning of the Prophet is indeed the maligning of Allah."

13. The next verses relied upon (961-62) is as follows:

"9:61-62: And of them are those who see the Prophet and say, He is only a bearer. Say: A bearer of good for you, who believeth in Allah and is free to the believers, and a mercy for such of you as believe. Those who see the Messenger of Allah, for them there is a painful doom."

Ibn Taimiyah while explaining these verses writes:

"Verse 9:62 denotes that the maligning of the Prophet is the opposition (i.e., the enemy) of Allah and His Prophet."

(Ahsan-ul-MatbOL, page 20, 21)

13. Ibn Taimiyah further writes: "It is related on the authority of Ibn Abbas that when a man from a group of contemporaries came to the Prophet, he said to him "why you and your friends abuse me." That person went and bought his friends and they all have not abused him. On checking:

58:18:

"Do the day when the heaven will they swear unto you, and they standing. Lo! is it not true?

58:20:

"The devil hath enjoined them to forget some devil's party. Lo! be the losers!

These verses are in under:

58:22:

"Lo! those who oppose will be among the losers."

14. Thus this link is obvious that these are the opponents of Allah. The Quran says:

"When thy Lord is with you. So maketh will throw away disbelief. Then a each finger (8:12). That is because messenger, Whoso messenger, (for punishment). (8:13)

And if Allah had verily would have
his friends and they all swore in Allah and said that they have not abused him. On this the following verses were revealed:

58:18:
"On the day when Allah will raise them all together, then will they swear unto him as they (now) swear unto you, and they will fancy that they have some standing. Lo! is it not they who are the liars?"

58:20:
"The devil hath engrossed them and so hath caused them to forget remembrance of Allah. They are the devil's party. Lo! is it not the devil's party who will be the losers?"

These verses are linked with Verse 58:20 which is as under:

58:20:
"Lo! those who oppose Allah and His messenger, they will be among the lowest."

14. Thus this link of the verses of the Holy Qur'an is obvious that these abusers and mountebanks of the Prophet are the opponents of Allah and His Prophet about whom the Qur'an says:

"When thy Lord inspired the angels, (saying) I am with you. So make those who believe stand firm. I will throw fear into the hearts of those who disbelieve. Then smite their necks and smite of them each finger (8:12).

That is because they opposed Allah and His messenger, Whoso opposeth Allah and His messenger, (for him) Lo! Allah is severe in punishment. (8:13).

And if Allah had not decreed migration for them, He verily would have punished them in this world, and
Theirs in the Hereafter is the punishment of the Fire. (9:23).

That is because they were opposed to Allah and His Messenger, and whoso is opposed to Allah (for him) verily Allah is stern in repulsal.” (59:4).

So these verses clearly prescribe the severe punishment of death for the opponents of Allah and His Prophet, who include contumaces of the Prophet (ibid., page 24).

15. The Holy Qur'an further mentions in this regard—

“If the hypocrites, and those in whose hearts is a disease, and the alarmists in the city do not cease. We verily shall urge thee against them, then they will be your neighbours in it but a little while. (33:68).

Accursed, they will be retired wherever found and slain with a fierce slaughter.” (33:61).

These verses state that the punishment of these muraffiqin (contumaces) is death, (ibid., page 42).

16. The Holy Qur'an has described the glorification and exaltation of the Prophet in another way and has ordered the Muslims to maintain it and be careful in this regard otherwise their good deeds will be rendered vain. Qur'an says—

"O ye who believe! Lift not up your voices above the voice of the Prophet, nor shout when speaking to him as ye shout one to another, lest your works be rendered vain while ye perceive not.” (49:2).

 Ibn Taimiyah while explaining this verse writes “In this verse the believers have been prohibited from raising their voices over the voice of the Prophet and that their loud voice before the Prophet stay not render their good deeds as vain and they will not understand it.

17. It is obvious from different Verses of Qur'an that infidelity and apostasy render actions of any person as vain. The Holy Qur'an says—

“They question the warfare in the sacred great (transgression of Allah), and to inevitable place of thence, is a greater worse than killin fighting against renegades from ye become a reneg

This day are (all)

The food of those lawful for you, and so are the virtuous Scripture before ye and them their marriage and honour, not in fornicators, whose and he will be among the losers. (46:9)

This is the quida whomsoever of his had associated, to they were wont to

And verily it hath been before thee by Allah thy work be among the losers. (46:9).

That is because to hath revealed, the fruitless (46:9).

18. In order to the Holy Qur'an prohibits words as used by the Holy Qur'an says—
They question thee (O Muhammad) with regard to warfare in the sacred month. Say: Warfare therein is a great transgression, but to turn (men) from the way of Allah, and to disbelieve in him and in the inviolable place of Worship, and to expel his people thence, is a greater (sin) with Allah, for persecution is worse than killing. And they will not cease from fighting against you till they have made you renegades from your religion, if they can. And whose become a renegade and dieth in his disbelief such are they whose works have fallen both in the world and the Hereafter, Such are righteous owners of the Fire they will abide therein. (2:217).

This day are (all) good things made lawful for you. The food of those who have received the Scripture is lawful for you, and your good is lawful for them. And so are the virtuous women of those who received the Scripture before you (lawful for you) when ye give them their marriage portions and live with them in honour, not in fornication, nor taking them as secret concubines, whose desirah the faith, his work is vain and he will be among the losers in the Hereafter. (5:5).

This is the guidance of Allah whereby he guideth whomsoever of his bondmen he listeth. And if they had associated, to naught would have come all that they were wont to work. (6:88).

And verily a hath been revealed unto thee as unto those before thee (saying): If thou ascribe a partner to Allah thy work will fail and thou indred will be among the losers. (39:65).

That is because they are averse to that which Allah hath revealed, therefore. He maketh their actions, fruitless. (47:9).

In order to top insinuations against the Prophet, Holy Qur'an prohibited the believers to use ambiguous words as used by the Jews for insulting the Prophet. The Holy Qur'an says:--
"O ye who believe! say not (unto the Prophet): "Listen to us" but say "Look upon us, and be ye listeners. For disbelievers is a painful doom." (2:104).

Maulana Muhammad Ali Siddiqui while explaining this verse, writes: "The Jews used this word as insult of the Prophet. The word 'raina' (راعية) has two meanings, good and bad. Its good meaning is "Be kind and attentive to us". The bad meaning is that Jews spoke it Raena (رفيق) which means "Oh! our Shepherd" and they used this word to degrade the Prophet. So it is an inimodo amounting to contempt of the Prophet. Therefore Muslims were prohibited to use this word so as to stop all the means which lead to the contempt of the Prophet.

19. The Jews used the word 'raina' (راعية) as raena (رفيق) for defecting the religion (of Islam). Holy Quran says:-

"Some of those wise are jews change words from their context and say: 'We hear and disbelieve; hear thou as one who heareth not' and 'Listen to us! disturbing with their tongues and slandering religion. If they had said: 'We hear and we obey; hear thou, and look at us' it had been better for them, and more upright. But Allah hath cursed them for their disbelief, so they believe not save a few." (4:46).

Allama Qurtubi writes, "they Muslims were prohibited from speaking this word so as to stop the means leading to the contempt of the Prophet. The glorification and exaltation of Prophet is the base of the religion and thus depriving it is depriving the religion." (Maalimul Quran by Muhammad Ali Siddiqui, Vol. I, Pages 463-468).

20. It has been related on the authority of Abdullah Bin Abbas that a munafiq man named Bishar had a dispute with a jew in some matter. The jew told him to go to the Prophet for decision and the munafiq told him to go to Kaab Bin Ashraf. Anyhow they went to the Holy Prophet ﷺ and the Prophet declared that person (munafiq) was not they brought the dispute to Hazrat Umar that Holy Prophet is my favour but this man Hazrat Umar said to me that Hazrat Umar went inside and said, "I do not agree to the decision of 4:85 was revealed which is:" By nay, by thy Lord until they make the love between them and i.e. of that which thou submission." (4:85)

This action of Hazrat Umar is an authority contempt of the Holy Prop

21. The Holy Quran is an authority contempt of the Holy Prop

22. Ibn Taimiyah writes, "This text is on Allah, his verses and his contempt is mere liable this verse that he who apostate." (Assarimul Max
and the Prophet decided in favour of the Jew. The person (munafiq) was not willing on that decision and thus they brought the dispute before Hazrat Umar. The Jew told Hazrat Umar that the Holy Prophet (ﷺ) has already decided in my favour but this man was not willing on that. Then Hazrat Umar said to the munafiq: ‘Is this so?’. He said ‘Yes’. Hazrat Umar went inside, got his sword and killed the munafiq and said, ‘I decide so for the person who does not agree to the decision of the Holy Prophet.’ On this Verse 4:65 was revealed which is as under:-

‘By nay, by thy Lord, they will not believe (in truth) until they make thee judge, of what is in dispute between them and find within themselves no dislike of that which thou decidest, and submit with full submission.’ (4:65). (Rahul Mazed, Vol. V, page 87)

This action of Hazrat Umar as approved by the Holy Qur’an is an authority for the sentence of death for contempt of the Holy Prophet (ﷺ).

21. The Holy Qur’an has further declared that the contempt of the Prophet is apostasy in any form it may be. Holy Qur’an says:-

‘And if thou ask them (O Muhammad) they will say: We did but talk and jest. Say: Was it at Allah and his revelations and his messenger that ye did scoff? (9:65).

Make no excuse, Ye have disbelieved after your (confession of) belief. If we forgive a party of you, a party of you we shall punish because they have been guilty.’ (9:66).

22. Ibn Taimiyah while explaining these verses writes, ‘This text is on the point that cutting jokes with Allah, his verses and His Prophet is infidelity. So the contempt is more liable to be infidelity as is derived from this verse that he who insults the Prophet becomes apostate.’ (Assarimul Maslul, page 31).
Abu Bakar Ibn Arabi while explaining this verse writes, "the hypocrites spoke this word either intentionally or as a joke and whatever the case may be it is infidelity because making joke with the words of infidelity is also infidelity. (Akhmad Qur'an, Vol. II, page 964).

23. The Holy Qur'an, as a glorification of the Holy Prophet prohibited even the slightest cause of annoyance and declared that marriage with the wives of the Prophet after his death is prohibited for the believers so as to avoid not being means of the contempt of the Prophet. Holy Quran says:-

"O ye who believe! Enter not the dwellings of the Prophet for a meal without waiting for the proper time, unless permission be granted you. But if ye are invited, enter and when your meal is ended, then disperse. Longer not for conversation. Lot that would cause annoyance to the Prophet, and he would be shy of (asking) you (to go); but Allah is not shy of the truth. And when ye ask of them (the wives of the Prophet) anything, ask it of them from behind a curtain. That is purer of hearts and for their hearts. And it is not for you to cause annoyance to the messenger of Allah, nor that ye should, ever marry his wives after him. Lo! that in Allah's sight would be an enormity. (33:53)."

24. The Holy Prophet is the best interpreter of the above-noted verses of the Holy Qur'an and it is also proved by his Sunnah that his contemnor is liable to the penalty of death. Reference may be made to the following Hadiths:

(i) It has been related on the authority of Hazrat Ali that Holy Prophet said: "Kill the person who abuses a Prophet and whip by stripes the one who abuses my companions." (Al-Shifa, Qazi, Ayaz Vol.11, page 194).

(ii) It has been related on the authority of Ibn Abbaas that a blind person in the period of Holy Prophet had a female slave who used to abuse the Holy

Prophet. This lady came to him and warned him. One night when the Holy Prophet knife and attacked the people and Stand and confes what he has done. He and came rolling Prophet and i this slave woman constantly forbade me I have two beauties my very good com started abusing you on her belly and k said, "O people! this woman is very pages 355-357).

(iii) It has been related that a jew woman and thus a per declared her bi

(iv) It has been related who said, "I was became furious a Caliph of the Pro him. On this he went inside and you say? I said, "Had I ordered you said, "Yes." He no one other that his
Prophet ﷺ. This blind person bade her to abstain from it and warned her not to do so, but she didn’t care. One night when she was as usual abusing the Holy Prophet ﷺ, this blind person took a knife and attacked her belly and killed her. Next morning, when the case of murder of this woman was referred to the Holy Prophet ﷺ, he collected the people and said, “who has done this job. Stand and confess because of my sight on him for what he has done.” On this the blind person stood and came rolling the people before the Holy Prophet ﷺ and said, “O Prophet, I have killed this slave woman because she abused you. I have constantly forbad her but she didn’t care for that. I have two beautiful sons from her and she was my very good companion, but yesterday when she started abusing you, I took my knife and attacked her on her belly and killed her.” The Holy Prophet ﷺ said, “O people! Be witnesses that the blood of this woman is vain (رسوأ).” (Abu Dawd, Vol. II, pages 355-357).

(ii) It has been related on the authority of Hazrat Ali that a Jew woman used to abuse the Holy Prophet ﷺ and thus a person killed her. The Holy Prophet ﷺ declared her blood as vain (رسوأ) (ibid).

(iv) It has been related on the authority of Abu Barzah who said, “I was sitting with Abu Bakar when he became furious at a person.” I said to him, “You Caliph of the Prophet of Allah. Order me to kill him”. On this he became normal and stood up and went inside and called and said, “What did you say? I said, “Order me to kill him.” He said, “Had I ordered you, would you have killed him?” I said, “Yes.” He said, “No.” I swear by Allah that no one other than the Holy Prophet ﷺ is in the position that his witenner be killed.” (ibid).
It has been related on the authority of Jabir Ibn Abdullah that Holy Prophet ﷺ said, “who will help me against Kaab bin Ashraf. He has indeed teased Allah and His Prophet.” On this Muhammad Ibn Maslamah stood and said, “O Prophet of Allah! Do you want me to kill him?” Prophet said, “Yes.” Then he went along with Abbas Ibn Abib and Hudh Ibn Bishar and killed him. (Rahbar, Vol. II, page 89).

It has been related on the authority of Bara Ibn Atib who said that Holy Prophet sent some persons of Ansar under the headship of Abdullah Ibn Atik to a Jew named Abu Raia who used to tease the Holy Prophet ﷺ and they killed him. (Assarimul Masal by Ibn Taimiyyah, page 152).

It has been related on the authority of Umar Ibn Umayyah that he had a ‘mushrikah’ sister who teased him when he met the Holy Prophet ﷺ and used to abuse the Holy Prophet ﷺ. At last one day he killed her with his sword. Her sons cried and said, “We know her murderers who killed our mother and the parents of these people are ‘mushrik’, (infidels).” When Umar thought that her sons may not murder wrong persons, he came to the Holy Prophet ﷺ and informed him of the whole situation. The Prophet said to him, “Have you killed your sister?” He said, “Yes.” Prophet said, “Why?” He said that she was harming me in your relation. The Prophet called her sons and asked about the murderers. They showed other persons as murderers. Then Prophet informed them and declared her death as vain. (Majmauz Zawaid wa Manbaul Fawaid, Vol. V, page 260).

It has been narrated that after the conquest of Makka, the Holy Prophet, after giving general pardon, ordered killing of Ibn Khatal and his she-slaughters who used to compose decametrical poems about the Holy Prophet ﷺ and its punishment.

Hadith No. 97 following Traditions of the Holy Prophet ﷺ and its punishment.

(i) Hadith No. 97 on the authority of Umar Ibn Khattab that Holy Prophet ﷺ said, “who will kill Zuhair?” He said, “No.” He replied, “No.” He killed him and killed him this goods.

(ii) Hadith No. 97 on the authority of Umar Ibn Khattab that Holy Prophet ﷺ said, “who will kill Zuhair?” He said, “No.” He replied, “No.” He killed him and killed him this goods.
of Jabir ibn \(\text{الjabir}^{\text{ibn}}\) \(\text{الjabir}^{\text{ibn}}\), "who has indeed said, "On this day I will kill him." He along with his son \(\text{الjabir}^{\text{ibn}}\) \(\text{الjabir}^{\text{ibn}}\) and killed the son of Bata ibn \(\text{الjabir}^{\text{ibn}}\) \(\text{الjabir}^{\text{ibn}}\) sent some of Abdullah who used to killed him. (Page 152).

Umair ibn \(\text{الjabir}^{\text{ibn}}\) sister who \(\text{الjabir}^{\text{ibn}}\) and \(\text{الjabir}^{\text{ibn}}\) At last one of his sons cited to killed our people are thought that yes, he came and asked him of the him, "Have you killed me in your sons and showed other your defeated?" (Majma' al-Zawa'id page 260).

25. Abdur Razzaq in his Musannaf has related the following Traditions about the contempt of the Holy Prophet \(\text{الjabir}^{\text{ibn}}\) and its punishment:

(i) Hadith No.9704: It has been related on the authority of Ikhmat that a person abused the Holy Prophet \(\text{الjabir}^{\text{ibn}}\) \(\text{الjabir}^{\text{ibn}}\) and said, "who will help me against my (this) enemy." Zubair said, "I," Then he (Zubair) fought with him and killed him. The Holy Prophet \(\text{الjabir}^{\text{ibn}}\) gave him this goods.

(ii) Hadith No.9705: It has been related on the authority of Urwah ibn Muhammad (who relates from a companion \(\text{الjabir}^{\text{ibn}}\) \(\text{الjabir}^{\text{ibn}}\)) that a woman used to abuse the Holy Prophet \(\text{الjabir}^{\text{ibn}}\) \(\text{الjabir}^{\text{ibn}}\) and said, "who will help me against my
(this) enemy." On this Khalid Ibn Walid went after her and killed her.

(ii) Hadith No.9706: It has been related on the authority of Abdur Razaq who relates from his father that when Ayub Ibn Yahya went to Adnan, a man was referred to him who had abused the Holy Prophet ﷺ. He consulted the Ulama in this matter. Abdur Rahman Ibn Yazid Sanaji advised him to kill him and he killed him. Abdur Rahman had related to him a hadith in this regard that he had met Umar and had got a great knowledge from him. Ayub also referred this action to Abdul Malik (or Walid Ibn Abdul Malik). He replied him appreciating his action.

(iii) Hadith No.9707: It has been related on the authority of Saeed Ibn Jubair that a person falsified the Holy Prophet ﷺ. The Prophet sent Ali and Zubair and said to them, "Kill him when you find him."

(iv) Hadith No.9708: It has been related on the authority of Ibn Taimiyyah who relates from his father that Hazrat Ali ordered the person who blamed (abused) the Holy Prophet ﷺ be killed. (Musannaf Abdur Razaq, Vol.V, pages 377-378).

26. It is pertinent to mention here that Holy Prophet ﷺ had pardoned some of his contemporaries but the Jurists concur that Prophet himself ﷺ had the right to pardon his contemporaries but the Ummah has no right to pardon his contemporaries. (Asuramal Masul, Ibn Taimiyah, pages 222-223).

27. Ibn Taimiyah writes, "Abu Sulaiman Khattabi said, "When the contemner of the Holy Prophet ﷺ is a Muslim then his punishment is death and there is no difference of the opinion among the Muslims about this matter in my knowledge." (Assarimul Masul, page 4).

28. Qazi Ayaz writes, "Ummah is unanimous on the point that the Punishment of a Muslim who abuses the

Qazi Ayaz further writes, "Every one who abuses Holy Prophet ﷺ, points out any defect in him, his lineage, his religion or in any of his qualities, or makes allusion with him or resembles him with another thing as his insult, disregards, degrades, disregards or dishonors, he is defamer and he will be killed, and these are consensuses of the ulema and Jurists on this point from the period of Sahaba till this time. (Al-Shifa by Qazi Ayaz, Vol.III, page 214).

25. Abu Bakar Jastas Hanafi writes, "There is no difference of opinion among the Muslims that a Muslim who maligns or insults the Holy Prophet ﷺ intentionally becomes apostate liable for death. (Askamul Quran Vol.III, page 106). It will be useful to note one Hadith here:"

"It has been related on the authority of Abdullah the Abbas that Prophet ﷺ said, "Kill the person who changes his religion (Islam)." (Bukhari, Vol.III, page 123)."

26. It has been related by Qazi Ayaz that Haroonur Rashid asked Imam Malik about the punishment of the defamer of the Prophet and told him that some Jurists of Iraq had suggested the punishment of whipping him stripes. Imam Malik became furious on that and said, "O Amir ul Muslims! how the Ummah has the right to exist when her Prophet is abused. So kill the person who abuses the Prophet and whip stripes to one who abuses the companions of the Prophet." (Al-Shifa, Vol.II, page 215).

27. Ibn Taimiyah, while relating the opinions of the Jurists in this connection, writes, "Abu Bakar Fazi Shafie has related that there is consensus of opinion among the Muslims that the punishment of defamer of the Prophet is death. If he is Muslim." (Iscatul Masli, page 3).

32. The above discussion leaves no manner of doubt that according to Holy Quran, as interpreted by the Holy Prophet ﷺ and the practice ensuing thereafter in the
Ummah, the penalty for the contempt of the Holy Prophet ﷺ is death and nothing else. We have also noted that no one after the Holy Prophet ﷺ exercised or was authorised the right of reprieve or pardon. The next question arising in the case is thus to specify or clearly define the offence of contempt of the Holy Prophet.

33. The words (مَهِيْسٌ - مًهِيْسٍ) and (مَكَانَ فَرْوُنً) have been used for the contempt of the Prophet in Holy Qur'an and Sunnah. (مَهِيْسٌ) means to suffer, to harm, to molest, to contemn, to insult, to annoy, to irritate, to injure, to put to trouble, to malign, to degrade, to scoff. (Arabic English lexicon, E.W. Lane, Book-I, Part-I page 44). The word (مَكَانَ فَرْوُنً) means to insult, to abuse, to revile, to scold, to curse, to defame. (Ibid., pages 212, 249).

Allama Rashid Raza, while explaining the meaning of the word (مًهِيْسٍ) writes, "It means anything with which the body or the mind of a living person is praised though very lightly." (Al-Manar, Vol.X, page 445).

Allama Ibn Taimiyah, while explaining the significance of the contempt writes, "It means to curse the Prophet, prays for any difficulty for him, or refers to him such a thing which does not behove with his position or uses any insulting) false and unreasonable words or imputes ignorance to him or blames him with any human weakness etc." (Asrarul Masal, Ibn Taimiyah, page 526).

34. Ibn Taimiyah, while concluding the discussion about the scope and what constitutes the offence of the contempt of the Prophet ﷺ writes, "Sometimes a word in a situation may amount to injury and insult while such a word may not amount to injury and insult on another occasion. This shows that the interpretation of the words which bear different meanings and senses changes with the change of circumstances and occasions. And when (مًهِيْسٍ) (insult, contempt) has neither been defined in Sharah nor in dictionary, the custom and usage will be relied upon in determining, its inter-contempt and insult in considered contempt a versa." (Asrarul Masal).

35. Criminal liability be done intentionally purpose in mind, or recklessly; and in each is such as to make intentionally chose the punish him with a so instead, for the future the forbidden act without the possibility of the harm effective inducement to.

36. Yet there are certain insufficient reasons, this mens rea. This is the person may be held was do his best as consequence is quest even beyond this; hold independently altogether culpable negligence. Yet of fault may be disting.

37. The wrongs of

(1) Intentional mens rea and or at least for

(2) Wrongs of assumes the carelessness, foresight, mistake will itself is not

(3) Wrongs of is not requ
determining its interpretation. So what is considered contempt and insult in the custom and usage that will be considered contempt and insult in Shariah as well and vice versa.” (Assimul Masil, Ibn Taqiyyiyah, page 540).

35. Criminal liability may require the wrongful act to be done intentionally or with some further wrongful purpose in mind, or it may suffice that it was done recklessly; and in each case the mental attitude of the doer is such as to make punishment effective. If a person intentionally chose the wrong doing, penal discipline will furnish him with a sufficient motive to choose the right instead, for the future. If, on the other hand, he committed the forbidden act without wrongful intent, yet realising the possibility of the harmful result, punishment may be an effective inducement to better conduct in the future.

36. Yet there are other cases in which, for sufficient or insufficient reasons, the law is content with a lower form of mens rea. This is the case with crimes of negligence. A person may be held responsible for some crimes if he did not do his best as a reasonable man to avoid the consequence in question. In another case the law may go even beyond this; holding, a man responsible for his acts, independently altogether of any wrongful state of mind or culpable negligence. Wrongs which are thus independent of fault may be distinguished as wrongs of Strict Liability.

17. The wrongs thus are of three kinds:

1. Intentional or Reckless Wrongs, in which the mens rea amounts to intention, purpose, design, or at least foresight.

2. Wrongs of Negligence, in which the mens rea assumes the less serious form of mere carelessness, as opposed to wrongful intent or foresight. With these wrongs deficiencies such as mistake will only negative mens rea if the mistake itself is not negligent.

3. Wrongs of Strict Liability, in which the mens rea is not required, neither wrongful intent nor
culpable negligence being recognised as a necessary condition of responsibility, and hence defences like mistake are of no avail.

36. An intention thus is the purpose or design with which an act is done. Suppose one buys a gun. His intention may be to shoot for sport or game, to use in self-defence or to shoot some one to cause his death. However, if the latter act is proved as not shooting for defence but as killing then the intention can be said to be to do this very thing i.e., to kill him.

39. An unintentional act is one lacking such purpose or design. An act such as killing which consists of a cease and an effect, may be unintentional when the act brings about consequences which he does not intend. One may kill by mistake, say firing at a game or wrongly imagining him to be someone else. In the former case he fails to foresee the consequences, in the latter he is ignorant of some of the circumstances.

40. A system of law, however, could provide that a man be held liable for such consequences, even though he did not intend them. In the first place, such a rule would obviate the need for difficult inquiries into the mental element. But secondly, and most important, the rule could be justified on the ground that a man should not do acts which he foresees will involve consequential harm to others, whether or not he intends to cause this harm. Such behaviour is clearly reckless or blameworthy, unless the risk can be justified by reason of the social interest of the act itself.

41. Both in this special connection and generally, it is to be observed that the law may, and sometimes does, impute liability outside the strict definition of intention, for what is called constructive intention. Consequences which are in fact the outcome of negligence merely are sometimes in law dealt with as intentional. Thus he who intentionally does grievous bodily harm to another, though with no desire to kill him, or certain expectation of his death, is guilty of murder if death ensues.

42. Law frequently, though by treating as intentional, all consequent negligence which is distinguished a say, which the actor foresees as the wrongful act. The foresight of the course an obviously unjustified acts infers, when the actor himself foreseen has transformed it into which cannot, it seems, be rebutted by acts expressly intended or those done.

43. In the Shariah, it makes the criminal intent precede the effect. In either case the penalty isIde substansiated by the following Prophet 80:

- Allah condemns all those of the minds of the members of have not expressly or put into action.

That is why the Shariah distinguishes between homicide or inflicting beother hand and unprescribed by the same identical penalty in prescribed punishment for maltreated or not.

44. The intention may be the intention of an offender to do an indefinite person will be regarded as offender is conscious of the whole or in deed a definite act. Whatever the result, if the other person or the Hamblett and the Hamblett and the Hamblett and the Hamblett and the Hamblett and the Hamblett do not differ in indefinite intent in criminal. Hence if the act of the offender will kill whether or not involves a definite victim.
42. Law, frequently, though by no means invariably, treats as intentional, all consequences due to that form of negligence which is distinguished as recklessness that is to say, which the actor foresees as the probable result of his wrongful act. The foresight of the reasonable man is of course an obviously useful evidential test, whereby to infer what the actor himself foresaw, but the rule just mentioned has transformed it into a presumption of law which cannot, it seems, be rebutted. Intention thus covers acts expressly intended or those done recklessly.

43. In the Shariah, it makes no difference whether the criminal intent precedes the offence or synchronizes with it. In either case, the penalty is identical. This principle is substantiated by the following Tradition of the Holy Prophet ﷺ:

“Allah condones all those sinister ideas coming into the minds of the members of my Ummah which they have not expressed or put into practice.”

That is why the Shariah draws no line of distinction between homicide or infliction of injury decided upon beforehand and unpunished homicide or injury and lays down identical penalty in both the cases. The prescribed punishment for murder is ‘qisas’ whether it is premeditated or not.

44. The intention may be definite or indefinite. The intention of an offender to do a definite wrong to an indefinite person will be regarded as definite intent. If the offender is conscious of the potential results of his act and does instead to produce all or some of those results, his offence would in spite of its indefinite results be treated as a definite act, whatever the results produced by it. The Hanafites and the Malamites as well as some jurists of the Shaffi-ee School do not differentiate between definite and indefinite intents in criminal cases including homicide. Hence if the act of the offender results in homicide he is a willful killer whether or not his intention of murder involves a definite victim.
Further, in determining the accountability of the offender and the sort of offence he is guilty of, the jurists place both definite and indefinite intent on equal footing and regard them as subject to the same imposition except when the offence consists of homicide and the criminal intent is indefinite.

45. The Shari'ah has kept in view the difference between criminal intent and the motive of crime, right from its very beginning but has not admitted of the bearing of the motive on the commission and pattern of the crime and the punishment entailed by it. Thus, it matters little in the Shari'ah whether the motive of offence is noble, just as killing, in retaliation, for the murder of one's next of kin or for the indignity suffered at the hands of the victim, or whether the motive is ignoble just as killing in lieu of pecuniary compensation or to commit larceny.

46. In other words, the motive of crime has nothing to do with the criminal intent; nor does it affect the pattern of crime or its punishment. So it is practically possible to reject the effect of motive so far as the 'hadd', 'qisas' offences are concerned but it is not so in the case of penal punishments. The motive does not affect the 'hadd' or 'qisas' offences because the law-maker has confined the Powers of the Court to the prescribed punishments, admitting of no consideration of the motive behind the commission of offences. But in the case of 'azar' punishments the law-maker empowers the Court to determine the quantum of Penalty and choose the kind of penalty so that it may be appropriate in the Court to take into account the motives of offences in the determination of the quantum of Punishment.

47. In other words, the difference between the man-made laws in force and the Islamic Shari'ah is that the latter does not recognize the effect of motives in the case of offences which are categorised as 'Hudood' or 'Qisas' but in the case of other offences, there is nothing in the Shari'ah inhibiting the Court to take into account the motive of crimes although it does not theoretically on Punishment.

48. It will be seen from the above that the Shari'ah recognizes an offence liable accompanied by an express intention the penalty of Hadd if any doubt or based on a Tradition of the Holy Prophet (N.B) is to be gathered from the facts acts falling in the second and this attract the sentences of Hadd, provided that he never intended to commit penitent if the words said, purpose were ambiguous or they could show mind or malice. We may also clarify alleged offence of contempt of the would be availed to show that mind guilty straits or malice and the penalty that account and not for the reason that this expression of contempt.

The Holy Qur'an says:

"335 And there is no sin for you make unintentionally, b purpose that will be a forgiving, merciful.""694 When those come to the Inscription: Peace be on Yourself (he and any of you did evil) is to be passed and amended (By Forgiving, Most Merciful.)."

"16:106 Anyone who, after accepting unbelief, except under the remaining firm in the
accountability of the s guilty of, the Jurists 
estem on equal footing except the criminal
view the difference of crime, right from the hearing of the accused. Just as one's act of killing of the victim, or of the crime and matters little in the case is noble, just as one's next of kin or of the victim, or
injury.
crime has nothing to affect the pattern of dually possible to the 'hadd', 'qisas' in the case of penal effect the 'hadd' or has confined the bed punishments, motive behind the case of 'tasweer' the Court to choose the kind of for the Court to offenses in the event.
between the man- is that the latter is in the case of 'qisas' but in the Shariah at the motive of crimes although it does not theoretically admit of its effect on Punishment.
48. It will be seen, from the above discussion, that Shariah recognizes an offence liable to Hadd only if it is accompanied by an express intention. Shariah also waives the penalty of Hadd if any doubt occurs therein. It is also based on a Tradition of the Holy Prophet ﷺ that doubts dispel sentences of Hadd.
49. So the wrongs of the first category only in para. 37 above will attract the penalty of Hadd and it will apply to the contemner of the Holy Prophet ﷺ. Further, as intention is to be gathered from the facts surrounding the event, the acts falling in the second and third categories will not attract the sentences of Hadd, provided the accused shows that he never intended to commit the offence and is penitent if the words said, justice made or the act done were ambiguous or they could show some straits of guilty mind or malice. We may also clarify that penitence, in an alleged offence of contempt of the Holy Prophet ﷺ, would be availed to show that mind of the accused had no guilty straits or malice and the penalty will be dispelled on that account and not for the reason that penitence can wipe out an intended contempt.
The Holy Quran says:
"33:5 And there is no sin for you in the mistakes that ye make unintentionally, but what your hearts purpose (that will be a sin for you), Allah is forgiving, merciful."
"6:54 When those come to thee who believe in Our Signs, Say: "Peace be on you; Your Lord had inscribed for Himself (the rule of) Mercy: verify, if any of you did evil in ignorance, and thereafter repented and amended (His conduct), lo! He is oft-forgiving, Most Merciful."
"16:106 Anyone who, after accepting Faith in Allah, utter unbelief, except under compulsion, His heart remaining firm in faith but such as open
their breast to unbelief, on them is Wrath from Allah, and theirs will be a dreadful penalty."

"40:19 (Allah) knows of (the tricks) that deceive with the eyes, and all that hearts (Of men) conceal."

50. It has been related on the authority of Hazrat Umar that he heard the Prophet SAW say "the reward of deeds depends upon the intention and every person will get the reward according to what he had intended. So whoever emigrated for worldly benefits or for a woman to marry, his emigration was for what he emigrated for." (Bukhari, Vol.1, page 1, Hadith No.1).

51. It has been related on the authority of Ubayy Ibn Ka'b who said, "There was a person among the Ansar whose house was situated at the farthest end of Madina, but he never missed any prayer along with the Messenger of Allah SAW. We felt pity for him and said to him: O, so and so, why don't you buy a house near the Prophet's house so as to save you from the troubles of the heat and the coming from a long distance. He said: Listen! by Allah, I do not like my house to be situated by the side of Muhammad SAW. I took (these words of his) ill and came to the Apostle of Allah (SAW) and informed him about (these words). He (the Holy Prophet) called him and he said exactly like that (which he had mentioned to Ubayy Ibn Ka'b) but made a mention of this also that he wanted a reward for his steps. Upon this the Apostle of Allah (SAW) said: in fact for you is the reward which you intend. (Muslim, Vol. 1, English Translation by Abdul Hameed Siddiqui, pages 323-324, Hadith No.1404). The above Tradition clearly shows that on the face of it the words said sounded contumacious but that was not the intention of the utterer and so he was absolved of any penalty.

52. It has been related on the authority of Yahya Ibn Sawayd that the Apostle of Allah was seated while a grave was being dug at Madina. A man suddenly looked down into the grave and said: Had is the sleeping place of a believer. The Apostle of Allah retorted: What's a bad thing you have said! The man explained: I have not meant that,

but I meant that fight in the way of the Apostle of Allah said thrice: Then in the way of Allah. There is no other world in which I would prefer my grave pages 662-663, English Translation by No. 575).

53. It is relevant to mention I have that the words uttered sounded like the Prophet is not an offence until it is an action or degradation. For example, speech prohibited before the Prophet. The Holy Prophet, who believes! Raise not your voice nor speak aloud to him in loud to another, lest your deaf perceive not." (49:2). In this connect while explaining Verse 49:2 writes, "Shouting and raising the voice over which actually injured him. However if it is done for the cause of battle enemy etc.

54. Allama Alusi, while explaining "When this verse was revealed Sabit Ibn Bakhtishu' was naturally loud, went to his house and started weeping. When he didn't notice the Prophet for a long time, he enquired about him. The companion that he had closed the door of his house inside the house. The Holy Prophet asked him, "What happened to you?" When this verse was revealed, having that I may not be one of those who rendered vain. The Holy Prophet SAWS not among them. You will live with his blessings." According to A'san it was that his loud voice was a natural thing, and mostly dumb speak with loud voice was not meant to degrade the Prophet SAWS as that of the hypocrites after it was revealed." (Ruhut Mazani, Vol. XXV)
but I meant that fight in the way of Allah (is better). Then the Apostle of Allah said thrice: There is nothing like death in the way of Allah. There is no other act of land in the world in which I would prefer my grave (Mishkat, Vol.III, pages 662-663, English Translation by Faruqi Karim, Hadith No. 575).

53. It is relevant to mention here that the mere fact that the words uttered sounded contemptuous of the Prophet is not an offence until it is based on malicious action or derogation. For example, speaking loudly has been prohibited before the Prophet. The Holy Qur'an says, "O ye who believe! Raise not your voice above the voice of the Prophet nor speak aloud to him in talk, as ye may speak aloud to one another, lest your deeds become void and ye perceive not." (49:2). In this connection Allama Qurtubi while explaining Verse 49:2 writes, "this is the prohibition of shouting and raising the voice over the voice of the Prophet which actually injured him. However, it will be no offence if it is done for the cause of battle or for frightening the enemy etc.

54. Allama Aiusi, while explaining Verse 49:2 writes, "When this verse was revealed Sabit Ibn Qataa whose voice was naturally loud, went to his house and closed his door and started weeping. When he didn't attend the gatherings of the Prophet for a long time, the Holy Prophet enquired about him. The companions said to the Prophet that he had closed the door of his house and is weeping inside the house. The Holy Prophet called him and asked him, "What happened to you, He said, 'O Prophet! when this verse was revealed, having loud voice, I feared that I may not be one of those whose good deeds will be rewarded vain.' The Holy Prophet said to him, 'you are not among them. You will live with blessings and die with blessings." According to Hassan it was based on the ground that his loud voice was a natural thing because he was dumb and mostly dumb would speak with loud voice, and his loud voice was not meant to degrade or insult the Holy Prophet as that of the hypocrites about whom this verse was revealed." (Ruhul Maani, Vol. XXVI, pages 124-125).
55. Allama Alusi further writes, "their shouting before the Prophet is of two kinds: (i) which does not amount to rendering the good deeds vain; (ii) which amounts to rendering the good deeds vain. The first is not based on malicious and insulting action as in case of shouting and speaking with loud voice in battles, quarrelling with opponents of injury or insult as Prophet ordered, on the day of the battle of Hunain to Hazrat Abbas to call the people with loud voice and he called people with such a loud voice that all the pregnant women delivered their pregnancies by that. And the second is based on malicious and insulting actions as was done by the hypocrites and infidels, (ibid).

56. Qurtubi writes that the last portion of this verse was revealed about a person who said, "I will marry Hazrat Aisha after the death of the Prophet." When Prophet was informed he was greatly injured by that. At this occasion this verse was revealed which prohibited marrying with the wives of Prophet for ever and the Holy Prophet said, "My wives in this world will be my wives in the hereafter." But before the revelation of this verse there had practically happened that the Holy Prophet engaged once divorced a wife named Kafiya and he married with Ikrima Ibn Abu Jahal and according to some she married with Ashas Ibn Qais Kindi. This shows that at that time it was not a source of the injury of the Prophet in their mind by saying to marry his wife after his death as it had not been prohibited." (Ibid, page 230).

57. The Holy Prophet didn't punish Mistah, Hassan and Hamnah who had actually participated in the accusation of Hazrat Aisha and he also did not declare them as hypocrites. Ibn-e-Taimiyah, explaining that position writes, "they had not intended the injury of the Prophet and there was not any sign of that, while Ibn Ubayy had intended the injury. This was because at that time it had not been told to them that the wives of the Prophet in this world will be his wives hereinafter and it was possible about their wives in general sense. It is for this reason that Holy Prophet hesitated in their matter and consulted Ali and Zaid and enquired from them didn't declare those who didn't believe as Polyamorphous or believers might have divorce after the order that his wives in this hereinafter and that they are the their accusation would be the infliction. (Assarikul Masail, al Shatat).

58. Maulana Ahmad Yaq # "intention" of the contemnor is the offence of contempt of the Holy said, "The Holy Prophet was fortunate." So he will become infidel the contempt of the Prophet with the page 74).

59. Some of the Jurists are, that if the contempt of the Holy Prophet and express words, the contemnor what was his intention but if the word or have the capacity of baring e senses out of which only one cannot be asked as to what was his "intent Ayaz, Val.II, page 221).

60. We, however, do not suggest import of words differ from context may also suggest different therefore, must be allowed to open innocent person is punished. Prophet said, The mistake of Q criminal is better than his mistake innocent." (Sumnu Al-Balhaqi, Va' Holy Qur'an also confers right of to Is it to be noted that though all whatever is written in the scrolls about the deeds of a person in this any doubt, yet we find that the man objects to the writings of the assesses including his hands, fe
Ali and Zaid and enquired from Barirah and consequently didn't declare those who didn't intend the injury of the Prophet as hypocrites on the possibility in their mind that Holy Prophet might have divorced the accused wife. But after the order that his wives in this world will be his wives hereinafter and that they are the mothers of the believers, their accusation would be the injury of the Prophet at any cost." (Assarimul Maslul, als Shatmir Rasul, page 49).

58. Maulana Ahmad Yar Khan Badayuni writes, "intention" of the contemner is necessary for proving the offence of contempt of the Holy Prophet ﷺ. If a person said, "The Holy Prophet ﷺ was poor and was not a fortunate". So he will become infidel only when he intends the contempt of the Prophet with that." (Nurul Irfan, Part X, page 74).

59. Some of the Jurists are, however, of the opinion that if the contempt of the Holy Prophet ﷺ is in manifest and express words, the contemner will not be asked as to what was his intention but if the words are such which bear or have the capacity of bearing different meanings and sense out of which only one amounts to contempt, he will be asked as to what was his "intention." (Al-Shifa by Qazi Ayaz, Vol.II, page 221).

60. We, however, do not agree. Firstly, the meaning and import of words differ from place to place. Again context may also signify different meaning. The accused therefore, must be allowed an opportunity to explain lest an innocent person is punished. It is related that Holy Prophet ﷺ said, The mistake of Qazi judge) in releasing a criminal is better than his mistake in punishing an innocent." (Suun Al-Baihaqi, Vol. VIII, page 184). The Holy Qur'an also confines light of hearing on every accused. It is to be noted that though Allah Almighty knows, that whatever is written in the scrolls by the guardian Angels, about the deeds of a person in this world, is correct beyond any doubt, yet we find that the man will be heard and if he objects to the writings of the angels, Allah shall call witnesses including his hands, feet, eyes and ears. See al-
63. An Indian renowned schola-
Raza Khan Brajwali writes in the difference between the words of infi-
nity to "the person who quotes these words
with that. (Tambud-e-Ismam, page 59).

64. It has been related that
Zainab Bint al-Haris mixed poison in
the Prophet ﷺ liked eating the meat
she mixed. One day, in the month
of Ramazan, he ate from the Prophet's
plate with the Holy Prophet ﷺ ate from
the Prophet's plate. He felt
thus threw it out from his mouth
and called that Jews woman and asked
her to have mixed poison in
the Prophet's plate. He then asked her.

65. It is also to be noted that
no distinction or inequality in
though he did bestow on some others.
We quote here for refer-
the Holy Qur'an:

"17:58 We did bestow on some P
gifts than on others; an "
gift of" the Psalms."

"2:253 Those apostles we en-
 above others; To one of
He raised, To another (-
son of Mary. We g
strengthened him with I
63. An Indian renowned scholar Maulana Ahmad Raza Khan BRaiswi writes in this regard, "There is a difference between the words of infidelity and the position of the person who quotes these words and becomes infidel with that. (Tambid-e-Imam, page 59). He further says, "The use of the word raina (have you not contempt now as it is not said in the context of contempt of the Prophet in these days." (Khatm-e-Nabuwat, page 71).

64. It has been related that a Jew woman named Zainab bint al-Haris mixed poison in meat and offered it to the Prophet ﷺ. He liked eating the meat of the arm of the goat, she mixed more poison in that part of the meat. Holy Prophet ﷺ rendered it safe and Bishar Ibn Al-Bara, who was accompanied with the Holy Prophet ﷺ at that time, started eating, he felt that it is poisonous and thus threw it out from his mouth. Then Holy Prophet ﷺ called that Jew woman and asked her about that. She confessed to having mixed poison in that meat. The Holy Prophet ﷺ then asked her as to why she had done so. She answered that she thought if you (Prophet) are a king, we will get rid of you and if you are a Prophet, there will be no harm to you. The Holy Prophet ﷺ forgave her. (Aqziyah al-Rasul by Muhammad Ibn Faraj, pages 109-110).

65. It is also to be noted that Allah Almighty creates no distinction or inequality in the status of the Prophets though He did bestow on some of them more gifts than others. We quote here for reference the following verses from the Holy Qur’an:

"17:55 We did bestow on some Prophets more (and other) gifts than on others; and We gave to David (the gift of) the Psalms.

"2:253 Those apostles we endowed with gifts, Some above others. To one of them Allah spoke; Others He raised, To degenerate, or honourly. To Jesus the son of Mary. We gave clear (Signs), and strengthened him with the Holy Spirit. If Allah
had so willed, succeeding generation would not have fought among each other, after clear (Signs) had come to them. But they (chosen) to wrangle, some believing and others rejecting. If Allah had so willed they would not have fought each other; but Allah fulfillth His plan."

"2:136 Say ye: "We believe in Allah, and the revelation given to us, and to Abraham, Ismail, Isaac, Jacob, and the Tribes, and that given to Moses and Jesus and that given to (all) Prophets from their Lord; We make no difference between one and another of them; and we bow to Allah in Islam."

"3:84 Say: We believe in Allah, and in what has been revealed to us and what was revealed to Abraham, Ismail, Isaac, Jacob, and the Tribes, and in (the Books) given to Moses, Jesus, and the Prophets, from their Lord; We make no distinction between one and another among them, and to Allah do we bow our will (in Islam)."


66. Practically, all the Jurisconsults and Scholars agreed that in view of the above verses and the equal status of all the Prophets as such, the same penalty of death as determined above shall apply, in case any one utters contemptuous remarks or offers insult, in any way, to any one of them.

67. In view of the above discussion we are of the view that the alternate punishment of life imprisonment as provided in section 298-C, P.P.C. is repugnant to the Injunctions of Islam as given in Holy Qur'an and Sunnah and therefore, the said words be deleted therefrom.

68. A clause may further be added to this section so as to make the same acts or things when said about other Prophets, also offence with the same punishment as suggested above.
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69. A copy of this order shall be sent to the President of Pakistan under Article 203-D(5) of the Constitution to take steps to amend the law so as to bring the same in conformity with the injunctions of Islam. In case, this is not done by 30th April, 1991 the words “or imprisonment for life” in section 295-C, P.P.C. shall cease to have effect on that date.

Order accordingly.

(PLD 1991 Federal Shariat Court 1)
LAHORE HIGH COURT
1992

Mr. Justice Mian Nazir Akhtar
LAHORE HIGH COURT

Mr. Justice Mian Nazir Akhtar

SARFRAZ AHMAD and 7 other .... Petitioners versus

THE STATE ...... Respondent

Crl. M. No.2162/B of 1992,
Decided on 2nd August, 1992.
Mubashir Latif for Petitioners.
Nazir Ahmad Ghazi, A.A.G. for the State.
Rashid Murtaza Qureshi for the Complainant.

JUDGMENT

MR. JUSTICE MIAN NAZIR AKHTAR— The petitioners had applied for pre-arrest bail in a case registered against them and a few other persons for offences under sections 295-A, 295-C and 298-C of the P.P.C. at F.S. City Nankana Sahib District Sheikhupura. They were allowed an interim pre-arrest bail by my learned brother Rashid Aziz Khan, J. vide his order, dated 10.6.1992.
2. During the course of arguments, the learned A.A.G. and the complainant’s learned counsel stated in a fair manner that they did not oppose confirmation of bail of the two ladies namely Mrs. Sarfraz Ahmad and Mrs. Balqis Begum as their case was covered by the exception to section 497 of the Cr.P.C. Hence the interim pre-arrest bail granted to them is confirmed.

3. Mr. Mubashir Latif, learned counsel for the petitioners contended that Sarfraz Ahmad petitioner No. 1 and Ijaz Ahmad, petitioner No.3, were Muslims and not Qadianis and that they were falsely and maliciously roped in the case. The said petitioners were present in the Court and on Court question firmly stated that they were not Qadianis and were true Muslims following the faith/ Fiqah of Ahi-Hadith and considered followers of Mirza Ghulam Ahmad to be ‘wrong’. They further stated that Mirza Ghulam Ahmad in his claim of prophethood was a ‘liar’ and he as well as his followers/belonging to Qadiani and Lahori groups were ‘Kafirs’ and outside the fold of Islam. During the course of investigation it was verified that Sarfraz Ahmad, petitioner No.1, his wife petitioner No.2 and Ijaz Ahmad, petitioner No.3 were Muslims. Therefore, interim bail granted to Sarfraz Ahmad and Ijaz Ahmad is also confirmed. I may however observe that the police finding that Mrs. Sarfraz Ahmad, petitioner No.2 is not a Qadiani is open to serious doubts because in reply to several Court questions she did not say a single word against Mirza Ghulam Ahmad or his followers. She has been allowed bail primarily on the ground of womanhood and the further question whether or not she is a Qadiani and whether she has committed any offence is left to be decided by the Court.

4. So far as Babar Ahmad petitioner No.8 is concerned, his name does not appear on the disputed invitation cards and there is no material to connect him with the commission of the offences alleged in the F.I.R. Hence the interim bail allowed to him is also confirmed.

5. As regards the other petitions of Ahmad, Muhammad Yousaf and Din, the petitioners’ learned counsel contended that

(i) In view of the provision of the Cr.P.C., the F.I.R., under section 295-A of the Cr.P.C., there is no non-existence of the name of the Holy Prophet as per section 295-C was not made.

(ii) The mere use of the word “...” did not constitute any statement having the right to use the said expression.

(iv) Law merely prohibits the use of the word “...” in the records of police not the other expression of courts.

(v) The petitioners, Sarfraz Ahmad, who was on the record a photo copy that payment for printed cards was made by Sarfraz Ahmad.

4. On the other hand, the learned Assistant Advocate-General, in his prayer for bail in respect of B. Yousuf and Ijaz Ahmad son of Ahmad, there was nothing to show that the petitioners neither pleaded nor raised any argument to show
3. As regards the other petitioners namely Bashir Ahmad, Muhammad Yousuf and Ijaz Ahmad son of Siraj Din, the petitioner's learned counsel contended as under:

(i) In view of the provisions of section 196 of the Cr.P.C, the F.I.R. (which includes the offence under section 295A of the P.P.C) lodged by a private person is non-existent.

(ii) The offence under section 298-C of the P.P.C does not fall within the prohibition of section 497 of the Cr.P.C. There being no defiling of the name of the Holy Prophet, the offence under section 298-C was not made out.

(iii) The mere use of the words:

\[ \text{"محمود"} \] 3
\[ \text{"بشار"} \] 2
\[ \text{" За"} \] 1
\[ \text{"ز"} \] 4

did not constitute any offence and that Qadijasis had the right to use the same.

(iv) Law merely prohibits the Qadijasis to use the words specified in section 298-B of the P.P.C and not the other expressions used in the invitation cards.

(v) The invitation cards were got published by Sarfaraz Ahmad, who was not a Qadijasi. He placed on the record a photocopy of the receipt to show that payment for printing of the 50 invitation cards was made by Sarfaraz Ahmad.

4. On the other hand, Mr. Nazir Ahmad Ghazi, the learned Assistant Advocate-General, strenuously opposed the prayer for bail in respect of Bashir Ahmad, Muhammad Yousuf and Ijaz Ahmad son of Siraj Din and urged that there was nothing to show that the police was acting on mere idle intentions to arrest them. He pointed out that the petitioners neither pleaded their cases in the petition nor any argument was raised to show that their arrest would be
mals side. He further submitted that the Qadiani and Lohari followers of Mirza Ghulam Ahmad cannot use Shiai-e-Islam as to pose themselves as Muslims. He added that Qadianis were a separate community which had nothing to do with Islam and the Muslim Ummah because Mirza Ghulam Ahmad had falsely proclaimed himself to be a prophet in clear violation of the teachings of Islam and had declared that all those who did not believe in him were Kafirs. He even went to the extent of laying a claim that he was Adam, Ibrahim, Moosa, Isa and even Muhammad, the Holy Prophet. He had ventured to attribute to himself the verses of the Holy Qur'an, which were revealed entirely in relation to the Prophet Hazrat Muhammad(P.B.V). While reciting the word 'Muhammad', they predominant y visualize Mirza Ghulam Ahmad Qadiani. Likewise, they send Darood on Mirza Ghulam Ahmad Qadiani. Thus while reciting the 'Kalma Taysaba' and 'Dardoo', they have in their mind Mirza Ghulam Ahmad Qadiani and by so doing they defile the holy name of the Holy Prophet. In support of his contentions he referred to some passages from the following books—


He also placed reliance on the following judgments—

(1) Munir Khan v. Fazal-e-Subhan and another PLD 1983 SC 158
(2) Mujibur Rahman and 3 others v. Federal Government of Pakistan and another PLD 1985 FSC 8
(3) Malik Jehanzeer M. J. Joya v. The State PLD 1987 Lab. 458, and

(4) Mirza Khalid Ahmad of Punjab and others

Ms. Rashid Murtaza Quo complaint reiterated the arguments A.A.G. and added that the prosecution mentioned in the F.I.R. includes under the law. They sought their names to be published which on the face of it shows Muslims. He further urged that published by Nasti Ahmad a claim by the petitioners i.e. submitted that the Qadianis were offence under the above-mentioned severely dealt with.

5. The first argument counsel that the F.I.R. is incomprehensible to the cognizance whereas is based on the power of a private person. Even otherwise, the F.I.R. sections 295-C and 298-C of the cognizance by a Court without authority does not extend to the

6. There is no force of the petitioners' learned counsel forbidden to use the words of the F.P.C. and that they were Shia-e-Islam and expressions including those printed in the words specified in section followers of Mirza Ghulam Ahmad Lohri groups) would constitute section and the use of the Qadianis including those printed
301


Mr. Rashid Murtaza Qureshi, learned counsel for the complainant reiterated the arguments raised by the learned A.A.G. and added that the petitioners had committed the offence mentioned in the F.I.R. and deserved maximum punishment under the law. They were non-Muslims but lent their names to be published on an invitation card which on the face of it shows that the invitation was from Muslims. He further urged that the cards were published by Nasir Ahmad and not by Jaz Ahmad as claimed by the petitioners’ learned counsel. He further submitted that the petitioners were repeatedly committing the offence under the above-referred sections and deserved to be severely dealt with.

5. The first argument of the petitioners’ learned counsel that the F.I.R. is incomplete as a whole because it includes an offence under section 285-A of the P.P.C., cognizance whereof is barred without the order of the authorities specified in section 196 of the Cr.P.C., has no force. The bar contained in section 196 of the Cr.P.C. is relatable to cognizance of an offence by the Court and not to the power of a private person to report the matter to the police. Even otherwise, the F.I.R. includes offences under sections 295-C and 296-C of the P.P.C. and the bar regarding cognizance by a Court without the order of the competent authority does not extend to the said offences.

6. There is no force in the contention of the petitioners’ learned counsel that Qadianis are only forbidden to use the words, specified in section 298-B of the P.P.C., and that they were at liberty to use all other Shiair-e-Islam and expressions commonly used by Muslims including those printed on the invitation cards. The use of the words specified in section 298-B of the P.P.C. (by the followers of Mirza Ghulam Ahmad belonging to Qadiani or Lahori groups) would constitute an offence under the said section and the use of the other Shiair-e-Islam by the Qadianis including those printed in the invitation cards,
prima facie, would constitute an offence under section 298-C of the P.P.C. A bare reading of the card creates an irresistible impression that the persons who have extended the invitation or lent their names to be published for Takeedi-i-Mazed or further reminder to attend, are Muslims. The mere fact that the offence under section 298-C of the P.P.C. does not fall within the prohibition of section 497 of the Cr.P.C. does not entitle petitioners Nos. 4, 5 and 6 to claim bail particularly when there is nothing to show that they were sought to be arrested with mala fide intentions and ulterior motives. Mala fides have neither been pleaded nor urged during arguments.

7. There is considerable force in the arguments of the learned A.A.G. and the complainant's learned counsel that the followers of Mirza Ghulam Ahmad belonging to Qadiani or Lahori groups are non-Muslims and constitute a separate community not forming a part of the 'Muslim Union'. This view finds full support from the judgments in the cases of Mujeeb-ur-Rehman and Khurshid Ahmad referred to by the learned A.A.G. The followers of Mirza Ghulam Ahmad belonging to Qadiani or Lahori groups have been declared to be non-Muslims under Article 20(3)(b) of the Constitution of Pakistan. Mirza Ghulam Ahmad had laid a claim that he was Ahmad and Muhammad and that he possessed all the qualities of Hazrat Muhammad ﷺ and all other Prophets. He claimed that finality of prophethood of Hazrat Muhammad ﷺ was not affected due to his prophethood because he was none else but Hazrat Muhammad ﷺ (in Zilli or Boozi form). The Qadianis who believe in the teachings of Mirza Ghulam Ahmad recite 'Darood-o-Salam' for him, which according to Muslims is the entitlement of the Holy Prophet, Hazrat Muhammad ﷺ. By sending 'Darood' on Mirza Ghulam Ahmad the Qadianis treat him equal to Hazrat Muhammad ﷺ and thereby elevate the Holy Prophet to the position of Mirza Sahib. This act of the Qadianis, prima facie, amounts to defiling the sacred and exalted name of the Holy Prophet Hazrat Muhammad ﷺ which is punishable under section 298-C was vociferously urged by Mr. Noor Ali, learned A.A.G. that the 'Darood' in

\[ \text{يسوع كلمة الله} \]

printed on the document for Mirza Ghulam Ahmad be not controverted by the petitioner's submission that he is a non-Muslim. The petitioners do not contest that they飞行or imprisonment for life and the prohibition of section 497 of the Cr.P.C.

8. For the foregoing discussion Yousaf and Ijaz Ahmad, petitioners respectively are not entitled to the bail. The interim bail order, dated \[ \text{الحمدلله} \] therefore, recalled and their bail petition in respect of the petitioners allowed and the interim bail order granted.
which is punishable under section 295-C of the P.P.C. It was viciously urged by Mr. Nazir Ahmad Ghazi, the learned A.A.G. that the 'Darnad' in the form of 'رسومات التكرار' printed on the disputed invitation cards was meant for Mirza Gulam Ahmad but the said assertion was not controverted by the petitioners' learned counsel. The offence under section 295-C of the P.P.C. is punishable with death or imprisonment for life and fine and falls within the prohibition of section 497 of the Cr.P.C.

8. For the foregoing discussion, Bashir Ahmad, Younus and Ijaz Ahmad, petitioners Nos. 4, 5 and 6 respectively are not entitled to the concession of pre-arrest bail. The interim bail order, dated 10.6.1992 qua them is, therefore, recalled and their bail petition dismissed. The petition in respect of the petitioners Nos. 1, 2, 3, 7 and 8 is allowed and the interim bail order qua them is confirmed.

Order accordingly.

(1992 FCr. L1 2346)
LAHORE HIGH COURT
1992

Mr. Justice Mian Nazir Akhtar
LAHORE HIGH COURT

Mr. Justice Mian Nazir Akhtar

NASIR AHMAD and another .... Petitioners

versus

THE STATE .... Respondent

Crl. Misc. No. 2163/B of 1992,
Mobashar Latif Ahmad for Petitioners.
Nazir Ahmad Ghazi, A.A.G. for the State.
Rashid Murtaza Oweshi for the Complainant.

Decided on 2nd August, 1992.

ORDER

MR. JUSTICE MIAN NAZIR AKHTAR.— The petitioners seek bail in a case registered against them and a few other persons for offences under sections 295-A, 295-C and 298-C of the P.P.C. at P.S. Nankana Sahib District Sheikhupura.

2. According to the allegations made in the F.I.R. Nasir Ahmad, petitioner No. 1 is a Qadiani and often propogates Qadiani religion. In this connection a criminal case stands registered against him already. In the present
case, invitation cards for marriage ceremony of the daughter of Nasir Ahmad petitioner were got printed and distributed by the accused persons. The cards embody expressions Shiaire-Islam like

which are used by Muslims. Thus by publishing the invitation cards containing Shiaire-Islam the petitioners and their co-accused have posed themselves to be Muslims in violation of the provisions of section 298-C of the P.P.C.

3. The learned counsel for the petitioners has raised the following points to seek bail:

(1) The F.I.R. is incompetent as it includes the offence under section 298-A of the P.P.C. cognizance whereof is barred in the absence of an order under the authority of the Central or Provincial Government or from an officer empowered in this behalf by either of the two Governments as provide under section 196 of the Cr.P.C.

(2) The offences under section 298-C of the Cr.P.C. does not fall within the prohibition contained under section 497 of the Cr.P.C. There being no defiling of the sacred name of the Holy Prophet 

(3) The mere use of words

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did not constitute any offence and that the Qadiyanis had the right to use the same.

(4) Law merely prohibits Qadiyanis to use the words specified in section 298-B of the P.P.C. and not the other expression used in the invitation cards.

(5) Invitation cards

Ahmad, co-accused who was

4. On the other hand, learned A.A.G. strenuously urged that Mirza Ghulam belonging to Qadiyanis or and constitute a separate to pose themselves as Muslims in connection he referred to following books/pamphlets


He also referred to ‘Kalam-al-Fasal written by Ahmad M.A. (son of Mirza that the Qadiyanis treat as acceptable Mirza Ghulam Ahmad Prophets, as Kafirs and no the case of Mujeb-ul-Rahman Government of Pakistan v. The State PLD 1967 Lah. Government of Punjab followers of Mirza Ghulam Lahore groups are non-Muslims of section 298-C of the themselves as Muslims Shiaire-Islam embodied impression that the person invitation or letter their name reminder to attend) are to send Darood on Mirza Ghulam or even superior to Hazrat and in this way, defile the
(5) Invitation cards were got published by Sorfraz Ahmad, co-accused who was not Qadiyani.

4. On the other hand, Mr. Nazir Ahmad Ghazi, the learned A.A.G., strenuously opposed the prayer for ball and urged that Mirza Ghulam Ahmad and his followers belonging to Qadiyani or Lahori groups are non-Muslims and constitute a separate community and were not entitled to pose themselves as Muslims in any manner. In this connection he referred to several extracts from the following books/pamphlets of Mirza Sahib:


He also referred to some passages from the book ‘Kalama-tul-Fasal written by Sahibuzadah Mirza Bashir Ahmad M.A. (son of Mirza Ghulam Ahmad Qadiyani) to urge that the Qadiyani treat all other Muslims who do not accept Mirza Ghulam Ahmad to be the promised Maseeh or Prophet, as Kafirs and non-Muslims. He placed reliance on the case of Majeedur-Rehman and others v. Federal Government of Pakistan 1985 FSC 8 Malik Jehangir M. Jolai v. The State PLD 1987 Lah 458 and Khurshid Ahmad v. the Government of Punjab PLD 1992 Lah. 1 to urge that followers of Mirza Ghulam Ahmad belonging to Qadiyani or Lahori groups are non-Muslims and by virtue of provisions of section 298-C of the P.F.C., are not entitled to pose themselves as Muslims directly or indirectly. He urged that Shia-e-Islam embodied in the invitation cards give an impression that the persons who have extended the invitation or lent their names for Taked-e-Mazred (further reminder to attend) are Muslims. Moreover, the Qadiyanis send Darood on Mirza Ghulam Ahmad treating him equal or even superior to Hazrat Muhammad ﷺ, and in this way, defile the sacred name of the Holy Prophet.
and commit the offence under section 295-C of the P.P.C. Mr. Rashid Murtaza Qureshi, learned counsel for the complainant adopted the arguments of the learned A.A.C. and added that the petitioners had committed the offences mentioned in the F.I.R. and deserved maximum punishment under the law. He pointed out the petitioner No.1 was a habitual offender against whom another criminal case stood registered. He submitted that the petitioners had falsely posed themselves as Muslims and sent the invitation cards to several Muslims as well and thus injured their feelings. He controverted the assertion of the petitioners’ learned counsel that the cards were got printed by a Muslim named Sardaz Ahmad and has placed on the record a copy of the affidavit of Saeed Ahmad Sheerazi, proprietor of Saeed Printing Press, Jaranwala in which he deposed that the cards were got printed by Nasir Ahmad, petition No.1.

5. The first contention raised by the petitioners’ learned counsel that the F.I.R. is incompetent as a whole merely because it includes the offence under section 295-A of the P.P.C, cognizance whereof is barred in the absence of an order by the Central or Provincial Government or an officer authorized by either of the two, has no substance. The F.I.R. includes other offences under sections 295-C and 298-C of the P.P.C as well which require no order from any official authority in the matter of taking of cognizance by the Court. Moreover, the stage of taking cognizance of the offence by the Court has not yet reached so as to attract the provisions of section 196-A of the Cr.P.C. The police can conduct investigation into the offences mentioned in the F.I.R. and submit a challan in the Court of competent jurisdiction. If the order of the competent authority allowing the Court to take cognizance of the offence under section 295-A of the P.P.C. is not received, then the Court would be competent to take cognizance of other offences alone.

6. A bare reading of the invitation cards, prima facie, gives an impression that these have been got published and sent by Muslims. No doubt, under section 298-B of the P.P.C., some specific expressions like Ahir-ul-Momineen, Khaliqha-tul-Momineen, Khaliq or Asha’i-dai cannot be used by Muslims unless followed by Mirza Ghulam A. prohibition qua use of the talcum to the Qudans in use of Islam commonly used by Mos they would be proscribed and forbidden by the law.

7. The argument raised by the complainant’s learned counsel Ahmad and his followers are a separate community not form Umma which embodies nothing but teachings of Mirza Ghulam considered only his own fol did declared all other Muslims who proscribed to be Kafirs and Fasaal, Mirza Bashir Ahmad has Chapters 2, 3 and 6 on the basis to show that all those who did not teachings of Mirza Ghulam A Muslims and that the Qudans their marriage or death ceremony did not attend the funerals of Ahmad who did not believe in the first Foreign Minister of Pakistan thus three can be that followers of Mirza Ghulam separate community and are of true religious sense. They have the provisions of sub-Artic Constitution of Pakistan.

8. Mr. Nazir Ahmad Gh referred to a large number writings of Mirza Ghulam A “planted" by the British Imp application of Mirza Sahib Governor of Punjab in which
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Khalipa-tul-Momineen, Khalipa-tul-Muslimeen, Suchab
or Ahail-e-Bait cannot be used by the Qadiani or other
followers of Mirza Ghulam Ahmad. However, the express
prohibition qua use of the said expression does not give a
licence to the Qadianis to use other expressions or Shiahe-
Islam commonly used by Muslims because by so doing
they would be posing themselves as Muslims which is
forbidden by the law.

7. The argument raised by the learned A.A.G. and
the complainant’s learned counsel that Mirza Ghulam
Ahmad and his followers are non-Muslims and belong to a
separate community not forming part of the Muslim
Ummah embodies nothing but the whole truth. The
 teachings of Mirza Ghulam Ahmad show that he
considered only his own followers to be Muslims and
declared all other Muslims who did not accept his claim of
prophethood to be Kafirs and non-Muslims. In Kalmat-ul-
Fasal, Mirza Bashir Ahmad has made detailed discussion in
Chapters 2, 3 and 6 on the basis of teachings of Mirza Sahib
to show that all those who did not believe in the claims and
 teachings of Mirza Ghulam Ahmad were Kafirs and non-
Muslims and that the Qadianis/Ahmadis should not attend
their marriage or death ceremonies. Mirza Ghulam Ahmad
did not attend the funeral ceremony of his own son Fazal
Ahmad who did not believe in him. Ch. Zafarullah Khan
the first Foreign Minister of Pakistan did not participate in
the funeral prayers of Hazrat Qaid-i-Azam, the Founder of
Pakistan. Thus there can be no cavil with the proposition
that followers of Mirza Ghulam Ahmad belong to a
separate community and are otherwise non-Muslims in the
true religious sense. They have been so declared by virtue of
the provisions of sub-Article (3-B) of Article 260 of the
Constitution of Pakistan.

8. Mr. Nazir Ahmad Ghazi, the learned A.A.G. has
referred to a large number of books, pamphlets and
writings of Mirza Ghulam Ahmad to show that he was
“planted” by the British Imperialism. He referred to the
application of Mirza Sahib (sent to the Lieutenant-
Governor of Punjab) in which he described himself as a
of the British Government (Tableeghi-Binasal Vol. VII, page 389). He contended that the basic object of teachings of Mirza Sahib was to persuade Muslims of the Sub-continent to bow their heads in complete obedience to the British Government, to consider obedience to the British Government as a part of Islam, to treat Jihad as Haram in future, and to break the Muslims’ bond of love for Hazrat Muhammad ﷺ through (i.e.

sharing of prophethood with Hazrat Muhammad ﷺ). He has also urged that the teachings and beliefs of Mirza Ghulam Ahmad relating to Almighty Allah, the Holy Prophet and finality of his prophethood, the Holy Qur’an, the KALMA TAYYABA, the traditions of the Holy Prophet, the concept of Imamz, Haj, Jihad, respect for the earlier Prophets including Christ, respect for Ahl-e-Baid and the Holy places of Makkah and Madina are diametrically opposed to those of Muslims throughout the world. The above arguments have considerable weight but since I am dealing with a ball matter. I need not enter into an elaborate discussion on the said points. However, I may briefly refer to some of the beliefs and teachings of Mirza Ghulam Ahmad; for the limited purpose of disposal of this ball petition and to see whether the Darood printed on the disputed invitation cards is meant for Mirza Ghulam Ahmad or not and whether it can directly or indirectly have the effect of deiling the sacred name of Hazrat Muhammad ﷺ.

9. According to Muslims Darood-e-Salam is the entitlement of the Holy Prophet Hazrat Muhammad ﷺ by virtue of the following verse of the Holy Qur’an:

اَنَّ اللَّهَ وَمُلُكَ يَصِبُّونَ عَلَى الْبَيَّةِ أَهْلَ الْدِّينِ أَكْثَرَ صَلَّوْنَ عَلَىْهُ (التّّاَبِعَة: 56)

(Darood-e-Salam is the highest act of virtue which fosters the Muslims’ bond of love and respect for the Holy Prophet ﷺ). The question arises whether Mirza Ghulam Ahmad ever claimed that he deserved Darood (صلو عليه) like the Prophet ﷺ.

10. Muslims throughout the cherished belief of absolute prophethood of Hazrat Muhammad contempionously reject the idea Prophet after Hazrat Muhammad Holy Qur’an the Prophet Hazrat Muhammad (last of the prophets) who unambiguous words that there is no other prophet. However, Mirza Sahib claimed that Hazrat Muhammad was the final seal on Prophethood but not approving Prophets in future (Hadith 28). He advanced the novel idea of Hazrat Muhammad ﷺ.

Hazrat Muhammad ﷺ had another Brust form and added that in his second appearance through him (full moon). In this equality with but superiority was

11. Following the teaching of Beshir-ud-Din Memon declared that progress and achievement of Hazrat Muhammad ﷺ (Abdul 17).

12. It is the firm belief of the Muslims that the highest position in the uni-verse is reserved for Hazrat Muhammad ﷺ and that no one is equal to him. What to speak Muslims claim to be equal to
Ahmad ever claimed that he was a Nabi (Prophet) and deserved Darood (salutations) like the Holy Prophet.

16. Muslims throughout the world uphold the cherished belief of absolute and unqualified finality of prophethood of Hazrat Muhammad ﷺ. They firmly and contemptuously reject the idea of arrival of any new Prophet after Hazrat Muhammad ﷺ. According to the Holy Qur'an the Prophet Hazrat Muhammad ﷺ is the last of the prophets (who himself declared in unambiguous words that there could be no Prophet after him. However, Mirza Sahib claimed to be a Prophet and advanced the idea that Hazrat Muhammad ﷺ was not the final seal on Prophethood but was the bulider of seal for approving Prophets in future (Haqeeqat-ul-Vahi, pages 27-28). He advanced the novel idea of second appearance (بناطیس) of Hazrat Muhammad ﷺ and claimed that this is him Hazrat Muhammed ﷺ had again appeared in the world in Bravi form and added that in his first appearance in Arabia he was like (۱۰۰۰) (moon of the first night) and that in his second appearance through him (Mirza Sahib) he was like (۱۰۰۰) (full moon). In this way, he not only claimed equality with but superiority over the Holy Prophet ﷺ.

11. Following the teachings of his father, Mirza Bashir-ud-Din Mehmoon declared that any person can progress and achieve the highest status and can even excel Hazrat Muhammad ﷺ. (Alifazl 17th July, 1923).

12. It is the firm belief of Muslims that after Allah, the highest position in the universe is enjoyed by Hazrat Muhammad ﷺ, and that no Muslim can imagine to be equal to him. What to speak of the Holy Prophet, no Muslim can claim to be equal to a companion (صحیح) of the
Holy Prophet. However, Mirza Sahib has ventured to claim complete equality and identity with Hazrat Muhammad ﷺ. He asserted (in Khutba Ilhamia) that any person who differentiated between him and Mustafa (i.e., Hazrat Muhammad ﷺ) neither saw nor recognised him (Mirza Sahib). He claimed that he got the name of Muhammad ﷺ and Ahmad ﷺ along with the status of prophethood because he was lost in the love of the Holy Prophet. In his Pamphlet captioned as 'Alik Ghalti ka Azala? he wrote as under:

"WHAT IS THE SIGNIFICANCE OF AHMAD IN ARABS?

A careful and critical study of the Arabic language shows that the word Ahmad is a diminutive derived from the root Amad (to become/zoo). Thus, it means a small or insignificant Ahmad.

Stangely enough, Hazrat Abu Bakar Siddique whose love for the Holy Prophet was exemplary and matchless did not acquire the status of a Prophet. The reason is obvious. The door of new prophethood was closed for ever. Hence, any degree of love for the Holy Prophet cannot fructify into prophethood. However, other spiritual positions short of prophethood can be attained by Muslims. The companions of the Holy Prophet who had profound love for the Holy Prophet were warned by Allah not to raise their voice above that of the Holy Prophet failing which their good deeds were to be lost imperceptibly. Allah’s warning was meant to keep Muslims within certain limits so that they should not show equality with the Holy Prophet even in respect of the volume of their voices. Due to love for the Holy Prophet Muslims love the Ahl-e-Bait and even the places where he lived and moved about. They love the sand, dust, dates and even streets of Makkah and Madina. The burial place of the Holy Prophet (Rasool-i-Rasool) is loved and respected by Muslims as a part of Jannat in view of the tradition of the Holy Prophet. (Siraj-ul-Munir, Sharrah Jame-al, Sagheer, page 246). However, Mirza Ghulam Ahmad has ventured to show disrespect to Hazrat Muhammad ﷺ by claiming equality and identity with him. He also showed disrespect to Makkah and Madina by declaring Makkah and Madina and by saying was superior to and better than the heavens, Mirza Sahib, wrote as under:

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A careful and critical study of the Arabic language shows that the word Ahmad is a diminutive derived from the root Amad (to become/zoo). Thus, it means a small or insignificant Ahmad.

Stangely enough, Hazrat Abu Bakar Siddique whose love for the Holy Prophet was exemplary and matchless did not acquire the status of a Prophet. The reason is obvious. The door of new prophethood was closed for ever. Hence, any degree of love for the Holy Prophet cannot fructify into prophethood. However, other spiritual positions short of prophethood can be attained by Muslims. The companions of the Holy Prophet who had profound love for the Holy Prophet were warned by Allah not to raise their voice above that of the Holy Prophet failing which their good deeds were to be lost imperceptibly. Allah’s warning was meant to keep Muslims within certain limits so that they should not show equality with the Holy Prophet even in respect of the volume of their voices. Due to love for the Holy Prophet Muslims love the Ahl-e-Bait and even the places where he lived and moved about. They love the sand, dust, dates and even streets of Makkah and Madina. The burial place of the Holy Prophet (Rasool-i-Rasool) is loved and respected by Muslims as a part of Jannat in view of the tradition of the Holy Prophet. (Siraj-ul-Munir, Sharrah Jame-al, Sagheer, page 246). However, Mirza Ghulam Ahmad has ventured to show disrespect to Hazrat Muhammad ﷺ by claiming equality and identity with
has ventured to claim that any person who Mustafa (i.e., Hazrat recognised him (Mirza that he got the name of longwith the status of in the love of the Holy ed as ‘Aik Ghalti Ka

Bakar Siddique whose airy and matchless did The reason is obvious. closed for ever. Hence, it cannot frustrify into sal positions short of lima. The companions and love for the Holy raise their voice above their good deeds ‘s warning was meant to so that they should he even in respect of for the Holy Prophet the places where he sand, dust, dates and the burial place of the dead and expected by of the tradition of the (Siraj-ul-Munir, 6). However, Mirza disrespected to Hazrat identity with him. He also showed disrespect to the Holy places of Makka and Madina by declaring Qadian as Hasam like Makka and Madina and by saying that a visit to Qadian was superior to and better than Nefli Hai. He went to the extent to using derogatory language about burial place of the Holy Prophet Hazrat Muhammad (SAW). Apparently in his zeal to show superiority of the Holy Prophet over Christ and to repudiate the idea of ascendance of Christ from heavens, Mirza Sahib, wrote as under—

Whatever the worth or value of the argument qua the comparative status of Hazrat Muhammad (SAW) and Hazrat Elisa Christ (الإسلاى) one thing is clear that Mirza Sahib had made highly disparaging remarks about the burial place of the Holy Prophet which a Muslim shudders to imagine. Mirza Sahib claimed that he was superior to Hazrat Imam Hassan and Imam Hussain (AS) and slighted them in his books Dafi-ul-Bala, Nazooli-ul-Maseeh and Durre-Samin (Some relevant extracts are reproduced in Appendix-A, attached to the order). The traditions of the Holy Prophet Hazrat Muhammad (SAW) embody profound love for Hazrat Imam Hassan and Imam Hussain (AS) but
Mirza Ghulam Ahmad (who proclaimed himself to be 'Muhammad') has shown contempt and disrespect for Hazrat Inayatullah.

13. After expressing the above-referred views which shock the minds and injure the feeling of Muslims, Mirza Sahib has claimed that he deserved Darnood-o-Salam. According to him Allah sends Darood on him. The book Tazkira containing revelations of Mirza Ghulam Ahmad contains the following revelation at page 277:

"صلى الله علیه و علی محمد"

In his book Arbaeen No.2 Mirza Ghulam Ahmad said as under:

""The Prophet has ruled that Darood should be recited in public, since the people of Quraysh have made it a beautiful practice. It should be recited in public, so that the Kafirs understand it. If it is recited in public, the Kafirs will understand that it is the name of the Holy Prophet. Therefore, there is no question of Hammond, and no question of national law.""

Again the book Haqueqat-ul-Vahi (by Mirza Ghulam Ahmad) contains the following revelation in Chapter 4, page 75:

"The same revelation is also found at pages 242 and 631-32 of the book Tazkira. Meaning thereby that Ashab-i-Suffa (persons sitting on the platform) recite Darood for their inauspiciousness."

APPENDIX 1

"بسم الله الرحمن الرحيم"

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Mirza Ghulam Ahmad. Thus it is evident that the Qadianis recite Darood-o-Salam for Mirza Ghulam Ahmad and thereby equate him with Hazrat Muhammad ﷺ. This prima facie, amounts to defiling the sacred and exalted name of the Holy Prophet Hazrat Muhammad ﷺ because in this manner his position is lowered to that of Mirza Ghulam Ahmad who, on his own showing was, (زیادہ نہیں) of the British Government, who considered faithfulness and obedience to the British Government as a part of Islam, declared ‘Jehad’ to be Haram, who slighted Imam Hussain ﷺ and who declared all Muslims (who did not believe in him) to be Kafirs. During the course of arguments it was firmly asserted by the learned A.A.G. that the Darood printed on the invitation cards in question was meant for Mirza Ghulam Ahmad but this assertion was not controverted by the petitioners’ learned counsel. Hence, there are reasonable grounds for believing that the petitioners have committed an offence under section 295-C of the P.F.C. which falls within the prohibitory clause of section 497 of the Cr.P.C.

14. For the foregoing discussion, the petitioners do not deserve the concession of bail. Resolutely, their bail petition is dismissed.

 Bail refused.

APPENDIX “A”

زیادہ نہیں اور اپنی دلچسپی کے لئے ایک گروپ میں شامل ہوئے گروپ کی حمایت سے

Pages 212 and that Asaab-e-Darood for
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(1992 P Cr. L. J. 2351)
LAHORE HIGH COURT
1992

Mr. Justice Khalil-ur-Rehman Khan
LAHORE HIGH COURT
Mr. Justice Khalil-ur-Rehman Khan

Mirza KHURSHID AHMAD and another—Petitioners versus
GOVERNMENT OF PUNJAB and others—Respondents
C.A. Rehman, Mubashar Lajj Ahmad and Mujeeb-ur-Rehman for Petitioners.
Maqbool Elahi Malik, Advocate-General assisted by N.A. Ghazi, A.A.G. with Irsahulzah Khan and Maqbool Ahmad Khan for Respondents.
Muhammad Ismail Qureshi for Respondent (in C.M. No.5577 of 1989).
Rashid Murtaza Qureshi for Respondent (in C.M. No.2049 of 1991):
Decided on 17th September, 1991

JUDGMENT

MR. JUSTICE KHALIL-UR-REHMAN KHAN— Mirza Khurshid Ahmad and Hakim Khurshid Ahmad petitioners, who claim to be members of the Ahmadiyya community
asserted that there was no legal justification for Qadianis (who pronounce themselves as celebrating the centenary of their community) fundamental and inherent and innate occasion which according to them in the history of their community. It was for District Magistrate has not expressed an opinion that he is convinced that there is very breach of tranquility or possibility of celebration of centenary by Ahmads according to their programme.

3. The other plea taken in the overwhelming majority of the citizens of Ahmadis and the other citizens live in and brotherhood of Ahmadis and the occasional celebrations of each other as necessary ingredients of section 144, when the order was passed. On the other hand, the District Magistrate Ahmadis to refrain from celebrating had prohibited others from obstruction of Ahmadis as the Ahmads prevented from doing that which is n't. It is further asserted that the. It is the responsibility of the District Judge to advise Ahmadis who cannot even tolerate Ahmadis in Pakistan and call them as carrying on false propaganda against unwise citizens. And so they should not create trouble or interfere in Ahmadis. It is also averred that legal cannot be violated on the ground that influential persons will create trouble only Ahmadis intended to assemble 23rd March, 1989 and throughout thereof. It is to offer special thanks for God Almighty for their unending gratitude to Ahmadis for the years and to make aware the need for
asserted that there was no legal justification for prohibiting Qadianis (who pronounce themselves Ahmadiyā) from celebrating centenaries of their community rather than the fundamental and inherent right to rejoice on an occasion which according to them is a landmark in the history of their community. It was further asserted that the District Magistrate has not expressed anywhere in his order that he is convinced that there is genuine apprehension of breach of tranquillity or possibility of riots in Rabwah on celebration of centenary by Ahmadiyya community according to their programme.

3. The other pleas taken in the petition are that the overwhelming majority of the citizens of Rabwah are Ahmadi and the other citizens see me as honoured friends and brothers of Ahmadi and they associate in the occasional celebrations of each other and hence none of the necessary ingredients of section 144, Cr.P.C. was present when the order was passed. On the above premises it was contended that the District Magistrate instead of directing Ahmadi to refrain from celebrating the occasion should have prohibited others from obstructing or disturbing the celebrations of Ahmadi as the Ahmadi could not be prevented from doing that which is not prohibited by law. It is further asserted that the provincial Government instead of advising the District Magistrate that those "fanatics" who cannot even tolerate the existence of Ahmadi in Pakistan and dub them as apostates, have been carrying on false propaganda against them to mislead uninformed citizens and so they should have been warned not to create trouble or interfere in the celebrations of Ahmadi. It is also averred that legal rights of the citizens cannot be violated on the ground that the fanatics or influential persons will create trouble. It is further averred that Ahmadi intended to assemble and hold meetings on 23rd March, 1989, and also throughout the year, the purpose whereof is to offer special thanksgiving prayers, to express their gratitude to God Almighty for bounties and favours of which they have been recipients for the last one hundred years and to make aware the next generations regarding
commitments and sacrifices of their elders and the obligations of the younger generation towards the Ahmadiyya community.

4. It was urged that the meetings and other acts intended to be held, done and conducted being the constitutional right of every member of Ahmadiyya community, are to be secured by the Government and such right cannot be abridged because some persons threatened to stage a riot. Learned counsel argued that though the order dated 21st March 1989, expired on 23rd March, 1989, and despite the fact that it was not extended any further still the Resident Magistrate illegally issued the order dated 23-3-1989 making the impugned directions.

The petitioners have in the petition also challenged the vires of section 298-C inserted in the Pakistan Penal Code under the provisions of Anti-Islamic Activities of the Qadiani Group, Lahori Group and Ahmadis (Prohibition and Punishment) Ordinance, 1984 (XX of 1984), on the ground that the same offends against the Fundamental Right No.20 of the Constitution of Pakistan, which confers on every citizen of Pakistan the right to profess and propagate his religion. This ground was not, however, pressed during the arguments by the learned counsel for the petitioners saying that the said question has been raised in another case before the Supreme Court of Pakistan and the petitioners will obtain decision of the said question from the Supreme Court, it may also be noted that all the three learned counsel for the petitioners who argued the petition did not rely on the "right to propagate" the belief of Qadianis as they restricted their arguments and pleas by placing reliance on the "right to profess and practice the religion of one's own choice".

5. Mr. C.A. Rehman, Advocate, who argued legal aspects of the case submitted that the Ahmadis could at least be prohibited to propagate to others their faith but no prohibition can be made to deliver lectures on the life of the Holy Prophet Muhammad (P.B.U.H.) as well as on other religious topics to the public. He however added that references to be made by the Group could of course be interpreted accordingly.

6. Learned counsel submits programme to do any of the acts placed though such a right to meetings and in public cannot be so programme was made and no made which might have contravention and as such the District Magistrates that the Muslims would will be breach of peace. He as performance of such acts which all of peace was apprehended then if peace should have been take Qadianis to refrain from perform of this plea reliance was pla
other acts being the Ahmadiyya and such threatened through the March, 1989, any further the order challenged (sian Penal of the Prohibition 84), on the fundamental which confers profess and art, however, counsel for has been the Court of of the said noted that who argued "apagate" the "documents and profess and regarded legal could at faith but no in the life of I as on other added that references to be made by the Qadianis in these topics will of course be interpreted according to the views expressed in their books. He added that as a matter of fact neither any public celebrations were to be made nor any processions were planned to be taken out with fair. He stated that neither any pamphlets were to be distributed nor any banners were to be displayed. On the above premises he argued that the holding of such celebrations in the aforesaid manner cannot be prohibited as Articles 16, 19 and 20 of the Constitution guarantee to every citizen a community the right to profess and practise religion and to communicate faith and views to the Children or members of the community. Learned counsel contended that the Prohibitory directions contained in the impugned order of the District Magistrate taken one by one or taken as a whole are violative of the Rights as the objective sought to be achieved would also be violative of the Fundamental Rights. The learned counsel submitted that though centenary year of 1989 has expired yet the petition has not been rendered infructuous for the reason that exercise of the claimed right in the manner noted above is a matter of daily occurrence and as such determination of the scope and limits of the right to profess and practise their faith would guide the Ahmadi as well as the other citizens to adopt correct public conduct.

6. Learned counsel submitted that there was no programme to do any of the acts complained of in public places though such a right to do these acts in public meetings and in public cannot be denied. He explained that no programme was made and no speech was intended to be made which might have contravened the law of the land and as such the District Magistrate has insulted the Muslims that the Muslims would feel annoyed or that there will be breach of peace. He argued that if on occasion of performance of such acts which are otherwise lawful breach of peace was apprehended then the measure to avert breach of peace should have been taken rather than directing the Qadianis to refrain from performing these acts. In support of this plea reliance was placed on Rnmad Zamin

7. Before proceeding further notice may be taken of an application (C.M. 5377-89) for impleadment as respondent submitted by Maulana Manzoor Ahmad Chinai so that the views of the Muslims could be presented to the Court as the Muslims of the world believe in absolute and unqualified finality of the prophethood of Hazrat Muhammad S.A.W. and according to them Mirza Ghulam Ahmad, the founder of the Ahmadiyya community was an imposter. He urged that the applicants a necessary party as the applicant is office-bearer of international Khait-ul-Nabwvati Mission and he taking serious notice of the proposed activities, of the Ahmadis amounting to subversion of the Constitution of the Islamic Republic of Pakistan, which also amount to outraging the religious feelings of the Muslims, approached the Chief Government of the Punjab with representative delegates of the Majlis-e-Tahafuz-e-Khatm-e-Nabwvati and expressed their deep anxiety and concern over the centenary programmes of the Qadianis and urged the Government to stop it immediately otherwise it will result in insurmountable riots throughout the country whenupon the Government of the Punjab decided to ban the centenary celebrations of the Qadianis. This application came up for hearing on 18th December, 1988, when the learned counsel for the petitioners suggested that the applicant may meanwhile file a written statement and the question of impleadment may be taken up along with the main petition. The applicant was therefore, allowed to file a written statement and the application as well as the main petition was ordered to be fixed for disposal.

8. Another application (C.M. 2049-91) was filed by one Abdul Nasir Gill, a Christian, for impleading him as a party. This application was based on the premises that the literature and the Anti-Christ utterances of Mirza Ghulam Ahmad Qadiani are highly reprehensible and repulsive in the eyes of all good Christians. Learned counsel for the applicant explained that the celebrations is to recount the history which obviously will include relevant literature of the community which as it includes sappy language an against Jesus Christ and Christian Ghulam Ahmad Qadiani claims him to be Ma'zood (i.e., Messiah whose promised) and so it is necessary for the defence of the beliefs of Christ. He submitted that the vite Qadianis contained in their writing will be recounted to the great and the community in their meetings and acts would naturally give rise to Christians and the Ahmadis with serious incidents of breach of peace.

9. These two applications learned counsel for the petitioners these applications be rejected before any further. It may be noted that when one of the learned counsel had argued and while the learned counsel commenced his arguments, this vide or. dated 13th May, 1991 which learned counsel C.A. Rehman that the application (C.M.357) party be decided before proper matter. It is pertinent to note that the learned counsel in Mr. Mubashir Lutf Ali counsel for the petition arguments on the scope of the one involved in the matter. Now the applicant to make the reply 18-12-1989 reads as under:-

"The applicant has submitted an application for being impleaded as a party..."
applicant explained that the avowed object of the celebrations is to recount the history of the community which obviously will include references to the writings and literature of the community which is highly objectionable as it includes filthy language and disparaging remarks against Jesus Christ and Christians. He added that Mirza Ghulam Ahmad Qadiani claims himself to be the Masoom Moolood (i.e., Maseeh whose reappearance has been promised) and so it is necessary to refute such a claim in defence of the beliefs of Christians and honour of Jesus Christ. He submitted that the vituperative attacks of the Qadianis contained in their writings against Jesus Christ, will be recounted to the great annoyance of the Christian community in their meetings and celebrations and these acts would naturally give rise to animosity between the Christians and the Ahmadis which is likely to result in serious incidents of breach of peace.

5. These two applications were opposed by the learned counsel for the petitioners who further pressed that these applications be rejected before hearing the arguments any further. It may be noted that this request was pressed when one of the learned counsel had already concluded his arguments and while the learned Advocate-General had commenced his arguments. This request was disposed of vide order dated 13th May, 1991 which reads as under:-

"Learned counsel C.A. Rehman at this stage states that the application (C.M.S. 577/90) for impleading as a party be decided before proceeding further in the matter. It is pertinent to note that he has already concluded his arguments in support of the petition. Mr. Mehashe Latif, Advocate, another counsel for the petitioners has also addressed arguments on the scope of the petition and questions involved in the matter. Now it is the respondent and the applicant to make the reply. Moreover order dated 16.12.1990 reads as under:-

"The applicant has submitted this application for being impleaded as a respondent. A copy of the
petition has been provided to the learned counsel for the writ-petitioner, who suggests that the applicant in the meanwhile may file the written statement and the question of impleading may be taken along with the main petition. This is acceptable to the learned counsel for the applicant.

Let the written statement be filed. To come up for arguments on the application as well as the main petition in the week commencing 27-1-1996.

In these circumstances the request to decide the application for impleading at this stage is intended to prolong the proceedings and resolution of controversy raised in the petition. The question, therefore, will be decided along with the main petition, as suggested by the learned counsel himself. Let arguments on behalf of respondents and others proceed.
provided to the learned counsel for the applicant in copy of the written statement, and the statement be filed. To come up for an application as well as the main petition commencing 27.1.1970.

5. Stances the request to decide the pleading at this stage is intended to bring to the notice of the learned counsel the contents of the application referred to above. The learned counsel, therefore, will be at liberty to make such objections as might appear to be necessary before their views are necessary as these are matters of daily occurrence involving the members of Qadiani community. If these are matters of daily occurrence then it involves all citizens, inclusive of Muslims and Christians. They are therefore, entitled in opposition to this petition to be heard. The two applications are, therefore, accepted and the applicants are allowed to be impleaded as respondents. These two applications stand disposed of accordingly.

331. Now notice may be taken of another application (CM2015-91) filed by the petitioners. This application was moved when Mr. C.A. Rehman, Advocate, learned counsel for the petitioners had concluded his arguments in support of the petition and the learned Advocate-General for Maulana Masood Ahmad Chehlani and the learned Advocate General had partly made their submissions in reply to the arguments of the learned counsel for the petitioners. Learned Advocate-General before commencing the arguments filed a list indicating the topic with reference to which he will point out the views of Mirza Ghulam Ahmad, the founder of the Ahmadiyya community, as expressed in his books which are going to be recounted and referred to in these celebrations and meetings. He explained that these views and writings of Mirza Ghulam Ahmad and his disciples referred to in the list submitted to the Court, are outrageous to the religious feelings of the Muslims of not only Pakistan but of the world who are opposing these views since the time that these were expressed and these one hundred years have seen the sacrifice offered by the Muslims in laying bare the falsehood of the claim to prophethood of Mirza Ghulam Ahmad Qadiani. He argued that any repetition in public of these views would not only amount to commission of offences but would also cause great annoyance to the Muslims at large and thus lead to breach of peace. He pointed out that the effect of holding the centenary year on the plea to hold meetings to preach
declaring the Ahmadis as non-Muslims. But before the learned Advocate-General or other counsel could dilate upon the aforementioned topic, this application (C.M.2021-91) was moved by the petitioners asserting that the only question involved in the petition is the legality of the District Magistrate's order and the relief prayed for is that the orders dated 21st and 25th March, 1989, be struck down with a direction to the respondents not to prevent the petitioners from exercising their fundamental rights but an S.S.-1991 during the course of arguments, the learned Advocate-General entered into doctrinal controversies and religious polemics and during submissions he wrongly attributed certain beliefs to the petitioners which they strongly repudiate as misconceived and incorrect. An affidavit in support of the application was also filed. It was added that the question of faith and belief of the petitioners is totally irrelevant and extraneous to the determination of the legal questions involved and that this Court is not the proper forum for religious polemics and that the writ petition does not seek any adjudication or declaration on the question of faith nor has the Court any jurisdiction to adjudicate upon the religious belief of any person. It was added that the misconceived, incorrect and ill-informed assertions made at the Bar by the opposite-party about the faith of the petitioners are likely to create hatred and ill-will against the Ahmadiyya community and that the incorrect allegations repeated at the Bar have been carried into the National Press which has been widely publicized and the petitioners' faith has been wrongly projected in disparaging terms and that this Court is being used by the respondents to malign and vilify the Ahmadiyya community and to create hatred against them. On the above premises it was prayed that the arguments be ordered to be restricted and confined to the legal questions alone and that the direction be given to ensure fair and equal press coverage to both the sides. This application was argued by Mr. Mubashir Latif Ahmad, Advocate. He prayed that this application be decided before allowing learned Advocate-General and other Advocates to address any further arguments on behalf of the respondents.

Learned Advocate in his reply said that he wanted to show that the commission of the acts alleged would also outrage the predominant ma-

riots. He pleaded interest of the mendacious public conduct and causing serious harm. General explained that the petitioners including the life of Mr. Qadri in the community doctrinal controversies allowed to be urged outrageous nature of the founding and his dis

tions the devastating effect would have on the society. He urged that he would exercise, he is seeking religious belief. He community are entitled religious belief of the good or bad and to practise their religious propagation or involve outrage the religious community which and would amount to

formed basis for the section 144, Cr.P.C.
Learned Advocate-General in his arguments indicated the books of Qadzhumi community with reference to which he wanted to show that the views expressed therein if allowed to be propagated publicly would amount to commission of offences under the Pakistan Penal law and would also outrage the religious feelings of the Muslims, the predominant majority of the country, and thus ignite riots. He pleaded that prohibition was imposed by the interest of the members of Qadzhumi community also as their public conduct and acts would have resulted into clashes causing serious threat to their safety. Learned Advocate-General explained that the learned counsel for the petitioners having himself stated that religious topics including the life of Prophet Muhammad ﷺ and the life and teachings of Mirza Ghulam Ahmad, founder of the Qadzhumi community will be recounted, cannot urge that doctrinal controversies and religious polemics be not allowed to be urged. He added that by laying bare the outrageous nature of the teachings and writings of the founder and his disciples, the purpose is either to raise doctrinal controversies or religious polemics but to show the devastating effect that the propagation of these views would have on the law and order situation. He further urged that it would be wrong to contend that by this exercise, he is seeking adjudication of questions of faith or religious belief. He explained that members of Qadzhumi community are entitled to profess and practise faith or religious belief of their choice and whether their faith is good or bad is not his concern but when, they come to practise their religious belief in the manner that amounts to propagation or invite others to such manifestations or outrage the religious feelings, then they or any one doing so commits offences under the law of the land. He urged that he has, therefore, the right to explain to the Court the religious topics with reference to books of the petitioners community which will be outraging the religious feelings and would amount to commission of offences and which formed basis for taking preventive measures in terms of section 144, Cr.P.C.
12. The objection raised in the petition moved by the petitioners was overruled for reasons to be recorded later and the learned counsel for the parties were told that they may refer to the views and teachings of the founder of Ahmadiyya community and his disciples as contained in their original books for the purposes of showing whether or not these are outrageous to the religious feelings of Muslims and Christians and thus could or could not validly form basis for proceedings under section 244, Cr.P.C. and for the Provincial Government to ban the celebrations. The reasons for the aforesaid order may now be recorded hereunder.

13. Learned counsel for the petitioners (Mr. Mubashir Lalif Ahmad) referred to section 9 of the Civil Procedure Code in support of the plea that Courts have no jurisdiction to adjudicate upon the questions of faith or the question whether faith of a person is good or bad or determine the doctrinal controversies or religious polemics specially when the right to propagate the faith of Ahmadiyya community is not being claimed or being asked to be adjudicated upon. The argument canvassed does not depict the true picture of the controversy raised in the petition and the question canvassed at the Bar. This application is rather a device to side track the issue. It will be recalled that claim of the petitioners is that in these meetings amongst other things life and teachings of Prophet Muhammad ﷺ and related religious topics will be discussed. He posed the question, "How could these discussions even in the shade of opinion of Ahmadi could be banned?" According to the learned counsel all that was to be done and performed in these celebrations was legal and permitted by law. In order to refute both these pleas, according to the respondents, reference to the views and teachings as contained in the original and recognised books of the founder of the Ahmadiyya community was necessary. It is wrong to assert that these were only fanatics who may have reacted adversely and who may try to create law and order situation. The entire history of Ahmadiyya faith and the opposition to it put by Muslims in the sub-

continent, would show that it is opposing them but it is the general considerations views of Ahmadis our feelings and faith. Thus the purpose books was to highlight these aspects above noted pleas. The purpose of the petitioners is not good. It is an attempt to prohibit the teachings of the Qadianis and to seek resolution. There is no question of entering with Qadianis as the kind of faith it had preached and the Qadianis considered by Muslims misconceived and violative of Islamic law. The claim that 'Ahmad Ahmad Nasir' is not making any such contact with Qadianis is not correct. If we are to take into account that the Qadianis are a little pale of Islam. Thus the Qadianis separate Ummat. So they are not. This is evident from their own. Thus try to substitute themselves for turning out the Muslims from the community and could pose as Muslims under illegal Government whose interest Mix serving according to general bod disintegration of the Muslims the integration of Muslim Ummah, luminous of Muslim society is t secured by the idea of the final. He further said "After all, if the in threatened, the only course open defend itself against the forces of do the ways of self-defence? Co' referstion of the claims of the ma integrity is threatened and to a
continent, would show that it is not the fanatics who are opposing them but it is the general body of Muslims who consider views of Ahmadis outrageous to their religious feelings and faith. The purpose of making reference to the books was to highlight these aspects and to refute both the above noted pleas. The purpose is not to show that the faith of the petitioners is not good or that they should not profess or practise their faith, or to enter into religious polemics so as to seek resolution of doctrinal controversy. There is no question of entering into religious polemics with Qadianis as the kind of faith which Mirza Ghulam Ahmad preached and the Qadianis hold and entertain is considered by Muslims offensive, outrageous, misconceived and violative of the fundamentals of Islam since the time of Holy Prophet Muhammad ﷺ till date in all Muslim countries. The claim of prophethood of Mirza Ghulam Ahmad is resented and rejected by Muslims who resent all and any encroachment on the nexus between Islam and finality of Prophethood. According to the Qadianis, non-Ahmadi is unbeliever and are outside the pale of Islam. Thus the Qadianis or Ahmadis constitute a separate Ummah. So they are not part of Muslim Ummah. This is evident from their own conduct and beliefs. They thus try to substitute themselves for the Muslim Ummah by turning out the Muslims from that Ummah. The Ahmadis could pose as Muslims under the shelter of the British Government whose interest Mirza Ghulam Ahmad was serving according to general body of Muslims, by causing disintegration of the Muslim Ummah. On the question of integration of Muslim Ummah, the views of the great luminary of Muslim society is that “Muslim Ummah is secured by the idea of the finality of Prophethood alone”. He further said “After all, if the integrity of a community is threatened, the only course open to that community is to defend itself against the forces of disintegration. And what are the ways of self-defence? Controversial writings and refutation of the claims of the man who is regarded by the parent community as a religious adventurer. Is it thus fair to preach toleration to the Parent community whose integrity is threatened and to allow the rebellious group to
carry on its propaganda with impunity, even when the propaganda is highly abusive?" (Thoughts and Reflections of Iqbal page 252). There is no Reeling point between the Ahmadis and Muslims as Muslims believe in the finality of Prophethood while the Ahmadis on the contrary believe Mirza Ghulam Ahmad as a new prophet. It will, therefore, be seen that the explanations or justifications by the Ahmadis or the objected to views or the plea that these views should be seen and interpreted in a particular manner so as to bring them in accord with the injunctions of Islam do not require to be gone into as then it can be said that doctrinal controversies are being raised. Secondly these explanations, justifications and versions stand rejected by Muslim Ummah and hence provide no basis for claiming that these views are not likely to outrage the religious feelings of Muslims. The plea that if belief of a person or group of persons is under consideration then their stand and position taken by that person or group must be ascertained with reference to the meaning dominantly prevailing in that group, and that individual idiosyncracies or opinion cannot be accepted as the view or stand point of that person or group, is good as far as the statement goes but the said general statement has no application in the situation in hand, as the matter is not of entertaining a thought or belief personally but of preaching, propagating it to others publicly or professing it in a manner which involves publicity. Moreover, the justification and the explanations of the writings and views are not to be gone into by the respondent authorities. They have to acknowledge the factual position as obtaining on the ground and act on the basis thereof, if in their opinion, sufficient grounds exist to proceed under the relevant provisions of the law (i.e. section 144, C.R.P.C.). It may be noted at this stage that learned counsel for the petitioners objected to the production of photo copies of the books saying that original books containing these objected to views should have been produced. The respondents then produced original books on which learned counsel for the petitioners were asked to give in writing, if they so desire, a list pointing out the books produced which are not originally published by any part of the objects which is considered to originally published. The such inaccuracies or even Mr. Mujeeb-ur-Rehman, Court on this aspect would not like to stand of as has been allowed to be

14. Reliance of the on section 9 of the Civil section deals with gener- try suits of civil nature as that suits which involve ceremonies only are not questions affect a right question has been raised which invokes extra- vesting in this Court or the declarations an- invoking fundamental right. The right to profess an propagate the faith and to the into service. The argument that this extent purposely petitioners. It is in this context to meet the plea raised propagate is not being arguments advanced and would essentially result faith and objected to view the questions raised are section 9, C.P.C. before out at this stage that the submitted that the one- centenary year is a li community would hold right to do so is recognised Court, therefore, has ex
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P.C.). It may be
the petitioners
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they so desire,
which are not
originally published by their community or pointing out
any part of the objected to views contained in the books
which is considered to be not containing the version as
originally published. This list was neither filed nor any
such inaccuracies or version was pointed out orally, rather
Mr. Mujeeb-ur-Rehman, Advocate, who addressed the
Court on this aspect of the case, stated that the petitioners
would not like to stand committed by submitting such a list
as has been allowed to be submitted.

14. Reliance of the learned counsel for the petitioners
on section 9 of the Civil Procedure Code is misplaced. This
section deals with general jurisdiction of the Civil Court to
try suits of civil nature and the Explanation added provides
that suits which involve questions of religious rites or
ceremonies only are not suits of civil nature unless those
questions affect a right to property or office. No such
question has been raised before me. This is a petition
which invokes extraordinary constitutional jurisdiction
vesting in this Court under Article 199 of the Constitution
and the declarations and directions are being sought by
invoking fundamental rights enshrined in the Constitution.
The right to profess and practise faith but not the right to
propagate the faith and the views was invoked and pressed
into service. The arguments on the controversy were limited
to this extent purposely by the learned counsel for the
petitioners. It is in this context that the respondents sought
to meet the pleas raised and to show that though right to
propagate is not being canvassed yet the pleas raised, the
arguments advanced and the relief prayed for if allowed
would essentially result in securing the propagation of the
faith and objected to views publicly or even privately. Thus
the questions raised are not being argued in the context of
section 9, C.P.C. before a 'Civil Court'. It may be pointed
out at this stage that the learned counsel for the petitioners
submitted that the issue raised, despite passing of the
centenary year is a live issue as the members of the
community would hold the celebrations even now if their
right to do so is recognised and declared by the Court. This
Court, therefore, has examined the questions raised in the
... alluded context and allowed the learned counsel full freedom to canvass the propositions and address the arguments so long as they remained relevant in the alluded context. The questions of morality of the views or the explanations for the purposes of showing justification of these objected to views were not allowed to be raised as the District Magistrate and the Government were not required to go into such justifications. The explanation that teachings and beliefs of Mirza Ghulam Ahmad have been misunderstood or misconceived by the Muslims in all these one hundred years is not relevant in the context of the present controversy. It is pertinent to note also that the explanations and justifications along with the objected to views were canvassed before the Federal Shariat Court and the same have been noticed and commented upon by the said Court in its judgment in the case of Mujeeb ur Rehman v. Federation of Pakistan PLD 1985 FSC 8. This decision, it was conceded, is binding on this Court. The finding of the Federal Shariat Court recorded at page 82 reads as under:

"It is, therefore, established beyond any shadow of doubt that as Sir Zafarullah Khan put it, either the majority of people living in Pakistan are unbelievers (Kafir) or the Qadianis are unbelievers which means that the twain shall never meet and be members of the same Ummah. There is no meeting point because of the belief of the Muslims in the finality of prophethood and the contrary belief of the Qadianis who believe in Mirza Sahib as a new Prophet......... Clearly the two do not belong to same Ummah. The question who are members of the Muslim Ummah could be left unresolved because of absence of forum in British India but in an Islamic State in which there are institutions to determine the issue this matter does not present any difficulty. The legislature as well as the Federal Shariat Court are competent to resolve it."

It is, therefore, apparent that Ahmadis and Muslims are two separate and distinct entities and reference to the books of Ahmadidiyya community is necessary not only to disprove the imputed orders and application (C.M. 2051-89).

15. The stage is now ripe for subject-matter of the Petition challenged:

(1) Order, dated 20th April, 1988

Government has been announced and a

Order, dated 21st February, 1988, Cr. No. 144, Ch. 2, Jhang
do not have the merits of the Local Organizational

Order, dated 25th February, 1988, Cr. No. 144, Ch. 2, Jhang
don the grounds, inter alia, the fundamental right to

Order dated 21st May, 1990

WHEREAS it has been

the Oadisians in District Jhelum

they have arranged illumination of decorative glass

meeting, distribution of badges, exhibition of badges, but

highly being objected by
books of Ahmadiyya community and its founder would be necessary not only to distinguish the two entities but also to show the validity as well as necessity of the passing of the impugned orders and directions. With these reasons the application (C.M. 2051-89) stands disposed of.  

15. The stage is now set to examine the controversy, subject-matter of the Petition, on merits. The petitioners challenged:

(1) Order, dated 20th March, 1989, of the Provincial Government banning the centenary celebrations announced and advertised by the office-bearers of Local Organization of Ahmadiyya community;

(2) Order, dated 21st March, 1989, passed under section 144, Cr.P.C. by the District Magistrate, Jhang and

(3) Order, dated 25th March, 1989, of the Resident Magistrate, Rabwah:

on the grounds, inter alia, that the ban imposed is violative of the fundamental right to profess and practise one's religion guaranteed by Article 20 of the Constitution and that the order of the District Magistrate, Jhang, under section 144, Cr.P.C. is illegal, unwarranted and uncalled for. As the main attack was directed towards the orders of the District Magistrate and the Resident Magistrate, the same are being reproduced for ready reference:

Order dated 21-3-1989 of D.M. reads:

"WHEREAS it has been made to appear to me that Qadianis in District Jhang are going to hold Centenary Celebration of Qadiani at on 23rd March, 1989, for which they have arranged illumination, decoration of buildings, erection of decorative gates, holding of processions and meetings, distribution of pamphlets and posting of posters on walls, distribution of sweets and service of special food, exhibition of badges, buntings and banners etc. which is highly being objected by the Muslims and is likely to
disturb public peace and tranquillity and thereby cause
danger to human life and property;

AND WHEREAS the Government of Punjab, Home
Department, Lahore, vide its Teleprinter Message No.71-H-
SPL-JUU89, dated 20-3-1989 has decided to ban the said
Centenary celebration for Qadianis by the Qadianis in the
Province of Punjab;

AND WHEREAS section 298-C of the Pakistan Penal
Code, (Act XLV of 1860) provides that any person of the
Qadiani Group who directly or indirectly poses himself as a
Muslim, or calls, or refers to, his faith as Islam or preaches
or propagates his faith or invites others to accept his faith
by words either spoken or written or by visible
representation or in any manner whatsoever outrages the
religious feelings of Muslims is punishable

AND WHEREAS in my opinion as also keeping in
view the above-mentioned Government decision and the
contents of Pakistan Penal Code, immediate prevention is
desirable and there are sufficient grounds to proceed under
section 144, Cr.P.C., 1898 and the directions hereinafter
appearing are necessary in order to prevent danger to
human life and property and disturbance of public peace
and tranquillity.

NOW, THEREFORE, I, Ch. Muhammad Saleem,
District Magistrate, Jhang, in exercise of the powers
cornered upon me by section 144, Cr.P.C., 1898, do hereby
prohibit the Qadianis in District Jhang from the following
activities:

(i) Illumination on buildings and premises;
(ii) Erection of decorative gates;
(iii) Holding of processions and meetings;
(iv) Use of loudspeaker or megaphone;
(v) Raising of slogans;
(vi) Exhibition of badges, bunting and banners etc;

(vii) Distribution of pamphlets on the walls and wall-writing
(viii) Distribution of sweets and
(ix) Any other activity that may incite and injure
Muslims.

THIS ORDER shall
immediate effect and a

NOTWITHSTANDING everything done action to
penalty or punishment
inquiry or proceeding
power conferred and for
offenders in the Courts
Class Powers under the
1898, and the punish-
offences committed do
this order shall be con-
order had not expired.

THIS ORDER shall be
beat of drum, by pu-
Gazette affixing copie
boards of the District
Supersintendent of J
Commissioners, Tehsils,
Committees and All Pol
Jhang.

GIVEN UNDER my hand and this 21st day of March, 1989.

The order dated 25-3-1989 reads—
(vii) Distribution of pamphlets and posting of posters on the walls and wall-writings;

(viii) Distribution of sweets and service of food;

(ix) Any other activity directly or indirectly which may incite and injure the religious feelings of Muslims.

THIS ORDER shall come into force with immediate effect and shall remain in force till 25th March, 1989.

NOTWITHSTANDING the expiry of this order, everything done action taken, obligation, liability, penalty or punishment incurred investigation, inquiry or proceeding pending, jurisdiction or power conferred and fresh proceedings against offenders in the Courts of Magistrates having 1st Class Powers under the Criminal Procedure Code, 1898, and the punishment in respect of the offenders committed during the enforcement of this order shall be continued or launched as if this order had not expired.

THIS ORDER shall be given wide publicity by beat of drum by publication in the official Gazette affixing copies thereof on the notice boards of the District Courts, Offices of the Superintendent of Police, Jhang, Assistant Commissioners, Tehsildar Municipal and Town Committees and all Police Stations in the District Jhang.

GIVEN UNDER my hand and seal of the Court this 21st day of March, 1989."

The order dated 25-3-1989 of Resident Magistrate.
The factual background of the passing of these orders was that holding of the centenary celebrations was announced in the press by the office-bearers of the local organization of the Ahmadiyya community. The legal position obtaining in the year 1989 as regards the Ahmadis is that through constitutional amendment of 1974, they have been declared non-Muslims. Despite this constitutional mandate and despite the fact that Ahmadis verbally concede that Constitution is binding on them as any other citizen, yet they persisted in calling themselves Muslims or their faith Islam and also using the epithets exclusively used for the members of the Family and Companions of Holy Prophet Mohammad SAW with the names of members of family etc. of Mirza Ghulam Ahmad. Ordinance XX of 1984 was then promulgated to restrain the Ahmadis from calling themselves what they are not, since they cannot be allowed to deceive any body specially the Muslim Ummah by passing off as Muslims. The provisions banning the use of exclusive epithets and expressions were also incorporated in implementation of the constitutional provisions so that Ahmadis cannot call themselves or pose to be Muslims directly or indirectly. It may be added that the Federal Shariat Court in the case of Mumtazur Rehman (supra) has held that "Article 260(3) declare the Qadianis as non-Muslims for the purpose of the Constitution and the last Article 20 guarantees the citizens of Pakistan the right, inter alia, to profess their religion. This Article is no doubt subject to other provisions of the Constitution. This point was in fact conceded by Me., with Article 260(3) of the Constitution of Article 20 will mean that they believe in the unity of Allah of Mirza Sahib, but they cannot Muslims or their faith to be constitutional declaration and im Ordinance XX of 1984 are given Rehman’s case. In short, these are: The claim of being the Proph the Holy Prophet engender indignation, condemnation Muslim masses, religious alike (see Szeit-ul-Mehdi, Vol.2, pages 44, 64, 87, Vol. 3). This is a picture of the exasperations of the Muslims. After the creation of Pak Martial Law of 1953, the Committee, the Constitution, prove the extreme agitati mortification of the Muslim Pakistan Penal Code prohibits feelings of the Muslims who restlessness and anger of ultimately prohibited by the 

Again at page 100 of the report 

The Qadianis achieved some members of the Muslim Ummah because of their strategy of calling assuring them that acceptance of relinquishment of Islam or core unbelief but gave them an op Muslims. For this purpose they educated Muslims’ distaste for the persistent rigidity of the Ulema.
point was in fact conceded by Mr. Majeedur Rehman. Read with Article 260(3) of the Constitution, the above provision of Article 20 will mean that the Qadianis can profess that they believe in the unity of Allah and/or the prophethood of Mirza Sahib, but they cannot profess themselves to be Muslims or their faith to be Islam. The reasons for constitutional declaration and imposition of bar through Ordinance XX of 1984 are given in detail in Majeedur Rehman’s case. In short, these are —


This is a picture of the recurring extreme exasperations of the Muslims in his lifetime.

After the creation of Pakistan, the imposition of Martial Law of 1956, the setting up of Muneeb Committee, the Constitutional Amendment of 1974 all prove the extreme agitation, chagrin, tension and mortification of the Muslims. Section 298-C of the Pakistan Penal Code prohibits the elaboration of the feelings of the Muslims which furnishes proof of the restlessness and anger of the Muslims on matters ultimately prohibited by the Ordinance.”

Again at page 100 of the report, it is recorded:—

The Qadianis achieved some little success among members of the Muslim Ummah mainly in the Punjab because of their strategy of calling themselves Muslims and asserting them that acceptance of Ahmadism did not mean relinquishment of Islam or conversion from belief to unbelief but gave them an option to become better Muslims. For this purpose they touch the usual chord of the educated Muslims’ distaste for the intense sectarianism and persistent rigidity of the Ulema and tend to draw them
towards what they preach to be liberalism in Islam. This strategy which paid some little bonus bears strong resemblance to the passing off by a trader of his inferior goods as the superior well known goods of a reputed firm. Let the Qadianis accept that their preaching is for conversion to a religion other than Islam even the unwary among the Muslims may be loth to change his belief for unbelief. On the other hand Qadianis may have feeling of disenchantment about Ahmadiism.

Another important reason was that the Qadianis by posing themselves as Muslims try to propagate their religion to every Muslim they come across. They outrage his feelings by calling Mirza Sahib a prophet because every Muslim believes in the finality of prophethood of Muhammad ﷺ. This creates a feeling of resentment and hostility among the Muslims which gives rise to law and order problem. His claim of being a promised Messiah and Mahdi was also resented. This is not a mere chim. It would be clear from the history of Qadianism—in fact from the books of Mirza Sahib himself—that he had to face considerable hostility at the hands of not only the Ulema but also of the general body of Muslims.

17. So it is in the aforesaid historical and legal perspective that the challenge made to the impugned order is to be examined. The fundamental right pressed into service is the right to profess and practice religion enshrined in Article 20 of the Constitution, subject to other provisions of the Constitution, law, public order and morality. Whether holding of centenary celebrations by the community falls within the connotation of "to profess or Practice religion." Whether law prohibits such celebrations and whether circumstances existed for banning the celebrations in order to maintain 'public order'? In order to answer these questions it appears necessary to find out the manner in which the celebrations were to be held and what was the avowed objective of these celebrations.

It is pertinent to note that position taken in the petition is that "it is their legal and constitutional right to celebrate publicly the 10th of Ramazan to recall the ancient counsel during their right to hold public religious topics including 'which will obviate the provisions of the Pakistan Penal Code have contravened the be performed or done pamphlets circulated, a new published in the Ahmadiyya community asserted that no public ceremonial gates were to be displayed and no public event but a 'private' dated story. It commented as

"Hundred years of
celebrate publicly the centenary of the Qadiani Movement and to recount the achievements of the full century while learned counsel during arguments urged that though it is their right to hold public meetings and to discuss the religious topics including the life of Prophet Muhammad (PBUH) which will obviously include the claim of Mirza Ghulam Ahmad to prophethood but neither any programme was chalked out nor any speech was intended to be made which may have contravened the law of the land. This assertion was obviously made in the context of the provisions contained in sections 295-A, 295-B and 295-C of the Pakistan Penal Code. The plea that no act which may have contravened the law of the land was even intended to be performed or done was contradicted by producing the pamphlets circulated, the advertisements issued and the news published in the newspaper named ‘Al-kaz’ of the Ahmadiyya community. Mr. C.A. Rehman, Advocate, had asserted that no public meetings were to be held, no ceremonial gates were to be constructed, no banners were to be displayed and so processions were planned to be taken out but ‘Al-kaz’ dated 26th March, 1989, carried a different story, it commented as under:

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Hundred years of Truth (القرن الـ 100)
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18. The material produced by the Advocate-General shows that the Qadiani community had planned to celebrate publicly the centenary and the programme chalked out would have amounted to publicly propagating the faith and the views of the founder of the community and his disciples. The programme also included the display of banners carrying slogans such as “Hundred years of Truth” which slogan was also displayed on the T-shirts apparently got tailored and prepared specially for these celebrations. It is, therefore, apparent that the representation of the learned counsel for the petitioners made during arguments that the centenary celebrations were to be attended by the members of the community and by their friends through special invitations was not factually correct. Learned Advocate-General was, therefore, correct in pointing out that the Government and the District Magistrate examined the question of maintaining law and order and apprehension of breach of peace in correct, factual and legal perspective and this Court should also examine the question of legality of the impugned orders in the perspective of holding the celebrations publicly and not limited to its own members and the friends who would have wished to attend through their own volition.

19. The other plea of the learned counsel for the petitioners was that neither any programme was framed nor any speech was intended to be made which would have violated law of the land. According to them neither the accounting of the events of the last century (March 1889 to March 1989) nor the views and teachings of the founder and his disciples as contained in their books violate the law and hence the celebrations to be held for the said purpose could not be prohibited. The case of the respondents on the other hand was that these programmes planned to achieve the objectives set forth would result not only in creating serious law and order situation as visualised by the Government and the District Magistrate under section 298-C, P.P. Act, District Magistrate is right in this petition.

Learned Advocate-General for the respondents submits and that too as centenary celebrations were to be done in peace and quiet.”

It was added that the Qadiani faith is not by holding meetings with Mirza Ghulam Ahmad in respect to the commence

propagation of the Qadiani faith by doing an act not part of the band out of the religion of Christianity. In order to

celebrations the view of the disciples contained in the following topics—

(1) Claim to prophetic and·endeavour (p.b.u.h);
(2) Insolent writing
(3) Abusive and defamatory writing concerning Jesus;
(4) Insolent and defamatory writing of Family of the Holy Prophet (p.b.u.h);
(5) Writings defamatory of the Holy Prophet (p.b.u.h) and as an Umare.

20. The relevant

concerning Muslims conflict during the arguments a
the Advocate-General had planned to
and the programme
publicly propagating
action of the community
exhibited by the T-shirt
The idea was that the
the petitioners'
 ArgumentNullException.
if the community and its
invitations was not
treatment of the
and the District
maintaining law and
peace in order,
Court should also
imposed orders in
measures. If action
friends who would
involuntary
The first counsel for
the case was framed
which would have
them neither the
the Whitby (March 1889) of
the founder and
violating law and
said purpose would
be effective on the
achieve the
only in creating
visualized by the

Government had
the District Magistrate but would also be
violative of the law and amount to commission of
offences under section 298-C, P.P.C, as has been pointed out by the
District Magistrate in his order, dated 23-3-1969, impugned
in this petition.

Learned Advocate-General as well as learned counsel
for the respondents submitted that meetings of the kind
announced and that too for the aforesaid object whether
as centenary celebrations or otherwise would endanger
public peace. It was added that though right to propagate
the Qadiani faith is not being asserted and claimed yet the
holding of meetings wherein the history and status of
Mirza Ghulam Ahmad and the success achieved in this
respect is to be discussed would mean and amount to
propagation of the Qadiani faith. This will mean on one
hand doing an act not permitted by law and on the other
hand attributing religious denotations to the Muslims and
Christians. In order to highlight this aspect of the
celebrations the views of Mirza Ghulam Ahmad and his
disciples contained in their books were quoted under the

following topics:

1. Claim to prophethood of Mirza Ghulam Ahmad
   and endeavour even to excel the Holy Prophet
   (p.b.u.h.);

2. Insulting writings respecting God Almighty;

3. Abusive and disparaging writings and views
   concerning Jesus Christ;

4. Insulting and disparaging remarks about members
   of Family of the Holy Prophet;

5. Writings depicting Muslim Ummah as heretics
   and as an Ummah different from Qadianis with
   abuses hurled to eminent religious scholars of
   Muslims;

The relevant objected to views or the opinion
concerning Muslims contained in the books and read out
the arguments are not being reproduced as the very
reproduction of the same would provoke protest and uproar and further intensify the feelings of hatred. Mr. Mobashir Latif Ahmad, Advocate, counsel for the petitioners was of the view that reporting of the proceedings in the press (of the dates when these topics were being discussed) is likely to create hatred against Ahmadis but Mr. Mujeeburr Rehman, Advocate took the stand that materials produced i.e., the books referred to under the aforesaid topic, is such that it is not of a recent origin as it is in circulation since one cent; and if the literature was not provocative for all this period, why it should be treated as provocative at the particular juncture of centenary celebrations. He added that till 1983 annual general meetings of the community were being held, special trains used to carry Qadianis to Rabwah without any untoward incident and on account of Qadiani faith public peace was never disturbed or breached. Such a plea can be raised by ignoring the entire history of opposition offered by the Muslims to the Qadiani faith and to prophethood of Mirza Ghulam Ahmad. Some of the writings are couched in the most uncomplimentary and abusive language for his opponents. Mirza Sahib as had proclaimed himself to be the Messiah of the Muslims, the Mabar (Promised Messiah) tried to substitute himself for Jesus as Promised Messiah is to be no other than Jesus son of Mary. He proclaimed:

"God named me Mary in the third volume of Barahini-Ahmadiyah (A book of Mirza Sahib containing his 'Divine Revelations') was nurtured for a period of two years in a Mary-like condition and was brought up in a womanly seclusion. Then the spirit of Jesus was breathed into me just as (it was breathed) into Mary. Thus I was considered to be pregnant in a metaphorical manner. After a period of several months, not more than ten, I was made Jesus out of Mary by the revelation embodied in the last parts of the fourth volume of Barahini-Ahmadiyah; and thus I became Jesus, son of Mary. But God did not inform me about this secret during the time of Barahini-Ahmadiyah.

Kashifi-i-Nuh:
Ruhani Khaz'in, Vol. 19, p. 50."

21. This did not end with writings used disparaging remarks about Jesus Christ. A source suggests that Jesus (peace be upon him) was of Jewish origin and that his statement with the atrocious and blasphemous are as follows:

"(Jesus) had the habit of frequently using foul language.

22. "What is your opinion about Messiah? (it is an accomplished, a gluttonous person, not a real worshipper, nor a real self-conceited claims that)

"The root cause of the disease or an old habit.

"Jesus could not prove the disease in his life. Because people knew he was alcoholic."

23. Even the episode of the sufferings of the people is distorted by Mirza Sahib and is not true. (peace be upon him) and it is as follows:

"Jesus had an inclination to his ancestral relations..."
21. This did not end here as Mirza Sahib in his writings used disparaging, imprecative and provocative remarks about Jesus Christ. Though no authentic religious source suggests that Jesus (peace be upon him) was foul-mouthed or was of lewd character yet Mirza Sahib came out with the atrocious and blasphemous remarks. Some of these read:

"(Jesus) had the habit of uttering obscenities and frequently using foul language."

(Addi Em Ajan-i-Atham)

"What is your opinion about the character of the Messiah? (It is that Jesus) was an alcoholic and gluttonous person, neither abstinent nor a pious worshipper, nor a reality seeker. He was a proud and a self-conceited claimant of Divinity."

(Nur al-Quran)
Ruhani Khazain, Vol.9, p.387.

"The root cause of all the damage that alcohol consumption has had on the Europeans was that Jesus used to drink alcohol, perhaps because of some disease or as old habit."

(Kashti-i-Nuh)

"Jesus could not portray himself as a pious man because people knew that he was a gluttonous alcoholic."

(Satt Bachan)

22. Even the episodes narrated in the Bible were distorted by Mirza Sahib as a way to deride holy Jesus (peace be upon him) and to defile his sacred name as follows:

"Jesus had an inclination for prostitutes perhaps due to his ancestral relationship with them, otherwise no
pious man could allow a young prostitute to touch his head with her filthy hands, and massage his head with the unclean perfume purchased with the earnings of adultery, and rub his feet with her hair. Let the intelligent judge what sort of character such a person must possess."

(Zaminah Anjam-i-Atham)
(Ruhani Khazain, Vol. 11, p. 291).

"A beautiful prostitute is sitting so close to him as though she is embracing him. Sometimes she massages his head with perfume or holds his feet and sometimes she lays her beautiful black hair on his feet and plays in his lap. In this situation Mr. Messiah is sitting in ecstasy. If someone else to object he is scolded. Besides his young age, the habit of alcoholism and being a bachelor, a beautiful prostitute is lying in front of him touching her body with his. Is this the behaviour of a virtuous person? And what evidence or proof is there that Jesus did not get sexually provoked by the touch of the prostitute. Alas! Jesus could not even have the facility of sexual intercourse with any wife of his own after passing his glance upon that adulteress. What sexual excitement would have been provoked by the touching of that adulteress. What sexual excitement would have been provoked by the touching of that wretched adulteress and her playfulness! The sexual excitement and arousal would have done its work to the full. This is the reason why Jesus could not even open his mouth to say, 'Oh adulteress! keep away from me. It is well established in the Bible that that woman was one of the prostitutes, notorious for adultery in the entire city."

(Nur al-Quran)
(Ruhani Khazain, Vol.9, p.449).

23. As against the above version of Mirza Sahib, this very episode is narrated in the Bible as under-

"And one of the pharisees sat down to meat. And, which was a sinner, when she heard that Jesus sat at meat in the pharisee's box of ointment, and strewing, and began to then wiped them with the kiss his feet, and anoints. Now when the pharisee saw he spoke within himself, prophet, would have known woman this is that to. And Jesus answering somewhat to say unto him. There was a certain debtors; the one owed. And when they had forgiven them both. Tell will love him most? Suppose that he, to whom said unto him, Thou hast turned to the woman, and this woman? I entered me no water for my feet; hairs of her head. Thou woman since the time I c my feet. My head with this woman has anointed. Therefore I say unto thee forgiven; but she loved forgiven, the same lavishly sins are forgiven. A hire began to say with him forgiven sins also? An faith hath saved thee; go
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(Alam;i-Albam)
Vol. 11, p. 291)
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"And one of the pharisees desired him that he would eat with him. He went into the pharisees house and sat down to meat. And behold, a woman in the city, which was a sinner, when she knew that Jesus sat at meat in the pharisees house, brought an alabaster box of ointment, and stood at his feet behind him weeping, and began to wash his feet with tears, and then wiped them with the hairs of her head, and kissed his feet, and anointed them with the ointment. Now when the pharisee which had bidden him saw it, he spoke within himself, saying, this man if he were a prophet, would have known who and what manner of woman this is that toucheth him for she is a sinner. And Jesus answering said unto him, Simon, I have somewhat to say unto thee. And he said, Master, say on. There was a certain creditor which had two debtors: the one owed five hundred pence, and the other fifty. And when they had nothing to pay, he frankly forgave them both. Tell me therefore, which of them will love him most? Simon answered and said, I suppose that he, to whom he forgave most. And he said unto him, Thou hast rightly judged. And he turned to the woman, and said unto Simon, seest thou this woman? I entered into thine house, thou gavest me no water for my feet; and she wiped them with the hairs of her head. Thou gavest me no kiss; but this woman since the time that I came in, hath not ceased to kiss my feet. My head with oil thou didst not anoint; but this woman hath anointed my head with ointment. Therefore I say unto thee her sins which are many, are forgiven: but she loved much; but to whom little is forgiven, the same loveth little. And he said unto her, Thy sins are forgiven. And they that sat at meat with him began to say within themselves, who is this that forgiveth sins also? And he said to the woman the faith hath saved thee; go in peace."

The New Testament
St. Luke, Ch. 7:36-50."
The above is confirmed in the Gospel according to John as follows—

"Then took Mary a pound of ointment of spikenard, very costly, and anointed the feet of Jesus, and wiped his feet with her hair; and the house was filled with odour of the ointment. Then said one of his disciples, Judas Iscariot, Simon's son, which should betray him, why was this ointment sold for 300 pence, and given to the poor? This he said, not that he cared for the poor; but because he was a thief, and had the bag, and bare what was put therein. Then said Jesus, let her alone; against the day of my burying she had kept this. For the poor always Ye have with you; but me Ye have not always."

The New Testament
St. John, Ch. 12:3-8

And according to Matthew the story is narrated in the following manner—

"Now that Jesus was in Bethany, in the house of Simon the leper, there came unto him a woman having an alabaster box of very precious ointment and poured it on his head as he sat at meat. But when his disciples saw it, they had indignation, saying, to what purpose is this waste? For this ointment might have been sold for much, and given to the poor. Then Jesus understood it, he said unto them why trouble ye the woman? For she hath wrought a good work upon me. For Ye have the poor always with you; but me Ye have not always. For in that she had poured this ointment on my body, she did it for my burial. Verily I say unto you, whosoever this Gospel shall be preached in the whole world, there shall also this, that this woman hath done, be told for a memorial of her."

The New Testament
St. Matthew, Ch. 26:6-13"
24. A close reading of the distorted version would show that the inscription such as "as though she embracing him... ... she is playing in his lap... ... Mr. Jesus is sitting in ecstasy... ... a beautiful prostitute is laying in front... ... her body is touching his body... ... Jesus sexual provocations... ... have been added with a view to defile Jesus Christ though the Bible does not contain such base episodes nor it depicts Jesus in this shade. The actus' episode was that immoral woman had come to holy Jesus (peace be upon him) crying and weeping in order to seek forgiveness for her sins and Jesus and said: "Your sins are forgiven".

25. Not only this but the teachings of Jesus were also belittled by Mirza Sahib. The aforesaid stance and views of Mirza Ghulam Ahmad (Jadlan) are quite contrary to the position and status of Jesus described in quran as the entire Quran (the Holy Book of Muslims) is free from any statement that may be construed in any way to reflect negatively on Jesus Christ (peace be upon him). The Quran is full of praises for Jesus and describes him as one of the greatest five Prophets of God, Quran says in Surat 3, Verse 84:

"Say: We believe in God and what is revealed to us and what was revealed to Abraham and Ismael and Isaac and Jacob and the tribes, and what was entrusted to Moses and Jesus and the prophets from their Lord. We make no distinction between any of them, and to him we have surrendered".

Holy Quran praises Jesus, his mother and his family in these terms:

"God selected Adam and Noah, Abraham's House and Imran's House over (everyone in) the Universe. They are descendants of one of another. God is Alert, Aware. (Remember) when the wife of Imran said My Lord! I have vowed for you whatever is within my womb. Accept it from me. See! You only you are the Healer, the Knower. When she gave birth she said: My God! I have given birth to a daughter. God was quite aware
of what she had given birth to, for a male is not like a female - I have named her Mary, and ask you to protect her and her offspring from Satan the Outcast.

Her Lord accepted her in a handsome manner and caused her to grow like a lovely plant and appointed Zachariah to care to her. Every time Zachariah entered the sanctuary to see her, he found she had already been supplied with food. He said: 'Mary, Whence cometh unto you this food?' She said: It comes from God, for God provides for anyone he wishes without any reckoning.'

(Quran, 3:33-37)

"And when the angels said: O Mary! See! God has chosen you and made you pure, and has preferred you above (all) the women of creation. O Mary! Be Obedient to your Lord, prostrate yourself and bow with those who bow (in worship)."

(Quran, 3:42,43)

Even virgin birth of Jesus is stated in exalted manner in Surah 3 Verses 45-47:

"(And remember) when the angels said: O Mary! God gives you glad tidings of a word from Him, whose name is the Messiah, Jesus, son of Mary. Illustrious is the world and the Hereafter and one of those brought near (unto God). He will speak to mankind in his cradle and in his manhood, and he is of the righteous. She said: My Lord, how can I have a child while no human being has ever touched me? He said to it (it will be), God creates anything He wishes. Whencesever He decides upon some matter, He merely tells it: Be! and it is."

(Quran, 3:45-47)

Again in Surah 19, verses 16-32 story of birth has been told as under:

"And make mention had withdrawn from! East and had chosen sent to her Our spirit likeness of a perfect the Compassionate O fearing. He said: I am that I may bestow on. How can I have a son? neither have I been of your Lord says: it is e we may make of him mercy from Us, and conceiv. His and a place. And the pangst trunk of a palm tree become a thing of naught to her from below he has placed a rivulet be of the palm tree toward to fall on you. So eat if you meet any mort Compassionate, and that person. She carried him Mary you have brought. Sister of Aaron! Your your mother a loose we said: How can we take the cradle? He said: I me a book and made blessed wherever I a prayer and almsgiving (has made me) dutiful has not made me an day I was born, and be raised alive!".

26. Moreover the Mu or defile the men or lead
a male is not like a female, and ask you to Satan the Outcast. Some manner and a slant and appointed every time Zachariah, he found she had a son. He said: 'Mary, food?' She said: it is for anyone he be

(Quran, 3:33-37)

Mary: See! God has preferred you to all that were in the world and given you the means to work. O Mary! Be yourself and bow

(Quran, 3:42-43)

I in exile. He said: O Mary! God has sent thee to be a blessing to the world, to be a mother to the children of mankind in his is of the righteous.

re a child while no one else had brought. 'He said: it will be a son.' Whenever He said: 'Believe in God and His Prophet and be of the companions of God.' (Quran, 3:45-47)

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"And make mention of Mary in the Book, when she had withdrawn from her people to a chamber looking East and had chosen seclusion from them. Then we sent to her Our Spirit and it is assumed for her the likeness of a perfect man. She said: I seek refuge in the Compassionate One from you, if you are God-fearing. He said: I am only a messenger of your Lord, that I may bestow on you a faultless son. She said: How can I have a son when no mortal has touched me, neither have I been unchaste? He said: So (it will be) your Lord says; it is easy for Me. And (it will be) that we may make of him a revelation for mankind and a mercy from Us, and it is a thing ordained. And she conceived him, and she withdrew with him to a far place. And the pangs of childbirth drove her to the trunk of a palm tree. She said: Oh, woe to me! That I had become a thing of naught, forgotten! Then (one) cried to her from below her saying: Grieve not! Your Lord has placed a rivulet beneath you. And shake the trunk of the palm tree toward you. You will cause rips dates to fall on you. So eat and drink and be consoled. And if you meet any mortal say: I have vowed a fast to the Compassionate, and may not speak this day to any person. She carried him back to her family. They said Mary, you have brought something hard to believe: O Sister of Aaron! Your father was no evil man, nor was your mother a loose woman. She pointed to him. They said: How can we talk to someone who is a child in the cradle? He said: I am God's servant. He has given me a book and made me a prophet. He has made me blessed wherever I may be, and has enjoined on me prayer and almsgiving so long as I remain alive. And (has made me) dutiful towards her who bore me, and has not made me arrogant, unibest. Peace be on the day I was born, and the day I die, and the day I shall be raised alive!" (Quran, 19:16-32)."

26. Moreover the Muslims are forbidden to degrade or defile the men or leaders of others religions so that the
others do not find occasion to hurl slander on their leaders. It is true that on certain aspects there exist honest differences amongst Muslim and Christian Theologians but that cannot provide base or justification to defile each others religion or prophet. The prophet of Islam  is reported to have said:

"I am closest (in love) to Jesus, the son of Mary, in this life and the hereafter."

27. These were the writings and views of Mirza Sahib on account of which Muslims as well as Christians opposed the claim of Mirza Sahib to prophethood and of being Masih Maqoor (Promised Messiah). There were events in the life-time of Mirza Ghulam Ahmad as well as after his death and even after creation of Pakistan when there were mass protests leading to imposition of Martial Law in Lahore in 1953 and riots involving attacks on trains in 1974. Mirza Ghulam Ahmad noted the hostility of the Muslims generally to him in the following words in Itkata Aukam, page 11—

"It is this claim on which my people (non-Ahmadi Muslims) quarrel with me and consider me an apostate (میت). They talked loudly and did not pay reverence to one who receives inspiration from Allah (الله). They said that he is a renegade, liar and an impostor (پورسندہ). But for their fear of the sword of the rulers they would have murdered me."

The provocative nature of these writings does not end merely because some other writings contain views of Mirza Ghulam Ahmad which are in accord with the views of Muslim Ummah. The reliance of Mr. Majeedur Rehman on such writings is inexplicable. In order to demonstrate this, one particular instance may be quoted and analysed as it would also repel the plea of the learned counsel for the petitioners that recounting of history or repetition of particular views would not amount to commission of offence under section 288-C. P.P.C.

28. Take the slogan "on the Tee Shirts or display gates. What does it convey? The message that Mirza Ghulam Ahmad is the one who constitute M who do not accept Mirza Maqoor are heretics. Despite constitutional law of General rightly remarked that if there is no serious law and order situation, that the prohibited acts, obnoxious, injurious or ceremonial gates, hoisting building or serving food on clothes should not be allowed. These acts are to be a declaration made, the ob message ought to be so acts are likely to produce perspective cannot be manifestations of a mind to commemorate its past leaders. In any case now it must be within the domain of 'our religion'. The plea that lawful and as such are prohibited under section being of acts lawfully mi and that prevent me or the group. It unlawfully may be examined.

29. Learned counsel advancing the aforesaid the carrying out of which celebrations as were b innocuous, innocent,
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28. Take the slogan "Hundred years of Truth" printed on the Tee Shirts or displayed on the banners or ceremonial gates. What does it convey? This slogan seen in the background of centenary celebrations of the community, conveys the message that claim to prophethood made by Mirza Ghulam Ahmad is true; the belief of Ahmadis that it is they who constitute Muslim Ummah is true; the others who do not accept Mirza Ghulam Ahmad as prophet or Maseeh Ma'ood are heretics; you the predominant majority despite constitutional mandate are heretics. The Advocate-General rightly remarked that had the prohibition order not been passed, such a provocative act would have created serious law and order situation. He was also right in urging that the prohibited acts, taken individually do not appear obnoxious, injurious and harmful as putting of the ceremonial gates, holsting of banners, illuminating a building or serving food to poor, or wearing by a person new clothes should not be a cause of annoyance to others. These acts are to be seen in the background of the declaration made, the objective sought to be achieved, the message sought to be conveyed and the reaction that such acts are likely to produce. These acts, seen in historical perspective cannot be taken as innocent and harmless manifestations of a minority community which would like to commemorate its past events and eulogize its founders or leaders. In any case how do these public manifestations fall within the domain of 'professing or practising a particular religion'. The pleas that the performance of these acts is lawful and as such doing of lawful acts cannot be prohibited under section 144, Cr.P.C. merely because the doing of acts lawfully might lead another to act unlawfully and that preventive measures are to be taken against the person or the group who are likely to act unlawfully may be examined.

29. Learned counsel for the petitioners while advancing the aforesaid pleas, assumed that these acts, the carrying out of which was prohibited or the centenary celebrations as were being planned to be held were innocuous, innocent, harmless, rather lawful. This
assumption is incorrect. Even assuming that it was intended not to cause annoyance or not to trigger friction and disturbances, still reaction that these celebrations were genuinely apprehended to have aroused, provided sufficient justification for making the impugned orders in the public interest. The principle relied upon by the learned counsel was enunciated in the case of Batty v. Cillibbins (1882) 1 Q.B.D. 108. The facts were that members of Salvation Army insisted on marching through the street despite violent opposition from the ‘skeleton Army’ and despite an order from the Magistrate that they should not search. The Divisional Court held that a man cannot be punished for acting lawfully if he knew that his so doing might lead another man to act unlawfully. This decision seems to be correct in allocation of criminal liability but it is not followed or in any case its operation has been modified in cases of exercise of police power of the State relatable to the maintenance of public peace. So in Humphries v. Connor (1864) 17 Ir. C.R. 1 where an action or assault was brought against a policeman, the Irish Court held that the policeman was entitled to remove an orange lily from the plaintiff’s clothes since this was necessary to prevent a breach of peace amongst a crowd in whom the emblem aroused animosity (see C.P. Wilson — Cases and Materials in Constitutional and Administrative Law, page 693). Again in O’Kelly v. Harvey, a magistrate was held entitled to dispense a lawful meeting since he had reasonable grounds for supposing that Orangemen opposed to the meeting would use violence and that there was no other way in which peace could be preserved (see Wilson cases — page 695). It may be alluded here that the cases of pasting badges with KALMA TAYYABA described or the banners with KALMA TAYYABA displayed by the Qadiani are in point. Even in cases where the words or conduct is provocative or insulting the Police power may be exercised for maintaining law and order. The case of Wise v. Dunlop (1902) 1 K.B. 167 may also be referred. In this case, Protestant crusader was bound over to keep the peace after he had repeatedly insulted the man Catholic faith in Catholic area of Liverpool and breach of peace had occurred. It was held entitled to regard the be the natural consequence of

30. Now the question is whether KALMA examined. According Advocates for the r "Muhammad-ur-Rasool" to Mirza Gulam Ahma himself as "Muhammad-ur-Rasool" believe him as such. The display banners or wear the sacred name of the contention books infall. Bashir Ahmed which read:

Reference was also:
Ohalit Ka Izaim wherein i
occurring. It was held that on facts the magistrate was entitled to regard the hostile response by the Catholics as the natural consequence of Wise's insulting conduct.

30. Now the question, whether display of badges or banners with KALMA TAYYABA is offensive may be examined. According to the Advocate-General and Advocates for the respondents from the words "Muhammad-un-Rasool-Ullah" the Qadianis mean and refer to Mirza Ghulam Ahmad as his (Mirza Sahib) proclaimed himself as "Muhammad-un-Rasool-Ullah" and his followers believe him as such. They submitted that when Qadiani display banners or wear badges on their person, they defile the sacred name of the Holy Prophet (Pb.), in support of this contention books including Kalmat-ul-fasal by Mirza Bashir Ahmad which read as under were cited:

Reference was also made to pages 4, 5, 7 and 31 of Yk Ghuhl Ka Fazals wherein it is recorded:

Wise v. Denning ed. In this case, it is said that Catholic faith is a jealous faith and
Learned counsel for the respondents argued that the display of banners or wearing of badges with KALMA TAYYABA with the aforesaid sense and belief amount to offence under section 295-C, P.P.C. which is punishable with death.

31. At this stage reference may be made to the contents of the affidavit filed by Mirza Khurshid Ahmad, petitioner, in this respect. Para. 4 and 5 of the affidavit read—

“4. That the deponent solemnly declares that while reciting KALMA TAYYABA by the words ﷺ the petitioner unreservedly means the Holy Prophet Muhammad (peace be upon him).

5. That the deponent solemnly repudiates any allegation to the effect that by the words "Muhammad (peace be upon him) the deponent means Mirza Ghulam Ahmad. Any such allegation is false, incorrect or ill-informed. The deponent most solemnly repudiates any such insinuation, which is contrary to the beliefs of the deponent and all Ahmadis at large”.

In view of the above-noted stand taken in the affidavit, Mr. Mujeeb Rhaman was asked, as to the belief of Mirza Khurshid Ahmad and other members of Ahmadiyya community regarding status of Mirza Ghulam Ahmad Qadiani and as to his writings wherein he claimed prophethood and whether KALMA TAYYABA alone is to be recited by a person entering Qadiani faith or something else is also to be accepted, recited or believed. The answer given was that Qadianis do not believe in absolute and unqualified finality of the Prophethood of Muhammad ﷺ and they believe that Mirza Ghulam Ahmad was a Mehdi, Maseeh Ma'ood. He added that what has been relied upon by the opposite side has been clarified by the founder of the community in Izala-ausham pages 166-170, Kashifi-e Nooh, Roohani Khazain, Vol. 7, page 67; Vol. 14, page 323;

Vol. 8, page 252 and in Roohani Khazain, Vol. according to him was within 28 days before his death i.e. that what has been stated, Kamalat or Tabligh-i-Risal concept of Zil-Subh and spiritual resemblance an subservience of one person to this concept does not reappearance or reincarnation.

32. The most important point which was that anyone entering the form the true shadow Qadiani faith, one has to be Ahmad as prophet, Mehdi used, inter alia, in this form

The Muslims since have rejected the claim from time to time. The claim of prophethood made by discussion has been ma (supra). It was further ob

"It would be seen that Mirza Sahib Ahmad (they were anomalous)
Vol. 8, page 252 and in Paigham-e-Sulih contained in Roohani Khazain, Vol. 33, page 459. This message according to him was written by Mirza Ghulam Ahmad one day before his death i.e., on 28th May, 1908. He explained that what has been stated in Ex Ghali Ki Izala, Aalima-i-Kamat or Tabligh-i-Risalah is to be understood in the concept of Zil (زائل) and buruz (بزرز) which is concept of spiritual resemblance and identity and means complete subservience of one person into the other. According to him this concept does not in any manner involve physical reappearance or reincarnation.

32. The most important thing which Mr. Mujeebur Rehman conveniently missed and which was not refuted was that anyone entering the Qadiani faith has to believe that Mirza Ghulam Ahmad’s prophethood is inherent in the Prophethood of Muhammad ﷺ as Mirza Ghulam Ahmad is the true shadow (زائل) or exact resemblance (بزرز) of Muhammad, the Prophet of Islam. It could also not be denied that in this form to be signed while entering the Qadiani faith, one has to agree and accept Mirza Ghulam Ahmad as prophet, Mehdi and Maseeh Ma’ood. The words used, inter alia, in this form are—

The Muslims since after the Holy Prophet, in all ages have rejected the claim of prophethood made by imposters from time to time. The claim made by Mirza Sahib was also rejected by all sections of Muslims. As regards the claim to prophethood made by Mirza Ghulam Ahmad a detailed discussion has been made in the case of Mujeebur Rehman (supra). It was further observed as under:

“IT would be seen that the consequences of the dictum that Mirza Sahib himself was Muhammad and Ahmad (they were the names of the Holy Prophet ﷺ) were anomalous enough. The companions of Mirza
Sahib became the companions of the Holy Prophet. In the formula recited by Muslims there is no God but God and that Muhammad is His Prophet. Whenever the word Muhammad is recited or read, it means Mirza Sahib*.

33. The plea of learned counsel for the petitioners that concept of Zil (طیل) and buruz (بروز) does not in any manner involve physical reappearance or reincarnation, appears to be contrary to the views expressed by Mirza Ghulam Ahmad himself and his known disciple Dr. Abdul Qadir Mahmood. This aspect is discussed at page 74 of the report as under: 

"Now the concept itself may be analysed. It has been explained in Al-Falsaful Sulatu fi Islam by Dr. Abdul Qadir Mahmood, pages 5-6 that the meaning of expressions Zil (طیل) and Buruz (بروز) resemble very much the concept of 'incarnation' or 'transmigration' among the Hindus.

Mirza Sahib himself admitted that buruz means avatars. In his lecture at Sialkot, dated 2nd November, 1904 (page 23) he said:

This may be made clear that my advent on behalf of God is not only for the reform of the Muslims. The reform of all the three communities Muslims, Hindus and Christians is required.

As God sent me as a Prophets for the Muslims and the Christians, so I am as an avatars for the Hindus.... Raja Krishana as has been made evident to me was in fact a perfect man.... He was the avatar of his time or prophet.... It was the promise of God that during the final age, he would create his buruz meaning avatar.

In Zamima Risala-i-Jihad (printed 1900) he wrote:

God... sent me as an avatar... named me as Ahmad as me an avatar of Prophet making my habits, manner of Prophet and after death the Prophet Muhammad 5&0 to spread utility (concept of one is a Jesus as well as Muhammad and it is just manner technically is called buruz in... It is clear that Mirza Sahib is equivalents of one another.

In strict Sharieh of Islam incarnation or transmigration is from those who believed in bonus Laman. Similarly there is no such in Islam (Khatimah Nabiyyin K page 319).

In Majalis Jamatul Islami Yusuf Banori wrote that from religions it appears that the concept of Zil (طیل) and Incarnation (329) is a concept there in Islam. Allah A.H. also said that the vow in it is abolished (Usul 'Uli Din, page 71).

Mujaahid Ali Sarri, whose by Mirza Sahib refutes the once prophethood. He said in his letter denotes nearness to Allah which doubt of Zil (shadowsness).*

34. The third aspect point was that device adopted in the解决 by a person entering a deception being played and a Muslim as well as others by the people by representing Mirza Sahib
a of the Holy Prophet, In
n, there is no God but
b. Whenever the word
it means Mirza Sahib -
em for the petitioners
en, does not strip any
ance or reincarnation,
expressed by Mirza
n Mirza known disciple Dr. Abdul
asked at page 71 of the
be analysed. It has been
say, if Islam by Dr.
that the meaning
Buurz (بیوز) resemble
incarnation (دنز) or
Hindus.
that buurz means
2nd November, 1904
y-speech on behalf of
n of the Muslims. The
the Muslims. Hindus
ish for the Muslims
an avatar for the
made evident to
He was the avatars
promise of God that
he create his buruz
1906; he wrote:

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God... sent me as an avatar of Jesus. Similarly He,
...named me as Ahmad and Muhammad and made
me an avatar of Prophet Muhammad. After
making my habits, manners, style (as of the
Holy Prophet) and after clothing me in the mantle of
Prophet Muhammad so that I may propagate and
spread unity (concept of oneness of God... so that I
ain a Jesus as well as Muhammad Mehdi in this sense
and it is that manner of manifestation which
technically is called buruz in Islam (pages 6 and 7).

It is clear that Mirza Sahib meant avatar and buruz
as equivalents of one another.

In strict Shariah of Islam there is no concept of
incarnation or transmigration. These are terms emanating
from those who believed in transmigration like Mazdak
and Laman. Similarly there is no such notion as shadowism
(شadows) in Islam (Khatimun Nabiyin by Anwar Shah Kashmiri,
page 210).

In Maghrib Jam'atil Islamiyya, Maulana Muhammad
Yousuf Bunnou wrote that from the comparative study of
religions it appears that the entire concept of shadowism
(شadows) and Incarnation (زوال) is a Hindu concept and no such
concept is there in Islam. Abdul Qadir Baghdafi (d.4539
A.H.) also said that the view in favour of Husul is false and
absurd (Usul Uloom, page 72).

Mujaddid Al-Saul, whose writings were relied upon
by Mirza Sahib relates the concept of Zul (shadow) in
prophethood. He said in his letter No.307 that prophethood
connotes nearness to Allah which it has not even the hint or
doubt of Zul (shadowy)ness."

38. The third aspect pointed out by the respondents
was that qaidia adopted in the form of allegiance (ثوابی)
to be signed by person entering Qadizai faith is yet another
deception being played and is trap being laid to mislead
Muslims as well as others by presenting their faith as Islam
and by representing Mirza Sahib as a new prophet of Islam.
It may be pointed out that by use of the words
after the words
in the form of allegiance, it does not admittedly mean and imply
that there would be no prophet after Unanread 50 as
contrary such a person has to have faith in all claims made
by Mirza Ghulam Ahmad, which includes his claim of
being Prophet. According to Muslims, there will and cannot be
any Prophet till the Day of Judgment as Prophet of Islam
has reportedly said, there will be no prophet after him
(Ek Ghalati Ka Izala) said, that though the seal
having been affixed, there is no question of the arriving of
a new prophet. As against this, Mirza Ghulam Ahmad in
the writings of Mirza Sahib in this connection would be the writings from 1901 to 1908
and “Ek Ghalati Ka Izala” is the basic writing. In this
case it may further be pointed out that Paigham-e-Suleh
of 25th May, 1908 printed in Roohani Khazain, Vol. 23 is
also not relevant as this message was addressed to Hindus
and not to Muslims and the question of acceptance of Mirza Sahib as prophet would have arisen only when the Hindus
had accepted Muhammad 50 as Prophet and true
Messenger of God. In view of the specific claim of Mirza Ghulam Ahmad, it is apparent that belief of Ahmadis is
that Mirza Sahib is Prophet Muhammad and so use of the
words in the banners or the badges worn by
any Ahmadi would be at his own peril as it amounts to
defiling the sacred name of Holy Prophet certainly fall within the purview of

36. Moreover such banners are a cause annoyance by outraged
majority of citizens. A justification for banning celebrity
causd breach of peace. It will be
learned counsel for the petitioner
holding of the celebrations in pursuance of the contemplation and planned infringement
of Qadiani faith. The Qadis
and practise their faith and enjoy
Hindus, Sikhs, Parsees and other religions in a difficult situation is created by
passing on as Muslims and use of
TAYYABA which are one of the for
untoward situation or incident
they are not to be treated as Muslims which is their own cause for safeguarding the purity of the
Muslims from the fold of Islam is
unnecessarily do to and their separate entity would ensue.
Why should they be allowed to have any faith b
impurity the faith of Muslims, or
for safeguarding the purity of the
by the Qadis or should they be treated as Muslims if they themselves

37. The power of the kind
Cr.P.C. as well as police power of
be exercised for a purpose while
public good or to be in the interest of the
country. The two cases of the may be referred to. In the case of Secretary of State for Home Affairs noted that science may be per
originated in America, its faith an
defiling the sacred name of Holy Prophet ﷺ and such acts certainly fall within the purview of section 295-C, P.P.C.

36. Moreover such banners and badges also tend to cause annoyance by outraging religious feelings of the predominant majority of citizens. This will provide another justification for banning celebrations as these would have caused breach of peace. It will be recalled that right to profess and practise religion was only claimed but the learned counsel for the petitioners failed to show how the holding of the celebrations in public and in the manner contemplated and planned infringes or abridge the right to profess Qadiani faith. The Qadianis continue to profess and practise their faith and enjoy all the freedom like Hindus, Sikhs, Parsis and other religious minorities but a difficult situation is created by their own conduct of passing off as Muslims and use of shah’ir Islam or KALMA TAYYASA which are one of the fundamentals of Islam. No untoward situation or incident will arise in case the constitutional mandate is adhered to by Qadianis and they treat themselves as a community different and distinct from Muslims which is their own case. The role of substituting themselves for Muslims and of excluding general body of Muslims from the fold of Islam is not to be accepted by the Muslim Ummah. Their loyalty to the country, Constitution and their separate entity would ensure their safety and well being. Why should they be allowed to highjack Islam. They are welcomed to have any faith but why should they insist to impurity the faith of Muslims. Any act of Muslims taken for safeguarding the purity of their faith should not disturb the Qadianis or should give them no cause of grievance.

37. The power of the kind vested under section 244, Cr.P.C. as well as police power of the state can legitimately be exercised for a purpose which is considered to be for public good or to be in the interest of the people of the country. The two cases of the members of scientology cult may be referred to. In the case of Schmidt and another v. Secretary of State for Home Affairs (1985) 2 Ch. 143, it was noted that scientology as per its proponents is a religion. It originated in America, its faith and belief, its teachings and
practicer are taught to students at a College in Sussex England. This College is owned by an American Corporation called the church of Scientology of California.

The petitioners Schmidt and Joseph Murrani, citizens of United States had permits of entry for limited time. The term expired and the Home Secretary refused extension as the view of the government was:

"Scientology is a pseudo-philosophical cult introduced into this country some years ago from the United States and has its world headquarters in East Grinstead. It has been developed by its founder Mr. L. Ron Hubbard, as 'the world's largest mental health organisation'.

The Government are satisfied having reviewed all the available evidence, that scientology is socially harmful. It alienates members of families from each other and attributes equal and disgraceful motives to all who oppose it. Its authoritarianism and principles and practices are a potential menace to the personality and well-being of those who delude as to become its followers. Above all, its methods can be a serious danger to the health of those who submit to them.

There is evidence that children are now being indoctrinated."

Lord Denning, Master of the Rolls in his judgment dealing with the argument that Home Secretary had used his power for the purpose of disapproval of, and to bring into disrespect a religious sect which was not prohibited by law observed:--

"I think the Minister can exercise his power for any purpose which he considers to be for the public good or to be in the interests of the people of this country. There is not the slightest ground for thinking that the Minister exercised his power here for any unauthorised purpose or with any ulterior motive. The Minister's purpose was clearly disclosed in the statement which was made to the House of Commons. He thought that the practices of these people, these
scientologists, were most harmful to our society, and that it was undesirable in the interests of the people of this country that alien students of scientology should be allowed to stay any longer or that any new ones should be allowed to come in. That purpose was entirely justifiable. It was exercised by the Home Secretary in the interests of the ordinary people of this country: and I do not think we should admit any doubt to be thrown on its validity."

38. The refusal to extend the permit was upheld. The petition for leave to appeal against the aforesaid judgment was dismissed by the House of Lords (see Note at page 174 of the same report). The right of freedom of movement was thus subjected to the considerations of the public good. This very principle was also applied by the European Court of Justice in the case of Van Duyn Home Office (1975) 1 Ch. 358; In this case a clause in the Treaty of Rome which guarantees freedom of movement to workers within the nine countries of the community was subjected to the reasons of public policy. Miss Van Duyn arriving at Airport declared that she is to take up employment as Secretary at the College of Scientology. The entry was refused saying that it was undesirable to give any one leave to enter United Kingdom to be in employment of the Church of Scientology. The refusal was challenged and the matter was referred to the European Court of Justice at Luxembourg and the refusal made was upheld.

39. The reasons of public policy, public good and interests of the ordinary people of the country thus provide justifiable basis for banning the celebrations, making of the directions by the District Magistrate as well as Resident Magistrate. It has already been pointed out that activities of Ahmadi and propagation of their faith is resisted by people in general i.e., Muslim Ummah to keep the mainstream of faith pure and unpolluted and also to maintain integrity of the Ummah. While doing so that right to profess and practice faith by Qadianis in no manner stands infringed or violated.
49. For the reasons given above this petition is without merit and is hereby dismissed. The parties are left to bear their own costs.

Petition dismissed

(PLD 1992 Lahore 1)
Petition dismissed

PLD 1992 Lahore 1)

LAHORE HIGH COURT
1994

- Mr. Justice Khalil-ur-Rehman Khan
- Mr. Justice Sh. Muhammad Zubair
- Mr. Justice Mian Naiz Akhter
LAHORE HIGH COURT
Mr. Justice Khalil-ur-Rehman Khan
Mr. Justice Sh. Muhammad Zubair
Mr. Justice Mian Nazir Akhtar

RIAZ AHMAD and 3 others ...... Petitioners
versus
THE STATE ...... Respondent
Criminal Miscellaneous No.140/B of 1994,
Decided on 9th June 1994
Khawaja Sarfraz Ahmad for Petitioners.
Nazir Ahmad Ghazi, A A.-G. for the State.
Rasheed Murtaza Qureshi for Pakistan Christian
party and Pakistan Masihi Kashatkar Party.
Dates of hearing 10th and 11th April, 1994.

JUDGMENT

KHALIL-UR-REHMAN KHAN J—This Full Bench
was constituted by the learned Chief Justice for
determination of the questions framed by the learned
Single Judge in a bail petition moved by Riaz Ahmad and 3
others, petitioners, in a case under section 295-C of the
Pakistan Penal Code registered vide F.I.R. No.160 dated 20th November, 1993, with Police Station Pipian, District Mianwali. The questions are—

(a) Whether the police can investigate into a criminal case after receiving the complaint and without formally entering the F.I.R. in the daily diary?

(b) Whether in such like sensitive cases, under section 295-C, P.P.C., the delay in registering the same emanating from the police practice of obtaining permission from the superior officers can be given any weight?

(c) Whether the language used by the accused (as per the allegation made in the F.I.R.) which is said to be in accord with the teachings of Mirza Ghulam Ahmad is derogatory to the Holy Prophet Hazrat Muhammad ﷺ and constitute the offence under section 295-C, P.P.C.?

(d) Whether section 295-C, P.P.C. is in conflict with any provision of the Constitution of the Islamic Republic of Pakistan, 1973?

2. Khawaja Sarfraz Ahmad Advocate, addressed arguments on behalf of accused-petitioners. Mr. Nazir Ahmad Ghazi, Assistant Advocate-General appeared for the State. Mr. Rashid Murtaza Qureshi Advocate, argued the matter on behalf of the complainant as well as on behalf of Pakistan Christian Party and Pakistan Mashi Khattak Party.

3. Learned counsel for the petitioners argued that section 154 read with sections 156 and 157 of the Code of Criminal Procedure make it obligatory for a police officer to enter the complaint in the prescribed book, that is, F.I.R. register and then embark upon the investigation. He added that normally no investigation can commence without recording formal F.I.R. He was further of the view that a police officer legitimately can consult the superior and seek guidance before registration as well as during investigation of a criminal case. With regard to third question, learned counsel submitted that opinion, as any observance in determining the question of their trial. The positive question was that seek if with any provision of he had not raised any Single Judge and as such this question is to submit P.P.C. is violative of the Islamic Republic of Pakistan.

4. Mr. Nazir Ahmad General argued that on the question of commission of a cognizable offence to be noted in the investigation and even the diary and the police or inquiry into genuine investigation irregularity but the vitiating the investigation to observations in the The State 1991 P.Cr.LJ.1 Haran v. The State v. Anwar v. The State 1971 v. The State P.LD 1971. “the sanctity attached to the police had first visited the recorded the F.I.R.” v. however, preferred the observations made in 1976 P.Cr.LJ 993.

"It makes no difference if recorded on the approved practice of evidence, the court should be throw
counsel submitted that we should refrain from expressing opinion, as any observation made by us what to say of determining the question, would prejudice the accused at their trial. The position taken with regard to fourth question was that section 295-C, P.P.C. is not in conflict with any provision of the Constitution. He explained that he had not raised any such contention before the learned Single Judge and as such the learned counsel who raised this question is to substantiate the plea that section 295-C, P.P.C. is violative of any provisions of the Constitution of the Islamic Republic of Pakistan.

4. Mr. Nazir Ahmad Ghazi, Assistant Advocate-General argued that on receipt of a complaint relating to commission of a cognizable offence, the substance therefor is to be noted in the daily diary before commencement of investigation and even if no entry is recorded in the daily diary and the police officer entertaining a suspicion holds inquiry into genuineness or otherwise of the complaint the inquiry/investigation so initiated may amount to mere irregularity but the same does not have the effect of vitiating the investigation or the trial. Reference was made to observations in the case of Taj Muhammad alias Tajo v. The State 1989 P.Cr.LJ 2167. He also referred to the case of Harsam v. The State 1989 P.Cr.LJ 809 wherein the two cases Anwar v. The State 1975 P.Cr.LJ 750 and Muhammad Hameed v. The State PLD 1977 Lah. 1253 expressing the view that “the sanctity attached to the F.I.R. values where the police had first visited the scene of incident and thereafter recorded the F.I.R.” were noticed and the learned Judges, however, preferred to place reliance on the following observations made in the case of Nazir Ahmad v. The State 1976 P.Cr.LJ 993:

“It makes no difference if the F.I.R. had been recorded on the spot, because although it is not an approved practice, F.I.R. not being a substantive piece of evidence, the recording of the same on the spot does not mean that the entire case of the prosecution should be thrown aside.”
The learned Assistant Advocate-General also referred to the case of Gul Nawaz Lone and another v. Station House Officer PLD 1990 Lhr. 428 to submit that even an information apparently covered by section 154, Cr.P.C. is first to be entered in the Station Diary and it is only when the Officer Incharge of the Police Station has reasons to suspect the commission of a cognizable offence, that he is required to enter such information in the First Information Report Register. Reliance was also placed on Ch. Shah Muhammad v. S.R.O., Rahimyar Khan 1977 P.Cr.LJ 2 to show that if the police, suspecting that there was no reasonable ground for recording the F.I.R. or making the investigation, has refused to proceed in the matter, the action of the police cannot be said to be without lawful authority.

5. Mr. Rasheed Murtaza Qureshi, Advocate, restricted his submissions to the last question. He argued that section 295-C, P.P.C. disregards the mandate contained in Articles 2-A and 3 of the Constitution of the Islamic Republic of Pakistan as firstly the punishment of defiling the sacred name of Holy Prophet Muhammad ﷺ is death and lesser punishment of imprisonment for life provided alongwith death sentence is contrary to the law of Almighty Allah and secondly section 295-C, P.P.C. fails to incorporate the other essential ingredients of the offence prescribed by Islam to the effect that defiling the name of other Prophets is also an offence punishable with same punishment of death. He argued that this Court should make the necessary declaration in respect of these matters.

6. Learned counsel representing the Masbihi parties submitted that Christians respect all the revealed religions and its Prophets and that section 295-C, P.P.C. as has the objective of securing peace in the society by upholding sanctity of the Holy Prophet of Islam is not violative of so-called human rights and this section should rather be amended suitably in order to prohibit contemptuous reproaches of Jesus Christ so that those who indulge in defiling the name of Holy Christ are also punished. He added that such an amendment will be in line with the provisions of section 295-A, make deliberate and malicious religious beliefs, punishable.

Learned counsel further stated that Christian parties are also opposed to human right organisations foreign human rights bodies of the masses, if they defile the name of the Holy Prophet, then they should follow the Christian countries in which blasphemy provides punishment for defiling the sacred name of Christianity. Learned counsel further stated that it is not a restriction to Christianity.

According to learned counsel at the behest of enemies and sages only to create disharmony among Hindus and Muslims despite the fact that both are revealed religions and peace amongst human beings that this Court with a view to protect peace of society declare that Christ is also an offence to section 295-C, P.P.C. is this violative of the scheme of the Constitution of the Islamic Republic of Pakistan.

7. We have given our respective contentions and the parties. At the very outset, in the context of the question asked the counsel upon to comment on certain human right be it
provisions of section 295-A, P.P.C. (added in 1927), which make deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religion or religious beliefs, punishable.

Learned counsel further submitted that respondent Christian parties are also of the view that the so-called human right organisations which are mouth pieces of foreign human right bodies and not the representative bodies of the masses, if are of the view that prohibition to defile the name of the Holy Prophet is violative of the human rights, then they should first raise their voice in the Christian countries in which the common law offence of blasphemy provides punishment for attacking the Christian religion only. Learned counsel referred in this respect to Halsbury's Laws of England, Fourth Edition, Volume II, para. 1009 as it is recorded therein "blasphemy is an indictable offence at common law consisting in the publication of words attacking the Christian religion only. It is not blasphemy to attack any religion except Christianity".

According to learned counsel, these bodies and others at the behest of enemies of Pakistan are raising these slogans only to create disharmony amongst the Christians and Muslims despite the fact that Islam and Christianity are revealed religions and both promise love, amity and peace amongst human beings. Learned counsel submitted that this Court with a view to promote amity and secure peace of society declare that defiling the name of Holy Christ is also an offence according to tenets of Islam and section 295-C, P.P.C. in this respect is deficient and as such violative of the scheme of the Constitution of Islamic Republic of Pakistan.

We have given serious consideration to the respective contentions and plea of the learned counsel for the parties. At the very outset, it is pertinent to record that in the context of the questions referred to us we are not called upon to comment on the motives and objectives of certain human right bodies or Christian parties in
will be pertinent as in this judgment words "or imprisonment for life" shall cease to have effect since 30th Shariat Court further observed that section 295-C so as to make the said about other Prophets, also punishment. The matter of making, we were told, is under active consideration. Commission as well as the Interim constituted under the Constitution submissions of the learned counsel. Assistant Advocate-General is not of the opinion of the Constitution Mr. Rashid Murtaza Qureshi, complainant and the Christian Population. Our answer to the fact nothing could be pointed out in to shorn section 295-C are violative of Constitution".

8. As regards third question the parties were of the view that have been raised for determinative determination would prejudice the in any case determination of the pertains to the merits of the question of a question of law of granted in agreement with the learned counsel premised on facts which for their evidence. It is also correct the question is likely to prejudice statements attributed, words used have to be examined and their individual case and no pre-assessment applicability can be laid down. We refrain from examining this question.

9. Learned counsel for the second question did not address were of the view that the policy consult his superior officers an
will be pertinent as in this judgment, it was held that the
words “or imprisonment for life” in section 295-C, P.P.C.
shall cease to have effect since 30th April, 1991. The Federal
Shariat Court further observed that a clause be added to
section 295-C so as to make the same acts or things when
said about other Prophets, also offence with the same
punishment. The matter of making addition to section 295-C,
we were told, is under active consideration of Pakistan Law
Commission as well as the Islamic Ideology Council
constituted under the Constitution. Section 295-C as per
submission of the learned counsel for the petitioners, the
Assistant Advocate-General is not in any manner violative
of the provision of the Constitution. The pleas advanced by
Mr. Rashid Muhammad Qureshi, learned counsel for
complainant and the Christian Parties also do not show any
repugnancy. Our answer to the fourth question is, “that
nothing could be pointed out to show that the provisions of
section 295-C are violative of any provision of the
Constitution”.

8. As regards third question, the learned counsel for
the parties were of the view that this question should not
have been raised for determination by the Full Bench as its
determination would prejudice the accused at the trial and
in any case determination of this question as essentially
pertains to the merits of the case, would not result in
decision of a question of law of general application. We are
in agreement with the learned counsel. This question’s
premise on facts which for their proof require recording of
evidence. It is also correct that determination of this
question is likely to prejudice the accused at trial and
statements attributed, words used or publication made will
have to be examined and their effect determined in each
individual case and no principle of law of general
applicability can be laid down. We, therefore, as requested
refrain from examining this question.

9. Learned counsel for the parties with regard to the
second question did not address detailed arguments as they
were of the view that the police officer can legitimately
consult his superior officers and seek their guidance in
series us and sensitive criminal cases and in the matter of registration as well as investigation of cases. The question as to what weight is to be given to the factor of delay in registering a criminal case specially in sensitive cases cannot be answered by giving any formula or laying down any hard and fast rule. Such a matter of course has to be left for the trial Court to evaluate on the basis of the overall evidence available on record in a given case. These observations are sufficient for the disposal of the second question.

Now we take up the first question which reads:

"Whether the police can investigate into a criminal case after receiving the complaint and without formally entering the F.I.R. in the daily diary."

The provisions relevant to the question are contained in sections 154 to 157, section 44 of the Police Act, Rule 241 and Rule 242 of the Police Rules. Section 184, C.P.C. provides in essence that every information relating to the commission of a cognizable offence shall be reduced into writing and the substance thereof shall be entered in a book to be kept by such officer in such form as the Provincial Government may prescribe in this behalf.

Section 155 provides that when information is given to an officer in-charge of a police station of the commission within the limits of such station of a non-cognizable offence, he shall enter in a book to be kept as aforesaid the substance of such information and refer the informant to the Magistrate and that no police officer is to investigate a non-cognizable case without the order of a Magistrate of the first or second class having power to try such case or send the same for trial to the Court of Session.

Section 156 then provides that any officer in charge of a police station may without the order of a Magistrate, investigate any cognizable case which a Court having jurisdiction over the local area within the limits of such station would have power to inquire into or try under the provisions of Chapter XV relating to the place of inquiry or trial, and that no proceeding of a police officer in any such case shall at any stage be called in question that the case was one which was not empowered under this section to be investigated, under section 197 or section 419 of the code, are to be investigated upon a complaint of an accused who had the care of such woman or her husband in the house in which such offence was committed.

Section 157, subsections (1) and (2) provide that the officer in-charge of a police station may without the order of a Magistrate investigate a cognizable case under this section and proceed to the spot, to investigate the circumstances of the case, and take such measures for the discovery and apprehension of the offender as are provided in the code and rules for the investigation of a proceeding of such cases as are in the nature of investigation of a criminal case.
case shall at any stage be called in question on the ground that the case was one which such officer was not empowered under this section to investigate. The offences under section 497 or section 498 of the Pakistan Penal Code are to be investigated upon a complaint made by the husband of the woman, or, in his absence, by some person who had the care of such woman on his behalf at the time when such offence was committed.

Section 157, subsections (1) and (2) may be reproduced for ready reference:

157 (1) If, from information received or otherwise an officer in-charge of a police station has reason to suspect the commission of an offence which he is empowered under section 156 to investigate, he shall forthwith send a report of the same to a Magistrate empowered to take cognizance of such offence upon a police report, and shall proceed in person, or shall depute one of his subordinate officers not being below such rank as the Provincial Government may, by general or special order, prescribe in this behalf to proceed, to the spot, to investigate the facts and circumstances of the case, and, if necessary, to take measures for the discovery and arrest of the offender.

Provided as follows—

(a) when any information as to the commission of any such offence is given against any person by name and the case is not of a serious nature, the officer in-charge of a police station need not proceed in person or depute a subordinate officer to make an investigation on the spot;

(b) if it appears to the officer in-charge of a police station that there is no sufficient ground for entering on an investigation, he shall not investigate the case.

(2) ........

In each of the cases mentioned in clauses (a) and (b) of the proviso to sub-section (1), the officer in charge
of the police station shall state in his said report his
reasons for not fully complying with the
requirements of that subsection, and, in the case
mentioned in clause (b), such officer shall also
forthwith notify to the informant, if any, in such
manner as may be prescribed by the Provincial
Government, the fact that he will not investigate the
case or cause it to be investigated. Section 64 of Police
Act, 1861 reads as under—

"44. Police Officers to keep diary.— It shall be the
duty of every officer in-charge of Police Station to
keep of general diary in such form as shall, from time
to time, be prescribed by the Provincial Government and
to record therein all complaints and charges
preferred, the names of all persons arrested, the
names of the complainants, the offences charged
against them, the weapons or property that shall have
been taken from their possession or otherwise, and
the names of the witnesses who shall have been
examined.

Magistrate of the District shall be at liberty to call for
and inspect such diary."

Reference may also be made to the Police Rules
contained in Chapter XXIV of Punjab Police Rules, 1934.

According to rule 244, "If the information or other
intelligence relating to the alleged commission of a
cognizable offence, is such that an officer in charge of a
police station has reason to suspect that the alleged offence
has not been committed, he shall enter the substance of the
information or intelligence in the station diary and shall
record his reasons for suspecting that the alleged offence
has not been committed and shall also notify to the
informant, if any, the fact that he will not investigate the
case or cause is to be investigated."

In sub-rule (3) of Rule 244, it is further written that
when reasonable suspicion of such commission arises a
First Information Report shall be recorded in the police
station concerned and investiga
tion Criminal Procedure Code, shall be
in rule 241 of the Punjab Police
line with the proviso to section 1
Cr.P.C. It was because of these
Muhammad case (supra) the learnt the
police suspecting that there was
for recording F.I.R., by making in
proceed in the matter, the action
said to be without lawful authority.

10. The question whether it
commenced without recording the
the effect of vitiating the arrest and
the Courts earlier too. In the case
Nazir Ahmied AIR 1945 Privy Coun
der—

"In the case of cognizable
recording of a first informa-
condition precedent to the
criminal investigation. No for
of cases, criminal proceeding
result of information receive
way, but there is no reason
possession through their own
of credible though infor
genuinely leads them to the
offense has been committed
motion undertake an invest
the matters alleged. Section
police officer, who has the
information or otherwise the
empowered to investigate and
committed shall proceed to
circumstances supports this

11. Again in the case of Pa
Privy Council 75, the contention
arrest having been effected in an
Indian Officer, was illegal and
section 157, Criminal Procedure Code, shall be made. To the same effect is rule 24.1 of the Punjab Police Rules. These rules are in line with the proviso to section 157 and section 154 of the Cr.P.C. It was because of these provisions that in Shah Muhammad case (supra) the learned judge observed that if the police suspecting that there was no reasonable ground for recording F.I.R. or making investigation, has refused to proceed in the matter, the action of the police cannot be said to be without lawful authority.

16. The question whether the criminal investigation commenced without recording the F.I.R. is illegal and has the effect of vitiating the arrest and the trial came up before the Courts earlier too. In the case of Emperor v. Khawaja Nazir Ahmad AIR 1945 Privy Council 18, it was observed as under:

"In the case of cognizable offences, receipt and recording of a first information report is not a condition precedent to the setting in motion of a criminal investigation. No doubt in the great majority of cases, criminal prosecutions are undertaken as a result of information received and recorded in this way, but there is no reason why the police, if in possession through their own knowledge or by means of credible though informal intelligence which genuinely leads them to the belief that a cognizable offence has been committed, should not of their own motion undertake an investigation into the truth of the matters alleged. Section 157 when directing that a police officer, who has reason to suspect from information or otherwise that an offence which he is empowered to investigate under section 156 has been committed shall proceed to investigate the facts and circumstances supports this view."

11. Again in the case of Parbhoo v. Emperor AIR 1944 Privy Council 77, the contention of the accused that his arrest having been effected in hind territory by a British Indian Officer, was illegal and that the illegality of his
arrest vitiated the whole subsequent proceedings, was repelled holding that when the accused was presented for trial at Rohtak he had been validly surrendered to the Court whereby the Jjia authorities and so far as the Court was concerned, proceedings before them were regular and the trial and conviction of the accused was not affected by any irregularity in his arrest. The judgment cited by Mr. Nazir Ahmed Ghazi, learned Assistant Advocate-General depicts those category of cases which lay down the principle that F.I.R. not being a substantive piece of evidence, any irregularity committed by the police in recording the same, cannot result in throwing aside the prosecution case in its entirety. The irregularity coming to notice in each case is to be considered in the light of overall evidence available on record. The delay if any, in recording the F.I.R. occurs the reason for the delay, the circumstances surrounding the occurrence, the position of the parties, the nature of the offence, the susceptibilities of the parties and their social conditions and the conduct of the police officials and all related factors will have to be considered while evaluating the evidence on record. The delay in recording the F.I.R. obviously is inconsequential if the prosecution case stands established on record beyond reasonable doubt. There may be cases where in the particular circumstances thereof F.I.R. may have been recorded even after the occurrence or the incident and arrest of the accused. The case of Taj Muhammad v. State represents such a situation. This very question was also considered in Full Bench case of M. Bashir Saigol and another v. The State and another PLD 1964 (W.P.) Lah. 140. Sardar Muhammad Iqbal, J. in para 6 relying on the Privy Council Judgment in Khawaja Nazir Ahmed's case observed that "I agree in principle that it is not necessary that the first information report should mention the names of all or any of the accused so as to empower the investigating agency to set in motion. In fact the recording of a first information report is not a condition precedent and the police, on the receipt of credible information that a cognizable offence has been committed may, under the Code of Criminal Procedure or other statute or law, authorising them in the recording or drawing up the report under see 464, the Division Bench case of Khawaja Nazir Ahmed v. Bashir Saigol and others observed as follows viz.

"Any person may set the criteria for making a report under see 464 of Procedure Code, 1898. The is called the First Information Report which is an investigatory report. It is, a condition precedent to the motion of criminal investigation. The absence of F.I.R. deprives the court to cross-examine the first in person. However, the fact that no F.I.R. was proved at the trial, would not

The same view was reported in State PLD 1972 Lah. 374. This is followed by the Federal Sharia Council's decision Ghulam Muhammad v. The State in the cases in which the legality of the proceedings taken or the trial held accounted for violation of provision 157, Cr.P.C. The answer returns recording of F.I.R. is not a condition precedent in this respect when the investigation is committed in this respect does not affect the trial. This is one aspect of the case.

12. The other aspect of cases where the suspect enjoined on a Police Station House is Lahore and another PLD 1972 Lah...
authenticating them in this behalf, start investigation without
recording or drawing up a formal first information report.
Again in Rehman and others v. The State PLD 1968 Lah.
164, the Division Bench also following the Privy Council
case of Khawaja Nazir Ahmed and Full Bench case of
Bashir Saigol and others observed as under—

"Any person may set the criminal law in motion, by
making a report under section 154 of Criminal
Procedure Code, 1898. The information so given is
called the First Information. It is the basis upon
which an investigation is commenced under Chapter
XIV (Part V) of the Code of Criminal Procedure.
However, receipt and recording of first information
report is not a condition precedent to the setting in
motion of criminal investigation. It is true that the
absence of F.I.R. deprives the accused of his right to
cross-examine the first informant on its basis.
However, the fact that no F.I.R. was made or was
proved at the trial, would not vitiate the conviction."

The same view was reported in Shakel Ahmed v. The
State PLD 1972 Lah. 374. This Court's view was also
followed by the Federal Shariat Court, in the case of
Ghulam Muhammad v. The State PLD 1981 FSC 120. These
are the cases in which the legality of the investigation and
proceedings taken or the trial held were challenged on
account of violation of provisions of sections 158, 156 and
157, Cr.P.C. The answer returned was that receipt and
recording of F.I.R. is not a condition precedent to setting in
motion of criminal investigation and that illegality
committed in this respect does not per se vitiate the arrest
or the trial. This is one aspect of the matter.

12. The other aspect is represented by other set of
cases where the superior Courts have pointed out the duty
enjoined on a Police Officer under sections 134, 155, 155
and 157. In respect of this view reference may be made to
the Full Bench decision in M. Anwar, Barrister-at-Law v.
The Station House Officer, Civil Lines, Police Station,
Lahore and another PLD 1972 Lah. 493. Sardar Muhammad
Iqbal, J., who was member of the Full Bench in the case was also member in case of M. Bashir Saigol and another v. The State and another PLD 1964 (W.P.) Lah. 146, speaking for the Full Bench observed:

"Before parting with the case, we would like to observe that if there is an information relating to the commission of a cognizable offence, it falls under section 154 of the Code of Criminal Procedure, and a police officer is under a statutory obligation to enter it in the prescribed register. The condition-precedent is simply two-fold; first, it must be an information and secondly, it must relate to a cognizable offence on the face of it and not merely in the light of subsequent events. A police officer is bound to receive a complaint when it is preferred to him, or where the commission of an offence is reported to him orally he is bound to take down the complaint. If he does not incorporate in the register a complaint so made, he falls to perform a statutory duty as a public servant and, therefore, renders himself to be dealt with by his superior officers for neglect of duty. Thus, it does not depend on the sweet will of a police officer who may or may not record it. The information referred to in section 154 of the Code of Criminal Procedure appears to us to be something in the nature of a complaint, or accusation, or at least information of a crime, given with the object of putting the police in motion in order to investigate. In the case of a first information, it is not required by law that the police officer is to receive it only if it is given in writing and to record it only if in his opinion it is correct. The question whether or not it is correct depends on the investigation which a police officer is to conduct under section 157 of the Code of Criminal Procedure. The guarantee of the correctness of the first information is ensured by section 182 of the Pakistan Penal Code under which if any person gives the first information statement to a police officer which is recorded under section 154 of the Code of Criminal Procedure, and if it ultimate the informant shall be liable to imprisonment of either description may extend to six months, or extend to one thousand rupees.

13. This case thus lays emphasis of a statutory duty by the police officer and police officer failing to comply with the law contained in sections 154 and 182. These provisions on the one hand police officer and on the other so be refer to for the purpose freedom of movement and person sought to be secured by enjoining record the F.I.R. or at least sub-diary. At the same time, it is to commencement of investigation, if F.I.R. is not a condition-precedent non-performance of a statutory duty and its effect in a given case is parties and will be determined circumstances of each given case. The first question accordingly.

14. Bail applications will not be entertained after receiving order from the Hon'ble

KHALI

SH. MUHAMMAD ZUBAIR

MIAN NAZIR AHKAR—(d) of going through the judgment prepared by my learned brother Khalil ur-Rehman with the reasoning and the answers to questions under reference but we are in respect of question (d).
Bench in the case was of and another v. The Lah. 148, speaking by

hence, we would like to argue relating to the fence, it falls under final Procedure, and a duty obligation to enter a condition precedent to an information punishable offence on the way it is bound to preferred to him, or offence is reported to the complaint. If Gilder a complaint statutory duty as a public himself to be dealt neglect of duty. Thus, we will of a police report (a). The information under the Code of Criminal Procedure in the nature of at least information of putting the police in the case of a first law that the police given in writing and in this correct. The correct depends on the officer is to conduct Criminal Procedure, the first officer of the first 182 of the Pakistan person gives the first officer which is the Code of Criminal

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Procedure, and if it ultimately turns out to be false, the informant shall be liable to punishment with imprisonment of either description for a term which may extend to six months, or with the fine which may extend to one thousand rupees, or with both.

13. This case thus lays emphasis on the performance of a statutory duty by the police officer as a public servant, and police officer failing to comply with the mandate of law contained in sections 154 and 155, Cr.P.C. renders himself liable to be dealt with in accordance with law. These provisions on the one hand curb arbitrariness of the police officer and on the other secure to citizen a record to be referred to for the purpose envisaged by law. The freedom of movement and personal liberty of citizens is protected by being secured by enjoining the police officer to record the F.I.R. or at least substance thereof in the daily diary. At the same time, it is to be kept in mind that for commencement of investigation, in a crime, the recording of F.I.R. is not a condition precedent. What is the effect of non-performance of a statutory duty is a separate question and its effect in a given case is to be canvassed by the parties and will be determined by the Court in the circumstances of each given case. We, therefore, answer the first question accordingly.

14. Bail applications will now be put up for hearing after receiving order from the Honourable Chief Justice.

(Sd.)

KHALIL-UR-REHMAN KHAN,
JUDGE.

SH. MUHAMMAD ZUBAIR, L-1 agree.

MIAN NASIR AKHTAR, L-1 have had the advantage of going through the judgment proposed to be delivered by my learned brother Khalil ur-Rehman Khan, L. I fully agree with the reasoning and the answers to the various questions under reference but would like to add a few lines in respect of question (d).
2. The provisions of section 295-C of the P.P.C. have made it possible to bring the culprits to book through the judicial process and has set a trend in the society to resort to the law. The registration of a criminal case under the above-referred section of the Pakistan Penal Code provides a lease of life to an accused with full opportunity to defend himself in a Court of law through a counsel of his choice and in case of conviction, to avail of the remedies of appeal, revision, etc., in the higher Courts. No person, much less a Muslim, can possibly oppose this law as it curtails arbitrariness and promotes the rule of law. If the provisions of section 295-C of the P.P.C. are repealed or declared to be ultra vires to Constitution, the time old method of doing away with the culprits at the spot would stand revived. Being conscious of this aspect of the matter learned counsel for the Pakistan Christian Party and Pakistan Maslhi Kashtakar Party has urged that the provision be made more comprehensive so as to make blasphemy qua other Prophets including the Holy Christ, punishable with the same sentence of death. The matter is already being considered by the Government and it is hoped that the needful would be done in the near future.

(Sd.)
MIA N NAZIR AKHTAR,
JUDGE.

MIA N NAZIR AKHTAR, J. The petitioners seek bail in a case registered against them vide F.I.R. No.160, dated 21-11-1993 for an offence under section 295-C of the P.P.C. at Police Station Pipian, District Mianwali. Riaz Ahmad, petitioner No.1 is father of Basharat Ahmad, petitioner No.2 and uncle of Qamar Ahmad and Mushtaq Ahmad petitioners Nos.3 and 4.

2. The case was registered against the petitioners on a written application dated 17-11-1993 submitted by Muhammad Abdullah son of Muhammad Muzaaffar to the S.H.O. of Police Station Pipian in respect of an occurrence which had taken place on 11-11-1993.

F.I.R. are reproduced below:

Whatever is stated above, defiling the sacred and exult Hazrat Muhammad (Peace) in this manner his position i
which had taken place on 11-31-1993. The contents of the F.I.R. are reproduced below:

"Cousin..."
Ghulam Ahmad. Hence there are reasonable grounds for believing that the petitioners have committed an offence under section 295-C of the P.P.C., which falls within the prohibitory clause of section 497, Cr.P.C."

4. The petitioners' learned counsel contends as under:

(i) There is serious background of enmity against each petitioner. On 9-12-1991, Mazaffar, father of the complainants, moved an application before the District Magistrate for removal of Riaz Ahmed, petitioner No.1, from the office of Lombards as he belonged to Quaidani Sect and was not liked by the majority of residents of the area. His application was accepted vide order, dated 6-6-1993. Petitioner No.1 went in appeal before the Commissioner, Sargodha Division who allowed vide order, dated 31.7.1993. Mazaffar, father of the complainant, went in revision before the Board of Revenue to assail the appellate order passed by the Commissioner, Sargodha Division which is still pending.

(ii) One Ghulam Qadir resident of Chak No:35 made a report before the police on 4-6-1993 against Nazir Ahmad and Abdullah, complainant and a few others for commission of the offence of trespass, criminal intimidation and mischief. After proper investigation, the police found the case to be false and recommended its cancellation. Thereafter, he filed a private complaint in the Court of Iqqa Magistrate on 6-6-1993. Qamar and Mushtaq, petitioners Nos.2 and 4 appeared as prosecution witnesses in the private complaint referred to above. After perusing the preliminary evidence, the Court summoned Abdullah et al. vide order, dated 31-10-1993 (Annexure C/4).

(iii) The case against the petitioners is cooked up and an outcome of the above-referred enmity. Moreover, the report was lodged with the delay of six days which makes it doubtful.

(v) The petitioners being teachings of Mirza Ghulam Ahmadis community who have equal to the Holy Prophet. In fact, none can make up his mind that he was not the Prophet Hazrat Muhammad Sallallahu Alayhi Wasallam's kinsman. The writer reflect profound reverence for the Prophet Hazrat Muhammad connection, the following is seen—

1. 2. 3. 4. 5. 6. 7. 8.

(vi) The petitioners' faith in Ahmadi was merely "Mel Mool" and nothing else.

(vii) The Full Bench has left the case on the language used by the Holy Prophet Hazrat Muhammad, constituting an offence.
six days which makes the prosecution story doubtful.

(iv) The petitioners being 'Ahmadis' follow the teachings of Mirza Ghulam Ahmad, founder of Ahmadian community who never proclaimed to be equal to the Holy Prophet Hazrat Muhammad ﷺ. In fact, none can make such a claim. Mirza Sahib had declared that he was subservient to the Holy Prophet Hazrat Muhammad ﷺ. Moreover, Mirza Sahib never directly compared himself with Rasoool-e-Pak ﷺ. The writings of Mirza Sahib reflect profound reverence and love for the Holy Prophet Hazrat Muhammad ﷺ. In this connection, the following references may be seen—

1. 20-21
2. 15-160-164-224-226
3. 302
4. 459-461
5. 141
6. 206
7. 456
8. 101-104

(v) The petitioners’ faith is that Mirza Ghulam Ahmad was merely "Mehdi Maood" or "Manih Maood" and nothing else.

(vi) The Full Bench has left the question as to whether the language used by the accused is derogatory to the Holy Prophet Hazrat Muhammad ﷺ and constitutes an offence under section 295 of the
P.P.C., to be decided by the trial Court. Hence this Court should not decide this question.

(vii) At any rate, the petitioners’ faith has necessarily to be seen while determining the question as to whether, prima facie, they have committed the offence alleged against them. The petitioners’ learned counsel particularly relied on para.3 of the judgment in the case of Nadir Ahmed v. The State 1993 SCMP 153 which is reproduced below—

“After hearing the learned counsel for the parties at some length, we find that serious question which requires examination is whether “defiling” takes place ex facie by the written or spoken words or the act of the person accused of the offences or that this is to be seen keeping in view the totality of the milieu, including necessarily the faith, the intention the object and the background of the person using them. We have got the impression prima facie that ex facie, use of these expressions does not create in a Muslim, or for that matter anyone else, any of the feelings of hate, offence or provocation etc. etc. etc. nor is it derogatory to the Holy Prophet Muhammad (peace be upon him) or the Muslims. It is only when the person reading or hearing them goes deep into the background of the person using them and brings his own special knowledge of the faith, beliefs and latent intentions of such an accused that the alleged results are likely to follow.”

5. On the other hand, Mr. Nazir Ahmad Ghazi, learned Assistant Advocate-General submits as under:

(i) The police investigation shows that the occurrence had actually taken place.

(ii) Admittedly, there is civil litigation between Muzaffar, father of the complainant and Riaz Ahmed, petitioner No.1. However, despite the said litigation, Muzaffar or his son Abdullah never came forward with the complaint. Moreover, if he wanted to proceed in the case, he could have invoked provision of the Penal Code to the extent of falsely bellying the Holy Prophet (PBUH) nearest to his heart and soul.

(iii) Even if some hostile complaints and the semblance of enmity or hostility between the three eye-witesses and the complainant be supported during the course of investigation.

(iv) The delay in the course of investigation is not such as to adversely affect the complaint being conveniently stated. The place of occurrence was actually lodged. The conduct investigation registration of the F.I.R. any recovery or circum the delay does not amount to a prosecution case. The occurrence had not taken place in any occurrence had not taken place in a criminal case, delay is not fatal to the prosecution in regard to the commission of a crime.

(i) Taj Muhammad alias P.C. 1967.

the trial Court. Hence this

dion's faith has necessarily
us the question as to
they have committed the
at them. The petitioners'
early relied on para. 5 of the
Of Nasir Ahmed v. The State
reproduced below:

led counsel for the parties
and that serious question
ion is whether "defiling"
by the written or spoken
and accused of the
be seen keeping in view
, including necessarily
on the object and the
son using them. We have
a face in, that ex facie, use of
not create in a Muslim, or
else, any of the feelings of
ocation etc. etc. nor is it
Prophet Muhammad (peace-
us. It is only when the
m going deep into the
son using them and brings
ledge of the faith, beliefs
such an accused that the
y to follow."

Mr. Nazir Ahmad Ghazi,
ial submits as under:

shows that the occurrence

civil litigation between
the complainant, and Riaz
. However, despite the
or his son Abdullah

never came forward with such allegations earlier.
Moreover, if he wanted to involve him in a false
case, he could have involved him under any other
 provision of the Penal Code and would not have gone
to the extent of falsely bringing in the sacred name of
the Holy Prophet Hazrat Muhammad (P) who is
dearest to his heart and soul, like any other Muslim.

(iii) Even if some hostility exists between the
complainant and the accused party, there is no
enmity or hostility between the accused persons
and the three eye-witnesses who are independent
fully supported the complainant's version
during the course of investigation.

(iv) The delay in reporting the matter, in the
circumstances of the present case, does not
adversely affect the prosecution case. Had the
complainant been a liar he would have
conveniently stated that the occurrence had taken
place on 17th of November, 1993 when the report
was actually lodged. The police is competent to
conduct investigation even before formal
registration of the F.I.R. The case does not involve
any recovery or circunstantial evidence. Hence,
the delay does not affect the veracity of the
prosecution case. The case entirely depends upon
the oral evidence furnished by the complainant
and the three eye-witnesses. If the witnesses
are believed then it is not possible to say that the
occurrence had not taken place. Even in ordinary
criminal cases, delay per se, is not sufficient to throw
out the prosecution case, if reliable evidence
regarding commission of the offence is available.
Reliance is placed on the following judgments:

(i) Taj Muhammad alias Tajoo v. The State 1991
P.Cr.IJ 2167.

(ii) Ch. Muhammad v. S.H.O. Rahim Yar Khan and
2 others 1977 P.Cr.IJ 2.


(v) Ghulam Siddique v. S.H.O. Saddar Dera Ghazi Khan and 8 others PLD 1979 Lah. 263.

(vi) Muhammad Hassan v. S.S.P., Faisalabad and 7 others 1993 P.Cr.LJ 2307.

(vii) Alam Sher and 5 others v. The State 1975 PCr.LJ 1188.

(v) The petitioners' learned counsel has contended that nobody can claim equality with or superiority over the Holy Prophet Hazrat Muhammad ﷺ and that the petitioners being followers of Mirza Ghulam Ahmad can never think of uttering the words attributed to them in the F.I.R. However, the words used by the petitioners are not merely their own words but are the part of the teachings of Mirza Ghulam Ahmad. In this connection, para. 82 of the judgment in the case of Zahir-ul-Din v. The State 1993 SCMR 1718 may be seen. The language used by the accused is almost the same which has been used by Mirza Ghulam Ahmad in his book "Barahin-e-Ahmadiyya", Vol. V, Chapter II (Nursatul Haq), page 56 and "Haqeeqat-ul-Wahi", page 67. The words uttered by the accused are in accord with their faith.

(vi) Prima facie, the language used by the accused constitutes an offence under section 295-C of the F.P.C. which falls within the prohibitory clause of section 497 of the Cr.P.C. The petitioners have lowered the position of the Holy Prophet to that of Mirza Ghulam Ahmad who is not a Muslim within the meaning of Article 268(b)(a) of the Constitution of Pakistan. Moreover, Mirza Ghulam Ahmad was planted to serve the interests of British imperialism as equal to Hazrat M. Holy Prophet.

(vii) The question which committed the offence was the trial Court but it is not fitting to regard it as such. There is considerable difficulty in interpreting the material can be recovered regarding costs.

6. There is considerable difficulty in interpreting the circumstances of the case, is not fit for the case. The case does not involve recovery and depends upon the complainant and the ordinary criminal cases upon to avoid deliberations the police and enable the police and enable the police to avoid deliberations or otherwise of the complaint was nothing to slop the complaint was submitted to the police. If the police do not submit to the police, suffice it to say that with the matter the Full Bench of 25-6-1994 had held, "receipt of condition precedent to set investigation and that illegality, not, per se, vitiate the arrest and I am not inclined to doubt the to the delay in reporting the matter.

7. The facts narrate counsel do establish background. The petitioners and the comp Muzaffar. In the facts and the case, it may be possible to it is probably an accused person.
of British imperialism and any one who treats him as equal to Hazrat Muhammad ﷺ dishonours the Holy Prophet.

(vii) The question whether the petitioners have committed the offence shall be finally decided by the trial Court but at bail stage a tentative appraisal of the material can be made and a prima facie view formed regarding commission of the offence.

6. There is considerable force in the argument of the learned Assistant Advocate-General that the delay in reporting the matter to the police, in the circumstances of the present case, is not sufficient to doubt the prosecution case. The case does not involve any circumstantial evidence or recovery and depends upon ocular testimony furnished by the complainant and the three eye-witnesses. In ordinary criminal cases promptness of F.I.R. is insisted upon to avoid deliberations before reporting the matter to the police and to enable the Investigation Agency to secure circumstantial evidence in order to ascertain the correctness or otherwise of the complainant’s version. Moreover, there was nothing to stop the complainant from alleging that the occurrence had taken place on 17-11-1993 (when the written complaint was submitted before the S.H.O.). As regards investigation conducted before formal registration of the F.I.R., suffice it to say that while dealing with this aspect of the matter the Full Bench of this Court vide its order dated 25-4-1994 had held, “receipt and recording of F.I.R. is not a condition precedent to setting in motion of criminal investigation and that illegality committed in this respect does not, per se, vitiate the arrest or the trial”. Hence at this stage, I am not inclined to doubt the veracity of the complainant due to the delay in reporting the matter to the police.

7. The facts narrated by the petitioners’ learned counsel do establish background of hostility between the petitioner and the complainant as well as his father, Muzaffar. In the facts and circumstances of a particular case, it may be possible to hold, even at bail stage that probably an accused person has been roped in due to past
The hostility between Mustafar father of the complainant dates back to 9-12-1991 when he had moved an application before the District Magistrate for removal of Nazir Ahmed, petitioner No.1 from the office of Lambardar. Since then he or for that matter his son did not attempt to involve him in any criminal case, either to create a ground for his removal or otherwise to wreak vengeance upon him.

Despite civil and criminal litigation, no untoward incident had taken place between the parties from December, 1991 till before the present occurrence which had taken place on 11-11-1993.

The case is supported by three other witnesses namely Nazir Ahmed, son of Babu Khan, Muhammad Qamar son of Muhammad Hassan and Qadir Ahmed, son of Nazir Ahmed, who do not seem to have any motive to falsely depose against the accused-petitioners.

The Investigating Officer has come to the conclusion that the occurrence narrated in the F.I.R. had taken place.

Therefo rece, I am not inclined to agree with the petitioners' learned counsel that the case is entirely cooked up due to past hostility of the complainant party against the petitioners. Anyhow, the above view is purely tentative and it would be open to the trial Court to decide the matter finally in the light of the evidence adduced by the parties. The petitioner's learned counsel did not argue whether the language said to have been used by the petitioners was, in any manner derogatory to Hazrat Muhammad SAW and whether it amounted to defiling his exalted and sacred name. He mainly urged that the prosecution case was false and a product of past enmity. Moreover, his attempt was
that at all stages this Court should not go into this question and leave it to be decided by the Trial Court, more so when in the present case the Full Bench of this Court had also preferred the same course vide its order dated 25-4-1994.

9. It is settled law that for purposes of disposal of a bail petition, tentative assessment of the material on the record has to be made. In this connection I may refer to the judgment of the Hon'ble Supreme Court in the case of Khalid Javed Gillan v. The State P.L.D. 1978 SC 256.

10. According to the allegations made in the F.I.R., the petitioners had stated that Mirza Ghulam Ahmad was a true prophet not in any manner lesser in dignity than Hazrat Muhammad ﷺ. While comparing him with the Holy Prophet Hazrat Muhammad ﷺ they stated that number of miracles of Hazrat Muhammad ﷺ was three thousand but that of Mirza Ghulam Ahmad was three lacs.

11. It is not unlikely that a Qadiani would utter the above referred words because the same are also found in the writings of Mirza Ghulam Ahmad. The number of three thousand miracles of the Holy Prophet Hazrat Muhammad ﷺ is mentioned in Mirza Ghulam Ahmad's Book Tohfa Golav contained in book “Rehman Khazain”, Vol.17, page 153. The relevant part reads as under—

12. As regards himself, originally Mirza Ghulam Ahmad gave the number of his miracles as over three thousand and thereafter gave higher number of one lac, three lacs and ten lacs in his different books. The relevant extracts from his books are given below—
13. The petitioner that the petitioner Mr. Ahmad was Mr. Akhtar A.
else. He was sworn in Muhammad and was
Mr. Nazir Ahmed Advocate-General with
argument of the petitioner
the petitioners are ad
Mirza Ghulam Ahmad's
status with the name
Muhammad. In the
pamphlet captioned
Ghulam Ahmad. The
support the contention
referred to the follow
Ahmad's book Nazool-

Mirza Salib has
Quranic verses reveal
A few references as

Mirza Salib has
Quranic verses reveal
A few references a
13. The petitioner's learned counsel strongly urged that the petitioners merely believe that Mirza Ghulam Ahmad was Maseeh Maud and Madih Maud and nothing else. He was subservient to the Holy Prophet Hazrat Muhammad ﷺ and was lower to the position of Rasool-e-Pak. Mr. Nazir Ahmad Ghazi the learned Assistant Advocate-General with equal force repudiated the above argument of the petitioners' learned counsel and urged that the petitioners are admittedly Qadri who believe that Mirza Ghulam Ahmad was a Prophet and had acquired this status with the stamp of the Holy Prophet Hazrat Muhammad ﷺ. In this connection he referred to the pamphlet captioned as (`15`1) written by Mirza Ghulam Ahmad. The contents of the pamphlet fairly support the contention of the learned A.A.G. He also referred to the following quotation from Mirza Ghulam Ahmad's book Nazool-e-Maseeh:

"Mirza Sahib has attributed to himself a number of Quranic verses revealed in respect of Hazrat Muhammad ﷺ. A few references are given below:

(Mirza Sahib has attributed to himself a number of Quranic verses revealed in respect of Hazrat Muhammad ﷺ. A few references are given below.)"
Thus, becomes abort
calls of Mirza Ghulam
amed as Muhammad an
image and Prophethood
derved Doozd-o-Salam
Mirza Ahmad. Hence
petitioners to have declare
not lesser in his dignity
Hazarat Muhammad ﷺ,
has referred to a number
in which he has express
Holy Prophet Hazrat Mu
quoted below:

Further Mirza Ghulam Ahmad claimed that he
deceived Doozd-o-Salam and that his followers could
Legitimately write with his name [AS] (for reference see Arbaeen No.2, page 6). The Book "Tarkiza" which according to the Quadianis consists of revelations of Mirza Ghulam Ahmad contains the following see at page 777 [AS]

Mirza Ghulam Ahmad has also referred to the following revelation in his Book, Chapter 4, page 74-75.

"As for the title 'Prophet' and the 'Prophet's Visa'... He is the One who utfills them...

Thus, becomes abundantly clear that according to the claims of Mirza Ghulam Ahmad he was a Prophet, was named as Muhammad and Ahmad by Allah, was sent as Muhammad (peace be upon him) reflecting the complete image and Prophethood of Hazrat Muhammad [AS] and deserved Darood-u-Saleem like the Holy Prophet Hazrat Muhammad [AS]. Hence it was not unlikely for the petitioners to have declared that Mirza Ghulam Ahmad was not lesser in his dignity or status than the Holy Prophet Hazrat Muhammad [AS]. The petitioners' learned counsel has referred to a number of books of Mirza Ghulam Ahmad in which he has expressed deep reverence and love for the Holy Prophet Hazrat Muhammad [AS]. A few references are quoted below:

He who is the father of the earth is the son of the earth He who is the son of the earth is the father of the earth Allah is the best of fathers He is the best of fathers He is the best of fathers He is the best of fathers He is the best of fathers

- "As for the title 'Prophet' and the 'Prophet's Visa'... He is the One who utfills them..."
If the faith of the followers of Islam is confined to his abovenamed and reverence for the Holy Prophet Muhammad, but also in which he was equality and identity, Supreme Court of Pakistan, (replied upon the law). The Court was pleased to, Not only that, but to belittle the glory and grave upon him), he even ridicules the Holy Qur'an. The following quotation by Ghulam Ahmed.

(i) The Holy Prophet's propagation of Islaam, (Hashia Tohfa Ghalam)

(ii) The Holy Prophet, the revelations, (Izalatul Ahkam, p)

(iii) The Holy Prophet, (Tohfa Ghalam, p)

(iv) I have one million, (Braheem Ahmad)

The Holy Qur'an, belief of the Quadianis is forbidden. Muhammad reference was made by the 15 From Mirza Sahib's Khutba distinguishing between me or known me.

((i) The Holy Prophet, propagation of Islaam, (Hashia Tohfa Ghalam)

(ii) The Holy Prophet, the revelations, (Izalatul Ahkam, p)

(iii) The Holy Prophet, (Tohfa Ghalam, p)

(iv) I have one million, (Braheem Ahmad)

The Holy Qur'an, belief of the Quadianis is forbidden. Muhammad reference was made by the 15 From Mirza Sahib's Khutba distinguishing between me or known me.)
If the faith of the followers of Mirza Ghulam Ahmad is confined to his above-referred writings in which love and reverence for the Holy Prophet has been expressed, no Muslim can have any grievance against them. But unfortunately there are other writings of Mirza Ghulam Ahmad in which he not only ventured to claim complete equality and identity with the Holy Prophet Hazrat Muhammad (P.B.U.H) but also showed disrespect to him. This aspect of the matter was considered by the Hon'ble Supreme Court of Pakistan in the case of Zaheer-ud-Din (relied upon by the learned Assistant Advocate-General). The Court was pleased to observe in para. 82 of the judgment, "Not only that, Mirza Sahib, in his writings tried to belittle the glory and grace of the Holy Prophet (peace be upon him), he even ridiculed him occasionally". In this connection the Hon'ble Supreme Court was pleased to refer to the following quotations from the books of Mirza Ghulam Ahmad.

(i) The Holy Prophet could not conclude the propagation of Islam and I complete the same. (Hashia Tohfa Golarvia, page 165).

(ii) The Holy Prophet could not understand some of the revelations and he made many mistakes (Italatal Aaham, published by Lahori Press).

(iii) The Holy Prophet had 3 thousand miracles" (Tohfa Golarvia, page 67 published at Rabwah).

(iv) I have one million signs." (Brahme Ahmadia, page 56).

The Hon'ble Supreme Court further noted that the belief of the Quadianis is that Mirza Ghulam Ahmad is (God forbid) Muhammad Incarnate. In this connection, reference was made by the Court to the following quotation from Mirza Sahib's Khutbah Iltiham (page 171): "One who distinguishes between me and Muhammad, he has neither seen me nor known me."
Since the Qadrians believe in the totality of the teachings of Mirza Ghulam Ahmad which include his claim of possessing all the qualities and titles of honour of the Holy Prophet, they feel no hesitation in declaring him as a Prophet not lesser in position, dignity or honour than the Holy Prophet Hazrat Muhammad ﷺ. The Learned Assistant Advocate-General has urged that such a declaration is derogatory to the Holy Prophet Hazrat Muhammad ﷺ because Mirza Ghulam Ahmad and his followers are non-Muslims under the provisions of Article 246(3) (a) and (b) of the Constitution of Pakistan and are treated so by the Muslim Umma throughout the world. He posed a question as to how the greatest Prophet of Allah can be relegated to the position of an imposter and a non-Muslim who was essentially pleaded to serve the cause of the British Imperialism! To substantiate his assertion, the learned A.A.G. has referred to the following writings of Mirza Ghulam Ahmad:

14. Before proceeding for advantageous to examine the provis
the P.P.C. which read as under—

"S. 295-C.—Whoever by word, written, or by visible representa
innocent, or in sinew, directly or
cased name of the Holy Prophet be upon him) shall be punished
imprisonment for life, and shall be

After the pronouncement of 10 in the case of Muhammad Ishaq
through Secretary, Law and Parlia
FSC 10 the words “or imprisonment C. of the P.P.C. have lost their e
Therefore, saw the sentence for the

15. The word ‘defile’ means perfection of; to defile; to make
pollute; to sully; to dishonour”.
(Black’s Law Dictionary, Fifth Edition)

To violate the sacredness of a
prostitute; to sully the honour of, to e
(The Oxford English Dictionary, Vo
14. Before proceeding further it would be advantageous to examine the provisions of section 395-C of the P.F.C. which read as under:

"S. 295-C.—Whoever by words, either spoken or written, or by visible representation, or by any imputation, insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet Muhammad (may peace be upon him) shall be punished with death, or imprisonment for life, and shall be liable to fine."

After the pronouncement of the Federal Shariat Court in the case of Muhammad Ishaq Qureshi v. Pakistan through Secretary, Law and Parliamentary Affairs PLD 1991 FSC 10 the words "or imprisonment for life" in section 295-C of the P.F.C. have lost their efficacy w.e.f. 30-4-1991. Therefore, now the sentence for the offence is only death.

15. The word 'defile' means to corrupt purity or perfection of; to deprave; to make ceremonially unclean; to pollute; to sully; to dishonour."


To violate the sacredness or sanctity of; to desecrate, profane; to sully the honour of; to dishonour.

16. A bare reading of the above provision of law makes it clear that any word either spoken or written, or visible representation or any imputation which defiles the sacred name of the Holy Prophet Hazzat Muhammad ﷺ directly or indirectly or by an innuendo i.e. latent defamation, amounts to an offence under section 295-C of the Code. The petitioners, on the one hand, had asserted that the position and status of Mirza Ghulam Ahmed was not less than that of Hazzat Muhammad ﷺ and on the other, stated that number of miracles of Mirza Ghulam Ahmed was three lacs while that of the Holy Prophet Hazzat Muhammad ﷺ three thousand.

The argument of the learned Assistant Advocate-General that the petitioners disdained the Holy Prophet Hazzat Muhammad ﷺ by relegating his position to that of Mirza Ghulam Ahmad, who was not a “Muslim” within the meaning of Article 260(3)(a) of the Constitution of Pakistan and was a false claimant of Prophethood according to the firm belief of the Muslim Umma, has considerable force. Prima facie, the petitioners appear to have committed an offence under section 295-C of the P.P.C. The mere fact that Mirza Ghulam Ahmad in a number of his books (referred to by the petitioners' learned counsel) had expressed profound love and respect for the Holy Prophet Hazzat Muhammad ﷺ is not enough to exonerate the petitioners who, according to the F.I.R., had used derogatory language about the Holy Prophet Hazzat Muhammad ﷺ and ventured to say that Mirza Ghulam Ahmed was not lesser in dignity or status than the Holy Prophet Hazzat Muhammad ﷺ. The offence being punishable with death falls within the prohibition of section 497 of the Cr.P.C.

17. The petitioners' learned counsel heavily relied on the judgment in the case of Nasir Ahmad v. The State 1993 SCMR 153 to urge that the question whether the petitioners had committed an offence under section 295-C of the P.P.C. may be left to be decided by the trial Court and that petitioners may be allowed bail at this stage. Of course, the final determination of the question of the offence has to be done in the stage a tentative view can be material on the record. Moreover case are entirely different. In the Islam were used by the Quadia card. It was felt that deeper intention etc. of the accused with that the use of the expressions like "لاس على يديك... النذر الرا\ by any person, prima facie, of hurt, offence or provocation etc. to the Holy Prophet Muhammad ﷺ and "it is only when the person really deep into the background of the case brings his own special knowledge of latent intentions of such an accused are likely to follow." Meaning results of hurt or provocation to the sacred name of the Holy Prophet after going into the background beliefs and intentions. Hence in the case of the Hon'ble Supreme Court decided by the trial Court accused persons. The facts of the case are different. The petitioners who used derogatory language about his position and status that gave higher number of miracles apparently to place him on a pedestal. Therefore, in the present case appear to have committed an offence under the P.P.C.

18. For the foregoing ground bail to the petitioners at this stage a bail petition is dismissed without prejudice to them due to delay in

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final determination of the question regarding commission of the offence has to be done by the trial Court but at this stage a tentative view can be formed on the basis of the material on the record. Moreover, the facts of the precedent case are entirely different. In the said case certain Shaaies Islam were used by the Quadianis in a marriage invitation card. It was felt that deeper probe regarding the faith intention etc. of the accused was needed. It was observed that the use of the expressions like "بسم الله الرحمن الرحيم السلام علیكم و السّلام لله انشاء الله" by any person, prima facie, "does not create feelings of hurt, offence or provocation etc. etc. nor is it derogatory to the Holy Prophet Muhammad ﷺ. It was further observed, "It is only when the person reading or hearing them goes deep into the background of the person using them and brings his own special knowledge of the faith, beliefs and intentions of such an accused that the alleged results are likely to follow." Meaning thereby that the alleged results of hurt or provocation to Muslims or defamation of the sacred name of the Holy Prophet were likely to follow after going into the background of the accused, their faith, beliefs and intentions. Hence in the peculiar circumstances of the case, the Hon'ble Supreme Court left the matter to the decided by the trial Court and allowed bail to the accused persons. The facts of the present case are singularly different. The petitioners who are Quadianis had allegedly used derogatory language about the Holy Prophet ﷺ and openly declared that Mirza Ghulam Ahmad was not lesser in his position and status than the Holy Prophet. They also gave higher number of miracles of Mirza Ghulam Ahmad apparently to place him on a higher spiritual pedestal. Therefore, in the present case the petitioners prima facie appear to have committed an offence under section 295-C of the P.F.C.

18. For the foregoing discussion, I am not inclined to grant bail to the petitioners at this stage. Resultantly, their bail petition is dismissed. However, in order to avoid prejudice to them due to delay in conclusion of the trial the
trial Court is directed to give priority to this case over others and make every effort to conclude the trial expeditiously, preferably, within a period of three months.

19. It is clarified that the trial Court shall independently decide the case in the light of the material or evidence adduced by the parties without being influenced by the observations made above.

(Sd.)
(MIAN NAZIR AKHTAR),
JUDGE.
Bail refused.

(PLD 1994 Lahore 485)

SUPREME COURT
(Appellate
1)

○ Mr. Justice Shafi
○ Mr. Justice Abdul
○ Mr. Justice Muh.
○ Mr. Justice Saleem
○ Mr. Justice Wali
To this case over conclude the trial of three months. The Court shall have the material or being influenced

(Sd.)
AZIR AKHTAR,
JUDGE.

Bail refused.

SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)
1993

- Mr. Justice Shafiqur Rahman
- Mr. Justice Abdul Qadeer Chaudhry
- Mr. Justice Muhammad Afzal Lone
- Mr. Justice Saleem Akhtar
- Mr. Justice Wali Muhammad Khan

1994 Lahore 485)
SUPREME COURT OF PAKISTAN

(Appellate Jurisdiction)

Mr. Justice Shafiqur Rahman,
Mr. Justice Abdul Qadeer Chaudhry,
Mr. Justice Muhammad Afzal Lone,
Mr. Justice Saleem Akhtar,

Mr. Justice Wali Muhammad Khan

CRIMINAL APPEALS NO. 31-K to 35-X of 1988 (On appeal from the judgement of High Court of Baluchistan, Quetta, dated 22.12.1987 passed in Criminal Revisions No. 38/87 to 42/87)

Cr. A. No. 31-K/88
Zaheruddin

versus

The State

... Appellant

Cr. A. No. 32-K/88
Rafi Ahmed

versus

The State

... Respondent
Law and Parliamentary Affairs (Law Division), Islamabad.

1. The State

CIVIL APPEAL NO. 412 OF 1989
(On appeal from the judgment of Lahore High Court, Lahore, dated 17.09.1991 2089/1989)

1. Mizra Khurshid Ahmed
2. Hakeem Khurshid Ahmed

For the Appellants in Cr. As. 31-K to 35-K/88

For the State in Cr. As. 31-K to 35-K/88

For Complainant in Cr. A. 31-K/88

For Appellants in C. As. 149 and 150/89

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Cr. A. 33-K/88 Abdul Majid. ... Appellant

versus

The State ... Respondent

Cr. A. 34-K/88 Abdul Rehman Khan

versus

The State ... Respondent

Cr. A. 35-K/88 Ch. Muhammad Hayat

versus

Appellant

The State. ... Respondent

(On appeal from the judgment of Lahore High Court, Lahore, dated 25.09.1984 passed in Intra Court Appeals NO. 160/1984 and 158 of 1984)

C.A. No. 149/89 Mujib-ur-Rehman Dard ... Appellant

versus

Pakistan through Secretary, Ministry of Justice and Parliamentary Affairs, Islamabad. ... Respondent

C.A. No. 150/89
1. Sheikh Muhammad Aslam, ... Appellant
2. Sheikh Muhammad Yousaf
3. Noor Muhammad Hashmi.

versus

1. Pakistan through Secretary,
CIVIL APPEAL NO. 412 OF 1992

[On appeal from the judgment of Lahore High Court, Lahore, dated 17.09.1991 passed in Writ Petition No. 2099/1989]

1. Mirza Khurshid Ahmed,
2. Hekesa Khurshid Ahmed, ... Appellants

versus

1. Punjab province through Secretary, Home Department, Lahore.
2. The District Magistrate, Jhang.
3. The Resident Magistrate Sabwa, Tehsil Chiniot, District Jhang.
5. Abdul Nasir Gill, ... Respondents

For the Appellants in Cr. As. 31-K to 35-K/88: Mr. Fakrullah
G. Ebrahim, Sr. Advocate.
Mr. Mujeebur Raahman, Mirza Abdul Rashid and S. Ali Ahmed Tariq, Advocates.

For the State in Cr. As. 31-K to 35-K/88: Mr. Ejaz Yousof, Addl. Advocate General, Balochistan.

For Complainant in Cr. A. 31-K/88: Raje Haq Nawaz, Advocate, Mr. M. A. I. Qarni, Advocate en Record (Absent).

For Appellants in C. As. 149 and 150/89: Mr. Fakrullah G.
Ebrahim, Sr. Advocate
Ch. Aziz Ahmad Bojwa.
Advocate, Sr. Advocate
Mr. Mujeeb ur Rahman,
Advocate, Mr. Hamid
Aslam Qureshi, Advocate
on Record.

For Appellant in
C.A. 412 of 1992
: Ch. Aziz Ahmed Bajwa,
Mr. C. A. Rehman,
Advocate, Mr. Hamid
Aslam Qureshi, Advocate
on Record.

For Respondent / Federal
Government in Civil
Appeals No. 149 and
150/89 and 412/92
: Dr. Riaz-ul-Hassan
Gilani, Senior Advocate
Only on 1.2.1993 and
2.2.1993 Syed Inyat
Hussain, Advocate on
Record. Only on 3.2.1993.
Mr. Gulzar Hassan,
Advocate on Record
(Absent) Ch. Akhtar Ali,
Advocate on Record

For Respondents No. 1 to 3
in C.A. 412/92
: Mr. Maqbool Elahi Malik,
Advocate General Punjab.
Mr. M. M. Saeed Beg,
Advocate, Rao
Muhammad Yusuf Khan,
Advocate on Record

For Respondent No. 4 in C.
A. 412/92
: Mr. M. Ismail Qureshi,
Senior Advocate, Syed
Abdul Assim Jafri
Advocate on Record
(Absent)

On Court Notice
: Mr. Aziz A. Mushe,
Attorney General for
Pakistan.
Mr. Mustaz Ali Mirza,
Deputy Attorney General
for Pakistan.
Mr. Ejaz Yousaf,
Additional Advocate

From General Punjab

Dated of hearing

Date of announcement of
Judgment

JUDGMENT

SHAFIUR RAHMAN, public importance Common
Ordinance No.XX of 1984 is
the Qadiani Group. It
vires the Constitution. It
recorded and the sentence
appeals are in accordance with
the Constitution.

2. Chronologically on
No.2591 of 1984 leading to
the first to be filed. It was
a month and a half of the proclamation.

(i) is of no legal effect
(ii) is ultra vires the
1981.
JUDGMENT

SHAJUR RAHMAN, J. — The question of law of public importance common to all these appeals is whether Ordinance No.XX of 1984 (The Anti-Islamic Activities of the Qadiani Group, Labori Group and Ahmadiyya (Prohibition and Punishment) Ordinance, 1984) is ultra vires the Constitution. If not, whether the convictions recorded and the sentences imposed in five Criminal appeals are in accordance with section 5 introduced by it.

2. Chronologically considered, Constitution Petition No.2941 of 1984 leading to Civil Appeal No.149 of 1989 was the first to be filed. It was filed on 30-5-1984 within a month and a half of the promulgation of the Ordinance XX of 1984 (which was promulgated on 26-6-1984). The reliefs sought therein were that the Ordinance

(i) is of no legal effect and is void ab initio since the day it was promulgated;

(ii) is ultra vires the Provisional Constitution Order, 1981.
This Constitution petition was dismissed in limine on 12-6-1984 treating Article 203-D of the Constitution to be a bar. An Intra-Court Appeal was also dismissed in limine on 25-9-1984, by considering the various grounds taken therein on merits. Leave to appeal was granted on 28-2-1989 to examine vices of the Ordinance XX of 1984 on the touchstone of Fundamental Rights Article 19-Freedom of Speech, Article 20-Freedom of Religion, Article 25 - Equality of citizens.

3. In 1984 Constitution Petition No.2309 of 1984 was filed in the High Court leading to Civil Appeal No.150 of 1989 before us. This petition was amended on 6-6-1984 and the following reliefs were claimed in it:-

The petitioner respectfully prays that—

(i) the impugned Ordinance No.XX of 1984 is of no legal effect;
(ii) the petitioner has the fundamental right to profess, practise and propagate his religion;
(iii) it is further prayed that the respondent may be directed not to take any action, under the Ordinance, against the petitioner, till the final disposal of this writ petition.”

This petition too was dismissed in limine on 12.6.1984 treating as barred by Article 203-D of the Constitution. The Intra-Court Appeal was also dismissed in limine on 25-9-1984 after discussing all the grounds and without sustaining the bar of Article 203-D of the Constitution. As regards the violation of the Fundamental Rights, the Appeal Bench observed as hereunder:

“If the Constitution of 1973 had been in force in its entirety the argument of the appellants would have been worth examination but this is not so, for three supers constitutional documents have since July, 1977 eclipsed the Constitution. The first in this context is the proclamation of Martial Law which became effective on the 5th of July, 1977. It placed the Constitution in abeyance. If known as the La 1977. Although certain matters inter alia did stand as purely as a matter of the Constitution but I placed all fundamental rights in the third document in the year 1981, promulgated by the President. I am therefore, led to the conclusion that the said Article 19-Freedom of Speech, Article 20-Freedom of Religion, Article 25 - Equality of citizens. Article 19-Freedom of Religion, Article 20-Freedom of Religion, Article 25 - Equality of citizens.

Leave to appeal in Civil Appeal No.1497/84

4. Nazir Ahmed reported at Police Station Kalma Town at 9.30 a.m. that on receiving a tip off from Muhammad Hadi No.35-K of 1988, a Quila Kalma Tayyaba police station 296-C of the Police. He was sent to the police station and he was sentenced to imprisonment for seven years of rupees three.

Simple imprisonment was not dismissed. Leave to appeal was granted to examine the following:
Constitution in abeyance. The second is the Chief Martial Law Administrator's Order No.1 of 1977, also known as the Laws (Continuance in Force) Order, 1977. Although clause (i) of Article 2 of this Order inter alia did state that Pakistan would be governed as nearly as may be in accordance with the Constitution but then clause (ii) of the same Article placed all Fundamental Rights under suspension. The third document is the Provisional Constitution Order, 1981, promulgated on the 24th of March, 1981. Article 2 of this order has adopted certain provisions of the Constitution of 1973. It is significant to note that the adopted provisions do not include any of the Fundamental Rights including Article 20 upon which the appellants rely. Thus the said Article like all other Fundamental Rights is not enforceable at present. It is, therefore, idle on the part of the appellants to suggest that the said Article continues to remain a rider on the Ordinance making power of the President. We would accordingly reject the contention of the appellants that even under the present Constitutional position the President, while making an Ordinance still suffers from the limitations set out in the Fundamental Rights.

Leave to appeal was granted on 28-2-1989 in terms as in Civil Appeal No.149/1989 as above.

4. Nazir Ahmed Tanwri an active metallitlgh reported at Police Station City Quetta on 17-3-1985 at 6-20 p.m. that on receiving information he went to the Bazar found Muhammad Riaz appellants in Criminal Appeal No.35-K of 1988, a Quadiani by faith, wearing a badge of Kalma Tayyaba and claiming to be a Muslim. A case under section 298-C of the Pakistan Penal Code was registered. On trial he was convicted under section 298-C, P.P.C. and sentenced to imprisonment in the rising of the Court and a fine of rupees three thousand or in default 3 months' simple imprisonment. His appeal and revision were dismissed. Leave to appeal was granted on 12-9-1988 to examine the following questions of law:
“(1) Whether wearing a “Kalma Tayyaba” badges by an Ahmadai amounts to “posing” as a Muslim so as to come within the mischief of section 298-C, Pakistan Penal Code;

(2) Whether the charge framed against the petitioner was in accordance with law, and if not what is its effect? and

(3) Whether section 290-C, Pakistan Penal Code is violative of Fundamental Rights Nos.19, 20 and 25?”

5. Nazir Ahmed Taunsvi, lodged two other such reports on 27-3-1988. One (FIR No. 49/88) made similar complaint against Zahiruddin (appellant in Cr.A. 31-K/88) having encountered him at 1:00 p.m. in the Bazar with a badge of Kalma Tayyaba and claiming himself to be a Muslim. On trial he was convicted under section 298-C of Pakistan Penal Code and sentenced to one year’s rigorous imprisonment and a fine of rupees one thousand falling which one month’s rigorous imprisonment. His appeal and revision against conviction and sentence failed. The other report (FIR No.50/88) was directed on similar facts against Abdul Rehman (appellant in Cr.A. 34-K/88) who he encountered in the Bazar at 3:30 p.m. He was also convicted and sentenced to one year’s R.I. and a fine of rupees one thousand or in default one month’s R.I. His appeal and revision failed. In both these appeals the leave to appeal was granted as in Criminal Appeal No.35-K/1988.

6. On 11-4-1989, Haj Bān Muhammad a shopkeeper lodged a report (FIR No. 59/88, City Quetta) complaining that a customer came on his shop with a badge of Kalma Tayyaba. He disclosed his name as Mejid (appellant in Cr.A. No. 33-K/88) and claimed he was a Quaidi. On trial he was convicted under section 299-C of Pakistan Penal Code and sentenced to one year’s R.I. and a fine of rupees one thousand or in default one month’s R.I. His appeal and revision failed. He was granted leave to appeal in terms as in Criminal Appeal No.35-K/1988.

7. On 8-5-19 shopkeeper lodged complaint Quetta complaining 32-K/88, appeared in Tayyaba though he convicted under set sentenced to one’s thousand or in default revision failed. He Criminal Appeal No.5.

8. A Constituted on 12-4-1989 challenged Government dated 20 Magistrate Jhang by further orders by Magistrate. The effect of the Quaidians in District indulging in following:

(iii) Illumination

(ii) Excretion of

(iii) Holding of

(iv) Use of loud

(v) Raising of S

(vi) Exhibition of

(vii) Distribution

(viii) Distribution

(iv) Any other may incite Muslims.”

The High Court this petition. Leave No.412 of 1992 by re Appeals No.149/89 re
7. On 8-5-1985, Muhammad Azim another shopkeeper lodged a report FIR No. 74/1985 P.S. City Quetta complaining that Rafi Ahmed (appellant in Cr.A. 35-K/88) appeared before him with a badge of Kalma Tayyaba though he was a Qauidi. He was tried and convicted under section 290-C of Pakistan Penal Code and sentenced to one year's R.I. and a fine of rupees one thousand or in default one month's R.I. His appeal and revision failed. He was granted leave to appeal as in Criminal Appeal No. 35-K/1988.

8. A Constitution Petition (No. 2099/1989) was filed on 11-4-1989 challenging the decision of the Punjab Government dated 20-3-1989, its implementation by District Magistrate Jhang by order dated 21-3-1989 and its extension till further orders by order dated 25-3-1989 by Resident Magistrate. The effect of these decisions/orders was that the Qauids in District Jhang were prohibited from indulging in following activities:

   (i) Illumination on buildings and premises;
   (ii) Erection of decorative gates;
   (iii) Holding of processions and meetings;
   (iv) Use of loudspeaker or megaphone;
   (v) Raising of Stogans;
   (vi) Exhibition of badges, buntings and banners etc.;
   (vii) Distribution of pamphlets and pasting of posters on the walls and wall-writings;
   (viii) Distribution of sweets and service of food;
   (ix) Any other activity directly or indirectly which may incite and injure the religious feelings of Muslims."

The High Court by an exhaustive judgment dismissed this petition. Leave to appeal was granted (Civil Appeal No. 412 of 1992) by reference to order granting leave in Civil Appeals No. 149/89 and 150/89.
9. Mr. Fakhruddin G. Ebrahim, Senior Advocate, the learned counsel for the appellants in five Criminal Appeals (Cr. Appeals No.31-K to 35-K/1988) has mainly taken up the Constitutional view of the Ordinance XX of 1984. According to him, Ordinance XX of 1983 is oppressively unjust, abominably vague, perverse, discriminatory, product of biased mind, so mala fide, and wholly unconstitutional being violative of Articles 19, 20 and 25 of the Constitution. According to the learned counsel the Constitution, having by its second amendment categorized the Quanadis and Ahmadis as non-Muslim, by clause (3) of Article 260 proceeds further to distinguish from among non-Muslims the Quads and Ahmadis with a view to impose on them prohibitive restrictions, on their religious practices, utterances and beliefs. According to the learned counsel, 1'000 criminal cases have been registered against this specific minority up to 1982 and are pending in Courts. 94 for offering daily prayers, 691 for use of Kalma Tayyaba, 36 for reciting Azzaan, 251 for preaching religion, 676 for posing as a Muslim, 52 for using Arabic expressions like "الله أكبر" etc. This according to the learned counsel amounts to a serious inroad on the right of speech, on the right to profess and practice one's religion and amounts to serious discrimination. The practices for which this minority is being prosecuted have been declared to be religious practices of the minority and permissible both under the Constitution and the law as held in Abdul Rahman Mobashir and 3 others v. Syed Amir Ali Shah Bokhari and 4 others (PLD 1978 "Lahore") 113, Mujibur Rehman and 3 others v. Federal Government of Pakistan and another (PLD 1985 Federal Shariat Court 8 at pages 89 and 93). In addition, the learned counsel contended that Enforcement of Shari'ah Act, 1991 (Act X of 1991) permits the non-Muslims to practice their religion. He has also drawn our attention to Article 233 of the Constitution to emphasise that Article 20 of the Constitution is one of those provisions of the Constitution which cannot be suspended even during the emergency. On the question as to what is religion, the learned counsel has referred to The Commissioner Hindu Rel. Sri Lakshminidra Thirtha v. 1964 SC 202), Ratnal Pana of Bombay and other Ramanasramam by its Sec others v. The Commishe Charitable Endowments, B. He has also referred to Constitutional Remedies Pirزاد, page 319 relating to pledge religion and to the case of Mr. Justice Tanzil-un-published as "Constitution in PLD 1989 Journal of Fundamental Law of Pakistan and to Article "Quaid-e-A" of Human Rights by Mr. published in PLD 1977 14 wherein rights enshrined therein have been dealt with.

The learned counsel meaning which has been given to law' used in Article 20 of the Supreme Court 1 Chowdhury and 58 others and Secretary, Finance and I Government of East Pakistan Mers East and West (PLD 1956 SC 41), and Sar Magistrate, Kasur and the question of Vagueness of that can be given to the Executive, the learned counsel has referred Construction-Interpretation Haji Shihab Zamin and others (PLD 1965 Dacca 156 Union of India and another and State of Madhya Pradesh (AIR 1961 SC 295).

The learned counsel has also explained the limited meaning which has been given to the expression "subject to law" used in Article 20 of the Constitution in the decisions of the Supreme Court in Jibendra Kishore Achharya Chowdhury and 58 others v. The Province of East Pakistan and Secretary, Finance and Revenue (Revenue) Department, Government of East Pakistan (PLD 1957 SC 9 at page 41) Messrs East and West Steamship Company v. Pakistan (PLD 1958 SC 41), and Sarfaraz Hussain Bokhari v. District Magistrate, Kasur and others (PLD 1983 SC 172). On the question of Vagueness of the law and the specious meaning that can be given to the Expression "posing as a Muslim", the learned counsel has referred to Crawford’s "Statutory Construction-Interpretation of Statutes", page 339, S. 198, Haji Ghulam Zamin and another v. A.B. Khondkar and others (PLD 1965 Dacca 156 at page 180), K.A. Abbas v. The Union of India and another (AIR 1971 SC 481 at page 497) and State of Madhya Pradesh and another v. Baldeo Prasad (AIR 1961 SC 295).
Finally, the learned counsel has referred to the opinion formed with regard to this law by the International community in the form of reports submitted by the International Committee of Jurists in 1987 (pages 103 to 115) and Amnesty International in 1991.

10. Mr. Mujeeb ur Rahman, Advocate, the learned counsel for the appellants in Criminal Appeal has dealt with the interpretation of the provisions of the Ordinance XX of 1984 with a view to exclude the criminal cases that were registered for wearing badges of Kalna Tayyaba. His argument on the subject is that this law has its background in the decision of the Lahore High Court reported as Abdul Rahman Mobashir’s case (PLD 1978 Lahore 113). Recital of Kalna Tayyaba or far that matter wearing of a badge of Kalna Tayyaba was considered to be one of permissible practices of the Quadrants and in the law under consideration it has not been expressly excluded. He has invoked, therefore, the principle that express mention of certain practices for making them an offence would certainly in criminal statute imply necessarily the exclusion of all others not expressly mentioned. In support of this proposition he has referred to Maxwell on the Interpretation of Statutes (Twelfth Edition) by P.S.T. J. Langan, page 293 and Crawford’s Statutory Construction, page 334. Another principle invoked by him is that being a penal statute, a strict construction has to prevail and has to be preferred and for this reliance has been placed on Rehman Ashraf v. The Crown (PLD 1952 Lahore 578), Mazhar Ali Khan, Printer and Publisher of the Daily “Imroz” v. The Governor of the Punjab (PLD 1954 Lahore 14), Khizar Hayat and 5 others v. The Commissioner, Sargodha Division and the Deputy Commissioner, Sargodha (PLD 1965 Lahore 349), Qissu and 2 others v. The State (PLD 1969 Lahore 48), Mirza Bismil and Co. (Pakistan Ltd., Karachi v. Commissioner of Sales Tax Central, Karachi (1972 SCMR 120) and Muhammad Ali v. State Bank of Pakistan, Karachi and another (1973 SCMR 140).

Mr. Mujeeb ur Rahman, the learned counsel also contended that the word “oath” has to be read in its context and the principle of “There cannot be any en- scope by bringing in which interpreted, and applies amongst restricted the expressly mentioned. In the word “or” is enum- exhaustively. On his reason- oesence in spite of their they were wearing such.

11. Mr. Atiz Ali, counsel for the appellant arguing his case mainly of Provisional Constitu- that on the strength of Pakistan and another. Rights could even then, by the Ordinance XX violation of Article 2 suspended. The Super limited right to the N. Asma Jieli v. The Go (PLD 1972 SC 139) on statute. It was additions: the Constitution voids Quadrants. Ordinance counsel, was mojoujou at all in view of the through Secretary, Cal v. Nawazuddin, Muhan represented by Khaw others (1992 SCMR 245).

12. Syed Riazul counsel representing its preliminary objection to Shariat Court and Foundation in fact Shariat Court reported in Muj Government of Pakistan Shariat Court 8) and Ca
and the principle of "nascituru a sociis" gets attracted. There cannot be any enlargement of the context, meaning or scope by bringing in what is not mentioned therein. He has interpreted, and applying the principle of "Idem generis" restricted the operation of the statute to what is expressly mentioned. He considers, what is mentioned after the word "or" is enumerative illustrative, stipulative and exhaustive. On his reasoning the convictions were guilty of no offence in spite of their admitting on the factual plane that they were wearing such badges and were Quadrantinian.

15. Mr. Aziz Ahmed Bajwa, Advocate, the learned counsel for the appellants in Civil Appeal No.412 of 1992 in arguing his case mainly confined himself to the provisions of Provisional Constitution Order, 1981 to make out a case that on the strength of Miss Benazir Bhutto v. Federation of Pakistan and another (PLD 1988 SC 416) Fundamental Rights could even then be invoked for challenging the vires of the Ordinance XX of 1984 because it could not be in violation of Article 25 of the Constitution which was suspended. The Supreme Court having conceded the limited right to the Martial Law Administrator in Miss Anna Jilani v. The Government of the Punjab and another (PLD 1972 SC 339) could not permit his making of such a statute. It was additionally on clause (3) of Article 227 of the Constitution violative of the personal law of the Quadrantian Ordinance XX of 1984 according to the learned counsel, was malicious and on that account not a good law at all in view of the decision of this Court in Pakistan through Secretary, Cabinet Division, Islamabad and others v. Naqibullah Muhammad Umar Khan (deceased) now represented by Khawaja Muhammad Khan of Hori and others (1992 SCMR 2455).

12. Syed Riazul Hassan Gilani, Advocate, the learned counsel representing the Federal Government has raised a preliminary objection based on the decisions of the Federal Shariat Court and of the Shariat Appellate Bench of the Court reported in Majibur Rehman and 3 others v. Federal Government of Pakistan and another (PLD 1998 Federal Shariat Court 6) and Capr (Reid) Abdul Wajid and 4 others
v. Federal Government of Pakistan (PLD 1988 SC 167) respectively. According to him, Ordinance XX of 1984 was directly challenged before the Federal Shariat Court on the ground of its being repugnant to the injunctions of Islam and violative of the Fundamental Rights. The Federal Shariat Court had negatived the contention and the Shariat Appellate Bench of the Supreme Court had while allowing the withdrawal of the appeal held that the judgment of the Federal Shariat Court shall remain in the field. In view of the decision of the Supreme Court in Mt. Aziz Begum and others v. Federation of Pakistan and others (PLD 1990 SC 899) the decision of the Shariat Appellate Bench of the Supreme Court will hold the field and is not open to examination or review by the Supreme Court otherwise.

The only course open was for the appellants to seek a review of that judgment instead of repeating the question decided in that jurisdiction.

The learned counsel for the Federal Government has on merits taken as to "Thoughts and Reflections of Iqbal" edited with notes by Syed Abdul Wahid from pages 246 to 306 in order to highlight that unity of God and finality of Prophet (peace be upon him) are the two basic concepts of Islam eroding anyone of them would justify the exclusion of those doing so from the community. This according to the learned counsel justified the Constitutional amendment introduced unanimously by clause (3) in Article 250 of the Constitution. On the same principle, the protective measures adopted by Ordinance XX of 1984 will be treated as a mere logical consequence of the Constitutional amendment and if the Constitutional amendment stands so will all that logically follows from it including the provisions of the Ordinance XX of 1984.

It was further contended by the learned counsel representing the Federal Government that the expression "subject to law" in Article 20 of the Constitution implies necessarily the injunctions of Islam. The Fundamental Rights, therefore, enshrined in Article 20 of the Constitution have to be further controlled and contained by the injunctions of Islam. The injunctions in these aspects of the religion being incorporated in Article 31 to preserve, protect, and develop the ideology against every other technique of propagation and sedition.

It was also contended to avoid dualism in religion and the State castrating the Constitution to make it applicable to all those who are entitled to these rights. If this is so, it is likely to create law and order problems.

Finally the learned counsel pointed out that what the Constitution accomplishes is all within its purview and provides for the enforcement of Islamic law in the country. It prohibits "Ihlas" or "Ihlas" or "Ihlas" and protects against hurting the collective conscience. These are all protected by the provisions in Islamic Law. Article 20 of the Constitution has, in the experience of the institutions in the field of morality, the provisions made in the Constitution are not violative of the Constitution. He also pointed out to the Court that Article 20 of the Constitution is not violative of the Constitution.
of the religion being clearly brought out and having been incorporated in Article 260 (3) of the Constitution, no such right as is claimed by the appellants, can be allowed to be exercised publicly to the annoyance, detriment and subversion of the Islamic faith. Additionally it is contended that what the Article 20 of the Constitution guarantees is the propagation and preaching of one's own faith and not the subversion and the mutilation of somebody else's religion. In doing what the appellants have been found to be doing or claiming a right to do, they are only subverting and mutilating the religion of others living in Pakistan and not in fact obscuring their own religion. It is, according to the learned counsel for the Federal Government, an obligation of the State under Article 31 to preserve, protect and strengthen the Islamic Ideology against every other.

It was also contended that the State power can be exercised to avoid clash of ideologies in the matter of religion and the State can exercise the power of preventing those who are encroachng on it by keeping them within contentment or limits by prohibiting certain paths which are likely to create law and order problem.

Finally the learned counsel for the Federal Government pointed out that what the impugned Ordinance (XX of 1984) accomplishes is all within the ambit of Islamic Injunctions. It establishes and reinforces the Prophethood of Muhammad (peace be upon him). It protects the prayers and the mosques. It prohibits 'Ibadah' or subversion of the religion and it protects against hurting the religious feelings of others in majority. These are all laudable objects recognized by the Injunctions of Islam and permitted by the Constitutional provisions in Islamic State. In this background, both on the Constitutional plane, on the grounds of public order and morality, the provisions made in the impugned Ordinance (XX of 1984) are not violative of any of the rights of the appellants. He also pointed out to the main features of the Ordinance and Article 20 of the Constitution in order to demonstrate that the observance of the rituals by the individual and the protection of the institutions by the religion both were covered by Article
20 and the Ordinance only made that protection concrete, descriptive and certain by specifications, enumerations and descriptions.

13. Mr. Ismail Qureshi, Advocate, representing the Tahafuz-e-Khatm-e-Nabwiat Group contended that Article 286 (3) of the Constitution having declared the Quadrans as non-Muslims, any attempt to prove or Muslims by them is violative of the provisions of the Constitution and it is that practising fraud or mis-description which is sought to be controlled by Ordinance XX of 1984. Article 20 confers no absolute right to profess religion but it has to be in conformity with other provisions and public morality. In that context, the impugned Ordinance advances what is provided in clause (3) of Article 260 of the Constitution and recognizes and protects both the religion of the majority as well as of the declared minority. In that context, the proceedings taken under Article 144 of the Criminal Procedure Code were appropriate and justified besides that order under section 144, Cr.P.C. was limited to a period of one than a week, and there could be no objection subsisting over it.

14. The chronological history of the Constitution petitions under consideration clearly gives the impression that except for Constitution Petition No.2699 of 1989 (now Civil Appeal No.412 of 1992 before us) all other matters related to events taking place in 1984 and early 1985 when the Fundamental Rights were not available for challenging the proceedings. It is for this reason that in the very first matter (Civil Appeal No.149 of 1989) the challenge to Ordinance XX of 1984 was by reference to the Provisional Constitution Order of 1981. However, the convictions in the criminal cases had taken place in July, 1986 and at that time Fundamental Rights were in full force and could be invoked for avoiding the conviction notwithstanding that the events reported related to a period when the Fundamental Rights were not enforceable. In any case, therefore, these matters are required to be examined and are being examined on the touchstone of the Constitutional provisions as contained in the revived Constitution and the Fundamental Rights contained therein.

15. So far as Civil Appeal No.2699 of 1989, substantially to a transit passed under section 144, Cr.P.C. 1989 and was to remain in force order of the Resident Magistrate which was passed the instructions of Assistant order of 21.3.1989 was given till further orders. Both the them find mention in Minutes of Government of Punjab (pages 14 to 16). The justifi 1989 was gone into. Its valid order of the Resident Magistrate which it should have no authority possessed by the District Magistrate, or Home Department, indefinitely till further order under section 144, Cr.P.C. This Resident Magistrate referred Commissioner had to be authority and of no leg applicable at the hearing, has been acts in the absence of the Magistrate. Hence, the Act of 1992 is allowed to this extent.

16. Taking up the question to the subject under examination of the Constitution is of utmost importance.

(a) 'Muslim' means unity and one absolute and
15. So far as Civil Appeal No.412 of 1992 arising out of Constitution Petition No.2089 is concerned, it related substantially to a transitory matter namely, the order passed under section 144, Cr.P.C. which was passed on 21-3-1989 and was to remain in force till 25-3-1989. Thereafter an order of the Resident Magistrate was brought under challenge which was passed on 25-3-1989 whereverunder on the instructions of Assistant Commissioner, Chiniot this order of 21-3-1989 was given an indefinite extension in time till further orders. Both these orders and the challenge to them find mention in Mirza Khurshid Ahmad and another v. Government of Punjab and others (PLD 1992 Lahore 1 at pages 14 to 16). The justification for the order dated 21-3-1989 was gone into. Its validity was upheld. As regards the order of the Resident Magistrate, it did not receive that attention which it should have on the legal grounds. There is no authority possessed by the Assistant Commissioner, the District Magistrate, the Resident Magistrate or the Home Department of the Government to extend indefinitely till further orders an order passed under section 144, Cr.P.C. This part of the order recorded by the Resident Magistrate referring to an order by the Assistant Commissioner had to be declared as without lawful authority and of no legal effect. None of the counsel appearing at the hearing, not even the Advocate-General, has been able to sustain this order recorded by the Resident Magistrate. Hence, the Appeal (Civil Appeal No.412 of 1992) is allowed to this extent with no order as to costs.

16. Taking up the Constitutional provisions relevant to the subject under examination, clause (3) of Article 269 of the Constitution is of importance. It is reproduced in extenso as hereunder—

“In the Constitution and all enactments and other legal instruments, unless there is anything repugnant in the subject or context—

(a) ‘Muslim’ means a person who believes 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 does not believe in, or recognize as a prophet or religious reformer, any person who claims or claims to be a prophet, in any sense of the word or of any description whatsoever, after Muhammad (peace be upon him); and

(b) '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 Qadiani group or the Lashkar group (who call themselves Ahmadis' or 'by any other name'), or a Bahai, and a person belonging to any of the scheduled castes."

Article 20 of the Constitution in the Chapter of Fundamental Rights, which requires printed attention, is reproduced hereunder:

"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, practise 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."

Articles 19 and 25, which have also been referred to for providing strength, meaning and effect to the Fundamental Right contained in Article 20-relate to Freedom of speech, etc. (Article 19) and Equality of citizens before law (Article 25).

17. On the basis of Article 2-A of the Constitution having been made substantive part of our Constitution, it was advanced that the provisions of the Constitution should all be read, interpreted and applied and they are additionally subordinate to and controlled by injunctions of Islam. Even the Fundamental Rights invoked in these appeals and interpreted as if further argument the Sharia Court to Mu, Government of Pakistan, Injunctions of Islam are alleged to have religious ceremony, follows according to it is neither violative of nor of the Fundamental

1h. The effect Constitution and its the Constitution has in Court in Iskik in Pakistan (through SC 595), its effect on and as a controlling considered as per D Justice(s) in the follow:

"This rule of been given to Court and Constitutional status then the the framing even if an introduction is provisions of Articles of questionable inconsistency Resolution Constitution of Article 2A other provisions undermining destruction of form... The
in these appeals and the others not in issue should also be interpreted as it subordinate to injunctions of Islam. The further argument thereunder is that as held by the Federal Shariat Court in Mubhar Rehman and 3 others v. Federal Government of Pakistan and another (PLD 1985 FSC 19) the injunctions of Islam clearly prohibit what the appellants are alleged to have done or are doing as a matter of religious ceremony, or practice. On this reasoning it follows, according to the contendors, that the impugned law is neither violative of any of the Constitutional provisions nor of the Fundamental rights invoked in these cases.

18. The effect of introduction of Article 2A of the Constitution and its becoming a substantive provision of the Constitution has been considered at great length by this Court in Nisar Khan and 3 others v. Government of Pakistan through Secretary Interior and others (PLD 1992 SC 595). Its effect on the other constitutional provisions and as a controlling and supervening provision has been considered as per Dr. Nisim Hasan Shah J. (now the Chief Justice) in the following words:

"This role of interpretation does not appear to have been given effect to in the judgment of the High Court on its view that Article 2A is a supra-Constitutional provision. Because, if this be its true status then the above-quoted clause would require the framing of an entirely new Constitution. Any even if Article 2A really meant that after its introduction it is to become in control of the other provisions of the Constitution, then most of the Articles of the existing Constitution will become questionable on the ground of their alleged inconsistency with the provisions of the Objectives Resolution...Thus, instead of making the 1973 Constitution more purposeful, such an interpretation of Article 2A, namely that it is in control of all the other provisions of the Constitution would result in undermining it and pave the way for its eventual destruction or at least its constitutive in its present form...The role of the Objectives Resolution,
accordingly in my humble view notwithstanding the insertion of Article 2A in the Constitution (whereby the said Objectives Resolution has been made a substantive part thereof) has not been fundamentally transformed from the role envisaged for it at the outset; namely that it should serve as beacon light for the Constitution-makers and guide them to formulate such provisions for the Constitution which reflect in deeds and the objectives set forth therein... In practical terms this implies in the changed context that the impugned provision of the Constitution shall be corrected by suitably amending it through the amendment process laid down in the Constitution itself."

As per Shafiu Rahman, J. it was considered as hereunder:-

"The provisions of Article 2A were never intended at any stage to be self-executory or to be adopted as a test of repugnancy or of contrariety. It was beyond the power of the Court to have applied the test of repugnancy by invoking Article 2A of the Constitution for striking down any other provision of the Constitution (Article 45)."

19. Another preliminary legal argument against the case set out by the appellants was that Fundamental Right 20 which was invoked was itself subject to law, and Ordinance No. XX of 1954 qualifies as law for the purposes of Article 20 of the Constitution. Therefore, the impugned provisions thereof will hold good notwithstanding any apparent or substantial conflict with its provisions. This argument or such an argument has been adequately and effectively dealt with by the Supreme Court as early as January, 1956 in Jibendra Kishore Acharyya Chowdhury and 48 others v. The Province of East Pakistan and Secretary, Finance and Revenue (Revenue) Department, Government of East Pakistan (PLD 1957 SC 9 at page 41) in the following words:-

"There can be no doubt that these drastic provisions of the Act strike religious institutions at their very root, and the question effect of the provis.

infringement of the law.

Article 18 of the Constitution has also been invaded.

This, therefore be taken to indicate that there has been an instance of restatement of a fundamental right guaranteed by the law of the Constitution to a Constitution to say that it may be taken as an instance among other constitutional provisions of the Constitution who is that of the Muslims of the Holy Quran and Sunnah intended to empower the Constitution in the Muslim world to propagate their religion and manage their religious affairs. Their conception of the democratic society could not be extended to the non-Muslims of the country.

Mr. Rizvi today interdicted the proposition because the right to propagate religion is under the Act is subject to laws dealing with the Constitution without freedom of conscience i
root, and the question is whether, that being the effect of the provisions, they constitute an infringement of the fundamental right guaranteed by Article 18 of the Constitution? In the High Court, Mr. Brohi’s bold and categorical assertion that the rights referred to in Article 18 are “Subject to Law” and may therefore be taken away by the law, succeeded. That assertion has been repeated before us, but I have not the slightest hesitation in rejecting it. The very conception of a fundamental right is that it being a right guaranteed by the Constitution cannot be taken away by the law, and it is not only technically inartistic but a fraud on the citizens for the makers of the Constitution to say that a right is fundamental but that it may be taken away by the law. I am unable to attribute any such intent to the makers of the Constitution who in their anxiety to regulate the lives of the Muslims of Pakistan in accordance with the Holy Quran and Sunnah could not possibly have intended to empower the legislature to take away from the Muslims the right to profess, practise and propagate their religion and to establish, maintain and manage their religious institutions, and who in their conception of the ideal of a free, tolerant and democratic society could not have denied a similar right to the non-Muslim citizens of the State. If the argument of Mr. Brohi is sound, it would follow, and be admitted that it would, that the legislature may today interdict the profession of Islam by the citizens because the right to profess, practise and propagate religion is under the Article as much subject to law as the right to establish, maintain and manage religious institutions. I refuse to be a party to any such pedantic, technical and narrow construction of the Article in question, for consider it to be a fundamental canon of construction that a Constitution should receive a liberal interpretation in favour of the citizen, especially with respect to those provisions which were designed to safeguard the freedom of conscience and worship. Consistently with
the language used, Constitutional instructions should receive broader and more liberal construction than statutes, for the power dealt with in the former case is original and unlimited and in the latter case limited, and Constitutional rights should not be permitted to be nullified or evaded by astute verbal criticism, without regard to the fundamental aim and object of the instrument and the principles on which it is based. If the language is not explicit, or admits of doubt, it should be presumed that the provision was intended to be in accordance with the acknowledged principles of justice and liberty. Accordingly, in doubtful cases that particular construction should be preferred which does not violate those principles. In the light of these rules of construction of Constitutional instruments it seems to me that what Article 18 means is that every citizen has the right to profess, practice and propagate his religion and every sect of a religious denomination has the right to establish, maintain and manage its religious institutions, although the law may regulate the manner in which religion is to be professed, practiced and propagated and religious institutions are to be established, maintained and managed. The words "the right to establish, subject to law, religious institutions" cannot and do not mean that such institutions may be abolished altogether by the law."}

20. Ordinance XX of 1984 which is being examined was promulgated by the President on the 26th of April, 1984, in pursuance of the Proclamation of the fifth day of July, 1977, and in exercise of all powers enabling him in that behalf. In making the Ordinance and promulgating it the then President suffered from no Constitutional restraints of Fundamental Rights or other provisions. His will was supreme. The entire Ordinance has not been subjected to scrutiny in these proceedings. The portions which have received pointed attention and challenge relate to section 3 of the Ordinance adding new sections 298-B and 298-C in the Pakistan Penal Code Act (XLV of 1860), and are reproduced hereunder:—

(1) "298-B. Mispel\[ed\] characters, etc., personal names or \[Quaid\']; group themselves 'Abs' by \[waste\] words, either representation."

(a) ........................................
(b) ........................................
(c) ........................................
(d) refers to, or as \[Masjid\]; imprisonment which may extend to three years, and a fine.

(2) Any person of the group (who call other name) will be liable to fine as 'Azan', Muslims, shall be either despatched three years, and a fine.
reproduced hereunder:

(1) "298-B. Misuse of epithets, descriptions and titles, etc. reserved for certain holy personages or places.— (1) Any person of the Qudiani group or the Lahori group (who call themselves 'Ahmadis') or by any other name who by words, either spoken or written, or by visible representation,

(a) 

(b) 

(c) 

(d) refers to, or names, or calls, his place of worship as 'Masjid'; shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

(2) Any person of the Qudiani group or Lahori group (who call themselves 'Ahmadis' or by any other name) who by words, either spoken or written, or by visible representation, refers to the mode or form of call to prayers followed by his faith as 'Azan', or recites Azan as used by the Musllims, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

(2) 288-C. Person of Qudiani group, etc. calling himself a Muslim or preaching or propagating his faith.—Any person of the Qudiani group or the Lahori group (who call themselves 'Ahmadis' or by any other name), who directly or indirectly—

(a) "poses himself as a Muslim",

(b) "or calls, or refers to, his faith as Islam".
(c) "or preaches or propagates his faith, by words, either spoken or written",

(d) "or invites others to accept his faith, by words, either spoken or written, or by visible representations",

(e) "or in any manner whatsoever outrages the religious feelings of Muslims"

shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine".

Section 298-C has been broken in clauses in order to make its effect, examination and scrutiny easier.

21. This Ordinance XX of 1984 by its section 2 provides that "provisions of this Ordinance shall have effect notwithstanding any order or decision of any Court". This section has its background and reference to the case of Abdul Rahman Mobashir and 3 others v. Syed Amir Ali Shah Bokhari and 4 others (PLD 1979 Lahore 113) where the tenets of Quaidian or Ahmadi faith were examined in great detail with a view to ascertain what rights others could have in challenging them, prohibiting or preventing them or in avoiding them. However, it is not necessary to reproduce the conclusions drawn therein because it stands overridden by this Ordinance XX of 1984 and in any case the test is the Fundamental Right, a Constitutional provision and not a civil right which was in issue in that case. Nevertheless it must be stated that it is a very exhaustive and illuminative judgment on the subject.

22. The learned counsel for the appellants has taken exception to the provision (d) and sub-section (2) of section 298-B of the P.P.C. as introduced by the Ordinance. It concerns the naming of the place of worship by the Quaidians and Ahmadis as 'Masjid' and calling of 'Azan'. Historically this has been shown in the Lahore High Court case to be a tenet or a practice of Ahmadis or Quaidians not of recent origin or device and adopted not with a view to annoy or outrage the feelings and sentiments of non-

Ahmadis and non-Quaidians in their faith and not being offense to use of these by them and made imprisonment and fine of Right of religious freedom of propagating and of Quaidians as much as only Quaidians from doing so and not others. The "Azan" or the naming of the made objectionable by law by or Quaidians alone.

23. The learned counsel strongly exception to section 298-B on the ground that the word "cheating" is incapable of judicial end to agree with him because the words like "fraud", "cheating" which have a wider use and have meaning similar Constitutional mandate in Ahmadis and Quaidians so and Constitution dealt with prevents them from giving such a provision is in accordance and not in the Ahmadis or Quaidians could be a Muslim then he even Constitutional provision and provision could certainly the Constitution and that

This argument equally above of section 298-C of

24. As regards the cannot be said to be religion or speech with religious feelings of a public as such. Nobody have one of outraging propagating his own
Ahmadis and non-Qadianis. Being an essential element of their faith and not being offensive per se prohibition on the use of those by them and making it an offence punishable with imprisonment and fine violates the Fundamental Right of religious freedom of professing, practising and propagating and of Fundamental Right of equality inasmuch as only Quadianis or Ahmadis are prevented from doing so and no other religious minorities. It is not the “Azan” or the naming of the “Masjic” which has been made objectionable by law but doing or these by Ahmadis or Quadianis alone.

23. The learned counsel for the appellants has taken strong exception to section 298-C, clause (a) of the P.P.C. on the ground that the word “poking” is abominably vague and incapable of judicial enforcement. We are not inclined to agree with him because already in the language of law the words like “fraud”, “misrepresentation”, “deception”, “cheating” which have a well defined connotation are in use and have meaning similar to that of “poking”. With the Constitutional mandate in the background providing that Ahmadis and Quadianis shall be for the purposes of law and Constitution dealt with in this country as non-Muslim prevents them from giving themselves out as Muslims. Such a provision is in advance of the Constitutional mandate and not in derogation of it. Therefore, if any Ahmad or Quadian claims to be or gives out publicly to be a Muslim then he would be acting in violation of the Constitutional provision contained in Article 260(3). Such a provision could certainly be made within the framework of the Constitution and the Fundamental Rights an offence. This argument equally applies to clause (b) as made out above of section 298-C of the P.P.C.

24. As regards clause (c) of section 298-C, the law cannot be said to be violative of Fundamental Right of religion or speech where it punishes acts outraging the religious feelings of a particular group or of the general public as such. Nobody has a Fundamental Right to offend any other religious feelings or cause sentiments of non-
25. On the reasoning that has been adopted in interpreting these relevant articles of the Constitution, clauses (c) and (d) of section 288-C of P.P.C. as reproduced above standing by themselves, individually or the two together would be violative of the Fundamental Right of religion's freedom and of equality and of the speech in so far as they prohibit and penalise only the ahmads and Quadianis from preaching or propagating their faith by words written or spoken or by visible representation. Invitation to one's own faith when it is not accompanied by any other objectionable feature cannot be condemned. However, if the acts mentioned in clauses (c) and (d) are accompanied with what is provided in clause (e) or has the effect of clauses (a) and (b) then the acts will be penal under these relevant clauses and not under clauses (c) and (d). To this extent clauses (c) and (d) of section 288-C, P.P.C. as reproduced in the judgment and as interpreted would be ultra vires the Constitution.

26. So far as the five appeals arising out of criminal trial (Criminal Appeals 35-K to 33-K/88) are concerned, we find that three of them have originated in the complaint of Nasir Ahmad Tausvi directly concerned with the Khatt-e-Nabuwwat movement who made a grievance of the fact that certain persons were roaming about in the Bazar with the badges of 'Kalma Tayyaba' exhibited on their chest. They were known to be Quadianis. Some of them on being questioned said that they were Muslim. This act of theirs of wearing a badge of the 'Kalma Tayyaba' was taken to be their posing as Muslim. This conviction is defective because in view of the discussion and findings already recorded for an Ahmadi to wear a badge having 'Kalma Tayyaba' inscribed on it does not per se amount to outraging the feelings of Muslims nor does it amount to his posing as a Muslim. It was admitted and is common knowledge that those who are Muslim do not in order to prove their religion of Islam wear badges of the 'Kalma Tayyaba'. This is done by those who classified as non-Muslims. Therefore, element of posing or representing wearing the 'Kalma Tayyaba' is the situation.

27. As regards the allegation it and interrogated they gave the Muslims while in fact they were Quo- too, will not be an offence under the voluntary representation. In giving voluntary representation it does not respond voluntarily but as circumstances of these cases under may hide his religion in public physically preferring the lesser evil or one may avoid and give an eva will not be reprehensible, particularly asking the question has no author questions or to exact a correct re being made on oath.

28. The other two Criminal Appeals Nos. 32-K and 33-K of lodged by individuals not to some movement as such. They felt offed because the 'Kalma Tayyaba' be persons known to be Ahmadi or representation by words of mouth wearing the 'Kalma Tayyaba' by Muslims and not Quadians or Ahmadas.

The exhibition or use of 'Kalma Tayyaba', properly and respectfully made a ground per se for action i 'Kalma Tayyaba' in such a manner peculiar meaning and effect one represses the mind of the man we his belief for making it an offence regard to belief and the meaning the purpose of using and exhibiting would be beyond the scope of the
consistent with Articles 19, 20
been adopted in the Constitution, especially as reproduced
fully or the two substantial Rights of
the speech in so far as
ahmadis and
their faith by
representation,
accompanied by
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(c) and (d) are
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ion 298-C, P.P.C.
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Tayyaba'. This is done by those who are Constitutionally
classified as non-Muslims. Therefore, there should be no
element of posing or representation by non-Muslims by
wearing the 'Kalma Tayyaba' as Muslims in the existing
situation.

27. As regards the allegation that on being questioned
and interrogated they gave the reply that they were
Muslims while in fact they were Quadiani or Ahmadis, that
too, will not be an offence under the law. Posing involves
voluntary representation. In giving reply to a question one
does not respond voluntarily but as would appear from the
circumstances of these cases under threat or duress. One
may hide his religion in public to protect himself
physically preferring the lesser evil of criminal prosecution
or one may avoid and give an evasive reply. This conduct
will not be reprehensible, particularly when so the person
asking the question has no authority in law to ask these
questions or to exact a correct reply, nor the statement is
being made on oath.

28. The other two Criminal Appeals (Criminal
Appeals Nos. 32-K and 33-K of 1988) relate to reports
lodged by individuals not so connected with any religious
movement as such. They felt offended and insulted only
because the 'Kalma Tayyaba' badge was worn by the
persons known to be Ahmadis or Quadianis. There was no
representation by words of mouth or otherwise by those
wearing the 'Kalma Tayyaba' badges that they were
Muslims and not Quadianis or Ahmadis.

The exhibition or use of 'Kalma Tayyaba' correctly
reproduced, properly and respectfully exhibited cannot be
made a ground per se for action against those who use
'Kalma Tayyaba' in such a manner. If for ascertaining its
peculiar meaning and effect one has to reach the inner
recesses of the mind of the man wearing or using it and to
his belief for making it an offence then the exercise with
regard to belief and the meaning of it for that person and
the purpose of using and exhibiting the 'Kalma Tayyaba'
would be beyond the scope of the law and in any case it
will infringe directly the religious freedom guaranteed and enjoyed by the citizens under the Constitution, where mere belief unattended by objectionable conduct cannot be objected to.

29. Our difficulty in handling these appeals has been that the respondents have by and large argued the matter as if the vices of the impugned portions of the Ordinance are being tested for their inconsistency mere with injunctions of Islam than for their incompatibility with the Fundamental Rights. This has brought in religious scholars volunteering to assist the Court generating lot of avoidable heat and controversy at the argument and post argument stage.

30. The result of the above discussion is that the Criminal Appeals Nos.31-K/1988 to 35-K/1988 are allowed, the conviction and sentence of the appellants is set aside. Further, the provisions of clause (d) and subsection (2) of sections 298-B and portions (c) and (d) of section 298-C of the Pakistan Penal Code, reproduced in paragraph 20 of the judgment, are declared to be ultra vires the Fundamental Rights 20 and 25.

31. Civil Appeals Nos. 149 of 1989 and 150 of 1989 are also partly allowed to the extent: the portions of the Ordinance XX of 1986 have been held to be ultra vires the Fundamental Rights 19, 20 and 25. No order γ made as to costs.

ABDUL QADEER CHAUDHRY J. I have had the benefit of going through the draft judgment proposed to be delivered by my learned brother Shahidur Rahman J, but with respect, I do not agree with the opinion of my learned brother.

The facts of the connected appeals have been fully enumerated in the proposed judgment and I need not repeat the same. So far as the present appeal is concerned, the facts giving rise to the proceedings are that the appellants belong to Ahmadiya community, (Quadians), a non-Muslim religious sect. The Ahmadies throughout the world had decided to celebrate the centenary of their
immortal guaranteed and constitution, where more conduct cannot be
these appeals have been argued the matter as of the Ordinance are
more with injunctions with the Fundamental scholars volunteering
avoidable heat and gentleman stage.

Discussion is that the 4-5/1889 are allowed, applicants in set aside,
and subsection (2) of the section 296-C of the paragraph 16 of the
the Fundamental
89 and 150 of 1889 are the portions of the id to be utter vices the
No order is made as to

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religion, which was founded on 23rd March, 1889, in a
befitting manner, commencing from 23rd March, 1889.

On 20th March, 1889, the Home Secretary, Government of Punjab,
promulgated an order, under Section 114, Cr.P.C. banning the centenary celebrations, by
the Qadianis in the Province of Punjab. The District
Magistrate, Jhang, also passed another order dated 21st
March, prohibiting the Qadianis of Jhang District from
undertaking the following activities:

(i) Illuminations on buildings and premises;
(ii) Erection of decorative gates;
(iii) Holding of processions and shrewings;
(iv) Use of loudspeakers and megaphones;
(v) Raising of slogans;
(vi) Exhibition of badges; buntings and banners etc;
(vii) Distribution of pamphlets and pasting of posters
on the walls and wall writings;
(viii) Distribution of sweets and service of food;
(ix) Any other activity directly or indirectly which
may incite and injure the feelings of Muslims.

It appears from the above, that what had been banned
are the activities in public or in the view of the public, to
save breach of peace and maintain the law and order.

The Resident Magistrate, Rabwah, informed the
Ahmadiya community to remove ceremonial gates, banners
and illuminations and also ensure that no more writings
will be done on the walls. He further informed that the
prohibitions contained in the order dated 21st March had
been extended till further orders.

The applicants challenged the above orders by way of
Writ Petition No. 2089 of 1989, seeking declaration that
their right to recount the important events of the last
hundred years of their community and to celebrate the
The case came up before a learned Judge of the Lahore High Court, who in his judgment considered very concisely the legal and constitutional questions raised in the case and has rendered a very balanced judgment. We highly appreciate that the learned Judge relied, in this respect, on precedents from the jurisdiction, which are either secular or claim to be the champions of human rights. The controversy raised before the court is, undoubtedly, of very sensitive nature, concerning one's faith and belief and need a very dispassionate and careful approach, in order to inspire confidence and lend its judgment the necessary independence.

The main question involved is whether the impugned orders passed under Section 144 Cr.P.C and the Ordinance XX of 1984 are violative of the Fundamental Right (Art. 20) as given in the Constitution of Pakistan, 1973?

The appellants raised the following propositions for consideration:-

(a) The finding of the Federal Shariat Court that the Ordinance is not contrary to Quran and Sunnah, is of no consequence, so far as this Court is concerned.

(b) The Ordinance terms, is total guaranteed under the Ahmadis citizens.

(c) The Ordinance is oppressive.

(d) That the word “law” in Article 25 of Islamic Law.

(e) The phrase “of the Constitution cannot the rights conferred in Articles 25 and 26 covered by the Ordinance.

(f) Use of a badge of ‘Kalma’ does not violate the appellants about religion and are, Article 20 of the Constitution.

Before proceeding with the need appears necessary to say, if the gen
gives everyone a right to the use epithet etc., or, do there exist any
e already? It will be appreciated the descriptions and titles etc., as given been used by Quran for specific per-
54 and 9 : 100) while often used by the mentioned there, exclusively, for the
These epithets carry special marks in Muslim belief and used for reverence them for others, in the same manner impression to others that they are, when the facts may be otherwise.

It is to be noted that it is throughout the World, that laws and phrases which have special o
(b) The Ordinance expressly and irrefutably establishes an outright denial of religious freedom guaranteed under Article 20 of the Constitution to the Ahmadi citizens of Pakistan.

(c) The Ordinance is vague and uncertain and also oppressive.

(d) That the word “law” used in phrase “subject to law” in Article 20 means positive law and not Islamic Law.

(e) The phrase “glory of Islam” as used in Article 19 of the Constitution cannot be ascribed to the rights conferred in Article 20.

(f) Use of a badge of ‘Kalma’ and saying “Azan” are not covered by the Ordinance.

(g) The impugned orders issued under Section 144, CrPC, violate the apprentices’ fundamental rights about religion and are therefore, violative of Article 20 of the Constitution.

Before proceeding with the contentions as raised, it appears necessary to say, if the general law applied so far, gives everyone a right to the use of any word, name and epithet etc. or do there exist any recognised restrictions already? It will be appreciated that some of the epithets, descriptions and titles etc., as given in Section 298-B have been used by Qurans for specific personages (See 33:32, 33:54 and 9:100) while others undoubtedly and rather admittably being used by the Muslims, for those mentioned there, exclusively, for the last about 1400 years. These epithets carry special meaning, are part of the Muslim belief and used for reverence. Any person using them for others, in the same manner, may be conveying impression to others that they are concerned with Islam when the fact may be otherwise.

It is to be noted that it is not only in Pakistan but throughout the World, that laws protect the use of words and phrases which have special connotations or meaning...
and which if used for other may amount to deceiving or misleading the people. The English Company Law lays down that a name must not be misleading or suggest a connection with the Crown, a Government Department, or a municipality, and only in exceptional circumstances will names be allowed which include “Imperial”, “Commonwealth” “National”, or “International”. The use of words “Cooperative” and “Building Society” is also forbidden. The most important is the rule that the name will be refused registration if it is too like the name of an existing company. These provisions have been strictly applied and were never challenged in a court of law or the Parliament.

Section 20 of the Indian Company Law also lays down that no company shall be registered by a name which, in the opinion of the Central Government, is undesirable and that a name which is identical with, or too nearly resembles, the name by which a company in existence has been previously registered, will be deemed to be undesirable by the Central Government. The Indian Constitution has similar Fundamental Rights as ours but we have not seen a single decision of any court there, declaring the restriction violative of these rights.

A law for protection of trade and merchandise marks exists, practically, in every legal system of the world to protect the trade names and marks etc.; with the result that no registered trade name or mark of one firm or company can be used by any other concern and a violation thereof, not only entitles the owner of the trade name or mark to receive damages from the violator but it is a criminal offence also.

Here we may refer to English Law. It was held in J. Jollinger V. Costa Brava Wine Company Ltd. (1959) 3 W.L.R. 966 that “An injunction could be obtained to restrain the defendant from continuing a practice that was calculated to deceive, although there was no proof of an intent to deceive”.

The Chapter X of the Trade and Merchandise Marks Act, 1958, of India provides penalties for falsifying and falsely applying trade marks or false marks, trade descriptions, etc., or for a false trade mark or false description.

The Chapter XVIII of the Indian Codes, contains offences relating to movable property or goods or receptacle containing movable property or other receptacle containing movable property or goods or any case, package or other receptacle thereon, in a manner reasonably calculated to believe that the property or goods contained in or belonging to a person to whom they belong a false property mark. The offence is punishable with imprisonment of up to one year in both.

Laws similar to above have been enacted and no one challenged them on a reference to section 69 of the Trade Marks Act, as applicable to the sub-continent section as now applicable in Pakistan.

69. Restriction of use of emblems: If a person, without connection with any trade or profession-

(a) the Royal Arms or Government device resembling the same, with the belief that he is the Royal Arms or Government device.

(b) name, title and surname Muhammad Ali Jinnah or any device, emblem to be calculated to lead or employed by, or supplied with, His Majesty's Gov
falsely applying trade marks or for applying false trade marks or for selling goods to which a false trade mark or false description is applied.

The Chapter XVIII of the Indian and Pakistan Penal Codes, contains offences relating to documents and to trade and property marks. Section 481 says—"Whoever, marks any moveable property or goods or any package or other receptacle containing movable property or goods, or uses any case, package or other receptacle having any trade mark thereon, in a manner reasonably calculated to cause it to be believed that the property or goods so marked or any property or goods contained in any receptacle so marked, belong to a person to whom they do not belong is said to use a false property mark. The offence is a fraud and is punishable with imprisonment of either description for a term which may extend to one year, or with fine or with both.

Laws similar to above have been in force in Pakistan, and no one challenged them on any ground. We may here refer to section 69 of the Trade Marks Act, 1940, which was applicable to the sub-continent of India. The amended section as now applicable in Pakistan is as under:

69. Restraint of use of Royal Arms and State emblems: If a person, without due authority, uses in connection with any trade, business, calling or profession any Royal Arms or Government Arms (or arms to closely resembling the same as to be calculated to deceive) in such manner as to be calculated to lead to the belief that he is duly authorised so to use the Royal Arms or Government Arms, or
(a) the Royal Arms or Government Arms (or arms to closely resembling the same as to be calculated to deceive) in such manner as to be calculated to lead to the belief that he is duly authorised so to use the Royal Arms or Government Arms, or
(b) name, title and semblance of Quaid-i-Azam Muhammad Ali Jinnah and any variations thereof or any device, emblem or title in such manner as to be calculated to lead to the belief that he is employed by, or supplies goods to, or is connected with, His Majesty’s Government or the Federal
Government or any Provincial Government or any department of any such Government, or

c) the emblem, the official seal and the name or any abbreviation of the name of the United Nations or any subsidiary body set up by the United Nations or of the World Health Organization in such manner as is to be calculated to lead to the belief that he is duly authorized by the Secretary-General in the case of the United Nations or by the Director General of the World Health Organization in the case of that Organization to use that emblem, seal or name, he may, at the suit of any person who is authorized to use such Arms or such device, emblem or title or of the Registrar, be restrained by injunction from continuing so to use the same:

Provided that nothing in this section shall be construed as affecting the right, if any, of the proprietor of a trade mark containing any such Arms, device, emblem or title to "continue to use such trade mark."

It is thus clear that intentionally using trade names, trade marks, property marks or descriptions of others in order to make believe others that they belong to the user thereof amounts to an offence and not only the perpetrator can be imprisoned and fined but damages can be recovered and injunction to restrain him issued. This is true of goods of even very small value. For example, the Coca Cola Company will not permit anyone to sell, even a few ounces of its own product in its own bottles or other receptacles, marked Coca Cola, even though its price may be a few cents. Further, it is a criminal offence carrying sentences of imprisonment and also fine. The principles involved are, do not deceive and do not violate the property rights of others.

Generally speaking, the people who are deceiving others with falsified names are being discouraged, even though the loss may be in terms of pennies. In our case, a law has been made to protect even the title and semblance of Quaid-i-Azam, without any charge.

However, in this Ideological State non-Muslims want to pass off their beliefs as the most precious thing to a Muslim. A government which does not tolerate a government which multiplies such deceptions and forgery.

The appellants, on the other hand, can pass off their faith as in any other exclusive and very revered. Muslim personal non-Muslims who are considered not to be the Muslims treat it as defiling personages. Thus the insistent appellants and their communal epithets and the "Shah-i-colt" doubt even to a common man, to do so intentionally and it may only defiling these pious persons. And, if a religious community is fundamental right and wants are the same, then the public. It has been the Supreme Court in Cantwell (296 at 306) that "the clock of no one public dosage does not protect anybody in the public."

Again, if the appellants or designs to deceive, why do not they do other exclusive signs, marks and names? Do they not realize that the mean in that event that their their own beliefs, rely on deception? After all then in the world and none of them etc., of Muslims or others. Rather, in their own beliefs proudly and their own way. It must, however, be no law in Pakistan which forbids
of Quaid-i-Azam, without any challenge from any quarter. However, in this ideological State, the appellants, who are non-Muslims want to pass off their faith as Islam? It must be appreciated that in this part of the world, faith is still the most precious thing to a Muslim believer, and he will not tolerate a government which is not prepared to save him of such deceptions or forgery.

The appellants, on the other hand, insist not only for a licence to pass off their faith as Islam but they also want to attach the exclusive epithets and descriptions etc. of the very revered Muslim personages to those heretic non-Muslims, who are considered not even a patch on them. In fact, the Muslims treat it as defiling and desecration of those personages. Thus the insistence on the part of the appellants and their community, to use the prohibited epithets and the "Sha'ir-e-Islam" leave no manner of doubt even to a common man, that the appellants want to do so intentionally and it may, in that case amount to not only defiling those pious personages but deceiving others. And if a religious community insists on deception as its fundamental right and wants assistance of courts in doing the same, then God help it. It has been held by the United States Supreme Court in Cantwell Vs. Connecticut (310 U.S. 296 at 306) that "the cloak of religion or religious belief does not protect anybody in committing fraud upon the public".

Again, if the appellants or their community have no designs to deceive, why do not they coin their own epithets etc. do not they realize that resting on the "Hashain" and other exclusive signs, marks and practices of other religions will betray the holiness of their own religion. It may mean in that event that their new religion cannot progress or expand on its own strength, worth and merit but has to rely on deception? After all these are many other religions in the world and none of them ever usurped the epithets etc. of Muslims or others. Rather, they profess and present their own beliefs proudly and eulogise their heroes their own way. It must, however, be mentioned here that there is no law in Pakistan which forbids Ahmadis to coin their
own epithets etc. and use them exclusively and there is no other restriction of any sort, whatever, against their religion.

It was argued that the finding of the Federal Shariat Court that the Ordinance is not contrary to Quran and Sunnah, is of no consequence, so far as this Court is concerned.

The contention, however, has no merit. The Ahmadis have been declared non-Muslims by Article 260 (3) (b) of the Constitution. This fact has further been affirmed by the Federal Shariat Court of Pakistan, in Mujibur Rehman vs. Federal Government of Pakistan and another (PLD 1985 FSC 8), for the reason that the Ahmadis do not believe in the finality of prophethood of Muhammad (Peace be upon him).

They falsify a clear and general verse of Holy Quran by resort to its "Taweel" and import into Islam heretic concepts like shadowism, incarnation and transmigration.

They were, therefore, asked to restrain themselves from directly or indirectly posing as Muslims or claiming legal rights of Muslims.

The Federal Shariat Court further held that the word "Sahbi" and "Able-bait" are used by Muslims for companions and members of the family of Holy Prophet respectively, all of whom were the best Muslims. The Court observed that use of such epithets, which are exclusive for companions of Prophet, his wives and members of his family, by Quadianis in respect of the wives, members of the family, companions and successors of Mirza Ghulam Ahmad, amounts to defiling them and may deceive people that the bearers of such epithets are good Muslims. It was further stated that calling of "Azan" and naming place of worship as "Masjid", is considered a sure sign of the person calling "Azan" or of persons congregating or praying in the mosque as being Muslims. It was thus held that the provisions of the ordinance banning use of these epithets, expressions and preaching of religion, by the Ahmadis and the restriction in the Ordinance that the Ahmadis cannot call themselves or pose to be Muslims in any manner directly or indirectly, is the constitutional objective.

As regards "Shaa'ir" or characteristic(s), the Court held that if any one in spite of its being in power, adopts them (without embracing Islam) to discharge its duties, an Islamic state thus has the power to legislate, from adopting Shaa'ir-e-Islam, to prevent and punish. As said above, such restriction will be unscrupulous and fraudulent not effective and attractive features of non-Muslims not to Islam fold. It was further held that claim should be pressed on the basis of the facts.

It is to be noted that Mujibur Rehman challenged the above order of the Shariat Appellate Bench of the PLD 1988 S.C. (Shariat Appellate Court) Article 203-F of the Constitution, on the reasons best known to the appellants. The appeal held as under:

"Judgment of the Federal Shariat Court.

The present appeal has been filed on the general side, under Art. 186 of the Constitution on 26th May, 1988, to Articles 203-I. The Article 203-I, notwithstanding anything contained in it, provides further Article 203-G provides for the Court and a High Court, shall not exercise any power or jurisdiction within the power or jurisdiction
As regards "Sharia of Islam" (distinctive characteristics), the Court held that Islamic Sharia does not allow a non-Muslim to adopt them and if an Islamic State is in spite of its being its power, allows a non-Muslim to adopt them (without embracing Islam), it will be its failure to discharge its duties. An Islamic state, like a secular state, thus has the power to legislate, to prevent non-Muslims from adopting Sharia of Islam to propagate their own beliefs. As said above, such restriction will be meant to prevent unscrupulous and fraudulent non-Muslims from using the effective and attractive features of Islam in order to attract other non-Muslims not to Islam but to their own heretic fold. It was further held that claim could not be allowed to be pressed on the basis of the Fundamental Rights.

It is to be noted that Mujibur Rehman and others had challenged the above order of the Federal Shariat Court in the Shariat Appellate Bench of the Supreme Court (See: PLD 1968 S.C. (Shariat Appellate Bench - 167), under Article 203-F of the Constitution but withdrew it later for the reasons best known to the appellants. This Court is in that appeal held as under:

"Judgment of the Federal Shariat Court shall rule the field.

The present appeal has been filed and is being heard on the general side, under Art. 185 of the Constitution.

The Chapter 3-A of the Constitution was enacted in the Constitution on 26th May, 1989. It contains Articles 203-A to 203-J. The Article 203-D of the Constitution lays down that the provisions of Chapter 3-A shall have effect notwithstanding anything contained in the Constitution. Further Article 203-G provides that "Save as provided in Article 203-F, no court or tribunal, including the Supreme Court and a High Court, shall entertain any proceedings or exercise any power or jurisdiction in respect of any matter within the power or jurisdiction of the Court."
These provisions when read together, would mean that a finding of the Federal Shariat Court, if the same is either not challenged in the Shariat Appellate Bench of the Supreme Court or challenged but maintained, would be binding even on the Supreme Court.

Consequently, the above given findings of the Federal Shariat Court cannot be ignored by this Court.

The next point needing consideration is whether Ordinance XX of 1984, expressly and in no uncertain terms, is total denial of religious freedom guaranteed under Article 20 of the Constitution to the Ahmadi citizens of Pakistan? In order to appreciate further the contention it is necessary to know the relevant law and the facts which mean to have denied the guaranteed religious freedom to the appellants' sect.

Section 298-B which is relevant to this case, reads as under:

298-B. - Misuse of epithets, descriptions and titles etc., reserved for certain persons or places. - (1) Any person of Quaid-i-Azam group or the Lashkri group (who call themselves "Ahmadi" or by any other name) who by words, either spoken or written, or by visible representation,

(a) refers to or addresses, any person, other than a Caliph or companion of the Holy Prophet Muhammad (peace be upon him), as "Amir-e-Numeene", "Khaliq-ul-Muslimeen", "Sahaabi", or "Razi Allah Anho";

(b) refers to, or addresses, any person other than a wife of the Holy Prophet Muhammad (peace be upon him), as "Ummad Mumeeneen";

(c) refers to, or addresses, any person other than a member of the family (Ahle-bait) of the Holy Prophet Muhammad (peace be upon him), as Ahle-bait;

(d) refers to or names, or calls his place of worship as "Masjid"; shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Section 298-C reads as under:

"Person of Quaid-i-Azam group, Muslim or preaching or praying person of Quaid-i-Azam group is who, directly or indirectly, or calls, or refers to, his faith, propagates his faith, or invades the religious feelings of Muslims with imprisonment of either which may extend to three years liable to fine".

The contents of the Ordinance reproduced above. They prohibit appellants to use certain epithets etc, mentioned therein. It may be that the validity of subiect orders of the Home Secretary, the Resident Magistrate mentions petition banned their contena Province of Punjab, prohibiting reproduced in para 3 above and it is to ensure that no further writings or the purpose of the order has also
of either description for a term which may extend to three years, and shall also be liable to fine.

2. Any person of the Quadiani or Lahori Group (who call themselves "Ahmadi" or by any other name) who by words either spoken or written, or by visible representation refers to the mode or form of call to the prayers followed by his faith as "Azan", or recites "Azan" as used by Muslims, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine".

Section 298-C reads as under-

"Person of Quadiani group, etc. calling himself a Muslim or preaching or propagating his faith. Any person of Quadiani group or the Lahori group (who call themselves "Ahmadi" or by any other name), who, directly or indirectly, poses himself a Muslim, or calls, or refers to, his faith as Islam, or preaches or propagates his faith, or invites others to accept his faith, by words either spoken or written, or by visible representation, or in any manner whatsoever outrages the religious feelings of Muslims, shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine".

The contents of the Ordinance XX of 1984 have been reproduced above. They prohibit the community of the appellants to use certain epithets, descriptions and titles etc., mentioned therein. It may be mentioned that Mr. Fakhruddin G. Ebrahim, the learned counsel, did not challenge the validity of subsection (a) of Section 298. The orders of the Home Secretary, the District Magistrate and the Resident Magistrate mentioned in the beginning of the petition banned their centenary celebrations, in the Province of Punjab, prohibiting them from the activities reproduced in para 3 above and asked them to remove ceremonial gates, banners and illuminations and further ensure that no further writings will be done on the walls.

The purpose of the order has also been spelt out in the last
direction to say, that no other activity which may directly or indirectly incite and injure the feelings of Muslims, shall be undertaken. The above restrictions, clearly mean such activities which might have been performed in the public or in public view and not those to be performed in private. The actions had been challenged in the High Court through Writ petitions, pleading violation of fundamental rights. The facts which were given by the appellants themselves and on which the orders were passed, will therefore, be considered as undisputed.

Article 20 provides as hereunder:

“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, practise 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.”

The fundamental right, relevant hence, is the “freedom to profess religion” but it has been made “subject to law, public order and morality”. The courts of other countries, which have similar fundamental rights, have held that this right embraces two concepts; freedom to believe and freedom to act. Some of them held the former to be absolute but others said that, that too was subject to law etc. However, all are agreed that the latter, in the nature of things, cannot be absolute. According to them, conduct remains subject to regulation for the protection of the society. So the freedom to act must have appropriate definition to preserve the enforcement of that protection. The phrase “subject to law”, on the other hand, does neither invest the legislature with unlimited power to unduly restrict or take away the Fundamental Rights guaranteed in the Constitution, nor can they be completely ignored or by-passed as non-existent. A balance has thus to be struck between the two, by resorting to a reasonable interpretation, keeping in view all of each case. (See Jesse C. Connecticut, 310 US 296) and Divisional Evacuee Trust Com. Kar 703 (F.B.)

The Supreme Court of India, in Reynolds Vs. United States, 1991 was deprived of all legislative power and was left free to reach actions which social duties or subservience of good for the government of actions, interfere with moral religious beliefs as may with practices.”

After taking the above view justified to ban polygamy, as it is a Mormon sect on the ground that them by their religion and was to opinion. It must be noted here that last part of the above paragraph where the people and not Allah are.

The Supreme Court of India, in Hindu Religious Endowments, Ma etc. (A.I.R. 1954 S.C. 352 at P. 357) is similar to the above, and as taken from Australia, to say that:

“The provision for protection absolute protection to be independently of other provisions. These privileges must be read in the State to employ the sovereignty, peace, security and order constitutional guarantee of state spurious”. It has been observed at page 102.

“In the United States the provision have been solved holding that the provision
interpretation, keeping in view the peculiar circumstances of each case, (See Jesses Cantwell etc Vs. State of Connecticut, 310 US 296) and Tikamdas and others Vs. Divisional Evacuee Trust Committee, Karachi, PLD 1966 Kan 763 (F.B.).

The Supreme Court of America in the case of Reynolds Vs. United States, (98 Us 145) held that "Congress was deprived of all legislative power over mere opinion, but was left free to reach actions which were in violation of social duties or subversive of good order .... Laws are made for the government of actions, and while they cannot interfere with mere religious beliefs and opinions, they may with practices."

After taking the above view, the Supreme Court felt justified to ban polygamy, as it was being practised by Mormons sect on the ground that it was a duty imposed on them by their religion and was not a religious belief or opinion. It must be noted here that the observations in the last part of the above paragraph are peculiar to America where the people and not Allah are the sovereign.

The Supreme Court of India, in the Commissioner Hindu Religious Endowments, Madras V. Sri Lakshminadra etc. (A.I.R. 1954 S.C. 222 at P. 291) approved the view similar to the above, and as taken by Latham CJ in the case from Australia, to say that:

"The provision for protection of religion was not an absolute protection to be interpreted and applied independently of other provisions of the constitution. These privileges must be reconciled with the right of the State to employ the sovereign power to ensure peace, security and orderly living without which constitutional guarantee of civil liberty would be a mockery."

It has been observed at page 127 as under:

"In the United States the problems created by this provision have been solved in large measure by holding that the provision for the protection of
religion is not an absolute, to be interpreted and applied independently of other provisions of the Constitution. The Supreme Court said in Jones vs. Opelika (1942) 316 U.S. 584 at p. 593, with reference to the constitutional guarantees of freedom of speech, freedom of press and freedom of religion: "They are not absolutes to be exercised independently of other cherished privileges, protected by the same organic instrument." It was held that these privileges must be reconciled with the right of a State to employ the sovereign power to ensure orderly living "without which constitutional guarantees of civil liberties would be a mockery."

It has been further observed at page 130 as follows:

"The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever hereafter be allowed, within this State, to all mankind:

Provided, that the liberty of conscience, hereby granted, shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this State:

Again at page 131, it has been observed as hereunder:

"John Stuart Mill in his Essay on Liberty critically examines the idea of Liberty, and his discussion of the subject is widely accepted as a weighty exposition of principle. The author had to make the distinction which is often made in words between liberty and licence, but which it is sometimes very difficult to apply in practice. He recognized that liberty did not mean the licence of individuals to do just what they pleased, because such liberty would mean the absence of law and, of order, and ultimately the destruction of liberty. He expressed his opinion as to the limits of liberty when he said: "The sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of any of their member, is self-protection."

At the same page it has been further:

"It is consistent with the main liberty for the State to restrain conduct which is inconsistent with civil government or prejudicial existence of the community."

The above observations are relevant:

Section 116 of the Constitution:

"The Commonwealth shall not establish any religious observance, nor exercise of any religious test required as a qualification of any trust under the Commonwealth."

At page 155 of the aforementioned observations are relevant:

"The constitutional provision un sociales actions or actions community itself. Consequently, freedom of religion guaranteed Constitution is subject to limit function and the duty of the community. And those limitations are necessary for the protection of the interests of social order".

It may, therefore, be necessary for Governments to legislate and take different origins of the word, religious doctrines and practices and institutional belief in God, in a world of spirits that lie beyond the one in which colloquial sense, a religion is spoken, Christianity or Islam, the religion of
collectively, in interfering with the liberty of action of any of their member, is self-protection."

At the same page it has been further observed that:

"It is consistent with the maintenance of religious liberty for the State to restrain actions and courses of conduct which are inconsistent with the maintenance of civil government or prejudicial to the continued existence of the community."

The above observations were made while interpreting Section 114 of the Constitution which reads as follows:

"The Commonwealth shall not make any law for establishing any religion or for imposing any religious observance, or for prohibiting the free exercise of any religion, and no religious test shall be required as a qualification for any office or public trust under the Commonwealth."

At page 125 of the aforesaid case, the following observations are relevant:

"The constitutional provision does not protect unsocial actions or actions adverse of the community itself. Consequently the liberty and freedom of religion guaranteed and protected by the Constitution is subject to limitations which it is the function and the duty of the courts of law to expound. And those limitations are such as are reasonably necessary for the protection of the community and in the interests of social order."

It may, therefore, be necessary to know, what is religion, the freedom of which restrains the right of the Governments to legislate and take action. Scholars give different origins of the word. Religion is a complex of doctrines and practices and institutions, it is a statement of belief in God, in a world of spirits and a world or worlds that lie beyond the one in which we live. In its mere colloquial sense, a religion is spoken of as a religion, e.g., Christianity or Islam, the religion of Jews or Catholics etc.
In Davies v. Beaton (1890 (133) US 333), the American Supreme Court defined it as under:

"The term "religion" has reference to one’s views of his relation to his creator and the obligations they impose of reverence for His Being and character and of obedience to His will. It is often confounded with cults or form of worship of a particular sect, but is distinguishable from the latter."

The term is not expressly defined in the Constitution of Pakistan as such but its meaning may be gathered from the definitions of "Muslim" and "non-Muslim", in its Article 260(3) (a) and (b), which are as under:

"260(3)- In the Constitution and all enactments and other legal instruments, unless there is anything repugnant in the subject or context,

(a) "Muslim" means a person who believes in the unity and oneness of Almighty Allah, in the absolute and unqualified Prophethood of Muhammad (peace be upon him), the last of prophets and does not believe in, or recognize as a prophet or religious reformer, any person who claimed or claims to be a prophet, in the sense of the word or any description whatsoever, after Muhammad (peace be upon him); and

(b) "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 Quaidani Group or Lahori Group (who call themselves "Ahmadi" or by any other name) or a Bahai, and a person belonging to any of the Scheduled Castes.

There is no definition of the term "religion", in the Constitutions of India or America or Australia either.

However, the Indian Supreme Court, in the case of Commissioner H.R.E. Vs. Lakanheindra Swaminar (A.I.R. 1954 S.C. 282), interpreted the term in the following manner:

"Religion in different communities and well known traditions of Hindu and Jainism which do not believe undoubtedly has its basis in doctrines which are regarded as conducive to the religious practice, Zoroastrian, and it will not be contrary to the spirit of our Constitution to carry out the same views of religion and what constitutes the article."
"Religion is a matter of faith with individuals or communities and is not necessarily theistic. There are well known religions in India like Buddhism and Jainism which do not believe in God. A religion undoubtedly has its basis in a system of beliefs or doctrines which are regarded by those who profess that religion as conducive to their spiritual well being, but it will not be correct to say that religion is nothing else but a doctrine of belief.

A religion may not only lay down a code of ethical rules for its followers to accept, it might prescribe rituals and observances, ceremonies and mode of worship which are regarded as integral parts of the religion, and these forms and observance might even extend to matters of food and dress."

The Supreme Court went on to say, in para 19 of the Judgment that:

"In the first place, what constitutes the essential part of a religion is primarily to be ascertained with reference to the doctrines of that religion itself. If the tenets of any religious sect of Hindus prescribe that offering of food be given to the idol at particular hours of the day, that periodical ceremonies should be performed in a certain way at certain period of the year or that there should be daily recital at the sacred texts or oblations to the sacred sites, all these would be regarded as parts of the religion and mere fact that they are expenditure of money should not make them secular."

The Court, after noting that the American and Australian Courts have declared in unrestricted terms, without any limitation whatsoever, the freedom of religion, observed that:

"The language of Articles 25 and 26 is sufficiently clear to enable us to determine without the aid of foreign authorities as to what matters come within the purview of religion and what not. As we have already
indicated, freedom of religion in our Constitution is not confined to religious beliefs only; it extends to religious practices as well subject to restrictions which the Constitution itself has laid down."

The Court then did go into the question whether certain matters appertained to religion and concluded by saying that:

"these are certainly not matters of religion and the objection raised with regard to validity of these provisions seem to be altogether baseless."

The same Court in Durghah Committee V. Hussain Ali (A.I.R. 1981 S.C. 1022) in para 33, Gajendragadkar, J. struck a note of caution and observed as under:

"Whilst we are dealing with this point it may not be out of place to strike a note of caution and observe that in order that the practice in question should be treated as a part of religion they must be regarded by the said religion as its essential and integral part; otherwise even secular practices which are not an essential and integral part of religion are apt to be clothed with a religious form and make a claim for being treated as religious practices. Similarly even practices though religious may have sprung from merely superstitious beliefs and may in that sense be extraneous and unessential accretion to religion itself. Unless such practices are found to constitute an essential and integral part of a religion their claim for the protection may have to be carefully scrutinized; in other words, the protection must be confined to such religious practices as are essential and integral part of it and no other."

The same Court in Jagdishwaranand V. Police Commissioner, Calcutta (A.I.R. 1984 S.C. 51) in para 10, held as follows:

"Courts have the power to determine whether a particular rite or observance is regarded as essential by the tenets of a particular religion."

It has been seen above, in secular courts that though religion by the term "freedom of religion" are so covered as are integral religion. It is further held that determine whether a particular essential and integral part of the view of the matter, these practices proved so, from the authentic source of satisfaction of the court.

The appellants, therefore, in practices they intended to pertain to celebrations and then show that integral part of their religion, before that they are essential and integral by the.impugned law or appellants, however, have not even etc., and the various planned on or the public view, in the public places?

It will also be noted that the valid piece of legislation, and the impugned actions, in this context unless it can be shown that the well or without factual justification, the fundamental rights may not arise, been well settled in various judicial useful to cite them.

Latham C. J. in Ichchawar's With Commonwealth, referred to show provisions of Section 116 of the which inter alia forbids the Cor "the free exercise of any religious observations:"

(1) Section 116 protects the religion of minorities, unpopular minorities (p.
our Constitution is only: it extends to restrictions and down”. question whether and concluded by of religion and the validity of these useless.”

mittee V. Hussain Gajendragadkar, J. under-
point it may not be caution and observe question should be must be regarded by and integral part; which are not an
ign is apt to be and make a claim for vs. Similarly, even have sprung from any in that sense be
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Ranand Vs. Police (S.C. 51) in para 10, determine whether a regarded as essential

It has been seen above, in the judgments of foreign secular courts that though religious practices are protected by the term “freedom of religion” yet only such practices are so covered as are integral and essential part of the religion. It is further held that it is for the courts to determine whether a particular practice, constitutes essential and integral part of the religion or not? In that view of the matter, these practices have to be stated and proved so, from the authentic sources, of the religion, to the satisfaction of the court.

The appellants, therefore, had to first enumerate the practices they intended to perform at the centenary celebrations and then show that they were essential and integral part of their religion, before the court could declare that they, as essential and integral part, were unlawfully denied by the impugned law or the executive orders? The appellants, however, have not explained how the epithets etc., and the various planned ceremonies are essential part of their religion and that they have to be performed only in public or in the public view, on the roads and streets or at the public places?

It will also be noted that if the impugned law is a valid piece of legislation, and the respondents, had taken the impugned actions, in the interest of law and order, then unless it can be shown that the same were taken malicious or without factual justification, the question of denial of fundamental rights may not arise. The law on the point has been well settled in various jurisdictions and it may be useful to cite them.

Latham C. J. in Jehovah’s Witnesses case, Adelaide Vs. Commonwealth, referred to above, while dealing with the provisions of Section 116 of the Australian constitution which Inter alia forbids the Commonwealth to prohibit “the free exercise of any religion” made the following observations:

(1) Section 116 protects the religion (or absence of religion) of minorities, and, in particular, or unpopular minorities (p. 124) although it is true
that in determining what is religious and what is not religious the current application of word religion must necessarily be taken into account.

(2) Section 116 protects practices as well as beliefs.

(P. 124)

(3) As to free exercise of religion: the word 'free' does not mean license. The concept of freedom can only be evaluated in a particular context. For example free speech does not mean the right to create a panic by calling out “fire” in a crowded theatre. Likewise as various American cases show, the free exercise of religion does not empower individuals because of their religious beliefs to break the law of the country.

(4) The High Court is arbiter of the occasion when a legislative provision unduly infringes religious freedom. This makes it possible to accord a real measure of practical protection to religion without involving the community in anarchy.

Consequently, the court held that the doctrine expressed by Jehovah’s Witnesses as to the non cooperation with the Commonwealth in terms of military obligation was prejudicial to the defence of the community and Section 116 did not give immunity to it. So the rule laid down there is that a law imposing civic duties could not be characterised as a law infringing religious freedom.

Justice Hughes in Willis Covent, New Hampshire (1941 (31.2) US 56) also enlightened the same subject to say:

“A statute requiring persons using the public street for a parade or procession to procure a special license therefrom the local authorities, does not constitute an unconstitutional interference with religious worship or the practice of religion, as applied to a group marching along a sidewalk in single file carrying signs and playcards advertising their religious beliefs.”

We have referred to the American countries, which claim to be the secular religious or fundamentalists. The applied by the Indian Supreme Court (Qurans) and others Vs. State of Bihar hold that certain laws banning speech did not violate the fundamental article 25(i), as there was no material claim that the sacrifice of a cow enjoined or sanctioned by Islam, belief and idea.

The same Court in Achyuta Avadhuta etc. Vs. Commissioner 1964 S.C. 51 held as follows:

“Even conceding that tan answered Marg it does not corollary that tandava dance public is a matter of religious claim that the petition be within the meaning of Artic tandava dance in public str hable to be rejected.”

The American Court held in there was no violation of constitutional freedom of exercise of religion, in his book “Fundamental Rig Remedies in Pakistan” (1966 Edition) has observed as follows:

(ii) in Hamilton Vs Board of California, (1934) 293 appealed to the Supreme University to make a request for military training, was to the belief, the court rejected that the “Government o within its jurisdiction adequate strength to in
We have referred to the above view from such countries, which claim to be the secular and liberal, and not religious or fundamentalists. The same principles were applied by the Indian Supreme Court in Muhammad Manif Qureshi and others Vs. State of Bihar (AIR 1958 S.C. 731) to hold that certain laws banning slaughter of certain animals, did not violate the fundamental rights of Muslims under Article 25(I), as there was no material to substantiate the claim that the sacrifice of a cow on Bakrid-Day, was enjoined or sanctioned by Islam, to exhibit a Mussulman’s belief and idea.

The same Court in Acharya Jagdishwaranand Avadhuta etc. Vs. Commissioner of Police, Calcutta, (AIR 1954 S.C. 51) held as follows:

"Even conceding that tandava dance has been prescribed as a religious right for every follower of Ananda Marg, it does not follow as a necessary corollary that tandava dance be performed in the public is a matter of religious rite. Consequently, the claim that the petitioner has a fundamental right within the meaning of Article 25 or 26 to perform tandava dance in public streets and public places is liable to be refuted."

The American Court held in the following cases that there was no violation of constitutional guarantee of freedom of exercise of religion. Mr. Shaiftuddin Pirzada in his book "Fundamental Rights and Constitutional Remedies in Pakistan" (1964 Edition) at pp. 373-314 and 317 has observed as follows:

i) In Hamilton Vs. Board of Regents of University of California, (1954) 293 US 245, where students appealed to the Supreme Court that the act of the university to make a regulation for compulsory military training, was contrary to their religious belief, the court rejected the contention, holding that the "Government owes a duty to the people within its jurisdiction to preserve itself in adequate strength to maintain peace and order.
and assure the enforcement of law. And every citizen owes the reciprocal duty, according to his capacity, to support and defend the Government against all enemies.

(ii) The plea of fundamental right was rejected in Commonwealth vs. Plaisted [(1869) 148 Mass 375], by the Massachusetts Supreme Court in a case where Law prohibits the use of streets for religious meetings, or the beating of drums though it is a part of religious ceremony of such organisation as the salvation army.

(iii) Where the statute requires a parent to provide medical treatment for a child suffering from disease even if not in accordance with religious belief of the parents.

(iv) Freedom of religions does not necessarily imply absolute equality of treatment, and in fact regard must be had to the special position of Church of England. ("The United Kingdom" by G. W. Keeton and D. Lloyd, pp. 67-68)

The above views, as they are prevalent, in the above jurisdiction, do go to show that freedom of religion would not be allowed to interfere with the law and order or public peace and tranquility. It is based on the principle that the state will not permit anyone to violate or take away the fundamental rights of others, in the enjoyment of his own rights and that no one can be allowed to insult, damage or denigrate the religion or any other class or outrage their religious feelings, so as to give rise to law and order situation. So whenever or wherever the state has reasons to believe, that the peace and order will be disturbed or the religious feelings of others may be injured, so as to create law and order situation, it may take such minimum preventive measures as will ensure law and order.

The Muslims think that the birth of this Ahmadi community during the English rule, in the subcontinent, among the Muslims society, was a serious and organised attack on its ideological front. It is a permanent threat to their entire social-political organisation based on its religion. In that situation, given epithets etc., in a manner looks like a deliberate and calculated desecration of their holy persona. Integrity of "Ummah" and Islam is also bound to give rise to situation, like it happened many.

Allama Iqbal says, "Quodernia movement was superior even to the point of declaration "Kaffir" is being turned into a positive act. An adherent of Islam in a Reflection of Islam.

As a matter of fact, Muslims, on the ground of Graham Ahmad and they are infidel, instructions of Mintaqi declared:

(a) "Every Moslem contents those who are offering whole hearted efforts toward Kamaits Islam, and the language of a "Kafir" have on the address and the present: "My en
attack on its ideological frontiers. They consider it a permanent threat to their integrity and solidarity, because the social-political organisation of the Muslim society is based on its religion. In that situation their using the above given epithets etc., in a manner which to the Muslim mind looks like a deliberate and calculated act of defiling and desecrating of their holy personages, is a threat to the integrity of "Ummah" and tranquility of the nation, and it is also bound to give rise to a serious law and order situation, like it happened many a time in the past.

Allama Iqbal says, "I became suspicious of the Quaid-i-Azam movement when the claim of new prophethood, superior even to the prophethood of the Founder of Islam, was definitely put forward, and Muslim world was declared "Kafir" (infidel). Later, my suspicion developed into a positive revolt when I heard with my own ears an adherent of the movement mentioning the Holy Prophet of Islam in a disparaging language". (See "Thoughts and Reflection of Iqbal" page 297 - 1873 Edition).

As a matter of fact, the Ahmadis, internally, had declared themselves the real Muslim community, by alienating and excommunicating the main body of Muslims, on the ground that they did not accept Mirza Ghulam Ahmad as the prophet and the promised Messiah they are infidels. Their beliefs is held under the instructions of Mirza Ghulam Ahmad himself, who had declared:

(a) "Every Muslim loves my books, benefits from the contents thereof and accepts them except those who are offsprings of whom and prostitutes and whose hearts have been sealed. ("Azmae Khulaafa Islam, page 547 and 548) One may note the language of a "prophet" and the effect it can have on the addresses.

(b) There are many more examples of the language like the above but just one may suffice for the present: "My enemies are swine and their
women are worse than bitches.

(Najmul Huda by Ghulam Ahmad, page 10).

(c) Quoting Mirza Ghulam Ahmad, his second caliph, Mirza Rashbruddin Ahmad (also his son), in his address to the students, as reported in Al fazal, 30th July, 1931, advised them as to their relationship with the main body of Muslims, as under:

"This discussion has been going on since the days of Mirza Ghulam Ahmad whether the Ahmadis should have their permanent places of theological learning or not. Our view was against it. Their argument was that the few differences between the Ahmadis and Muslims had been resolved by Hazrat Sahib and he has taught the reasons also. As regards the others they can be learnt in the other schools. The other view was for it. Then Mirza Sahib came to clarify that it was incorrect to say that the differences of Ahmadis with the Muslims were only about the death of Jesus Christ and some other issues. According to him, the differences encompassed the entity of Almighty Allah, the person of the Holy Prophet, Quran, Prayers, Fasting, Pilgrimage and Zakat. He then explained every item in detail."

(d) "It has been revealed to me by Allah that any one who does not follow you, does not covet his allegiance to you and rather opposes you, he is a rebel of Allah and his prophet and shall be entrusted to the fire of Hell." (Advertisement in Mazarul Akhyar from Mirza Ghulam Ahmad Quadiani, page 8).

(e) Addressing his followers Mirza Sahib stated:

"Remember that Allah has informed me that it is prohibited for you, to offer prayers in the leadership of the ones who deny me, belive me or reject me."

Rather, your leader is amongst you." (Ahmadi)

(f) "Now it is clear and revelations about how Allah, ordained by us, have come from Allah, whatever I say otherwise. (Anjame-i-Atham by Quadiani, page 63).

(g) "Those who me my opinion in the list of Chalil, (Nazool-ul-Maah, Quadiani).

(h) "One who does not believe in Allah and Holy Prophet about me is there." (Up 163-164).

(i) When somebody is a Ghulam Ahmad as to prayers in the leaders, he considers him infidel, he says that "a long advertises leaders of prayers, are infidel and then 1 should so that you follow the 24th May, 1908, as we Ahmadi, Vol. 1 page 530.

(j) "Almighty Allah has sent me to my employer. I have received my message to you, I am an infidel." (See Ahmad to Abd Haqiqatul Wali page 1).

(k) "One who mischiefs Sahib's prophecies about incorrect and that the one that instead of acting accepting my victory, be considered to be the
Rather, your leader in prayers should be one from amongst you. "(Arbaeeen No. 3 page 28 footnote).

(f) "Now it is clear and it has been repeatedly said in revelations about me that I have been sent by Allah, ordained by Allah, on a delegate of Allah, have come from Allah and you have to believe whatever I say otherwise you will go to Hell." (Anjara-e-Ahmad by Mirza Ghulam Ahmad Quaedi, page 62).

(g) "Those who are my opponents have been included in the list of Christians, Jews and infidels." (Nazool-ul-Masih, Quadian, 1900).

(h) "One who does not believe in me does not believe in Allah and Holy Prophet, as their prophesy about me is there." (Haqiqat-ul-Wahi, 1906, page 163-164).

(i) When somebody is said to have asked Mirza Ghulam Ahmad as to what is the harm to offer prayers in the leadership of those who did not consider him infidel, he in a long reply concluded that "a long advertisement be published by such leaders of prayers, about those declaring me an infidel and then I shall consider them a Muslim so that you follow them in prayers...." (Biday, 24th May, 1909, as recorded in Majmaa Fetaava Ahmadia, Vol. I page 307).

(j) "Almighty Allah has revealed to me that anyone who received my message and has not believed in me is an infidel." (See the letter of Mirza Ghulam Ahmad to Dr. Abdul Rahim Khan Fatahali, Haqiqati Wali page 167).

(k) "One who mischievously repeats that Mirza Sahib's prophesies about the death of Ahlum were incorrect and that the Christians won the debate and instead of acting justly and fairly and accepting my victory, raise allegations, he shall be considered to be fond of being known as the
There are scores of other similar writings, not only by Mirza Salib himself but also by his so-called 'caliphs' and followers proving, without any shadow of doubt, that they are religiously and socially a community separate and different from the Muslims.

Sir Muhammad Zafarullah Khan, who was the Foreign Minister of Pakistan, had refused to join the congregation, offering prayers, to pay last homage to the departed soul of Quaid-e-Azam, the father of the Nation, by saying that he may be considered a Muslim Foreign Minister of a non-Muslim state, or a non-Muslim Foreign Minister of a Muslim state, (Daily Zamalah, Lahore, Feb 8, 1950).

Mirza Ghulam Ahmad had forbidden his followers from marrying their daughters with no-Ahmadis and from praying along with them. According to him the main body of the Muslims could, at the most, be treated like Christians.

In fact, Mirza Bashiruddin Ahmad, the second Caliph and son of Mirza Salib, is reported to have said:

"That through an emissary, I requested an English officer that our separate rights be determined like those of the Parsees and Christians. The officer replied that they are minorities while you are a religious sect. On that I said that even Parsees and Christians are religious communities and if they can be given separate rights why not we.\" (At Farid Nov 13, 1946).

It is thus clear that according to Ahmadis themselves, both the sections i.e., Ahmadis and the main body cannot be Muslims at the same time. If one is Muslim, the other is not. Further, the Ahmadis always wanted to be a separate entity and claim a status, distinct and separate from the others. The main body of Muslims also never wanted to stand with Ahmadis on the same pedestal. Way back, as reported above, the Ahmadis were prepared even to be treated as a minority with separate and distinct rights.

They, as a religious community and Muslims have always endeavored to use the epithets etc., and the term are exclusive to Muslims and they have their use by law.

As given above, the constitution of Ahmadis non-Muslims. Undoubtedly insignificant minority, and have been considered heretic and so nobody of Muslims. Apart from what right to use epithets has been recognized by the main body of a religion or a court, and a law prohibiting such a profanity of the fundamental right of the Supreme Court. Reference be made to Syedna Taher Sajudin Sahib V.s. at 1962 S.C. 853, where it was also held:"...What appears, however, to an excommunication is itself a ground such as lapse from creed or doctrine (singular to heresy, apostasy or schism under breach of some practice considered the religion by the Dawoodi exchange as excommunications cannot be a part of the religion for the purpose of strength of the religion. It seems
They, as a religious community, are, rather opposed to Muslims and have always endeavoured not to mix with them. In fact, they declared the whole Muslim 'Ummah' as infidels, as said above. However, they being an insignificant minority could not impose their will. On the other hand, the main body of Muslims, who had been waging a campaign against their (Ahmadiyyas') religion, since its inception, made a decision in 1974, and declared them instead, a non-Muslims minority, under the Constitution itself. As seen above, it was not something sudden, new and undesirable but one of their own choice; only the sides were changed. The Ahmadiyyas are, therefore, non-Muslims; legally and constitutionally and are, of their own choice, a minority opposed to Muslims. Consequently, they have no right to use the epithets etc., and the 'Shia' are Islam, which are exclusive to Muslims and they have been rightly denied their use by law.

As given above, the constitution of Pakistan declares Ahmadis non-Muslims. Undoubtedly, they are an insignificant minority, and have, because of their belief, been considered heretic and so non-Muslims by the main body of Muslims. Apart from what has been said above, the right to out dissenters has been recognized, in favour of the main body of a religion or a denomination, by the courts, and a law prohibiting such an action was declared ultra vires of the fundamental rights, by the Indian Supreme court. Reference may be made to the case of Sardar Syedna Tahir Sahib Vs. state of Bombay etc (A/I 1962 5-C, 453), where it was also held in para 40 as under:

"...What appears, however, to be clear is that where an excommunication is itself based on religious grounds such as lapse from the orthodox religious creed or doctrine (similar to what is considered heresy, apostasy or schism under the canon law) or breach of some practice considered as essential part of the religion by the Dawoodi Bohras in general excommunication cannot but held to be essential pan of the religion for the purpose of maintaining the strength of the religion. It necessarily follows that the
exercise of this power of excommunication on religious grounds forms part of the management of the community through its religious head, "of its own affairs in the matter of religion. The impugned Act makes even such excommunication and takes away the power of the 'Dai' as head of the community to excommunicate even on religious grounds. It therefore clearly interferes with the right of Dawoodi Bohras community under Cl. (b) of Art. 26 of the Constitution."

"(41) That excommunication of a member of a community will affect many of his civil rights is undoubtedly true. This particular religious denomination is possessed of properties and the necessary consequence of excommunication will be that the excommunicated member will lose his right of enjoyment of such property. It loses his right of enjoyment of such property. It might be thought undesirable that the head of the religious community would have the power to take away in this manner the civil rights of any person. The right given under Art. 26 (b) has not, however, been made subject to preservation of civil rights. The express limitation in Art 26 itself is that this right under the several clauses of the article will exist, subject to public order, morality and health. It has been held by this Court in 1958 SCMR 895: (A.I.R. 1958 SC 258) that the right under Art 26 (b) is subject further to Cl.2 of Art 25 of the Constitution."

Even the Privy Council approved similar power of the main body of a religion in Hassan Ali and others V. Mansoor Ali and others (AIR 1948 PC 66) at para 53. The following observations of their Lordships may be reproduced with advantage -

"The next question is whether the Dai-ul-Mufti has the power of excommunication. It was undoubtedly exercised by Muhammad and the Imams. The grounds and effects of its exercise will later be considered. At the moment it is only necessary to instances of its exercise in the articles.

As said above, the Ahmadis are a separate entity, of their own socially. Normally, they should achieving their objective, particulars for them by the Constitution itself. That they wanted to oust the rest of and retain the tag of Muslims. They have been excommunicated Muslims, unjustly. The reason of dismay may be that now, probably successfully, their scheme of converting non-Muslims, to their faith. May that they want to usurp the Muslims etc, and display 'Kalma' and say Muslims and preach and propagate with attractive tenets of Islam. The seems to have become counter productive.

The urge by the Ahmadis perceivable signs of Islam in their religion with the dubious Islam and for that matter quite understandable. The in their way, as the Ordinance object. In that event, claiming holding out for Quaid-i-Azam denouncing his faith, is not an Ordinance but also the Court been and may also be considered responsible for grave law and order.

The contention that the impugned and oppressive has not even by appellants. It may be useful to refer again for ready reference Section 22.
the moment it is only necessary to say that there are instances of its exercise in the community from time to time by the Dais.

As said above, the Ahmadis, also always wanted to be a separate entity of their own choice, religiously and socially. Normally, they should have been pleased on achieving their objective, particularly, when it was secured by the Constitution itself. Their disappointment is that they wanted to cast the rest of the Muslims as infidels and retain the tag of Muslims. Their grievance thus is that they have been excommunicated and branded as non-Muslims, unjustly. The reason of their frustration and despair may be that now, probably, they cannot operate successfully, their scheme of conversion, of the unwary and non-Muslims, to their faith. May be, it is for this reason that they want to usurp the Muslims epithets, descriptions etc., and display ‘Kohar’ and say ‘Azan’ so as to pose as Muslims and preach and propagate in the name of Muslims with attractive tenets of Islam. The label of non-Muslims seems to have become counter-productive.

The urge by the Ahmadis to somehow retain, all the perceivable signs of Muslims seems necessitated to pass off their religion with the dubious stance and the message, as Islam and for that matter their defiance of the Ordinance is quite understandable. The Constitution, however, is in their way, as the Ordinance only fulfills its intent and object. In that event, claiming, propounding, pretending or holding out for Quadiani that he is Muslim, without first denouncing his faith, is not only a clear violation of the Ordinance but also the Constitution. Events like that have been and may also be occurring in future, and be responsible for grave law and order situation, like the past.

The contention that the impugned Ordinance is vague and oppressive has not even been supported by the appellants. It may be useful to reproduce section 298-C again for ready reference: Section 298-C reads as under:

465

communication on behalf, of its own impugned act and takes away the community to its grounds. It is

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considered.
Person of Quaidiani group, etc., calling himself a Muslim or preaching or propagating his faith

The objection is taken specifically to the phrase "...poses himself a Muslim ... his faith as Islam..." According to Black’s Law Dictionary, 'vague' means indefinite; uncertain; not susceptible of being understood. Under this principle, a law which does not fairly inform a person of what is commanded or prohibited, is unconstitutional, being violative of the 'due process'. The judgments from Indian jurisdiction and Ghulam Zamir Vs. A.B. Khondkar (P.L.D. 1956 S.C 156), cited by the appellants, also have no bearing on the case. It is argued that the phrase "who, directly or indirectly, poses himself as a Muslim or calls, or refers to, his faith as Islam..." is too broad and wide, and too undetermined and volatile and too indefinite and uncertain, for anybody to understand and anticipate what acts are being prohibited by the Legislature. Consequently, it is urged that it cannot be called a law and must be struck down as such.

There may be no dispute about a law going beyond the frontier legislation or where a law infringing a law, particularly, criminal, is to be struck down as a void objection. The appellants, how demonstrated as to where is the suspect, the appellants ought to constitute the offence, as indefinise that line between a conduct cannot be drawn or the arbitrary and discriminatory doubting on the face of it that conscience at its meaning and difference.

According to the din of Quaidiani or Lakh group of serious ground of serious grounds for the beliefs that these have already. The judgment of the Constitution is himself a pun and do not him any in the above mentioned context connected with Mis connection alone and it is only a question of the accused did use the epithet conduct amounted to that what appellants are, undoubtedly Muslims according to the Cons "Shia" etc., thus an Moslem or to deceive others or fact whether they were proved. Therefore, having raising only a controversy. Undoubtedly there is no vague.
There may be no dispute about the proposition that if a law goes beyond the frontiers that are fixed for a legislature or where a law infringes a fundamental right, or a law, particularly, criminal, is vague, uncertain or broad, it must be struck down as a valid law to the extent of the objections. The appellants, however, have not shown or demonstrated as to where is that vagueness. In order to succeed, the appellants ought to have shown that the constituents of the offence, as given in the law are so indefinite that there is no distinction between innocent and condemned conduct cannot be drawn as there are attendant dangers of arbitrary and discriminatory enforcement or that it is so vague on the face of it that common man must necessarily guess at its meaning and differ in its application.

According to the dictionary, "pose" means to claim or propound. In this case the law is addressing the members of Quaidian or Lashari group. They have a historical background of total conflict with the main body of Muslims, for the beliefs of which may be discussed later. These have already been discussed in some details in the judgment of Mudasir Rehman (PLD 1983 FSC). It seems that the judgment of the High Court. The Ahmadis claim Mirza Sahib is himself a prophet and those who do not believe in him are infidels. The right to the use of the above-mentioned epithets etc., by the Ahmadis, for those who are not Ahmadis, is on account of that connection alone and is to be seen in that light. So it will only be a question of fact, to be proved by evidence, that the accused used do the epithets etc., or if his attitude or conduct amounted to that what is provided in the law. The appellants, are, undoubtedly Ahmadis, and are non-Muslims according to the Constitution. Their use of the "Shah-i-e-Islam" etc., thus amounts to either posing as Muslims or to deceive others or to ridicule. In any case, the fact whether they were posing as such can be clearly proved. They, therefore, have not made out a case and are raising only a controversy without a sound basis. Undoubtedly there is no vagueness is the law at all.
The Pakistan penal Code which is mostly the same as Indian Penal Code, contains offence of personation, in sections 140, 170, 171, 171-D, 205, 229 and 416. This offence is somewhat similar to the one under discussion and its wording may also be considered to test the plea raised.

Section 140 says whoever, not being a soldier, sailor, or airman in the Military, Naval or Air Service of the Government of Pakistan, wears any garb or carries any token resembling any garb or token used by such a soldier, sailor or airman... shall be punished.....

Section 271 similarly makes offence wearing garb etc. used by a class of public servants. These two sections rely on visible indicators.

Section 271D makes offence even applying for a voting paper or votes in the name of another person whether living or dead. The evidence in that case will be only o’ that conduct.

Section 205 is a different breed altogether. It provides; whoever, falsely personates a sother, and in such assumed character makes any admission or statement... shall be punished.....

Section 229 creates an offence to become a Juror by personation or otherwise. Last is section 416, 'to cheat by personation by pretending to be some other person.

No objection of the nature, as raised by the appellants, has ever been taken by any one against any of the above sections; since 1880, when this Code was promulgated and enforced, though these sections deal with a similar subject but may not claim the precision demanded by the appellants. Even no court ever suggested any vagueness or other deficiency, so as to hinder their administration. The phrase mentioned above thus does not suffer from any such defect.

The impugned Ordinance, on the other hand, gives the actual epithets, the descriptions and also titles and other requirements sought to be protected or imposed. It is also stated that they cannot be situations other than those for prescribed. The Ahmadis have been using them for their own lead-deceive the people that they are all and the calibre. This practice is not simple and not well-informed practice and order situation throughout. It was, therefore, necessary, which interfere with the religious free only prohibits them from using which they have no claim of prohibit them from coining their speech.

We may test the plea further for foreign jurisdiction. The United States observed in Lenzitti Vs. New York that vagueness is a constitutional overbreadth in that it neither clarity nor precision, and to reach activity protected by the first of due process, a law is void of vague that persons.

"of common intelligence meaning and differ as the Connally Vs. General Const 385, 391"

Such vagueness occurs when prescriptions in terms so ind innocent and condemned conduct work and that the discreet officials, with the attendant conduct discriminatory enforcement, legislative standards. The plea above either, as the contents of Constitution and the "Shariah I and dear. The law is not vague in

- It has also been discussed legislation just to preserve law
also stated that they cannot be used for titles or situations other than those for whom they have been prescribed. The Ahmadis have been desecrating them and using them for their own leaders and practices etc., to deceive the people that they are also of the same type status and the calibre. This practice not only deceived innocent, simple and not-well-informed people but also created law and order situation throughout the period. The legislation was, therefore, necessary, which in any way does not interfere with the religious freedom of the Ahmadis for it only prohibits them from using those epithets etc., on which they have no claim of any nature. It does not prohibit them from claiming their own.

We may test the plea further in the light of some foreign jurisdiction. The United States Supreme Court, observed in Lanzetta vs. New Jersey, (306 U.S. 451, 1939) that vagueness is a constitutional vice conceptually distinct from overbreadth in that 35 overbread law need lack neither clarity nor precision, and a vague law need not reach activity protected by the first amendment. As a matter of due process, a law is void on the face of it, if it is so vague that persons:

"of common intelligence must necessarily guess as to its meaning and differ as to its application". (See Connally vs. General Constitution Co. (1927) 269 U.S. 385, 391)

Such vagueness occurs when a legislature states its prescriptions in terms so indefinite that line between innocent and condemned conduct becomes a matter of guess work and that the discretion of law enforcement officials, with the attendant dangers of arbitrary and discriminatory enforcement, be limited by explicit legislative standards. The plea gathers no help from the above either, as the contents of the law, in the light of the Constitution and the "Shaahi Re Islam" seem to be precise and dear. The law is not vague in any juristic sense.

It has also been discussed in detail above that legislation just to preserve law and order has never been
considered oppressive in any country of the world. Again, no legal system in the world will allow a community, however vocal, organised, affluent or influential, it may be, to cheat others of their faith or rights, usurp their heritage and to deliberately and knowingly do such acts or take such measures as may create law and order situation.

The other submission raised on behalf of the appelant that the word ‘law’ used in the phrase ‘subject to law’, in Article 20, means ‘positive law’ and not Islamic law. Reliance was placed on the following cases decided by this Court:-

Asma Jalani case, PLD 1972 SC 319 Brig. (Rtd.) F.B.AH. Vs. The State, PLD 1975 SC 506

Federation of Pakistan V. United Sugar Mills, Ltd, Karachi, PLD 1977 SC 397

Fauji foundation Vs. Shaminur Rehman, PLD 1983 6C-457. The contention, however, has not impressed us at all.

The term ‘positive law’, according to Black’s Law Dictionary, is the law actually enacted or adopted by proper authority for the government of an organised society. So this term comprises not only enacted law but also adopted law. It is to be noted that all the above-mentioned cases were decided prior to the introduction of Article 2A in the Constitution, which reads as under:-

2A Objectives Resolution to form part of substantive provisions

The principles and provisions set out in the Objectives Resolution reproduced in the Annex are hereby made substantive part of the Constitution and shall have effect accordingly.

It was for the first time in the constitutional history of Pakistan, that the Objective Resolution, which hitherto formed part of every Constitution, as a preamble, was adopted and incorporated in the C Constitution. This was an important development in the history of law in Pakistan. The Constitution, as a whole, was amended in 1973 to include a new Part III, consisting of Articles 2A to 2O, which dealt with the Objectives Resolution, enacted by the Constituent Assembly of Pakistan on December 23, 1973.

This was the stage, when the people, for the first time accepted the Constitution as the operative part of the Constitution, and with both the Marxist law, the law which had been enforced here in this country, it was mentionable that the law was imposed or restored after the lifting of martial law. The British days had also adopted religious and customary laws, in the absence of which would have been considered as the positive law.

The above mentioned constitutions, acknowledged and accepted as effective by the people, for the first time accepted the Constitution as the operative part of the Constitution, and it was noted that the law which had been imposed or restored after the lifting of martial law. The British days had also adopted religious and customary laws, in the absence of which would have been considered as the positive law.

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The above mentioned constitutions, acknowledged and accepted as effective by the people, for the first time accepted the Constitution as the operative part of the Constitution, and it was noted that the law which had been impose
adopted and incorporated in the Constitution in 1985, and made its effective part. This was an act of the adoption of a body of law by reference, which is not unknown to the lawyers. It is generally done whenever any new legal order is enforced. Here in this country, it had been done after every marital law was imposed or the constitutional order restored after the lifting of martial law. The legislature in the British days had also adopted the Muslim and other religious and customary laws, in the same manner, and they were considered as the positive laws.

This was the stage, when the chosen representatives of people, for the first time accepted the sovereignty of Allah, as the operative part of the Constitution, to be binding on them and vowed that they will exercise only the delegated powers, within the limits fixed by Allah. The power of judicial review of the superior courts also got enhanced.

The above mentioned constitutional change has been acknowledged and accepted as effective by the Supreme Court. Mr. Justice Nasim Hasan Shah, considering the changed authority of the representatives of the people in the case, Pakistan Vs. Public at Large, (PLD 1987 SC 304 at p. 356.) stated as follows:

"Accordingly unless it can be shown definitely that the body of Muslims sitting in the legislature have enacted something which is forbidden by Almighty Allah in the Holy Quran or by the Sunnah of the Holy Prophet or of some principle emanating by necessary intention therefrom no Court can declare such an enactment to be un-Islamic".

Mr. Justice Shafiqur Rahman, in his judgment in the same case, also relied on the Article 24 (Objectives resolution,) in forming, his view at pages 361 and 362, of the above judgment as follows:

"The concept of delegated authority held in trust enshrined in verse 58 has invariably and consistently been given an extended meaning. Additionally all authority being delegated authority and being trust,
and a sacred one for that matter, must have well defined limits on its enjoyment or exercise. In the Holy Quran more so, but also both in the Western and Eastern jurisprudence delegated authority held in trust has the following attributes:

(i) The authority so delegated to, and held in trust by, various functionaries of the State including its head must be exercised so as to protect, preserve, effectuate and advance the object and purposes of the trust,

(ii) All authority so enjoyed must be accountable at every stage, and at all times, like that of trustees, both in hierarchical order going back to the whomever delegate, and at the other end to the beneficiary of the trust,

(iii) In discharging the trust and in exercising this delegated authority, there should not only be substantive compliance but also procedural fairness.

This aspect was made absolutely clear by the Supreme Court in Federation of Pakistan Vs. N.W.P. Government (FLD 1990 S.C. 1172 at page 1175) in the following words:

"It is held that even if the required law is not enacted and/or enforced by 12th of Rab-ul-Awwal 1411 A.H. the said provision would nevertheless cease to have effect on 12th Rab-ul-Awwal. In such state of vacuum, vis-a-vis, the statute law on the subject, the common Islamic law/the Injunctions of Islam as contained in Quran and Sunnah relating to offences of Qat and Jih Burt (hurt) shall be deemed to be the law on the subject. The Pakistan Penal Code and the Criminal Procedure Code shall then be applied mutatis mutandis, only as aforesaid."

It is thus clear that the Constitution has adopted the Injunctions of Islam as contained in Quran and Sunnah of the Holy Prophet as the real and the effective law. In that view of the matter, the Injunctions of Quran and Sunnah of the Holy Prophet are the sovereignty of Almighty Allah.

Article 2A makes the legal provisions embodied in the Objectives of the Islamic Law effective and operable. Therefore, it must not violate the norms of the law.

It was also argued that the provisions in Article 19 of the Constitution regarding the rights conferred in Islam and Quran and Sunnah, the rights of the minorities also in no other legal order can offer an additional right the law can violate.

It is not correct to say that the Ordinance is exclusive of the Constitution, nor exclusively devoted to it. As the Ahmadis, in the light of Section 286-C, the reciting which non-believers in Arabic form, is exclusive to only as proof of their faith but also their "Kalma" means that Muhammad is His Prophet. The Mirza Ghulam Ahmad is incarnate. Mirza Ghulam Ahn...
The Injunctions of Islam, as found in the Quran and Sunnah, are the cornerstone of Islamic law. The Holy Prophet Muhammad (peace be upon him) is the source of these divine commands. While the Quran provides the ultimate authority, the Prophet's actions and teachings (Sunnah) are secondary but equally important in shaping Islamic jurisprudence.

In the formation of Islamic law, the Prophet is held as the ultimate authority, with the Quran being the primary source. This dual hierarchy is unique to Islam and reflects the belief that the Prophet is the perfect embodiment of the will of God, making his actions a living testimony of divine guidance.

The Sharia, or Islamic law, is a dynamic system that evolves over time, incorporating new interpretations and scholarly opinions as conditions and societal needs change. This flexibility is a key feature that enables Islam to remain relevant in modern times.

The Prophet's life is a book of lessons, his actions a guide for emulating God's perfect character. Each hadith, or prophetic saying, is scrutinized for its authenticity, with early collections like the Sahih (authentic collection) by Al-Bukhari and Muslim considered the most reliable.

The application of Islamic law is guided by the principle of Ijtihad, the scholarly effort to reach a lawful conclusion when the Quran and Hadith are silent or ambiguous. Ijtihad requires a deep understanding of the texts and the context in which they were revealed.

In conclusion, while the Quran provides the unchanging revealed word of God, the Sunnah offers a living example of how to apply it in practical situations. Together, they form the comprehensive legal code of Islam, guiding Muslims in their spiritual and worldly duties.

It is important to note that the interpretation of Islamic law is not just a static process but a dynamic one, evolving with the understanding and needs of new generations. Thus, the legal system of Islam is not only historical but also progressive, adapting to the challenges and opportunities of contemporary life.
"in the revelation of verse 48:29, (Muhammad is Allah's Apostle...) Allah named me Muhammad".

In the Akhbar Bu'atar, Qadian, dated October 25, 1906, there is a poem written by Qazi Zahooreddin Akmal, former editor of Review of Religions, a couplet of which states:

"Muhammad has come back to us with higher glory and one who wants to see Muhammad accomplished, should go to Qadian."

This poem was sent to Mirza Sahib and he appreciated it. Again in Arbee, vol. 6 page 17, he wrote:

"The rays of sun cannot be endured now and we need soothing light, which I am, in the form of Ahmad".

In Khutba Ilhamia, page 171, he declared:

"One who distinguishes between me and Muhammad, he has neither seen me nor known me."

Mirza Ghulam Ahmad further announced:

"I am the accomplishment of the name of Muhammad, i.e. I am shadow of Muhammad". (See Ilaahia Haziquatul Wahi, page 72).

"I am in view of the verse 62:3 (It is He who has sent forth among the unlettered an apostle of their own to recite to them His revelations to purify them and instruct them in scriptures and wisdom...) I am the same last Prophet Incarnate and God named me in Bahaee Ahmadia' Muhammad and Ahmad, and declared me as personified Muhammad...". (See Aik Ghilini Ka Isla, pages 10-11, published Rabwah).

"I am that mirror which reflects exactly the person and the prophethood of Muhammad". (Niazai Masih, page 48, published Qadian, 1909.)

In the light of what has been said above, there is general consensus among Musli Ahmadi recites or displays "Ka Mirza Ghulam Ahmad is the obeyed and the one who does as the alternative, they pase as Mu Lastly, they either ridicule Mu teachings of the Holy Prophet situation. So whatever the satanic offence, one way or the other, may Not only that Mirza Sahib, beitle the glory and grace of the He ridiculed him occasionally). In Ho'16, Mirza Sahib wrote that:

"the Holy Prophet could not of Islam and I complete the Again said:

"the Holy Prophet could revelations and he made me Autam, Lahor's Press".

He further said:

"the Holy Prophet had 3 to Y tube Gaoria page 07, pub have one million signs". (See 56).

"The Holy Prophet used Christian to which they ad letter of Mirza Ghialan Ah in daily Al-Fazal Qadian 22 Mirza Bashir Ahmad wrote Fazal page 113, that:

"when Mirza Sahib was be he had attained all the Muhammad's Prophethood called Prophet Incarnates an stood side by side with Ma
general consensus among Muslims that whenever an Ahmadi recites or displays ‘Kalma’, he proclaims that Mirza Ghulam Ahmad is the Prophet who should be obeyed and the one who does not do that is an infidel. In the alternative, they pose as Muslims and deceive others. Lastly, they either ridicule Muslims or deny that the teachings of the Holy Prophet do not govern the situation. So whatever the situation, the commission of the offence, one way or the other, may be proved.

Not only that Mirza Sahib, in his writings, tried to bull the glory and grace of the Holy Prophet, he even ridiculed him occasionally. In Hizbatu Tufa Golria page 165, Mirza Sahib wrote that:

"the Holy Prophet could not conclude the propagation of Islam and I complete the same".

Again said:

"the Holy Prophet could not understand some of the revelations and he made many mistakes. (See Isra'All Ahm, Labour Press)"

He further said:

"the Holy Prophet had 5 thousand miracles" (See Tufa Golria page 67. published Rabwah) "While I have one million signs". (See Saheen Ahmadia. page 56).

"the Holy Prophet used to eat cheese made by Christians to which they added the pig's fat". (An old letter of Mirza Ghulam Ahmad-Quadian, published in dail Al-Fazal Qadian 22-Feb, 1924)

Mirza Bashir Ahmad wrote in his book Kalma-ul-Fasal page 113, that:

"when Mirza Sahib was bestowed with prophethood, he had attained all the spiritual heights of the Muhammad’s Prophethood and was qualified to be called Prophet incarnate and he went so ahead that he stood side by side with Mahammans".
There are many more writings like that but this record may not be burdensome further.

It is the cardinal faith of every Muslim to believe in every Prophet and praise him. Therefore, if anything is said against the Prophet, it will injure the feelings of a Muslim and may even incite him to the breach of peace, depending on the intensity of the attack. The learned Judge in the High Court has quoted extensively from the Ahmadi literature to show how Mirza Ghulam Ahmad belittled also the other Prophets, particularly Jesus Christ, whose place he wanted to occupy. We may not, however, repeat that material but two examples may suffice. Mirza Ghulam Ahmad wrote:

"The miracles that the other Prophets possessed individually were all granted to Muhammad Ash. They all were then given to me as I am his shadow. It is for this reason that my name is Adam, Abraham, Moses, Noah, David, Joseph, Solomon, John, and Jesus Christ." (Mallouzaa Vol. 3, page 270, Printed Rabwah.)

About Jesus Christ he stated:

"The ancestors of Jesus Christ were pious and innocent. His three paternal grand mothers and maternal grand mothers were prostitutes and whores and that is the blood he represents." (Appendix Anjaane Athesn, note 7).

Quran, on the other hand, praises Jesus Christ, his mother and his family. (See 3: 33-37, 3: 45-47, 19: 16-32). Can any Muslim utter anything against Quran and can anyone who does so claim to be a Muslim? How can then Mirza Ghulam Ahmad or his followers claim to be Muslims? It may also be noted here that, for his above writings, Mirza Sahib could have been convicted and punished, by an English Court, for the offence of Blasphemy under the Blasphemy Act, 1679, with a term of imprisonment.

Again, as far as the Holy Prophet concerned:

"every Muslim who is born in more than his children, far more than any one else in the...

(See Al-Bukhari, Kitabul Taz Min-Al Zaman).

Can then anyone blame a Muslim himself on hearing, reading or seeing material as has been produced by Mirza Ghulam Ahmad?

It is in this background that a public conduct of Ahmadis, at the behest and on the request of their community, is looking to the Muslims. So, if an Ahmadi administration or the law to public, the 'Shia'ite Islam, it will be out of him. Can the administration guarantee his life, liberty and personal property? Again, if this punishment or any public conduct of Ahmadis, at the behest and on the request of their community, is looking to the Muslims, then it would be a serious cause for concern and tranquillity of Muslim property. The Islamic imperative is that no man should be deprived of his personal property.
Again, as for the Holy Prophet Muhammad ﷺ is concerned:

"every Muslim who is firm in his faith, must love him more than his children, family, parents and much more than any one else in the world."

(See Al-Bukhari, Kitabul Eeman, Bab Hubbul Raool Min-al Eeman).

Can then anyone blame a Muslim if he loses control of himself on hearing, reading or seeing such blasphemous material as has been produced by Mirza Sahib?

It is in this background that one should visualise the public conduct of Ahmadis, at the centenary celebrations and imagine the reaction that it might have attracted from the Muslims. So, if an Ahmadi is allowed by the administration or the law to display or chant in public, the ‘Shaa’i’re Islam, it is like creating a Rushdi out of him. Can the administration in that case guarantee his life, liberty and property and if so at what cost? Again, if this permission is given to a procession or assembly on the streets or a public place, it is like permitting civil war. It is not a mere guesswork. It has happened, in fact many a time, in the past, and had been checked at cost of colossal loss of life and property (for details, Mumtir’s report may be seen). The reason is that when an Ahmadi or Ahmadi display in public, on a playcard, a badge or a poster or write on walls or ceremonial gates or bunting, the “Kalma”, or chant other ‘Shaa’i’re Islam’ it would amount to publically defiling the name of Holy Prophet ﷺ and also other Prophets, and exalting the name of Mirza Sahib, thus infuriating and instigating the Muslims so that there may be a serious cause for disturbance of the public peace, order and tranquility and it may result in loss of life and property. The preventive actions in such situations are imperative in order to maintain law and order and save loss or damage to life and property particularly of Ahmadis. In that situation, the decisions of the concerned local
authorities cannot be overruled by this Court, in this jurisdiction. They are the best judges unless contrary is proved in law ex-fact.

The actions which gave rise to the present proceedings arose out of the order of the District Magistrate, passed under section 144 Cr.P.C. The Ahmadi community who are the predominant residents of Rabwah were informed of the order of the District Magistrate through their office bearers, by the Resident Magistrate and directed to remove ceremonial gates, banners and illuminations and further ensure that no further writing will be done on the walls. The appellants could not show that the above practices are essential and integral part of their religion. Even the holding of centenary celebrations on the roads and streets was not shown to be the essential and integral part of their religion.

The question whether such a requirement is a part of freedom of religion and if they are subject to public safety, law and order etc has already been discussed in detail, in the light of the judgments from countries like Australia and the United States, where the fundamental rights are given top priority. We have also quoted judgments even from India. Now where the practices which are neither essential nor integral part of the religion are given priority over the public safety and the law and order. Rather even the essential religious practices have been sacrificed at the alter of public safety and tranquility.

It is stated by the appellants that they wanted to celebrate the 100 years of Ahmadi movement in a harmless and innocent manner. *Inter alia* by offering special thanksgiving prayers, distribution of sweets amongst children and serving food to the poor. We do not find any order stopping these activities, in private. The Ahmadi like other minorities are free to profess their religion in this country and no one can take away that right of theirs, either by legislation or by executive orders. They must, however, honour the Constitution and the law and should neither desecrate or defile the pious personage of any other religion including Islam, nor should they use their exclusive epithets, descriptions and titles and also avoid using the exclusive like ‘Azazi’, so that the feelings are not injured and the people regards the faith.

We also do not think any difficulty in coming and description for their practices. After all other communities have these practices. They are celebrating their festivity, any law and order problem executive, being always up and order and safeguard the honour of the citizens, the threat of any of the above upset.

It is evident that the order is passed a detailed and we sagaciously and candidly takes from each foreign jurisdiction confidence in this hyper-sensitive Ahmadi. Therefore, we instead record, would adopt his reasoning held to be not ultravires of the O, we find that neither is Article 25 to the facts of the case nor is it. The appeal is dismissed.

As a result of the above appeals are also dismissed.

Sd

Sd

SALEEM AKHTAR, J. The protection of their right under basis of being a minority as d
also avoid using the exclusive names like mosque and practice like ‘Azeez, so that the feelings of the Muslim community are not injured and the people are not misled or deceived as regards the faith.

We also do not think that the Ahmadis will face any difficulty in ceasing new names, epithets, titles and descriptions for their personages, places and practices. After all Hindus, Christians, Sikhs and other communities have their own epithets etc., and are celebrating their festivals peacefully and without any law and order problem and trouble. However, the executive, being always under a duty to preserve law and order and safeguard the life, liberty, property and honour of the citizens, shall intervene if there is a threat to any of the above values.

It may be mentioned here that the learned single Judge has passed a detailed and well-reasoned order and has sagaciously and candidly taken into consideration judgments from such foreign jurisdictions which would instill confidence in this hyper-sensitive, non-Muslim minority, i.e., Ahmadis. Therefore, we instead of further burdening the record, would adopt his reasoning else. The Ordinance is thus held to be not ultraviolent of the Constitution. The result is that, we find that neither is Article 20 of the Constitution attracted to the facts of the case nor is there any merit in this Appeal. The appeal is dismissed.

As a result of the above discussion, the connected appeals are also dismissed.

Sd/- Abdul Qadeer Ch. J.
Sd/- Muhammad Afzaal Lone, J.
Sd/- Wali Muhammad Khan, J.

SALEEM AKHTAR J. The appellants have claimed protection of their right under Articles 19, 20 and 25 on the basis of being a minority as declared by the Constitution.
They admit to be a minority in terms of the Constitution as distinguished from the Muslims. Their claims being that they should be treated equally under law like other minorities enjoying freedom of speech and expression and they should be allowed to profess, practise and propagate their religion. The first claim is covered by Articles 19 and 25 while the second one is based on Article 20.

2. Law permits reasonable classification and distinction in the same class of persons, but it should be grounded on reasonable distinctions and reasonable basis. Reference can be made to Government of Baluchistan V. Aitzaz Hussain (PLD 1993 S.C. 341). The Qadianis/Ahmadies on the basis of their faith and religion as elucidated by my learned brother Abdul Qadeer Chaudhry J. vis-a-vis Muslims stand at a different pedestal as compared to other minorities. Therefore, considering these facts and in order to maintain public order it was felt necessary to classify them differently and promulgate the impugned law to meet the situation. The classification being proper and reasonable, the impugned law does not offend Article 19 and 25.

3. As regards applicability of Article 2A, I reiterate the view expressed in Hakim Khan’s case (PLD 1992 S.C. 595)

4. The freedom of religion is guaranteed by Article 20 which includes the rights to profess, practise and propagate. The over-riding limitation as provided by Article 20 is the saw, public order and morality. The law cannot over-ride Article 20 but has to protect the freedom of religion without transgressing bounds of morality and public order. Propagation of religion by the appellants who as distinguished from other minorities, having different background and history, may be restricted to maintain public order and morality. Therefore, their right to profess, practise and propagate their religion cannot be restricted provided they profess, propagate and practise without adopting Sharia-e-Islam in a manner which does not offend the feelings of the Muslims.

5. I agree with my learned brother Shafqat Rahman J. that clauses (a), (b) and (e) of section 298-C PPC do not

ORDER OF THE COURT

The Court by majority holds that the appeals are liable to be dismissed and accordingly they are required to undergo punishment awarded by the Court.

Sd/-

Annexure
offend Articles 19, 20 and 260(3).

6. As regards Section 298-C clause (c) (d), in my view they will not be violative of Article 20 provided they are acted upon by the Quaidan's/Ahmadis without adopting any of the Shari'a-e-Islam.


In C.A.No. 412/1992 in view of section 144(7) the District/Resident Magistrate had no jurisdiction to enforce the order under section 144 Cr.P.C. for an unlimited period. It is therefore partly allowed to that extent.

Sd/- Saeed Akhtar, J.

ORDER OF THE COURT

The Court by majority holds that all appeals preferred are liable to be dismissed and are hereby dismissed.

The convicts in Criminal Appeals 31-K to 35-K of 1989 who are on bail shall be taken into custody forthwith and they are required to undergo the remainder of the punishment awarded by the Court.

Sd/- Abdul Qadeer Ch. j.
Sd/- Muhammad Azifal Lose, J.
Sd/- Saleem Akhtar, J.
Sd/- Wali Muhammad Khan, J.
Sd/- Shahiur Rehman, J.

Announced in Chamber Islamabad
Dated : 03-07-1993
(1993 S.C.M.R 1718)
SUPREME COURT OF PAKISTAN
1999

- Mr. Justice Saiduzaaman Siddiqui (Chief Justice)
- Mr. Justice Irshad Hassan Khan
- Mr. Justice Baja Afrasiab Khan
- Mr. Justice Muhammad Bashir Jehangiri
- Mr. Justice Nasir Aslam Zahid
SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

Mr. Justice Saiduzzaman Siddiqui, Chief Justice
Mr. Justice Iqbal Hussain Khan
Mr. Justice Raja Afrasiab Khan
Mr. Justice Muhammad Bashir Jhangiri
Mr. Justice Nasir Aslam Zahid

Civil Review Petitions No. 102, 103, 108 of 1993 and Criminal Review Petitions No.2 to 5 of 1994

(On Review of the judgment of this Court dated 3rd July, 1993 in Civil Appeal No. 149, 150 of 1989, 412 of 1992 and Criminal Appeal No.31-K to 34-K of 1986)

Mujibur Rehman Daud,
Sherki Mubarak Aslam and
two others, Mirza Khurshid Ahmad
and another (in CRP. 102,103,108 of 1993)

and

Zaheeruddin, Rafi Ahmad, Abdul Majid
and Abdur Rehman (in Crl. Review
Petitions No.2 to 5 of 1993 respectively) ... Petitioners

Versus

Pakistan through Secretary, Law and Justice
and others ... Respondents
ORDER

The Petitioners and their counsel called absent. Dismissed for non-prosecution.

Islamabad,
08.11.1999

Petition dismissed as withdrawn.
(Not reported)
ORDER

and their counsel called absent.

Islamabad,
08.11.1999

Petition dismissed as withdrawn.
(Not reported)
Mr. Muhammad Mateen Khalid have written a lot in the past and now he has consolidated all the important judgments of high courts and Apex Courts of Pakistan in his book entitled "QADYANIAT IN THE EYES OF LAW" which is undoubtedly a great achievement and will prove to be a model collection in the legal history of Pakistan. For this laborious devoted effort of the author, I shall rightly attribute a tribute to him and consider him as an enthusiastic hidden qualitative good Advocate .................... An Advocate of Tahaffuz-e-Khatam-e-Nabuwat, I do offer him tribute from whole Muslim community and pray for him, may Almighty Allah bless him in every field of life and at the day of judgement as well (AMIN).

Muhammad Tahir Sultan Khokhar
Advocate High Court
Chairman, Khatam-e-Nabuwat
Lawyers Form, Lahore

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