First directly elected National Assembly of Pakistan was confronted with the question of the religious position of the Qadianis soon after the Assembly had passed the Constitution of Pakistan in 1973. It was in a sense the second important issue that the Assembly had to deal with after the passage of Constitution that is why the decision of the parliament regarding this issue was passed as the second amendment in the Constitution. The prose and conces of the issue, the way how parliament dealt it and the implications from outside of the Assembly have been analysed in this paper. The history of the emergence of the issue to significance and urgency, the reasons of the reference to the National Assembly, the analysis of the proceedings of the parliament and factors behind the decision of Assembly have also been the focus of the paper. The place of the institution of parliament during and after this issue has been determined ultimately.

After the dismemberment of Pakistan the Qadiani question dominated the political scenario in mid 1974 and paved the way for the Constitution (Second) Amendment Bill.\textsuperscript{1} This issue was
one of those issues which reflect the strength of the Parliament in respect of the concept of durability. The Parliament as an institution ultimately asserted its role although the executive and the government apparently were not in the favour of Parliament.

At least 170 students of Nishtar Medical College, Multan, passed through Rabwah, the sacred and central city of the Qadianis, on 22nd May 1974. The Qadianis alleged that these students raised unbearable slogans on Rabwah Railway Station. When the same students returned on 29th May 1974 the compartment of Chenab Express carrying them was attacked at Rabwah railway station. Allegedly the Qadianis detached the compartment from the train, the student passengers were taken out and were mercilessly beaten by armed hooligans, wounding many of them seriously and depriving them of their valuables. This caused great unrest throughout the country and it needed to be discussed in the Parliament.

On 30 May 1974, the Leader of the opposition in the Punjab Assembly, Allama Rehmatullah Arshad, speaking on the incident, demanded an immediate investigation and urged the government to declare Qadianis a non-Muslim minority and to remove them from all key posts. On the following day, Mufti Mahmud, Choudhary Zahur Ellahi, and Sahibzada Safi Ullah moved adjournment motions in the National Assembly (NA) to discuss the incident. The Law Minister, Abdul Hafeez Pirzada, opposed the motion as being an issue of provincial nature. Choudhary Zahur Ellahi, Professor Ghafoor Ahmad, and Maulana Ghulam Ghaus Hazarvi spoke in its favour, but the motion was ruled out with a statement by Prime Minister (PM) Bhutto that a court of inquiry would be appointed to look into the matter.

Initially the government and speaker did not let the Parliament discuss the issue on various pretexts. Parliament appeared less important before the institution of judiciary or the provincial government. The rules of the Parliament also came in the way of the discussion. In fact for the time being the government succeeded
to sideline the Parliament on the issue. A number of members of NA tabled a number of adjournment motions relating to the incidents which were taken up together, out-of-turn. Though the motion to suspend rule 84 - that was bar to take up the motion before the disposal of the adjournment motion received earlier\(^9\) - was put to the House and was carried unanimously yet on the text of the motion the Law Minister raised preliminary legal objections; the arguments advanced were that, under the Constitution, maintenance of law and order was the exclusive responsibility of the provincial government and secondly, a Judge of the High Court had been appointed to hold an enquiry into the matter\(^9\), hence the motion were hit by rule 40, sub-rules (f) and (n). The Law Minister opined to wait to see the developments.

The opposition MNAs like Chaudhri Zahur Illahi, Professor Ghafoor Ahmad, Maulana Ghulam Ghaus Hazarvi and Maulana Mufti Mahmood tried successfully to prove that the Federal Government was competent to take cognizance because the occurrence had been committed at a place which attracted the provisions of the railways act and that discussion in the provincial Assembly could not create a bar to its discussion in the NA and the appointment of a Judge to hold enquiry into the matter should not be taken as a hurdle to discuss the matter in the National Assembly. They also contended that the discussion would be useful to look into many basic problems of the issue and to find out the solution.\(^{10}\)

Responding to the arguments of the opposition the PM stated that adjournment motion was not the solution of the immediate problem. He said that the Government was worried about it and the solidarity of the country was involved with it but he opined that the situation should not be ignited and the citizens should not be allowed to kill each other. He suggested that sensibly the matter should be taken up for discussion either in camera, on party basis or in the House, whatever method was devised. Therefore instead of debate in Parliament he supported an impartial enquiry by judge of the High Court. He managed to convince the Parliament to wait till the report of the Tribunal was finalized.\(^{11}\)
On 3rd June 1974, speaker allowed the matter to discuss in house after finding the competency of the house to discuss it. Law minister again urged to let judicial inquiry be completed before the matter was discussed in house. PM admitted that the issue was a serious question, but in his views, there was no need for an adjournment motion on the subject because it was not an immediate problem. He questioned the Jamiat Ulema-i-Islam (JUI) and Jamaat-i-Islami Pakistan (JIP) if the question of Ahmadiya as minority was so serious, why they had not raised it at the time of framing constitution and why they signed the constitution? He reminded the opposition that if they objected the category of minorities at the time of framing constitution, they should have walked out because they objected many problems and up to the last minute they were not agreeing to some minor point.

Bhutto further argued that the issue had already been resolved in the question of oath taking, where there was clearly mentioned to believe in finality of Prophet Muhammad (PBUH). He further said that if opposition still thought a scope to discuss it then they would discuss it at a proper time. Finally on 4th June 1974, the speaker ruled out any possibility of debate on Qadianis issue by stating that the minorities had already been defined. He ruled out all the adjournment motions as out of order on the grounds of the unanswered legal objections raised by the law minister, a law and order situation being jurisdiction of the provincial government, judicial matter and because the determining of the status of any community an amendment in the Constitution was required. Thus in start the PM and the Speaker extinguished the fire of the issue in the Parliament.

Bhutto did not want to resolve the matter through Assembly, because he wanted to pay attention towards the atomic explosion by India. He asked Rafi Raza to meet with Haneef Ramay to sort out the matter. According to Rafi Raza, Ramay was a mild person and an intellectual so they both, Ramay and Rafi discussed the matter and suggested Bhutto some administrative measures.
The Government was not willing to air the Qadiani issue in any case as even when a group of Parliamentarians, the majority electoral college, and public opinion was against the influence of Ahmadiyas. The incident of Rabwah railway station sparked the demonstrations and protests throughout Pakistan. On 14th June a strike was observed on the call of the Majlis-i-Aml against the Qadianis. According to Naeem ud Din, the General Secretary Ahmadiya Movement in Islam Huddersfield UK in the result of acts of violence about 500 houses, 600 shops of Ahmadis were looted and burnt and many Ahmadis were killed and within two weeks rioting spread to the North West Frontier and all together 100 lives were lost. After it became clear that the rioting which broke out in the Punjab was serious, Bhutto referred the whole problem to the NA.

The latter developments outside the Parliament forced Bhutto to address the nation on radio and TV on 13th June and to promise to place the matter before the NA after the ongoing budget session, and get a resolution passed about the status of the Qadianis. The matter, he said, could be referred to the Supreme Court or the Council of Islamic Ideology. There were some important factors which led him to change his early decision of not solving the matter through Assembly. Firstly he was disturbed by the reports that Qadianis were transforming their allegiance form PPP to retired Air Marshal Asghar Khan. Secondly on foreign level Zafar Ullah Khan started to appeal international institutions and foreign offices to exert pressure on Pakistan for the safety of Qadianis. International media especially of India and Britain also started to assert the statements of Mirza Nasir and Zafar Ullah Khan and described the situation as PPP sponsored. Zafar Ullah Khan also invited the international press to directly investigate into allegation. Zafar Ullah Khan and Ahmadiya chief made the issue more controversial by involving foreign media and agencies in their support. On 10th June three petitioners petitioned to call Mirza Nasir examining as a witness after his interview to the associated press of America, but court did not pass order to call
him. In reaction, Mirza Nasir Ahmad termed this inquiry an ‘aggression’ engineered by P.M. Bhutto to crush their community.

Bhutto felt hands of foreign conspiracy in the anti-Ahmadiyya movement. He talked about such problems in his address to the nation on 13th June. He mentioned international involvement in this issue as well as the Indian atomic explosion, president of Afghanistan, Sardar Dawood’s visit to Moscow and Wali Khan’s presence in Kabul as chief guest. Under above mention circumstances and extensive discussion with Chief Minister of Punjab, Chief of Army Staff and Ulama Bhutto decided that the matter should be put into NA. Moreover on 9 June, 1974 some eighteen political and religious parties held a conference and established Majlis-i-Amal for Tahaffuz-i-Khatmi-Nabuwat; Maulana Muhammad Yusaf Binnori was elected as its president and Mahmud Rizvi as its secretary General. Abdur Sattar Niazi, vice president of Majlis-i-Amal, demanded the declaration of Ahmadiyya as non-Muslim and Rabwah an open city and removal of Qadianis from key posts and arrest of Mirza Nasir and culprits of Rabwah incident by 13 June otherwise they would observe strike on 14 June 1974.

On 30th June 1974 Maulana Noorani moved a resolution in the assembly, signed by twenty two members from both government and opposition benches. Bhutto was not happy at the resolution moved by Ulama in the house to declare Qadianis as non-Muslims. When he got news of this happening, he was disturbed and said that ‘what had done these moulvis?’ However many members from PPP favoured it as the evidence against Qadianis could not be rejected. Soon after this Bhutto himself went in the favour of resolution because he became aware of intrigues of Qadianis.

The issue gained momentum day by day that is why it was officially announced in Islamabad on July 5, 1974 that the Prime Minister of Pakistan’s visit to the Soviet Union, which was
scheduled to take place in the same month, had been postponed until October 1974, because Bhutto could not undertake the trip at a time when an important issue had come up before Pakistan's National Assembly which meant that due to the sensitivity of the issue Bhutto decided to postpone all his visits abroad.  

With the consent of the government on 30th June the NA, previously engaged in the Budget debate, was able to turn its attention to the Qadiani issue. A Resolution of Motion was submitted by the Law Minister regarding determination of status in Islam of persons who did not believe in the finality of the Prophethood of Prophet Muhammad (peace be upon him). House formed itself into a special committee of the whole house to consider and make recommendations for the determination of the Qadiani issue. From 30th June 1974 until 7th September 1974 the Special Committee of the whole House considered the matter in camera. House adopted the procedure unanimously and summoned many theological experts both orthodox and Ahmadis. House invited suggestions, motions and resolutions from Members. House also decided to set up a Steering Committee which would formulate the procedure for the Special Committee of the whole House and also assist and help the Special Committee in resolving the issue. The Steering Committee represented almost all parties in the House.

Abdul Hafeez Pirzada described the detail on the floor of the house that on the 30th June, a non-substantive Motion was submitted by him regarding determination of status in Islam of persons who do not believe in the finality of the Prophethood of Prophet Muhammad (peace be upon him). The NA was converted itself into a Special Committee of the whole House to discuss and deliberate upon this matter. The resolution was carried unanimously. One more resolution from the opposition was moved which was also referred to the Special Committee of the whole House. From the 30th June 1974 the Special Committee of the whole House considered this matter and during this period a number of sittings were held which all took place in camera. The
procedure was adopted unanimously. Suggestions, motions and resolutions from Members were invited. In that Committee it was also decided that a Steering Committee would be set up which would formulate the procedure for the Special Committee of the whole House. On the Steering Committee were some Members from Pakistan People's Party and Pakistan Muslim League (Qayyum Group) there were Members from the opposition Parties and particularly Jamiat-ul-Ulema-e-Islam was represented by Maulana Mufti Mahmood and Maulana Ghulam Ghaus Hazarvi. 41

There were representatives of Council Muslim League, National Awami Party, Jamaat-i-Islami, Pakistan Convention Muslim League, Markazi Jamiat-ul-Ulema-e-Pakistan and Independents. During the entire period of three months, a consensus and unity in the Assembly was found. Although there was some procedural and substantive difficulty but members were unanimous in the deliberation inside the Committee, which also continued to work between the opposition Parties and the leader of the House, the Prime Minister. During the final phase, the representatives of the Parties joined in the discussions and informally also concurrence had been sought, as far as possible, of all the viewpoints represented in the House. A formal Resolution was moved earlier on before the Special Committee there were seven signatories, but informally Maulana Ghulam Ghaus Hazarvi was also consulted who supported viewpoint of the committee. 42

During sittings Assembly examined some witnesses who volunteered to appear before it. Assembly considered papers and finally the proposals were brought before the Special Committee, which were approved in the form of a recommendation unanimously.

The Recommendations of Committee were that:

"The Special Committee of the Whole House, assisted by its Steering Committee and Sub-Committee, having considered the resolutions before it or referred to it by the National Assembly
and after perusal of the documents and examination of the
witnesses, including the heads of Sadr Anjuman-i-Ahmadia,
Rabwah, and Anjuman-i-Ahmadia Ishaat-i-Islam Lahore,
respectively, unanimously makes the following recommendations
to the National Assembly:

(i) That in Article 106 (3) a reference be inserted to
persons of the Qadiani Group and the Lahori Group
(who call themselves ‘Ahmadis’);

(ii) That a non-Muslim may be defined in a new clause in
Article 260.

That in the Constitution of the Islamic Republic of
Pakistan in Article 106, in clause (3), after the word
‘communities’, the words and brackets ‘and persons of the
Qadiani Group or the Lahori Group (who call themselves
‘Ahmadis’) shall be inserted; 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."

Apart from these constitutional amendments, there were
some recommendations with regard to legislative or procedural
measures. These were:

“That an explanation be added to the already existing Section
295-A of the Pakistan Penal Code to the effect that:
“A Muslim who professes, practices 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.”

It was also recommended that consequential legislative and procedural amendments might be made in the relevant laws such as the National Registration Act, 1973 and the Electoral Rolls Rules, 1974.

National Assembly unanimously adopted the unanimous recommendations of the Special Committee of the whole House on the question of status in Islam of persons who do not believe in the finality of the Prophethood. The Constitution (Amendment) Bill sought to amend the Constitution of the Islamic Republic of Pakistan so as to declare to be a non-Muslim any person who does not believe in the absolute and unqualified finality of the Prophethood of Muhammad (Peace be upon him) or recognizes such a claimant as a prophet or a religious reformer.

The Law Minister reported that during entire period the house found consensus or unity. Although Assembly had some difficulty which was procedural and substantive, but Parliamentarians were unanimous in the deliberation inside the Committee. During sittings house examined some witnesses, Sadr Anjuman-i-Ahmadia, Rabwah and Anjuman-i-Ahmadia Ishaat-i-Islam, Lahore, who volunteered to appear before the House. On 7th September the Law Minister put the recommendations before the House which was adopted as the Constitutional Second Amendment Bill 1974. The Special Committee finally recommended to the National Assembly that non-believers in the finality of the Prophethood of Muhammad (PBUH) were outside the fold of Islam. The text of the proposed amendment was supported by Abdul Hafeez Pirzada, Mufti Mahmud, Maulana Hazarvi, Maulana Shah Ahmed Noorani, Professor Ghafoor Ahmed, Ghulam Farooq, Choudhary Zahir
Ellahi, and Sardar Maula Bakhsh Soomro. Before the finalization of the decision of the Special Committee, an opposition team, consisting of Mufti Mahmud, Professor Ghafoor Ahmed, Maulana Shah Ahmad Noorani, Choudhary Zahur Ellahi, Ghulam Farooq, and Maula Bakhsh Soomro, had in depth discussions with Bhutto and a government team consisting of Abdul Hafeez Pirzada, Maulana Kausar Niazi, and Attorney-General Yahya Bakhtiar. One hundred and thirty members of the National Assembly and thirty one senators voted for the bill, and none against. The vote in both houses was a free one, with no party whips on.

The unanimous adoption of the Constitution (Second) Amendment Bill 1974, however, did not give birth to a political détente as both the PPP government and the opposition claimed it as their achievement. Thus, after this brief holiday of reconciliation, the pre-Second Amendment confrontational posture was resumed by the PPP and the opposition.

This was considered a land mark victory both for opposition and Bhutto who solved the ninety years old issue. Haneef Ramay commenting on it said that by resolving the religious issue the National Assembly had established a fundamental point that the institution of National Assembly was competent for ijtihad.

If the situation had not been out of control Bhutto neither decided to declare Qadianis as Ahmadis nor would bring the matter to the NA for a decision. In fact Bhutto was not enthusiastic about rigid Islamic provisions in the constitution. In order to save face from election allies as well as due to the foreign pressure he got the decision done by the Parliament. When Parliament itself wanted to initiate the discussion on the issue he did not let it do and when he found the Parliament as an appropriate platform that could save him from the criticism from the secular groups within PPP, secular foreign powers and Qadianis, he felt it expedient to bring forth Parliament.

The MNAs set in the House, first in the Budget Session and then in a secret session, for almost four months. The secret
session was a rare experiment in a democratic process. The House sat for ten to fifteen hours, and in one day it sat for sixteen hours, while continuous cross examinations and speeches were going on.\textsuperscript{51}

The NA’s resolution also recommended inter alia, (A) that the following explanation should be added to section 295A of the Pakistan penal code: “a Muslim who professes, practices or propagates against the concept of the finality of the prophethood of Muhammad (PBUH) shall be punished under this section” (which allowed up to two years imprisonment), and (B) “that the life, liberty, property, honour and fundamental rights of all citizens of Pakistan, irrespective of the communities to which they belong, shall be fully protected and safeguarded”.\textsuperscript{52}

The majority of the Muslims in Pakistan had long been in favour of the Ahmadi sect to be declared a non-Muslim community. There were 3 to 4 million Ahmadis in Pakistan and a disproportionately large number of them had been in positions of influence in Pakistan. The problem Bhutto confronted was that during his election campaign in 1970 the Ahmadis had extended monetary and organizational support to him but when Bhutto came to power, he sacked the chiefs of the three Armed Services and appointed two reputed Ahmadis to head the air force and navy, with Ahmadis in command of at least two of the five Army corps under the orthodox Tikka Khan, they seemed to be reaping their reward.\textsuperscript{53} Thus Bhutto was not against the Ahmadis. There were some other factors which led Bhutto for declaration of the Ahmadis as non-Muslims through the constitutional amendment from the Parliament.

By patience and art Bhutto defused the situation, and the Ahmadiya was finally declared a non-Muslim minority in Pakistan but without explicit prejudice to the positions or careers of individual Ahmadis.\textsuperscript{54} Bhutto’s position, through this decision, could get the support of all the Muslims in Pakistan and was
strengthened for the time being. It was possible that he could call elections to cash in on this.55

Instead of taking the risk of confronting the religious agitators, Bhutto decided to concede their demand. The decision was followed by the creation of the Ministry of Religious Affairs. The new minister for religious affairs was Maulans Kausar Niazi, an erudite former member of the Jamaat-i-Islami, who was believed by left-wing members of the PPP to have close ties with the security agencies.56

Bhutto said that he did not want to make political capital on that it was a unanimous decision of the entire House. He said that government had had elaborate discussions with all members of the House representing all shades of opinion and all Parties in the National Assembly and the decision was a national decision. He remarked that he would not want any individual to take any credit for it. His opinion that raised the place of the parliament and expressed the need of the parliament for government was that such difficult decision would not have been taken without democratic institutions and without democratic authority.

Being a purely religious issue it was not proper for Bhutto’s Government or for Bhutto as an individual to make a pronouncement on the 13th of June on this matter. Bhutto told that many were greatly agitated about this problem. They asked him why he should not pronounce a decision there and then, a decision that the vast majority of the Muslims want, and that if he did this that would be great credit to his Government, to him as an individual and that he would be losing the opportunity of a lifetime if he did not seize upon that moment to make a popular announcement.57

He told to those people that the issue was very complicated and very basic. It was the problem which had agitated the minds of the Muslims of the sub-continent for ninety years. He decided, therefore, that after restoration of democracy there was a
National Assembly of Pakistan. He deemed it the highest forum in the land and opined it the appropriate forum for the settlement of this dispute would be the National Assembly of Pakistan and that in this National Assembly, I would like to leave this issue to the conscience of the Members of the Assembly and to the conscience of the Members in my own party.

Bhutto stated that he let the members of his party decide by themselves. He mentioned that the members of the Pakistan People's Party would bear him out when that while on many other occasions he had given them directions, he had given them instructions, he had given them the mandate of the party, but on this matter, apart from a general discussion which he had only on one occasion, he did not call a single member of the Pakistan People's Party to advise him or to influence his thinking on this matter.

Bhutto made himself aloof from the function of the Assembly regarding Qadiani issue by saying that it would not be his achievement. It would not be the achievement of the Government. He stressed that he wanted to emphasis that again and again. “It will be the Pakistan's achievement. It will be the achievement of the people of Pakistan in which all of us will share. I want to give the whole House the credit for this decision. I know that this decision could not have been taken unanimously without adjustment and accommodation and without the spirit of understanding shown by the whole House and by all parties represented in this House. We had this kind of spirit and we had this kind of understanding when we framed the Constitution.”

Bhutto mentioned the role of the Assembly by saying that “It was important for the National Assembly to meet in secret session. There was a good reason for the National Assembly to meet in secret session.” He explained if the National Assembly had not met in secret session all this truth would not have come out, that people would have spoken as freely and as frankly as they did because it was the secret session of the House. If they would have
known that there was the pressure of the gallery, that the people were watching, that the speeches or the statements were going to be recorded and reported in the papers, they would not have spoken with the same freedom as they did because it was the secret session. It can be concluded that the decision on the Qadiani issue was very difficult for Bhutto alone or even for PPP alone. The decision could not also be made by the judiciary as there was need of the legislation. Therefore it was only parliament that could take a decision on the issue. Though Bhutto did not want the decision as it was made in the start the mistakes of Qadianis and the pressure of religious scholars did not let any course of action for him other than the reference of the matter to the parliament. The institution of parliament proved its utility with proper skill and tackled the issue with full mastery and expertise. The decision of the parliament could be called a decision according to the sentiments of the people and this decision resolved forever the issue that had been burning since ninety years.

Notes and References

2 A quality of the institution to face the challenges and determine its supremacy while resolving the issues.
5 Nawa-i-Waqt (Lahore), 31 May 1974.
6 The issue was first time discussed in the newly elected National Assembly on 14th April 1972 when Maulana Shah Ahmad Noorani, speaking on the Interim Constitution, demanded to incorporate the definition of Muslim in the Constitution. However during the constitution making Ulama did not focus on
Qadiani issue, at that time their prime demand was to declare Islam as state religion.


9 Mr. Justice K. M. A Samdani was appointed as enquiry officer on 31 May 1974 and Assistant advocate General Mr. Kamal Mustafa Bokhari was to assist him.


12 Ibid., 126.

13 Ibid., 128.

14 Ibid., 129-130.


16 Ibid., 172.

17 Rafi Raza was Special Assistant to Prime Minister Zulfikar Ali Bhutto and as a member of several Cabinet Committees, he was involved in all major political and diplomatic developments of the time.


20 Letter of Ahmadi Movement in Islam, FCO 37/ 1499, TNA London.


22 See the report of his address in Dawn, The Pakistan Times, 14 June 1974.

23 Rafi Raza, 294.
24 Sayyid A. S. Pirzada, 119, 145. & The Pakistan Times, 10 June 1972.

25 The Pakistan Times, 10 June 1974.

26 Ibid., 11 June 1974.

27 Sayyid A. S. Pirzada, 119.


29 The Pakistan Times, Lahore, 13 June 1974.

30 Nawa-i-Waqat, Lahore, 10 June, 1974.


33 The Pakistan Times, 6 July 1974.


37 The media was directed not to publish, broadcast, or televise anything beyond the official version. Handout of 1st July 1974, Press Information Department (PID), Islamabad. The Pakistan Times, 2 July 1974.


41 Ibid., 560.
42 Ibid.
43 Ibid.
44 Ibid., 559-65.
45 Ibid.
46 Ibid.
48 Pirzada, Politics of the Jamiat, 124.
52 British High Commissioner Islamabad to FCO London, “Pakistan and the Qadiani Question,” 9 September 1974, FCO 37/1501, TNA London.
53 Ibid.
54 FCO 37/1651
56 Haqqani, Pakistan between Mosque, 107.
58 Ibid., 569.