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Questions of Rights

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Like institutions and values, democratic rights are constantly under assault in Pakistan. The violators, again, are less the common people than, the politicians and executives whom we have appointed democracy's guardians. The violations are daily, and institutionalised. Examples abound. We take here only one: the right of citizenship.

A foundation stone of democracy is the notion of citizenship as an inviolable right. Equality of citizens under the law is also a fundamental precept of democracy. In Pakistan, both principles are breached. This is not so unusual. In every democracy there exist some violations of fundamental principles. What is lacking among us is sustained effort, even by an informed minority, to resist these violations and build a tradition of respecting them. Democracy cannot grow in an environment which permits without challenge, widespread violation of norms. Traditions, after all, are values, sustained and socially internalized.

Citizenship may be given to new comers; it cannot be taken away. In democracies where capital punishment is legal, a government may execute a citizen for his/her crime; it cannot deprive the convicted person of citizenship. Citizens alone have the right to renounce their citizenship, and choose to become citizen of another state.

They may, of course, be laws under which a person may lose citizenship. But even in such cases, initiatives involving loss of citizenship lie with the individual not the state. For example, many states do not allow dual citizenship; when a person becomes citizen of another country he chooses to give up his previous citizenship. A few states forbid their citizenship; until recently, the United States had such laws. But for such legally enshrined exceptions, citizenship right is absolute.

In modern history only police states have violated this principle. When Nazi Germany deported hundreds of thousands of its Jewish citizens, it crossed the threshold to barbarism. Many European states under German occupation, including the Vichy Government of France, surrendered to Nazi pressure and deported their gypsy and Jewish citizens, to be taken often to concentration camps. Ironically, it was a Muslim country which stood up for the right of citizenship.

Morocco was a French protectorate in which effective power was exercised by the French Resident-General while the Sultan, then Mohammed V, was a symbolic repository of Moroccan sovereignty. Morocco had a sizable Jewish population and, following orders from Vichy, the Resident-General asked the king to sign a decree to deport Morocco's Jewish citizens. Sultan Mohammad V, father of refused; it was his fundamental obligation, he said, to protect citizenship right. His resistance marked a new phase in Moroccan nationalism, and Mohammed V, father of reigning King Hassan II, became a hero to his people.

Last week I witnessed the lack of respect among ranking Pakistani politicians and intellectuals for the right to citizenship. The Frontier Post held a conference on the resettlement of Biharis, Urdu-speaking people who chose to retain Pakistani citizenship when East Pakistan seceded. Its publisher, Mr. Rahmat Shah Afridi, had visited the camps in Bangladesh where misery congregates. He was deeply moved by the experience, and wanted to open a public discussion of the issue. His intent was obviously to help people stranded in a no man's land. The event backfired. 'Consensus Against The Repatriation of Biharis' read a headline next day.

In his thoughtful introductory speech, Khaled Ahmed. The Post's which left little doubt that the Biharis' claim to Pakistani citizenship was bonafide. Four previous governments - of Mr. Bhutto, Ziaul Haq, Junejo, and Ms. Bhutto - had dithered in repatriating, citing financial difficulty; but none had denied that the stranded people were our citizens. By agreeing in 1974 to repatriate them to Pakistan Mr. Z.A. Bhutto had additionally incurred a treaty obligation.

Many participants did not entertain seriously such abstraction as citizens' right. The Biharis resettlement was opposed on grounds other than citizenship: strain on over-burdened Punjab (Professor Azizuddin), lack of national consensus (Chaudhry Aitzaz Ahsan), demographic imbalance in Sindh (Sindhi politicians), and 'enough is enough' (Abdullah Malik). A friend, Abbas Rashid, chuckled justifiably at my discomfiture: "Old comrades gone with the wind, must commiserate with General Hamid Gul and Mr. Mujibur Rahman Shami." Indeed!

Only when pushed on the matter did Chaudhry Aitzaz Ahsan and Rasul Bux Paleejo - lawyers both - asserted that the people in question are not citizens. Mr. Paleejo held that they were traitors (ghaddar) meaning they were on Pakistan army's rather than Mukti Bahini's side in the civil war. I have since put the question to several eminent lawyers; none has doubted that under the law they are citizens of Pakistan.

I am also informed that the Human Rights Commission of Pakistan appointed a committee to determine the status of the Biharis. The committee concluded that the stranded people are Pakistan's citizens. Yet, upon receiving protests from Sindhi members, the Commission shelved the issue. I have not been able to reach Justice Dorab Patel or Asma Jilani to confirm. But if this information is correct, it is regrettable that a human rights body should shelve its responsibility under political pressure.

Much injustice has been done to Sindh; Sindhis are a tormented and, in more ways than one, beleaguered people. They deserve our support and solidarity. Unfortunately, enough serious attention is not being accorded to analysing Sindh's crisis, or to ways of resolving it. Symbols have been raised to the level of substance, while substantive issues are totally ignored. We do Sindhis no service by nurturing - right or wrong - their anxieties and, above all, the manipulation of these anxieties by vested interests. We can do much harm to the country and its future, including Sindh's future, if we sacrifice principle for symbolic gains.

Rights to citizenship should be subject neither to one's political preferences nor to some real or imagined consensus. It is, and must remain, an inviolable right. Else we shall surely cross over the boundaries of civilized politics. In this case, even the stakes in adhering to principle are not high. Nearly 250,000 stranded citizens represent less than a month's population increase in Pakistan. Moreover, they are to be settled in Punjab. Opponents of their resettlement hold that they shall have eventually reach Sindh. May be. But this anxiety focuses on a symbol rather than the reality, which is that an estimated 300,000 people migrate each year into Sindh.

As for the principle of equality under the law, it is violated more frequently, worldwide, than the right to citizenship. Israel, whose democratic character is emphasised ad nauseam in the Western media, treats its Arab citizens - both Christian and Muslim - unequally. In South Africa, whose apartheid policies were mercifully not celebrated in the West, the black people have been denied even a semblance of equality. This deplorable situation is beginning finally to change following long and hard struggle for black emancipation that ALL MEN ARE CREATED EQUAL. The principle was observed only in the branch. Even the founding fathers of the republic were slave owners. Yet, the principle served as a beacon of struggle to successive generations of Americans. The struggle for equality under the law never ceased in the US. Its latest manifestation was the Civil Rights Movement led by such diverse personalities as Martin Luther King and Malcolm X.

The principle of equality was dented in Pakistan's first constitution in the name, ironically, of Islam when our non-Muslim citizens' rights were constricted, howsoever slightly. It was shredded to pieces when Z.A. Bhutto had the Ahmadis legally classified as non-Muslim.

Ironically too, this legacy of Mr. Bhutto has been pushed to its logical extreme by Ziaul Haq's allies. We are reduced to observing the legalised torment of fellow citizens. A precedence has been established which is repugnant to Islam and to democracy. Sectarian voices are now being raised to declare Shias as non-Muslim. One can only hope that another politician shall not regard this demand as an opportunity to gain popularity.

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