

# Recognition and Predicament of Pakistani Ahmadi Women in India

Layeeq Ahmad Sheikh<sup>1</sup>, YawerGulzar<sup>2</sup>

<sup>1</sup>Research Scholar, Department of Political Science,  
School of Social Science, University of Hyderabad, (India)

<sup>2</sup> Research Scholar, Department of Political Science,  
School of Social Science, University of Hyderabad, (India)

## ABSTRACT

*The recognition of minorities in the present state system is essential for their existence. While, majoritarian identity groups are routinely getting the recognition from various institutions of the state but it is not done for the multiplicity of ethnic, religious and linguistic minorities. The states at times are not in a position to acknowledge the existence of these minority groups and over the period of time have been excluded from various state institutions and benefits. At the same time, some of these groups are not been given the status of citizens and irrespective of fulfilling the basic conditions to be the citizens of their respective countries, they tend to continue live their life as non-citizens. This paper will highlight one such group of women, are not only being barred from getting citizenship status but also unrecognized by the state and its various agencies. This section of women belongs to Ahmadiyya Muslim Community, who are minority within a minority in this country and is one of the most persecuted community in different parts of the world particularly in the South Asian region. This section of women are originally from Pakistan, who got married to the citizens of India many years before but they are still not enjoying the recognition and citizenship rights of this country. At the same time their movement is restricted and are not allowed to travel outside the Qadian town which roughly covers around four kilometers. This paper will look into their predicament of being denying the constitutionally guaranteed rights as other citizens enjoying and how their lives are being affected by the restrictions over their freedom of movement outside the Qadian town.*

**Key Words:** Ahmadiyya, Citizenship, Exclusion, Minority, Predicament, Recognition.

## I. INTRODUCTION

The recognition of any particular group in a given society or polity depends largely on the feeling of the asserted identity of that particular group. The section of people who are being largely unrecognized or feeling non-recognized have to live their life in a constrained way that compromises their self-definition. The practice of

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<sup>1</sup>Research Scholar, Department of Political Science, School of Social Science, University of Hyderabad, India.

Contact Email: [layeeq2050@gmail.com](mailto:layeeq2050@gmail.com).

<sup>2</sup> Research Scholar, Department of Political Science, School of Social Science, University of Hyderabad, India.

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recognition and non-recognition of the particular groups is primarily associated with the centralization of the political authority and the creations of different categories of belonging. Any minority group in a particular country is feeling recognized and getting the citizenship status when 'the ability of the individuals of that particular group occupies public spaces in a manner that does not compromise their self-identity, let alone obstruct, threaten or even harm them more materially'. [1] Citizens while enjoying the rights of being recognized as a citizens of a particular country participating in electing and governing process of the country which the non-citizens living in the country like refugees and immigrants are not enjoying. This Participation in the making and functioning of the states by the members of the political community make them citizens and this is what distinguishes them from all other non-citizens in the country. [2] This participation can be through contesting election, exercising franchise, holding public office, expressing opinion and so on.

In India, the citizenship rights are incorporated in constitution, which guaranteed the citizenship rights to every citizen of the country irrespective of the region, class, caste and religion he or she belongs to. The laws dealing with the citizenship rights here are incorporated in the constitution of the country. These laws are governed through the Citizenship Act of 1955 and other guidelines mentioned in the constitution. Any person of any gender can acquire the citizenship of this country through four constitutionally provided provisions; these provisions are citizenship by birth, by registration, by descent and by naturalization. However, over the period of time there have been many controversies emerging regarding the granting of the citizenship to the different kinds of people living in India. These types of people comprised of refugees and illegal immigrants from neighboring countries. The controversies surrounded about granting them as citizenship rights is whether they qualify or whether they are fulfilling the formalities through which they would be given the status of a citizen of this country. The Ahmadi women from the Pakistan region are also facing the same obstacle in getting the citizenship status in the country. This exclusion of them from being the citizens of the country is very much influenced by the nationalistic tendencies of both the countries of Pakistan and India. In addition to that, their unrecognition is also the result of the procedures by citing the problems of legalities and other provisions for obtaining citizenship status in this country. Prior to the partition of the sub-continent, many such marriages took place, as many Ahmadi, who were living in the North Western frontier region (now Pakistan) got married with the members of the Ahmadi community living in Punjab (now in India). However, after the partition the nationalistic tendencies which developed in both the countries influenced their intra-community connections. In this paper we will firstly briefly give introduction about the Ahmadiyya Muslim community and then its presence in both India and Pakistan and later how these women are being barred from getting the citizenship status in this country and how their movement has been restricted within the boundaries of the Qadian town. This paper will proceed by giving a brief introduction about the Ahmadiyya Muslim community and their historical presence in both India and Pakistan and then lastly about the plight of these women who were born in Pakistan and thereafter got married in India and are still living in India after years, regardless of fulfilling all the criteria of being citizens of this country, as tourists.

## II.AHMADIYYA MUSLIM COMMUNITY

The Ahmadiyya movement is a late nineteenth century Punjab-based 'Muslim' reformist and revivalist movement, which have been long engaged in religious controversies and controversial encounters not only with other Muslim groups but also with Christian missionaries and Hindu groups such as Arya Samaj in both colonial and post-colonial period. The key theological difference between the Ahmadis and other Islamic sects are often associated with the founder of Ahmadiyya movement, Mirza Gulam Ahmad, his messianic claims and over the question of the finality of Muhammad's Prophethood. These differences arise mostly because of the differing interpretation of the Qur'anic verses. The Ahmadis argued against the orthodox Muslim position, who are of the view that revelation ceased to exist with the prophet Muhammad who was both the seal and the terminus of prophecy I.e., Khatm-e-Nabeen and Khatm-e-Nabuwaat. In contrast to this the Ahmadis hold the view that Mirza Gulam Ahmad has prophetic qualities in him as he was subjected to divine communication and also receives revelations from time to time. Ahmadis also maintain that Mirza Gulam Ahmad was a derivate prophet in the sense that his prophetic attributes were derived from the prophet Muhammad.[3] This view of prophetic status of Gulam Ahmad and other beliefs like Gulam Ahmad's claims of Mujadid (renewal of faith), Muhaddath (a person spoken to, by Allah or by an angel), and later as the Messiah (Masih Mawud) and Mahdi, Jesus's natural death in Kashmir and rejection of violent Jihad are some of the main ideas which generated more controversies between Ahmadis and other Muslim groups.[4]

Gulam Ahmad's most controversial claim is his reinterpretation of the notion of Khatam-e-Nabuwwat (or Khatam al'Nabiyyin) relating to the issue of the finality of Prophethood. Khatam al'Nabiyyin is most often literally translated as —the seal of the prophets and in traditional Islamic beliefs, Prophet Mohammad holds this seal. Friedman mentions that in the earlier centuries of Islam, there was no fixed interpretation of the term Khatam al'Nabiyyin and that the emergence of false prophetic claimants in the Muslim community gave an impetus to the development of the dogma concerning the finality of Muhammad's Prophethood. So from time to time in the past there have been a number of claimants to prophecy in Islamic history, however, none has ever been accepted as a true prophet in either Sunni or any other sect of Islam. [5] Ahmadiyya community in contrast to this argued that Khatam in Khatam-e-Nabuwwat referred to the termination of those prophets who brought forth Allah's legislative injunctions or the Shari'at (Islamic law). However, non-legislative prophets, that is, prophets who were not carriers of divine books, were prophesied by the Prophet Mohammad himself and would appear not as independent prophets but as extensions of Prophet Mohammad. Gulam Ahmad used the terms Zilli and Buruzi which he translated as shadowy and manifestation to argue for continued prophecy as the completion of Prophet Mohammad's mission. [6]

## III.AHMADIYYA COMMUNITY IN INDIA

India has a significant Ahmadiyya population and spread across all the regions of the country. The birth of this community was in this country and its adherents are the followers of Mirza Gulam Ahmad, a 19<sup>th</sup> century religious preacher who lived in Qadian, Gurdaspur in Punjab. Though there were oppositions from the various religious groups particularly Muslims against the community because of its beliefs but from the last decades of

20<sup>th</sup> century this opposition leads to the exclusion and a silent social boycott of the community in various places which sometimes results into the persecution, isolation and damaging of the property of community. A growing intolerance against the community in majority of the Muslim countries and particularly in South Asia is beginning to leave its impact on India's Ahmadiyyas as well. The worrying part is that these attacks are not just carried out by the radical fringe elements within the society but sometimes by the established and powerful Muslim organizations and leaders as well.

However, unlike in Pakistan and some other Muslim-majority countries, the law of the land in India backs the Ahmadiyyas and considered the community as Muslims. A Kerala High Court judgment of 1970 makes it clear that Ahmadiyyas have the right to call themselves Muslims and that other Muslim sects cannot force them to abandon their Islamic identity. [7] The judgment observed that Ahmadiyyas are Muslims because, like other Muslims, they also adhered to the fundamental tenets of Islam like the supremacy of Allah as the one God and recognition that Prophet Muhammad was a messenger and servant of Allah. Hence there is no legal restrictions on the religious activities of Ahmadis in India and are free to practice their religion and call themselves as Muslims. In spite of declaring them Muslims, the Indian Ahmadis suffer other forms of exclusion in different places. The community has been kept out of the All-India Muslim personal Board, a body that is supposed to represent the diversity of Indian Islam. The community was also refrained from including them as a sect of Islam in the census report till 2011 census despite successive High Court judgments uphold their status as Muslims. [8] The opposition to not include them in the census was mainly coming from the Muslim clerics who deemed the community as heretics. Since the Ahmadiyyas are a minority within a minority, they were hardly as a vote bank for political parties and with the result successive governments were bowing down in front of various Muslim bodies who acted as vote bank. These situations has led to an undeniable callousness on the part of politicians and law-enforcement agencies, and created a fear psychosis among Ahmadiyyas throughout the country.

#### IV. AHMADIYYA COMMUNITY IN PAKISTAN

In the post-colonial time, the new phase of Ahmadiyya history began as the Ahmadi headquarters were transferred to Pakistan where Islam was a dominant factor in determining its politics and social issues. The controversy over the Ahmadiyya movement was publicly visible in Pakistan than in India. This may be because the major influential Muslim groups and organizations were more powerful there as compared to India. The issue whether Ahmadis are Muslims or not was made in Pakistan a constitutional problem which over the course of time have extensive implications on the civil and political rights of Ahmadis in Pakistan. The anti-Ahmadi campaign was mostly coming from the two mainstream Sunni organizations which were Majlis-i- Ahrar and Jammat-i-Islami. These campaigns consisted of hate speeches against the Ahmadiyya community, demands of the removal of the members of the community from country's top posts and to declare the whole community as non-Muslims. This campaign against the community intensifies in the late 1960s and early 1970s, which resulted into the declaration of Ahmadis as non-Muslims by the National Assembly of Pakistan. As a result of this declaration, the anti Ahmadi campaign intensified in South Asia and in other parts of the Muslim world.

International Islamic organizations began to adopt anti Ahmadi resolutions. For instance, in April 1974, the World Muslim Association (rabitat al-alam al-islami) urged Muslim governments to declare Ahmadis a non-Muslim minority. Further, in 1975 in another anti-Ahmadi measure, the religious affairs minister of Pakistan, KawtharNiyazi, announced that Ahmadis would be barred from performing the hajj and those who are desirous to perform would have to sign a declaration affirming his belief in the finality of the Prophethood of Muhammad. However, there were reports that this measure was demanded by Saudi government, which provided aid to various countries in return of their anti-Ahmad stand. [9] After declaring Ahmadis as non-Muslim minority and seats were reserved for them in Assemblies, they did not participate in elections and also barred the members to contest or to vote in the elections. Thereafter, when Zia-ulHaq came to power by overthrowing the Bhutto government in Pakistan, the fate of the Ahmadis in Pakistan changed to a considerable amount. There was also a new wave of anti-Ahmadiyya activism in Pakistan in the year 1984. With the result in April 1984, Zia government passed an ordinance XX, as an amendment to the penal code of Pakistan, which prohibited Ahmadis from posing as Muslims by using Islamic symbols and nomenclature in describing their religion or places of worship, making it a crime punishable by imprisonment and heavy fines. While Amendment of 1974 was serious constitutional development against Ahmadis but had relatively minor legal implications, the 1984 ordinance, on the other hand made the religious life of the members of the Ahmadiyya community in Pakistan illegal. As a result of these cultural implications of the laws and Constitutional Amendments regarding Ahmadis in Pakistan over the period of time, persecution and hate-related incidents are constantly reported from different parts of the country. Since then Ahmadis have been the target of many attacks led by various extremist religious groups. The biggest among these attacks was on the two Ahmadi Mosques in Lahore in May 28, 2010, in which around 90 people were killed and over hundred have been injured. [10] The members of the community afterwards started to migrate to other countries particularly of Europe and America in order to avoid this marginalization and exclusion in Pakistan. The Ahmadi women, who got married in India were also hoping that this exclusion from the social and political communities will change once they will start to live in India. But little did they know that their exclusion from political participation will remain as it is there in Pakistan and their freedom of movement will also be curtailed and restricted.

## V.PAKISTANI AHMADI WOMEN IN INDIA: UNRECOGNIZED AND RESTRICTION

The number of the Pakistani Ahmadi women who married in the Qadian town of Punjab, India are roughly around 15 to 20. These women mostly got married in India from the last two to three decades. While one or two among all these women got the citizenship rights and the rest of them are still not participating in the electoral process of the country or state. The government has also imposed restrictions on them and most of these women cannot go outside from the Qadian town. The members and other authorities of the community have given many times the representations to the government of India and the Home Ministry regarding this issue but of no avail. [11] The community leaders also accused the government, that on the one hand they are giving the slogans of women empowerment and banning Triple Talaq while on the other hand these daughter in laws of India are living as prisoners and tourists in this country. While their marriage may be the personal choice but back in their mind there was always a hope to live a new respectable political and social life in India as against in Pakistan.

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This was evident from one of the interview quoted in 'Times of Ahmad' where one of the women namely, Tahira Ahmad married in India in 2003, cast her vote for the first time in the legislative assembly elections of Punjab in 2017. [12] According to her though she lived in Pakistan till her 22 years of age, she never exercise right to franchise there. This was because of the Amendment passed by the national assembly of Pakistan in 1974 where the Ahmadiyya community was declared as non-Muslims and were allowed to vote for the separate 5% electorate of minority communities, which are non-Muslim communities in Pakistan. It was because of this Amendment that they are not participating in the election process of the country as they considered themselves as Muslims and does not want to be included in the non-Muslim category. In another interview one lady, namely AmtulBasit, said that she is living in India for the last 25 years and after spending so much time she is still not able to participate in the democratic process of the country and neither got freedom to go back to Pakistan at several occasions including when her parents died or move outside from the Qadian town. She also said it is because of the conflict between the two countries that she got a chance to go back to Pakistan only once when her visa was about to get over and she has to went Pakistan to renew it. She also mentioned that if she could have got married in any other country except India she could have easily go back to Pakistan and even become the legal citizen of that country as well. An another lady, namely Nahida, who also got married 10 years back but still she did not get the Indian nationality. [13] She further said after staying here for seven years she applied for the citizenship of India, as the constitution of India provides, but did not get any response from the officials for the last three years. Her husband said that it is because of the officials at work at state and centre, who are showing apathy towards this work and once somebody will understand this the official will get transferred by the time which again causes further delay as the new officer is not taking these cases immediately. Maqbool Ahmad, a social activist while replying to these problems also highlighted the negligence of the bureaucracy and at the same time mentioned the complex nature of India-Pakistan relations.<sup>3</sup> He also mentioned that some of the process got delayed because of not following of rules properly in the first seven years of staying in this country or when the time of reporting in front of the concerned officer will come, they were not available and did not report. While contacting to the concerned officials during our field work, some of them were unaware of this process and their response was that these kinds of works are taking more time. And some of the officials who were aware of this said that they are doing their best and most of the times it is the fault of the applicants because of which this is taking more time. They also mentioned that it is their previous country i.e. Pakistan, which is problem and it is because of that reason that they have to do a thorough verification of each and every applicant. However, whatever may be the reason, the truth is that these are women are suffering and are living their life in a kind of open prison which roughly covers the area of three to four kilometers. These women have become the victims of the nationalist boundaries and the nature of the relations between the two countries.

## VI.CONCLUSION

Although these women are living in India now for years and are fulfilling all the requirements for acquiring the citizenship rights in India, they are still living their life as prisoners and outsiders and are waiting to get

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<sup>3</sup> The interview was done by the Authors in the winter of 2017 during the field work in Qadian.

recognition in this country. As the provisions regarding the citizenship are mentioned in the constitution and by going through these provisions one can come to the conclusion that they should be given by now the citizenship rights and the opportunities to participate in the democratic process of the country. The aspiration among these women as what it feels to be exercising the political rights of being a legal citizen of the country, which they did not enjoy in the past in their home country, seems to be still a distant dream for them. While analyzing all these developments regarding their recognition and citizenship rights in country, we can conclude that it is largely influenced by the nationalistic inclinations, the nature of the conflict between the two countries of India and Pakistan and at the same time negligence and authorities of the bureaucratic officials in the respective departments. It is because of these factors that these women are still living their lives in their homes as tourists and are largely concentrated in an area which we broadly call as an open prison for them.

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