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CONTENTS

<i>Acknowledgments</i>	vii
Introduction	1
Part I	
Chapter I: The Records of the Court of Inquiry and the Munir–Kiyani Report	11
Chapter II: The Background to Jama‘at Ahmadiyyah and the Origins of the Anti-Ahmadi Movement: The Role of Majlis-i-Ahrar and Majlis-i-‘Amal	35
Chapter III: The Political Hierarchy and Administrative Structure of Pakistan: Contextualizing the Events of 1952–53	65
Chapter IV: Disturbances in Lahore and the Imposition of Martial Law	93
Chapter V: The Findings of the Munir–Kiyani Report	119
Part II	
Chapter VI: Understanding the Events of 1974	167
Chapter VII: The “Final Solution” of the “90-Year-Old Problem”?: The Parliamentary Proceedings of 1974	185
Debates on the Ahmadis after 1974: A Postscript	221
<i>Notes</i>	227
<i>Bibliography</i>	259
<i>Index</i>	265

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INTRODUCTION

This book is about the history and politics of religious exclusion of the Ahmadis in Pakistan through the lens of anti-Ahmadi violence in Pakistan carried out in the name of *tehr-i-khatam-i-nabuwwat* (movement for the protection of the finality of prophethood) in 1953 and 1974. The Ahmadis, contrary to the general consensus among Muslims on the finality of Muhammad's prophethood, believe in Mirza Ghulam Ahmad (1835–1908) of Qadiyan as a prophet in a nuanced understanding of this term and as the promised messiah.¹ Tehrik-i-khatam-i-nabuwwat was a set of demands put forward by the *ulema* and some religio-political parties – especially Majlis-i-Ahrar – during the 1950s whose influence was mostly concentrated in the urban centers of Punjab. They primarily demanded Ahmadis to be declared as a non-Muslim minority on the account of their “heretical” views and removed from key military and bureaucratic posts for their alleged disloyalty towards the state of Pakistan. Anti-Ahmadi disputations had existed during the colonial period as well, but in the context of the postcolonial state of Pakistan, ideologically predicated on the instrumentalization of Islam as the basis for national identity, a theological polemic was transformed into a political issue demanding action from the state.

For a study of the events of 1953, this work focuses on the Munir–Kiyani report published in 1954 and the declassified archival material comprising of the record of the proceedings of this court of inquiry. Similarly, for the debates which ultimately resulted in the Second Amendment to the Constitution of Pakistan in 1974, whereby Ahmadis were declared a non-Muslim minority, the recently declassified record of the proceedings of the National Assembly has been used. The purpose of this book is not simply to chronicle the events of anti-Ahmadi violence based on official documents but also to analyze these sources by foregrounding the commentative and interpretative aspects with which these issues were addressed and through which information about them was collated. This requires delineating the statist discourse carrying the imprints of the ideological worldviews and intellectual predilections of the power elites directing this discourse and the official archive they collected about these events.

Such a reading of the Munir–Kiyani report and its record helps not only to detail the events of the *tehr-i-khatam-i-nabuwwat* of 1953 but also to analyze issues pertaining to the politics of religious exclusion and secular polity in Pakistan during the first decade of its history as it made the transition towards a postcolonial state, albeit with structural continuities (in terms of colonial administrative–legal hierarchies and conceptualizations) and limited scope for electoral politics. Similarly, this work uses the parliamentary records of the proceedings of 1974 to foreground the hierarchical changes of Pakistan's power

elites resulting from mass-based electoral politics since 1970, among other factors which catalyzed the Islamization of state, polity and society in Pakistan. In this way, the work uses the historical study of *tehrik-i-khatam-i-nabuwwat* and anti-Ahmadi violence in Pakistan, through such sources as the Munir–Kiyani report and its record and the parliamentary proceedings of 1974, to address wider questions about the politics of Islam in Pakistan amid changing political contexts and social milieus during different periods of its history.

Background

The Ahmadis

Mirza Ghulam Ahmad (1835–1908) of Qadiyan (British Punjab) – whose followers are referred to as Ahmadis or, pejoratively, as Mirzais and Qadiyanis – emerged in the closing decades of the nineteenth century as a leading polemicist who gradually promoted himself to the ranks of spiritual eminence. In the 1890s, when numerous people, impressed by his polemical services to Islam and the charisma of his spirituality, had been initiated into his discipleship, Ghulam Ahmad announced himself as the promised messiah and, ultimately, a prophet. There is some controversy as to whether he explicitly declared his prophethood or it was an inference drawn by his followers from his writings. The contentiousness among Ghulam Ahmad’s followers over the interpretation of his writings on the issue of prophethood eventually led to a split in his community of believers.

Muslims have differing beliefs about the second coming of Jesus as a prophet towards the end of times, but there is almost unanimous agreement on the finality of Muhammad’s prophethood (*khatam-i-nabuwwat*). According to that belief, Prophet Muhammad is the last and greatest of all the prophets and the Quran is the final word of God, containing all the religious guidance which Muslims need for their beliefs and practices. Mirza Ghulam Ahmad used a specific Quranic phrase which appears in the only verse which specifically talks about the finality of prophethood.² Through a reinterpretation of this verse, Ghulam Ahmad described the term *Khatamun Nabiyyin* as “seal of the prophets” and not “last of all the prophets.” On the basis of this interpretation, Ghulam Ahmad believed that Muhammad’s prophethood had the capacity to generate or bestow similar spiritual powers in those individuals whom he might consider as true servants of the Lord.³ There was, hence, in his opinion, still the possibility for prophets to appear. The only difference was that, unlike prophets before the Prophet Muhammad, there could not be a new law-bearing prophet, nor could there be a prophet without the approval of the “seal of prophethood,” Muhammad.

Tehrik-i-khatam-i-nabuwwat

This understanding of the term *khatam-i-nabuwwat* gave rise to a feeling of hostility and hatred towards Mirza Ghulam Ahmad and his followers from the ulema of various persuasions in British India. Many of them jointly issued *fatwas* (religious decrees) to

condemn Ghulam Ahmad and his followers as *kafirs* (infidels). They continued to write against the religious ideas put forward by Ghulam Ahmad and mobilized public opinion among the Muslim masses throughout India. Using the rhetoric of love for the Prophet and accusing the British of conspiring against Islam with Ghulam Ahmad as their agent in the form of a “new prophet,” the ulema created intense feelings of emotional hurt among Muslims.

Such feelings of hatred against the Ahmadis still existed at the birth of Pakistan. It became a political issue in 1947 in the form of *tehrik-i-khatam-i-nabuwwat*. The movement demanded that the Ahmadis should be declared non-Muslims, that Pakistan’s Ahmadi foreign minister Sir Zafarullah Khan be dismissed, and that Ahmadi’s missionary activities be impeded. These demands snowballed into a mass display of emotion and religious zeal and emotional sensitivity. From 1952, this movement gained strength and momentum and by March 1953 led to a situation where the government of Punjab almost lost control and martial law was imposed in Lahore in order to suppress the movement. Once the agitation was suppressed, the government of Punjab set up a court of inquiry to be headed by Justice Muhammad Munir and Justice Malik Rustam Kiyani. This court of inquiry was to probe the background and events leading to the outbreak of disturbances in March 1953 and the imposition of martial law.

The court of inquiry probing the disturbances of Punjab published its report in 1954, popularly known as the Munir report after the senior judge of the court of inquiry. In this book, the report will be referred to as the Munir–Kiyani report as both the judges played an equally important part in drafting it and many parts are reflective of their shared views about religion, administration and politics.

The anti-Ahmadi movement which started in 1974 was different from the previous one in many ways. Unlike the movement of 1953, which developed gradually over a period of time rather than being “triggered” by a particular incident, the movement of 1974 was more impulsive. It was sparked off by an act of violence which occurred in Rabwah in May 1974. It was alleged that the students of a medical college from Multan were beaten up at Rabwah – the religious and administrative headquarters of the Ahmadi community in Pakistan – when they tried to stop the young Ahmadi missionaries from distributing their religious literature. Within days a council for action (*Majlis-i-‘Amal*) comprising of various religio-political parties was set up which led an intense agitation movement and spread anti-Ahmadi religious propaganda throughout Pakistan. In anticipation of the situation spiraling out of control and the specter of the martial law of 1953, the democratically elected populist government of Zulfikar Ali Bhutto vowed to take up this “90-year-old problem” in the parliament, which was converted into a special committee of the whole house. Bhutto’s preference of using the parliament as a forum for discussion, instead of the courts or an inquiry commission, puts the events of 1974 and its outcome in an entirely different spectrum – not just procedurally but also in its impact on debates regarding Pakistan’s polity. After 21 days of cross-examination of witnesses and deliberations by the members of the parliament, a constitutional amendment was passed on 7 September 1974 which declared the Ahmadis as a non-Muslim minority.

Religio-political parties and the ulema

In case of *tehrik-i-khatam-i-nabuwwat* from colonial to postcolonial times, it is important to understand the terms “religio-political parties” and “ulema” and be cognizant of the role they have played in the movement. For a description of these terms, I am slightly modifying the definitions given by Dietrich Reetz which he developed to explain the role of Islam in the public sphere during the colonial period. According to him, “A group, movement, or party will be considered Islamic if its aims related to Islamic doctrine or the furtherance of Islamic belief, and if it was not primarily founded for political purposes”; whereas “‘Islamist’ is more specific and will be reserved for Islamic activists and groups aiming at the establishment of an Islamic state, or taking political control.”⁴ This description is valid for such religio-political parties as *Jamiat Ulema-i-Islam* and *Majlis-i-Ahrar*. They were established during the colonial period with such purposes as furthering the interests of the Muslims. Their membership or leadership did not necessarily comprise of religious scholars. In the 1940s they were at loggerheads with each other on the question of Pakistan. In the post-1947 period, the orientation of religio-political parties changed and new ones also emerged. They could now campaign for an increased role for Islam in shaping various aspects of the nascent state. Hence, it was not just Islamists like *Jami‘at ‘Ulema-i-Islam* which could now aim at the establishment of an Islamic state but other religio-political parties as well, even though there still remained differences in their respective approaches and the sociological background of their cadres and leadership. This is in addition to their differences in terms of affiliation with a particular school of thought in Islam and understandings of an Islamic state and society. Since there were other political parties as well – such as the Muslim League itself, which had its own vision of an Islamic state for Pakistan before and after 1947 – it is important, as pointed out by Reetz, to distinguish the activities and rhetoric of these religio-political parties from the mere garnishing of ordinary political activity with Islamic references.⁵

In the colonial context, Reetz has also made a nuanced distinction between the public and political dimensions. In his estimation, the term “public” is applicable if the focus of religious groups is on control over the wider public sphere, which includes both secular and religious manifestations of public life. He applies the term “political” to matters relating to political power, which includes such aspects as connections with major political parties.⁶ In the postcolonial context, the role of ulema and religio-political parties has been enhanced in the larger public sphere. The religio-political parties carry out various actions in the public sphere on such as issues as advocacy for Islamic laws, the setting up of an Islamic state, responding to Marxist and liberal discourses, contesting elections and bargaining for power sharing in coalitions.⁷ The issues picked by religio-political parties and their ability to perform with efficacy have varied over different periods of Pakistan’s history. So, for example, the religio-political parties were largely absent from any legislative assembly of Pakistan and yet they were able to launch a massive protest movement in 1952–53; by 1974, on the other hand, they had temporarily been coalition partners in two provinces and an important part of the opposition in the National Assembly. Their ability to influence the political in different ways on these two separate occasions led to different outcomes each time.

Another important term to be understood is that of *ulema*. Generally speaking, the term denotes Muslim scholars who have undergone training in various fields of the Islamic knowledge system in a *madrassa* (religious seminary) of a particular affiliation. In their individual capacity as scholars, the ulema can influence the public and the political by writing books, delivering sermons and engaging in polemics. They can do the same by becoming members or leaders of religio-political parties and directly contest for political power as well. In the context of the present study, an attempt has been made to emphasize that the terms “ulema” and “religio-political parties” are not simplistically interchangeable. There were reputed religious scholars which had an important role to play in the anti-Ahmadi movement but were not necessarily members of or affiliated with a religio-political party. But they were not apolitical either, as is shown by their active involvement in the movement of 1953 and later in 1974. While the ulema are increasingly being subsumed within various religio-political parties, they still retain a distinctive area of influence as well – especially through their sprawling *madrassa* network across Pakistan.

Outline of the Book

The present study gives a detailed history of the anti-Ahmadi movement starting from the religious controversies in the life of its founder Mirza Ghulam Ahmad to the outbreak of violence in Punjab in March 1953 and their constitutional excommunication through the Second Amendment in 1974. The book has been divided into two parts, with Part I dealing with the events of 1953 and the Munir–Kiyani report, while Part II focuses on the events and parliamentary proceedings of 1974.

The events of 1953

For the *tehr-i-khatam-i-nabuwat* of 1953, the present work focuses not just on the events leading to violence and the imposition of martial law but also critically reads the Munir–Kiyani report and the archives collected by the inquiry commission. Hence, the Munir–Kiyani report and its record, in this work, are not only a source for details about the events of 1953 but also a focus of study itself insofar as they have affected the understanding of *tehr-i-khatam-i-nabuwat* in a specific manner and addressed the related issues of Islam-based polity in Pakistan, among other concerns, in accordance with the statist discourse and a peculiar *Weltanschauung*. After addressing the theoretical and methodological issues relating to this dual use of the official archive in Chapter I, Part I of the book uses this archive and other sources to describe the events leading up to the violent outbreaks, accompanied with an analytical study of the actual report as well as its record.

The present work does not take 1947 or 1952–53 as a cut-off date. An attempt is first made to trace the origins of religious polemics between the Ahmadis and their opponents from the 1890s onwards. For this purpose, Chapter II gives the background of the Ahmadiyyah movement, its religious doctrines, its differences with the larger Muslim community and the backlash against it after 1947 due to the ascendancy of its members

in political-administrative ranks and economic prosperity. The same chapter looks at the history of Majlis-i-Ahrar, who were largely blamed for instigating violence against Ahmadis. It analyses the background of the Ahrar, their various leaders and the “style” of their politics, especially in British India. Other than the Ahrar, the role of Majlis-i-‘Amal – the main banner under which various religious groups and parties carried out the anti-Ahmadi movement in 1953 and 1974 – is also discussed.

An appraisal of the urban politics of Punjab and of colonial understandings of a security order, an elite hierarchical political system, the state apparatus and notions of rule of law helps to explain the context within which the anti-Ahmadi movement originated and transformed into a political one with the creation of Pakistan. The continuities from colonial Punjab to postcolonial Pakistan are essential to understanding the response of the state to the demands of religious groups and the measures adopted by them for its fulfillment. This is explained in Chapter III. In addition, Mian Mumtaz Ahmad Khan Daultana’s rise as the undisputed leader of Muslim League in Punjab and its most powerful chief minister is traced to help contextualize the political environment in which the agitation took place. It also assesses the charge whether Daultana manipulated this movement to pursue his political ambition and grab the premiership of Pakistan; or, alternatively, whether he was acting on behalf of a “Punjabi coterie” in the federal government to discredit the “Bengali prime minister” for the purpose of securing Punjab’s political interests vis-à-vis the majority population of East Pakistan. As the chapter shows, there were significant changes in the attitude of the Daultana government towards the anti-Ahmadi movement from July 1952 onwards as matters relating to parity of representation between East and West Pakistan became contentious in the Basic Principles Committee (BPC), formed to draft proposals on various aspects of the future constitution of Pakistan.

An important aspect of the anti-Ahmadi movement of 1953, and of the present work as well, is to discuss the various political-administrative measures taken in order to check the growth of anti-Ahmadi feelings whipped up by Ahrar. It requires a look into the affairs of the press department, which was considered to have played a role in facilitating the growth of such feelings. It was accused of allowing the newspapers to continue with anti-Ahmadi rhetoric as long as the Punjab government was not targeted and all the blame for not declaring Ahmadis as non-Muslims was put on the central government. A related concern of the Munir–Kiyani report was to assess the administrative measures in place to limit the activities of groups and individuals inciting violence against Ahmadis. While the Munir–Kiyani report was more concerned about probing the inadequacy of the suppressive administrative measures taken, the present work views this question within the framework of continuities between colonial and postcolonial regimes, as both invoked the jargons of law and order, rule of law and public interest. This shows how the official archive and the report based on it carried the ideological imprint of the power elites and the framework within which the events of 1953 were described, and how the present work departs from such a conceptualization while using the report and its record as its source.

The various events that took place from 28 February 1953 onwards until the proclamation of martial law on 6 March 1953 are discussed in detail in Chapter IV, with a focus on the violence and killings in Lahore since it was the epicenter of such activities.

What has given the Munir–Kiyani report its enduring significance is the portion of the report which discusses the question of an Islamic state in Pakistan. Various aspects of discourse on Islam, as developed by the report, are discussed in Chapter V. In the report, the authors refer to the statements and depositions of a few religious scholars alone, but the actual judicial record points to a multiplicity of opinions offered on these issues. In this particular aspect, the present work draws heavily from the statements given by religious scholars and leaders before the court of inquiry but which were included in the report. The subsequent writings of many of these scholars is also used to show how, quite some time after the report had been published, they came to realize the impact of their “lack of consensus on the definition of a Muslim” on the discourse and demand for an Islamic state in Pakistan. The most important critique in this regard was made by Maulana Amin Ahsan Islahi before the court of inquiry. Islahi was not quoted in detail in the actual report, but given the importance of his critique, the present work draws upon and analyzes the original record of the inquiry for his complete statement. The concluding chapter discusses the relevance of the Munir–Kiyani report and its discourse on Islam’s engagement with modernity, the nation-state and citizenship theory. In this way Part I of the book gives a history of *tehrik-i-khatam-i-nabuwwat* in general, with a focus on the events of 1952–53, as well as a discussion of wider theoretical issues through an analysis of the Munir–Kiyani report and its record.

The events of 1974

Unlike the Munir–Kiyani report and the record of the court of inquiry, which give details about the administrative and political background and chronicle the events leading to the outbreak of violence in 1953, the parliamentary proceedings of 1974 have an entirely different focus. The proceedings of the assembly do not serve as a source for background information about the events of the anti-Ahmadi movement of 1974. For the members of the special committee of the whole house, the questions to be considered were different from the judicial inquiry commission of 1953. They were not required to fix the responsibility of violence for the incidents of 1974, nor were they required to ascertain the “causes” for such violence or point out possible administrative lapses or political exploitation of the situation. They were required to deliberate on the resolution presented before them, which called for a determination of the status of nonbeliever in the concept of *khatam-i-nabuwwat* and the evaluation of this resolution in the light of cross-examination of certain key witnesses. The importance of the parliamentary record of the 1974 is, hence, that of an official archive recording various legal arguments and discursive strategies whereby the constitutional amendment against the Ahmadis was brought about.

This part of the book, therefore, is differently located in terms of its theoretical context, its archival material and the issues addressed in it. It is divided into two main chapters. Chapter VI traces the changes in Pakistan’s politics since the decade of authoritarian rule in the 1960s. It tries to locate the shift from the instrumentalization of Islam as a modernizing force by the power elite to the emergence of the ulema’s enhanced political role through their electoral successes in 1970, enabling them to influence the debates and

statist discourse on an Islam-based polity for Pakistan. It is by emphasizing this shift that the chapter argues for the reading of the parliamentary proceedings of 1974 as different from the record of 1953 not just procedurally but in terms of its content, argument and outcome as well.

Chapter VII is a detailed account of the proceedings of 1974. It focuses on the role played by the attorney general (AG) of Pakistan, Yahya Khan, in adducing legal arguments from a theological polemic. This requires delineating his legal arguments and strategies through his cross-examination of Mirza Nasir Ahmad – the head of the Rabwah-based Ahmadi community – and his own lengthy concluding speech. The fallout and impact of the second constitutional amendment in its failure to “solve” the “90-year-old problem” is discussed in the concluding section of the chapter, followed by a postscript giving a brief account of the developments which have taken place on legal and constitutional issues relating to Ahmadis in Pakistan since 1974.

Part I

Chapter I

THE RECORDS OF THE COURT OF INQUIRY AND THE MUNIR–KIYANI REPORT

Introduction

This chapter will give a description of the court of inquiry set up by the government of Punjab, procedures adopted for its conduct and individuals or groups who were made party to its proceedings. This will help understand the functioning of the court of inquiry which led to the accumulation of its detailed record, on the basis of which the Munir–Kiyani report was compiled and which has been used for this study as well. The chapter will also address methodological issues relating to the use of the archive generated by the court of inquiry. In doing so, this chapter also considers the question of the dual importance of the Munir–Kiyani report and the record of the court of inquiry as an official chronicle and source for the events of 1953, and as a text which can be read critically for such wider theoretical concerns as an understanding of contestations about Islam, religious exclusion and secular polity in contemporary Pakistan and elsewhere in the postcolonial Muslim states. It is this latter aspect of the report, the chapter argues, which has given it an enduring significance as a reference for various ideological debates aligned along the simplistic mullah/modernist binary, even in contemporary Pakistan.

I

The court of inquiry

Sardar Shaukat Hayat, an erstwhile political ally of the chief minister of Punjab, Mumtaz Ahmad Khan Daultana (who was deposed after the events of 1953), was among the first persons to demand an inquiry commission to probe the disturbances in Punjab. This he said in a speech during the budget session of the Punjab Assembly. He alleged that power politics between the province and the center and the maneuvers of some central ministers against the prime minister were responsible for killings in the Punjab. He also accused Daultana of giving his tacit support to the movement.¹ As long as Daultana remained chief minister of the province, no effort would be made in the direction of inquiring about the incidents of March 1953. His own political standing and the situation of the province in general was too shaky to allow for the undertaking of such an inquiry. It was only after his removal as the chief minister, within a month following the declaration of martial law, that the new ministry of Punjab set up a court of inquiry.

Before announcing the court of inquiry, the government first moved to issue an ordinance which indemnified government servants in respect of the acts done by them “in good faith” under martial law and validated sentences passed by special military courts.² After having secured the legality of actions taken during the martial law period, another ordinance was issued in June 1953 for setting up a court of inquiry.

Since the ordinance was due to expire after a certain period of time, its continuity was ensured by its enactment through the Punjab Assembly on 9 December 1953. When this bill came up for discussion and a vote in the Punjab Assembly, the opposition members raised their objections to some of its aspects. They held the opinion that the terms of reference and scope of the inquiry commission was too narrow. It did not probe the loss of life and property and its worth, and there was to be no punishment on the basis of its findings.³ They maintained that the inquiry would not serve any purpose if it failed to recompense the victims and punish those responsible.

As per the legal mandate, the court of inquiry was asked to examine the following issues:

- (1) the circumstances leading to the declaration of Martial Law in Lahore on 6th March 1953;
- (2) the responsibility for the disturbances; and
- (3) the adequacy or otherwise of the measures taken by the Provincial civil authorities to prevent, and subsequently to deal with, the disturbances.⁴

The inquiry began on 1 July 1953 and held 117 sittings of which 92 were devoted to the hearing and recording of evidence. The evidence was concluded on 23 January 1954 and arguments in the case lasted from 1 to 28 February 1954. Five weeks were taken by the judges to formulate their conclusions and to write the report.

The first sitting of the commission took place on 1 July 1953. The following organizations were named as parties to the proceedings:

The provincial government of Punjab.

Master Taj ud Din Ansari, president Majlis Ahrar, Lahore.

President (central) Anjuman-i-Ahmadiyyahh, Rabwah.

The Punjab provincial Muslim League, Lahore.

Jama‘at-i-Islami, Lahore.

Three more organizations were later added as parties to the proceedings. They were:

Majlis-i-Tahafuzz-i-Khatam-i-Nabuwat (along with the council of action approved by it);

Mutwalli (caretaker) of Masjid Wazir Khan; and

Maulana Muhammad Khalil – *khatib* (sermonizer) of the aforesaid mosque.⁵

Later Anjuman Isha‘at-i-Islam Lahore (popularly known as Lahori group of Ahmadis) was also added to the list.⁶ Ghazi Siraj-ud-Din Munir petitioned that he be made a party to the proceedings as he was the founder of a movement called Tehrik-i-Islam and claimed that

it was he who originally started the anti-Ahmadi movement. Most importantly, Daultana realized the importance of the inquiry commission and its possible outcome on his future political prospects. He therefore requested to be included as party to the proceedings.⁷ The court gave special instructions to the Punjab government to allow Daultana access to relevant documents so that he could prepare his case in an effective manner.⁸

The court solicited assistance from the government as well as the public in helping them ascertain the facts of the case. They instructed Muhammad Husain, superintendent of the CID, to probe through the press branch for publications – whether in newspapers or in the form of books or pamphlets – about the anti-Ahmadi movement since 1947. He was also to probe the disbursement of funds through the Adult Literacy Fund and the department of Islamiyat and present the records before the court.⁹ Similarly, the records of various districts and the central office of the Muslim League were also requested to determine the policy line adopted by the party during the movement. This reliance on the provincial records of administration, government and the Muslim League was described as an integral flaw to the whole inquiry by the counsel of Daultana in summation of his arguments before the court. The court of inquiry did summon some of the former ministers but it did not direct the central government to present its administrative records or policy measures during this period to see whether it was fulfilling its responsibility in an appropriate manner or not.¹⁰ On one occasion it did ask the federal minister for interior, Mushtaq Ahmed Gurmani, to send files of correspondence between the central and the provincial government on the issue of *tehr-i-khatam-i-nabuwat*. But probably these orders were not carried out as the Munir–Kiyani report relies almost exclusively on the records retrieved from the government of Punjab.

The court of inquiry asked all the parties to the proceedings to submit written statements. In addition to these parties, the responsible government officers of that time were also required to submit written statements. While all the parties were required to give their account of the events leading to the imposition of martial law and give their reasons and explanations for it, the government officials were also required to explain what action was taken by the military which could not have been taken by them in quelling the disturbances. In addition, the police officers were to give details of the quantity of the ammunition used during the disturbances and casualties resulting from it. The district magistrates were required to state whether they made requisition for military assistance to control disturbances. They were to give reasons if no such requisition was made.¹¹ The district police officers were also required to give a summary account of the disturbances in their respective areas and provide copies of FIRs (first investigation reports) and daily reports of incidents and fiery speeches made by certain individuals.

Since one of the major reasons for the outbreak of violence was related to the religious doctrines of the Ahmadis, the court, in one of its initial sittings, asked Anjuman Ahmadiyyah of Rabwah to explain the tenets of the Ahmadiyyah creed, in particular their stance about those Muslims who do not believe in Mirza Ghulam Ahmad as a prophet. Were they regarded as *kafirs* (infidels) by the Ahmadis, whose funeral prayer could not be offered?¹² From the opposite side, the court was to examine between 14 and 20 ulema and leaders of religio-political parties, which included Maududi, Ata Ullah Shah Bukhari, Maulana Abul Hasnat, Daud Ghaznawi, Maulana Muhammad

Zakir, Nur-ul-Hasan Shah Bukhari, Mufti Muhammad Hasan, Mufti Muhammad Idris, Maulana Ahmad Ali, Sulaiman Nadawi, Mufti Shafi and Ghazi Siraj ud Din.¹³ They were to be asked questions about the outlines of an Islamic state, the justification for fatwas of *kufir* (infidelity; exclusion from Islam) against Ahmadis and the rights of non-Muslims in an Islamic state, along with a number of other relevant themes. In order to facilitate Maulana Maududi for the preparation of his case, the court directed that he be transferred from Mianwali jail to the central jail at Lahore. The advocate general was to arrange for the record to be taken away by the martial law authorities or police from Jama'at-i-Islami offices.¹⁴ However, the court was not very courteous towards Abdul Sattar Khan Niyazi, who had also requested to be made a party to the proceedings. His application was turned down and he was simply asked to submit a written statement.¹⁵

Those belonging to Ahrar and Majlis-i-'Amal were required to furnish evidence in support of their allegations made against Ahmadis in numerous speeches of their treachery to Pakistan and conspiracy against it.¹⁶ Especially, the court requested evidence in support of the allegation that the Ahmadis constituted a major part of the officer cadre in the Pakistan army or that the Ahmadis were responsible for the Radcliffe Award in favor of India, hence denying Pakistan a fair share of Muslim-majority lands in East Punjab at the time of partition.

Husain Shaheed Suharwardy's name appeared as the legal counsel for Muttahida Majlis-i-'Amal during the initial proceedings of the court. It was later replaced by Maulana Murtaza Ahmad Khan Maikash. According to Hamid Nizami's statement, Suharwardy – who had a general reputation as a secular and progressive Bengali leader – was supportive of the demands made by Majlis-i-'Amal.¹⁷

Using the records

As can be seen from the description given above, the record of the court of inquiry comprised various intelligence reports, written statements given by provincial officers as well as respondents, copies of cases registered against protestors, and transcripts of interactions between the judges and various respondents including officers, ulema, political leaders and other witnesses. This record consisted of 3,600 pages of written statements and 2,700 pages of evidence. A total of 339 documents were formally exhibited, while a large number of books, pamphlets, journals and newspapers were referred to in the course of giving evidence and making arguments. Besides, a large number of letters, each extending to several pages and a few to even more than a hundred pages, were received which were carefully perused by the authors of the report.

The Munir–Kiyani report and the record on which it is based is thus a classic example of primary discourse that is official in character, as described by Ranajit Guha. Guha defines this primary discourse in the colonial context as originating

not only with bureaucrats, soldiers, sleuths, and others directly employed by the government, but also with those in the non-official sector who were symbiotically related to the Raj. [...] Even when it incorporated statements emanating from “the other side,”

from the insurgents or their allies, for instance, as it often did by the way of direct or indirect reporting in the body of official correspondence or even more characteristically as “enclosures” to the latter, this way done only as a part of an argument prompted by administrative concern.¹⁸

The official correspondence and its enclosures comprised of various intelligence reports including daily police diaries, provincial situation reports and secret weekly abstracts of intelligence.¹⁹ In addition to that, the whole record of correspondence between various branches of administration and the districts were also made available along with written statements of the officers responsible for these duties. Other than that there are hundreds of pages of testimonies from various key players and participants of the anti-Ahmadi movement of 1953.

Such methodological record keeping was a continuation of the bureaucratic work ethic from the colonial period. Like its predecessor the British colonial authority and the order established by it, the postcolonial state of Pakistan too was highly sensitized to the need for vigilant maintenance of public order. Any violation of this order was minutely noted for reference in any future course of action. This explains why, in the Munir–Kiyani report, there are numerous references to the speeches made by various Ahrar leaders against the Ahmadis dating back to as early as 1948. A similar level of meticulous record keeping with the intention of enforcing the state’s authority and order can be seen in the record of the trial of the alleged Communist conspiracy to overthrow the government in 1951. These judicial records were unearthed in the 1990s when the prime minister secretariat was being moved to a new location. At that time the cabinet secretary, Hasan Zaheer, stumbled upon several black steel Chubb dispatch boxes with the words “Prime Minister” stenciled on them. No one knew what these boxes contained. When opened, they were found to contain daily reports of the proceedings of the special tribunal trying the Communist conspiracy (more popularly known as the Rawalpindi conspiracy) in Hyderabad central jail. Every report summarized the daily proceeding of the court, evidence recorded and legal points raised by the counsels.²⁰ While the Pakistani state has been meticulous in recording information about matters which concern public order, it has not been efficient in preserving them until and unless state interests demand so. One of the most recent examples of such a policy can be seen in the re-opening of the trial of Zulfiqar Ali Bhutto in the Supreme Court of Pakistan. In order to develop the argument that there was an unfair trial – resulting in a miscarriage of justice in the form of the death penalty for Bhutto in 1979 – the ministry of law retrieved hundreds of boxes containing the entire record of the Bhutto case from the record rooms of the Lahore High Court and the Supreme Court. It contained witness statements, investigation reports, medical examinations and almost three hundred audio cassettes recording the entire proceedings of the trial. Similarly, there are massive paper works filed as witness statements and reports for a number of other important episodes in Pakistan’s history (such as the Hamood-ur-Rehman Commission proceedings and its report on the causes and events which led to the breakup of Pakistan in 1971), but no access is allowed to these records, nor is their location known to scholars or even concerned government officers themselves.

Like the record of the Rawalpindi conspiracy case, the record of the court of inquiry probing the disturbances of Punjab was hitherto unavailable.²¹ There are still a few volumes of the written statements – volumes 4 to 5 and 7 to 8 – missing from the record. But unlike the volumes of the conspiracy case in which the record of the defendant's case has been kept classified to deny a more thorough understanding of the events, the missing volumes in the present case do not have such an impact. The written statements of all the key players including district commissioners, political leaders, police officers and religious groups are to be found in the available record. There is no major or even minor player of the events of 1953, or those specifically asked by the court of inquiry itself, whose written statement is missing. The only exception is the statement of Maulana Abdul Sattar Khan Niyazi, who, according to the Munir–Kiyani report, had submitted a statement running into hundreds of pages.²² For some strange reason, the final report does not cite Niyazi's statement for elaboration of any point, nor does it discuss his role in great detail. Other than Niyazi's statement, the missing volumes may also have contained further records from the CID about the various activities of Ahrar (mostly excerpts from speeches) since 1947 or copies of criminal cases registered against their leaders and workers. It could also have contained numerous exhibits (newspaper reports, advertisements, handbills, etc.) which were presented before the court. In the first three parts of the report, there are lengthy excerpts from various provocative speeches delivered by the Ahrar from 1949 until May 1952. The records available to this author do not cover these speeches in such extensive detail.

Apart from such excerpts, there is nothing else in the report which seems to have been derived from the missing volumes. The important parts of the Munir–Kiyani report, in any case, are based on the interaction of the judges with the ulema, political leaders and bureaucrats during the course of proceedings of the court. It is on the basis of this interaction that the present work delineates the Munir–Kiyani report's discourse on Islam and its impact on the resolution of a conflict between the imperative of religious instrumentalization by the political elites and their considerations of maintaining a liberal framework for the authority of the state. In questioning the respondents in the court of inquiry, the judges often referred to the written statements submitted to them in order to demand an explanation on certain points. In these interactions there is no noticeable incidence of judges basing an important question on a written statement whose volume is missing. This shows that the available records are not lacking in important details and hence are immensely useful in making an original contribution to the study and understanding of the Munir–Kiyani report and the events of 1953.

After 1953, these records of the proceedings of the court were not available even to the judges themselves. Justice Muhammad Munir expressed his dismay at not being able to trace them at the time of writing his book *From Jinnah to Zia* (1979) decades after his retirement. Munir recounted that even though he had instructed his stenographer in 1953 to maintain an additional copy of all the statements submitted before the court, either in written form or orally, they were no longer to be found in the Lahore High Court.²³

One must also add that the retrieved record does not contain those pamphlets and books which the authors of the report used to form their opinion about various aspects of

an Islamic state. Also, the authors of the report – especially Justice Muhammad Munir – had close ties with the executive and political branches of the government, giving them access to more information about the events than is reported in these statements and records. But, on the other hand, the present work has the added advantage of not relying exclusively on the dubious intelligence reports and official discourse alone; it also takes into consideration articles and books written by participants of the anti-Ahmadi movement, which serve as a counter-narrative to the dominant one established by the Munir–Kiyani report.

The Munir–Kiyani report is divided into six parts. In the first two parts, the report gives the details of Ahrar's activities from 1947 to 1953, when they were trying to reassert their political role in Pakistan by mobilizing a popular movement against Ahmadis on a religious basis. In this regard, the report records numerous speeches made by Ahrar leaders and important events which led to the increasing momentum of the movement. In these parts, the role played by such factors as the vernacular newspapers and the inaction of provincial government and bureaucracy is also discussed. This part of the report is needlessly lengthy and often repetitive. Part 3 covers the period of violence starting from the call for direct action until the imposition of martial law. As a subsidiary to the discussion of demands put forward by religio-political parties resulting in violence, part 4 of the report evaluates the religious aspects of the movement. This leads the judges to debate such issues as the definition of a Muslim, theological differences between Ahmadis and the rest and the outlines of an Islamic state including discussions on the power of legislature, rights of non-Muslims and related themes. In parts 5 and 6, the report tries to fix the responsibility for these events while evaluating the adequacy, or lack of it, of the measures taken in preventing the situation from escalating out of control.

The contents of the Munir–Kiyani report shift from one theme to another and it often reverts back to a theme it has already explored. This is because of the interlinking of these themes. For example, the report details the inaction of bureaucracy and provincial government in the first two parts describing the ascendancy of anti-Ahmadi movement. It then reverts back to it towards the end of the report while fixing responsibility for the events of 1953 and also when evaluating the clarifications made by the political leadership and the bureaucracy about the efficacy of the measures adopted by them.

Using the archives left behind by the court of inquiry entails certain methodological problems. This record can be divided into three parts. The first comprises of the fortnightly intelligence reports, official correspondence between officers and other such documents which were contemporaneous to the events taking place between 1952–53. Still, they carry an ideological imprint in terms of the ideas of the intelligence officers and bureaucracy about colonial conceptions of rule of law and their own historical experience of dealing with such groups as Ahrar and its leadership. The fact that they were monitoring them immediately after 1947 is in itself a reflection of their concerns shaped by their experiences and ideas. The second part of the record comprises of the various written and oral statements submitted before the court of inquiry, not just by bureaucrats but by political leadership and the ulema as well. This is largely a retrospective commentary on the events which had already taken place, in that, for example, the bureaucracy and political leadership – depending on their circumstances and political

interests – were eager to downplay or exaggerate the impact of their words and action (or inaction). It also includes the explanations given by the ulema in which they try to justify their movement against the Ahmadis on the account of their religious beliefs while trying to absolve themselves of the charges of inciting violence during agitation. Both these components of the record were, however, collected after the events of 1953 and within a legal framework specified for the working of the court of inquiry. The proceedings of the court were, in addition, shaped by certain considerations of the judges of the court. This has an impact on the third component of the record, which is the Munir–Kiyani report itself. The judges of the court, during the proceedings and in their final report, were driven by many factors. As will be discussed later in this section, the judges wanted to reinscribe the authority of the state, challenged by a religiously inspired agitation movement, and emphasize the ascendancy of a modernistic interpretation of Islam to preclude the possibility of (what they considered to be) obscurantist religious forces taking center stage. Their congruence with the bureaucrats about the agitation being simply a law and order situation mishandled for petty political interests also had an impact on the way the proceedings of the court were conducted as well as the final comment made on it by the judges in their report. As will be pointed out in Chapter V, the testimony of ulema and leaders of religio-political parties before the court of inquiry may not necessarily be an exact rendition of their statements as it was summarily dictated to the record keepers by the judges. This was one way of strategizing the dominance of statist discourse during the court proceedings. Therefore, in addition to the voluminous documentary records, the present book has also made use of a wide array of vernacular sources written by the Ahrar and other religio-political parties and individuals who participated in the *tehr-i-khatam-i-nabuwat* of 1953. Again, this record is a retrospective recollection of events but it offers an alternative perspective to read against the statist discourse left behind in the form of the archives of the court of inquiry.

In conclusion, the record of the court of inquiry and the report based on it was not simply a summation of bare facts but commentative and interpretative as well. Therefore, the context in which this information was recorded or presented before the court has been taken into consideration – especially when using it for detailing the events of 1952–53. This has been done by explaining the continuities of colonial hierarchies in matters of administration and legal reasoning (in Chapter III) as well as the peculiar world view (Section II of this chapter) of those – such as judges, bureaucrats and political leaders in power – who directed the course of this archival collection through their peculiar ideological predilections. These included ideas about such themes as rule of law, bureaucratic efficiency, political exploitation of a religious issue and contestation between contrasting views on Islam-based polity in Pakistan. It was mainly along these lines, as suggested by the outline of the scope of the inquiry, that the proceedings were directed and it is the lens through which judges viewed the anti-Ahmadi violence of 1953. In this way, the report and its record are not only important as providers of firsthand information about *tehr-i-khatam-i-nabuwat*, but also as commentative texts on this movement. Through these texts, then, it is possible to find details about the events of 1953 while also delineating statist discourse about this issue, wider theoretical issues about Islam-based polity, ideological world views of the power elite and continuities from a colonial to a postcolonial understanding of politics, law and security.

From the above methodological considerations, it can be followed that the present work does not aim at rewriting another report about the events leading to the imposition of martial law in Punjab in 1953, nor does it follow the chronological or organizational pattern of the report. Unlike the Munir–Kiyani report, which was constrained to respond to specific questions addressed to it by the ordinance which established the court of inquiry, the present work as an academic study has the liberty of following a different approach to *tehrick-i-khatam-i-nabuwwat* and the Munir–Kiyani report. It does not have to adopt a narrative required of an official document serving the administrative and legal requirements of the state by numbering causes, factual events and policy recommendations. This allows it not just to record the historical background and events of anti-Ahmadi movement in 1953 but also to discuss issues concerning the politics of Islam in contemporary Pakistan and elsewhere in the postcolonial Muslim nation-states through a critical reading of the Munir–Kiyani report and its record, because of which the report has come to acquire its enduring significance.

II

Significance of the Munir–Kiyani report

The Munir–Kiyani report is not simply a repository of the record chronicling the events of 1953. As Asad Ahmed in his various analyses of the Munir–Kiyani report has observed, it would not have been of much interest if it had been limited to dealing with the matters of administrative failings and political motivation.²⁴ The reason the Munir–Kiyani report has continued to provoke interest is, firstly, its discussion of the definition of a Muslim, in particular its conclusion that it would be disastrous for the nascent state of Pakistan to discriminate among its citizenry on the basis of religion and make recourse to a rigid interpretation of scripture which would entail putting a certain community outside the fold of Islam; and, secondly, its statement that an Islamic state as envisaged by the ulema was not feasible. The former question has come to define the tagline for the Munir–Kiyani report. For anyone even remotely familiar with the events of 1953 and the court of inquiry constituted thereafter, the report “exposed” the ulema as divided on even the “basic” and “simple” issue of defining a Muslim. The second popular aspect of the Munir–Kiyani report on the question of an outline of an Islamic state has projected the image of an Islamic Leviathan²⁵ – a totalitarian state – characterized by a lack of equal rights for all citizens, the persecution of minorities and an absence of representative democratic institutions with the sovereign power to legislate. This came at a time when there were increasing demands for a more visible role for religion in the policies of the state and its future constitution in Pakistan in the 1950s – especially after the passing of the Objectives Resolution by the Constituent Assembly in March 1949. The power elites of Pakistan had resorted to an Islam-based polity not just in acquiescence to public pressure but because they needed a binding force for national identity and national integration in a multi-ethnic state. As a result, the BPC was formed in 1949, which, among other issues regarding the federal structure, was to discuss the “Islamic provisions” of the new constitution. This led to the adoption of

such symbolic measures as the name “Islamic Republic” for Pakistan in the subsequent constitutions. The ulema and the religio-political parties, on their part, were more specific in demanding an answer to theological as well as political aspects of the new constitution. Was there to be a strict enforcement of *shari‘at* in Pakistan? What was to be the scope of the parliament’s powers if Pakistan was to be run according to *shari‘at*? What rights would women and non-Muslims have in the Islamic state of Pakistan? These questions were addressed in the Munir–Kiyani report indirectly since it was not mandated to give an opinion about the feasibility of an Islamic state compatible with modern values. This the report did by highlighting the specter of an Islamic Leviathan and, hence, hinting at the undesirability of the confluence of religion and state in Pakistan even for the purpose of binding its disparate ethnic elements together.

In discussing the question of Islam and its relationship to the nation-state, law and citizenship, the report laid the basis for future discussion in Pakistan along ideological lines. It is this aspect of the Munir–Kiyani report which has given it an enduring significance. While the report has invited criticism from those who were at the forefront of the movement against the Ahmadis for its alleged bias against Islam and the concept of an Islamic state, the proponents of a liberal polity in Pakistan widely recognize its importance for completely opposite reasons. They regard it as the only document in the history and politics of Pakistan which unequivocally espouses a secular polity for Pakistan and a complete separation between state and religion.

Despite the fact that the Munir–Kiyani report touched upon matters of vital ideological significance which were later to shape the course of events in the history and politics of Pakistan, it was never really adopted as a guideline for the shaping of state policy. This was because the pursuance of an Islamic state was, for the political elite, necessary to forge a consensual national identity in order to preclude the centrifugal pull of ethno-progressive nationalist forces. The popularity of the report and the idea of the separation of state and religion invoked by it, however, did not subside among the intelligentsia. It has remained a benchmark for those opposed to the encroachment of liberal-secular space by religious forces. Hence, the more the specter of an Islamic Leviathan appeared to be realized, the more relevant the Munir–Kiyani report became for various political commentators and analysts in Pakistan of a liberal-secularist persuasion.

Justice Munir himself helped project such an appreciation for the report. In his various writings published after his retirement from the judicial service, he explains how the Munir–Kiyani report foretold the consequences of a confluence of religion and state. His final statement on this issue is in his book entitled *From Jinnah to Zia*. It was written and published at a time when the crescendo of Islamization of Pakistan’s state and society had reached the point of no return. In that book, Munir claims that all his “predictions expressed or implied in the Report have come out true, and there is not a single question touched in it which did not subsequently arise in Pakistan, one of the issues being a burning issue even today.”²⁶

In his lifetime, Munir witnessed the reversal of the trend he had tried to support through his verdicts and writings. The National Assembly of Pakistan passed a constitutional amendment in 1974 whereby Ahmadis were declared a non-Muslim minority. What the