

Religious Freedom Undermined: The Sani Case and Pakistan's Legal Crisis

Imran Ahmed



Summary

The Supreme Court of Pakistan's recent reversal in the Mubarak Sani case, where Sani faced charges under some of Pakistan's notorious blasphemy laws and for distributing an Ahmadi religious text, threatens religious freedom and minority rights in the country. The case reveals how religious and political pressures are influencing Pakistan's judiciary and weakening its independence.

The Supreme Court of Pakistan recently reversed a decision in the case of Mubarak Sani, an Ahmadi man who was arrested for distributing an Ahmadiyya Quranic exegesis, *Tafseer-e-Sagheer*. Initially, the Court had allowed Ahmadis – a persecuted religious minority in Pakistan – to conditionally practise their faith but later removed key paragraphs from the judgment following intense pressure from religious hardliners and demands from the Punjab provincial government. These groups argued that provisions granting rights to the Ahmadiyya community conflicted with Islamic principles.

The Mubarak Sani case exemplifies the broader struggle over [what it means for Pakistan to be 'Islamic'](#). The religious right has increasingly defined this identity through laws that suppress religious minorities. Efforts to reform or reinterpret these laws to relax restrictions on religious minorities are consistently thwarted by [protest, violence and intimidation](#). The Court's reversal in this case sets a troubling example that legal decisions can be altered through political pressure, undermining constitutional principles and the rule of law in Pakistan. This not only weakens judicial independence but also erodes public confidence in the impartiality of the judiciary.

Sani was charged under a [2021 Punjab law](#) banning the sale of proscribed texts but argued that he distributed the text in 2019 before the law was enacted. On 6 February 2024, the Supreme Court [initially ruled in his favour](#), stating that [criminal laws could not be applied retroactively](#), in accordance with Article 12(1) of the Constitution, making the 2019 distribution of the *Tafseer-e-Sagheer* non-punishable. Sani also faced charges under Pakistan's broad and often misused blasphemy laws – Sections 295-B and 298-C of the Pakistan Penal Code – which criminalise desecration of the Quran and prohibit Ahmadis from calling themselves Muslims or preaching their faith. However, the Court found no allegations in the First Information Report (FIR) or police report that supported these offences.

The initial ruling stressed that courts should handle religious matters cautiously and uphold [the Quranic principle of no compulsion in faith](#), which is guaranteed by Articles 20 (freedom to profess religion and to manage religious institutions) and 22 (safeguards to educational institutions in respect of religion) of the Constitution. Yet, the Court noted that this principle was often ignored, as seen in the improper filing of the FIR in this instance.

Ironically, in July 2024, the Court issued [a revised judgment](#) that would later lead to more compulsion in religion for Ahmadis. The revised judgment stated that its initial February 2024 ruling only addressed the issue of retroactivity and did not grant any new rights to the Ahmadiyya community. This clarification was a response to substantial backlash from [hardline Sunni groups](#), who opposed recognising Ahmadi beliefs and stood against the Supreme Court's initial order to overturn Sani's convictions.

While the revised judgment acknowledged that religious freedom is constitutionally guaranteed but [subject to law, morality and public order](#), it also noted that Ahmadis, though recognised as non-Muslims in Pakistan, have the right to practise and preach their religion, provided they do not use Islamic terms or present themselves as Muslims in public. What followed were widespread protests and threats against the judiciary, which intensified pressure on the Supreme Court to reconsider its revised judgment.

The Punjab government, backed by religious leaders and scholars, sought to remove provisions in the revised judgment which they viewed as granting undue concessions to the Ahmadiyya community and petitioned the Supreme Court in August 2024, prompting an urgent hearing on 22 August 2024. The Supreme Court responded by accepting their recommendations, ultimately removing these sections. [In its brief order](#), the Supreme Court stated, "These deleted paragraphs will not be used or cited as a precedent."

The Supreme Court's reversal under political pressure establishes concerning precedents. When the Pakistani courts yield to external influences, it undermines their role as [impartial arbiters of justice](#) and erodes public trust in the judiciary. On the other hand, the Supreme Court's reversal emboldens religious groups and serves as a public validation of their methods and power to shape state policy. It also bolsters their efforts to cement a form of governance where Islamic legalism supersedes other rights and reinforces the state's identity as an 'Islamic' entity where religious minorities face greater restrictions. Finally, the Supreme Court's reversal puts into question [exactly where and how Ahmadis](#) in Pakistan can, in fact, exercise any religious freedoms.

The developments in the Sani case push the Supreme Court into uncertain legal terrain, particularly given the prominent role of Islam in Pakistan's Constitution. Although courts in Pakistan have sometimes used Islamic discourses to [promote liberal ideals](#), enhance their [autonomy, and expand fundamental rights](#), the Sani case raises concerns about the balance between religious authority and legal principles in Pakistan and its broader implications for religious freedom and constitutional integrity, especially in a context where religious groups now exercise substantial street power, influence over public opinion and capacity for violent unrest and intimidation.

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Dr Imran Ahmed is a Research Fellow at the Institute of South Asian Studies (ISAS), an autonomous research institute at the National University of Singapore (NUS). He can be contacted at iahmed@nus.edu.sg. The author bears full responsibility for the facts cited and opinions expressed in this paper.