

Religious Minorities in Pakistan

Constitutional Rights & Access to Judicial System:

A Study of Socio-Legal Constraints

Zeenat Hisam and Yasmin Qureshi



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Printed at

Print-O-Flex, Karachi

First published **May 2013**

ISBN 978-969-9153-14-3

Published by

Pakistan Institute of Labour Education & Research

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ST-001, Sector X, Sub-Sector V

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Foreword

A society that does not value, and respect, diversity and plurality of its people, their cultures and religions, tend to lose on many grounds. Discrimination against other religions and beliefs, and intolerance for a way of life dissimilar to ours, ultimately lead to social conflict and mayhem. With a view to understand the underlying causes of increasing discrimination and incidents of mob violence against minority communities, Pakistan Institute of Labour Education and Research (PILER) undertook this small study focusing on the social and legal constraints faced by the minority communities in accessing basic rights as citizens of Pakistan.

PILER expresses its deep gratitude to the spokespersons of the minority communities who shared their insights, thoughts and feelings with remarkable openness and warmth displayed towards the PILER research team members during in-depth interviews and focus group discussions. The list of esteemed interviewees (Annexure I) includes lawyers, human rights activists, academicians, community activists and students. PILER is particularly grateful to the lawyers for their help and cooperation, and to the (former) parliamentarians who took time out from their busy schedule while the assemblies were winding up sessions.

The PILER research team acknowledges gratitude to its partner organizations (Annexure II) for extending support and establishing contacts with the relevant minority representatives. PILER is also grateful to the Hon. Director General Justice Saleem Akhtar, Sindh Judicial Academy (SJA), and particularly to Chief Librarian Nizamuddin, SJA, who helped us access citations from case law quoted in the study. Last, but not the least, gratitude is due to Advocate Asad Jamal who reviewed the draft and provided valuable feedback.

PILER acknowledges that this study and several related endeavors were made possible with the financial support from The Asia Foundation.

Karamat Ali
Executive Director
PILER

1

Introduction

Context and Objectives of the Study

The last two decades have witnessed a rising trend of discrimination, persecution and violence against religious minorities and a steady erosion of their citizenship rights in Pakistan. The level of violence and the extent of the threat to their identity, culture, religion, to their life and property have reached a point where the minorities feel they have no option but to leave the land or live a life in fear, subjugation and anxiety of an impending disaster. The factors—political, legal, socio-religious—that have led to this unfortunate trajectory are many and demand in depth scrutiny. In recent years, several studies and reports have shed light on the complex interplay of these factors and on the gradual unraveling of the citizenship of minorities. This study, focusing on socio-legal aspects of the issue, was undertaken to add to the existing body of knowledge and analyses a fresh narrative woven around the voices of the minorities and the majority spokespersons and their insights on how to halt the downward slide.

Minority rights, as understood universally, comprise more than the common set of individual civil and political citizenship rights and are adopted to accommodate distinctive identities and needs of diverse religious, ethnic or linguistic groups. Minority rights form an essential component of the social contract between a state and its citizens. Rights of the minority communities become even more crucial in a predominantly Muslim country like Pakistan where, aside from a broad spectrum of non-Muslim minori-

ties, the majority is characterized with unique diversity as distinct, plural and contesting interpretations of the dominant religion (Islam), and subsequent identities, are deeply and historically embedded. The majority Muslim (officially 96.28 per cent¹) population is divided into the Sunni sect (80 per cent) comprising various sub-sects (i.e. Deobandi, Brelvi), and a size-able Shia minority sect (20 per cent) and its off-shoots (i.e. Bohra, Ismaili). The non-Muslim minority, 4 to 5 per cent of the total population, includes Hindus, Christian, Sikh, Parsis, Jains, Kalashas and the Ahmadis.

Pakistan, a state created for the Muslims in the subcontinent, was envisioned by its founders as a modern, democratic nation-state where people of different faiths and ideologies would have equal citizenship rights. The newly created state adopted the British secular framework for governance and law. However, the Objectives Resolution of 1949, setting out a broad Islamic framework, apparently ironing out inherent contradictions vis-a-vis state identity, was made the preamble to the constitutions (1956, 1962, 1973). The legal context for religious minorities, with provisions for equality of citizenship rights, changed further with the 1974 constitutional amendment expelling Ahmadis from the pale of Islam.

Under Ziaul Haq's military rule, first the introduction of the Shariat benches in the High Courts, subsequent promulgation of Shari'a laws (i.e. *Hudood Ordinances*, *Qanoon-e-Shahadat* Order) and amendments in the blasphemy laws in the Pakistan Penal Code in the 1980s institutionalized the exclusion of the minorities and gave a fillip to a culture of intolerance and discrimination on the basis of religion. The two extraneous factors that greatly impacted the Pakistani state and society also had a direct bearing on the status of minorities: the war in Afghanistan in the 1980s and the subsequent emergence

of Taliban in Afghanistan and Pakistan, and the 9/11 incidents followed by the 'War on Terror', as these events brought into action radical and militant elements in the socio-religious ethos of society.

Growing extremism and a heightened sense of religious identity, at the expense of identity as a citizen of the state, has deepened the minorities' sense of alienation from mainstream society. Rising incidents of mob violence, target killings, cases of alleged blasphemy, forced conversion of minor girls and the inability of the state to curb such violations against minorities raise many questions: What factors have contributed to the erosion of the values of tolerance, respect and accommodation of minority belief systems and varied religious interpretations of the majority religion Islam? Are there inherent contradictions in the Constitution and the law impacting on equal citizenship rights despite pro-minority provisions? What are the issues associated with the concepts of the 'nation-state' and 'citizenship' in Pakistan and their implications on religious minorities? How is the national concept of identity defined in Pakistan? Has the state ideology played a role in marginalizing the minorities? Are poor governance and the weakened writ of law the reasons behind minority rights' erosion? Or does the malaise lie beyond governance, in a complex interplay of political, historical, social and cultural factors? What interventions are required from the state and non-state actors to halt this downward slide? And what is the perspective of the minorities themselves on these issues?

These are some of the questions the present study seeks to answer. Discerning and analyzing patterns of discrimination and exclusion, advocating for an effective legal system and other preventive measures and pulling in the minority voices and perspectives into the popular discourse, thus, have been the key objectives of this study. The study sought to examine

social and legal aspects impacting on the freedom of religion of the minorities. The constitutional provisions, laws and judicial-administrative practices vis-à-vis minorities were reviewed. An analysis of the role of state, identity, religion and ideology in shaping the mindset of the dominant Muslim community was attempted.

Framework and Methodology

The answers to the research questions are sought through exploring the concepts of identity, citizenship and minority rights, and analyzing the evolution of the nexus of religion, politics and national identity in Pakistan. Constitutional development, discriminatory laws and judicial-administrative constraints are reviewed. Radicalization of society and its impact on the minorities is also probed. The analysis is built around multiple voices and narratives offered by various stakeholders. Grounded in the world of experiences of stakeholders who are impacted, involved and/or concerned with the issue at different levels, this study attempts to provide an understanding of the complex factors that constrain access to full citizenship rights of the minorities.

The tools of investigation included review of contemporary literature and historical documents related to minority rights. A preliminary consultation with stakeholders was done for mapping the issues as experienced and perceived by the minorities. Seven broad categories of stakeholders were selected for interviews and focus group discussions. These included lawyers, judges, minority parliamentarians/ex-parliamentarians, human rights activists, religious leaders, academicians and community activists/members. In-depth interviews were conducted with the above mentioned categories of 50 stake-

holders whose opinions and views are quoted, often under their names and at times without revealing their identities. Quotes, unless referred to in the endnotes, have been excerpted from the interviews. The list of the interviewees is annexed at the end.

Ten focus group discussions were held in Sindh (two in Karachi, one each in Hyderabad, Mithi, Shikarpur, Ghotki) and Punjab (Lahore, Multan, Khanewal, Gojra) as two major non-Muslim minority communities (Hindu, Christian) are concentrated in these provinces. The group discussions aimed at specific insights and case studies were facilitated by the PILER partner organizations working with minority communities at the grass-roots level. Four case studies are presented to probe into how discrimination was perceived and responded to by the minority communities.

Preliminary Consultation

A stakeholders' consultation that included human rights activists, Hindu and Christian community activists, academicians, media persons and ex-parliamentarians was held before commencing field work (6 September 2012) to share research concept and methodology, access feedback, identify issues and learn from their insights and localized experiences. Constitutional lacunae, discriminatory sections in the Pakistan Penal Code that have led to abuse of religious minorities, poor governance, prejudiced administration and judiciary, hate content in school syllabi, rising extremism and lack of space for dialogue between the majority and minority communities were identified as factors impacting on the rights of the minorities. The consultation helped the PILER research team to gain clarity on the issues and get first hand information and insights of the ground realities vis-à-vis minority communities.

In-Depth Interviews

The process of approaching the identified stakeholders, explaining the objectives of the interview and setting of appointments proved to be a daunting task. The majority of the stakeholders agreed to interviews. There were a few who refused to be interviewed on the subject. A major problem was identification of Ahmadis. A few Ahmadis who were identified could not be accessed. Apparently they did not wish to be identified, as Ahmadis are the most persecuted minorities in Pakistan. The interviews were done—often separately and at times jointly—by the team members. A total of 50 interviews were conducted with different categories of stakeholders. Out of 50, 32 interviews were conducted in Sindh, 13 in Punjab and five in Islamabad.

Focus Group Discussions

Ten focus group discussions were held in the cities of Sindh (Karachi, Hyderabad, Mithi, Shikarpur, Ghotki) and Punjab (Lahore, Multan, Khanewal, Gojra). Since the populations of the two major non-Muslim minority communities (Hindu, Christian) are concentrated in Sindh and Punjab, focus group discussions were held in the two provinces. The sites of Peruwal, Khanewal District, and Gojra, Toba Tek Singh District were selected due to the communal violence against Christian communities that occurred in Shanti Nagar (near Peruwal) in 1997 and in Korian village, Toba Tek Singh, and Gojra town in 2009. The two group discussions were coordinated by the PILER partner organizations Anjuman-e-Mazarain Punjab, Peasant Women Society and Caritas-Lahore. The discussion in Multan, coordinated by a local NGO—Encourage Human Development—brought to light the discrimination suffered by lower middle strata of Christian minority located at the outskirts of Multan city. For insights

into the issues confronted by the minorities in urban settings, two focus group discussions were held in Karachi. The focus group discussion with the Christian residents of Essa Nagri was done with the support of Urban Resource Centre. The discussion shed some light on the complex triangle of land, identity and politics and how it impacts the minority. The other group discussion was held at the Institute of Business Administration (IBA), facilitated by the IBA administration, with the students of IBA and Karachi University. The objective of selecting the young minority group was to gain insights into the identity formation of young people belonging to the privileged class among the minority and the issues they face vis-à-vis their minority status.

In Hyderabad district, a focus group discussion was held at the site of a new village, Azad Nagar, set up for Hindu bonded labour released from the private jail of a landlord in Sanghar district through the efforts of a local NGO, Green Rural Development Organization. The purpose of this particular selection was to gain insights into the issues of the lowest tier, the low caste Hindus or dalits—the most marginalized of the Hindu minority population, and to understand the dynamics of class, caste and minority status. The other discussion with Hindu Bheel women and men, facilitated by Thardeep Rural Development Programme, took place at the outskirts of Mithi, Tharparkar. The entire community—60 households of an old village, located at 150 km away from Mithi, migrated *en masse* and settled in the new locality because one of the Hindu girls was kidnapped by the landlord's son. According to the villagers, she was forced to convert to Islam and taken into marriage.


Two focus group discussions were undertaken with the members of middle and upper-middle class/caste Hindu communities in the Chak (Shikarpur) and Ghotki towns. The discussions were facilitated by

a local NGO, Insaaf Social Welfare Association. The Hindu community in Chak has been living in fear and insecurity since November 2011 when three members of their community (a doctor, an income tax officer and a trader) were shot dead and a doctor was injured. The perpetrators of the violence were the Muslim Bhayyo tribe whose girl befriended a Hindu boy. The interaction revealed a complex mix of religion and power politics. The other group discussion was held in Ghotki with the members of Hindu Panchayat (upper caste) and media persons.

Constraints and Limitations

A qualitative study on a social issue has its own limitations as it is based on interpretations, perspectives and social meanings attributed to a certain subject, or related phenomena, by different people. These limitations are exacerbated if the subject is perceived as sensitive, fraught with complexities, linked with religion and situated in a society in transition, like Pakistan. Though a majority of the identified stakeholders agreed to be interviewed, a few refused or avoided to be engaged in discussion on the subject, or requested not to be quoted. These included Muslim minority Shia and the majority (Sunni) spokespersons from the judiciary and the state administration (e.g. the police). The non-Muslims, Christians and Hindus, were forthcoming and frank, with the exception of their religious leaders and representative state officials who spoke diplomatically and with restraint.

The identification of spokespersons/members of the Ahmadiyya community proved to be the most difficult. A few names were identified by the PILER senior colleagues and partner organizations. However, the




PILER research team failed to establish contacts with these persons. This is perhaps due to the fact that Ahmadis are the most persecuted of all the minorities in Pakistan. According to the HRCP annual reports, during the last two years (2010 and 2011), a total of 105 Ahmadis were killed in Pakistan. Hate speech, derogatory wall-chalking and printed material against them, including the fatwa that they are *wajib-ul-qatl* have made life extremely insecure for Ahmadis, and by and large they have been migrating to other countries or have adopted the strategy of living in anonymity.

As time was short and hardly sufficient to arrange for interviews and focus group discussions with other stakeholders, identification of Ahmadis could not take place. It was felt that extra efforts and a longer period of time are required to identify and talk to Ahmadis. Talking to Shia community spokespersons and members was also a bit difficult, but it was possible to include their religious representatives and a few community members. A couple of Shia spokespersons avoided to give a firm date for interview and the pursuit was discontinued.

The Hazara Shia community members were not approached for this study. It was felt that the mass killings of Hazara Shias, though very much linked to the subject under study, requires an exclusive analysis and does not fit into a study focusing on non-Muslim minorities.

An effort to have a focus group discussion of majority Muslim religious women also did not yield the desired result. While two women members of a religious political party appeared for discussion, the women from another religious organization failed to come on the appointed date. The group discussion was then cancelled. Instead, the talk with the two women was recorded as interviews.

The state officials, including the judiciary, the administration and the sitting members of the assemblies were the other difficult-to-access stakeholders. A couple of retired judges declined to talk on the issue of the minority, and a sitting judge refused to give an interview stating that 'it is against the code of conduct'.



2

Mapping the Issues

Religion, Identity and the State

Pakistan, as a nation-state, was carved out for the Muslims of the Indian subcontinent on the basis of the two-nation theory. Two groups of people, Hindus and Muslims, were '*...living together, sharing the same country...ethnically not distinct...yet separated not only by religious creed and ritual but by whole modes of life and attitudes of mind...*'¹ The Muslim leadership felt the interests of its community would be threatened as a minority in post-independent India as '*...many Muslim elites felt overwhelmed by a devastating coalition of British power and renascent Hinduism, which had been energized by the tools of learning and power acquired from the British.*'² Religion was, thus, at the core of the newly-founded state and as such became an important component of the collective national identity. Envisioned as a state for Muslims, Pakistan, however, was not defined as an Islamic state (i.e. to be governed by Shariat), either by the leaders who founded the state nor by the population at large.

In his 11 August 1947 address as president of the Constituent Assembly, Jinnah had spelt out the founding principles of the state. His vision was clearly secular and democratic: it did not pin Islam as the basis of political organization of the state. He stated:

*'You are free to go to your temples, you are free to go to your mosques or to any other place of worship in this state of Pakistan. You may belong to any religion or caste or creed...that has nothing to do with the business of the state... We are starting in the days when there is no discrimination, no distinction between one community and another, no distinction between one caste or creed or another. We are starting with this fundamental principle that we are all citizens and equal citizens of one state.'*⁴ [emphasis added]

Jinnah's address is interpreted differently by different circles setting the tone of the controversy surrounding the discourse on national identity. Some viewed it as 'one of the clear-est expositions of a secular state',⁵ while others thought it was mere assurance to the minority groups. Jinnah, in an earlier statement given in 1946, had said:

*'The new state should be a modern democratic state with sovereignty resting in the people and the members of the new nation having equal rights of citizenship regardless of their religion, caste or creed.'*⁶ [emphasis added]

The chasm between the reality and the aspired vision of the Muslims in the newly formed state was revealed at the very beginning. The plurality of interpretations of Islam meant that it was not a simple binary ideological division within the Muslim populace—those who were proponents of the rule of the Shariat (Islamists) and those who opposed it (secularists)—but in between was a wide range of a mix of the two ideologies. The fact that practical life of Muslims is characterized by an intra-religion divide, and the fact that the aspired vision of an Islamic state has never been clear, contributed to the state's dilemma and insecurity,

and subsequently led to manipulation of religion by the power elites to serve certain ends. The Objectives Resolution of 1949, presenting broad guidelines for the affairs of the state, was an attempt to reconcile the contradictory—Islamic vs secular—strands of national identity. The Objectives Resolution states that '*Pakistan would be a democratic State based on Islamic principles of social justice*', yet the brief text of the Resolution avoids the words 'citizenship' or 'citizens', and 'human rights', the concepts attached to democracy which itself is a secular, political concept.

...The authors of that (Objectives) Resolution misused the words 'sovereign' and 'democracy' when they recited that the Constitution to be framed was for a sovereign State in which principles of democracy as enunciated by Islam shall be fully observed. It may be that in the context in which they were used, these words could not be misunderstood by those who are well versed in Islamic principles, but both these words were borrowed from western political philosophy and in that sense they were both wrongly used in the Resolution. When it is said that a country is sovereign, the implication is that its people or any other group of persons in it are entitled to conduct the affairs of that country in any way they like and untrammelled by any considerations except those of expediency and policy.⁷

It was after Jinnah's death (in September 1948) that the Constituent Assembly passed the Objectives Resolution delineating a constitutional framework based on Islamic principles. Maulana Shabbir Ahmad Usmani, a close friend of Liaquat Ali Khan, who headed the Markazi Jamiat Ulema-e-Islam (MJUI), a break-away faction of the Jamiat Ulema-e-Islam (JUI), played a significant role in the Objectives Resolution adopted on 12 March 1949. On the same date a 24-member Basic Principles Committee was

set up to determine the basic principles of the constitution. The Basic Principle Committee set up three subcommittees and a Board of Talimaat-e-Islamiyya to work out different aspects of the constitution.⁸

The Basic Principles Committee's second report, submitted to the Constituent Assembly on 22 December 1952, contained the proposals to include the Objectives Resolution as a preamble to the future constitution, not to pass any law repugnant to the Quran and Sunnah, to form a board of up to five ulema for scrutiny of laws and that Head of State should be a Muslim. The report was criticized by both modernists (for its religious content) and Islamists (for containing not enough religious content).⁹

Democracy, in substance, remained an idea and, in form, a stunted institution in Pakistan. Structures of democracy—parliament, judiciary, executive bodies—displayed authoritarian character from the beginning and failed to grow as genuine democratic institutions. Power sharing, a requirement of democracy, was an alien concept for the political elite of the newly formed state. Two instances in the early phase of nation-state building can be quoted in this respect. The Government of India Act 1935 was adopted as provisional constitution of Pakistan with certain amendments as spelled out in the Indian Independence Act 1947. The power of the Governor General in the independent states was curtailed.¹⁰ But the amended law was not enforced and the Governor General was given full power in Pakistan as it was once given to the Governor General in the undivided India.¹¹ Secondly, the Constituent Assembly was divided on the issue of representation to the larger ethnic group (Bengalis in East Pakistan) and was not willing to concede to the rule of majority. The Constituent Assembly finally came to an agreement to the draft of the first Constitution, after nine years in 1956, wherein the

concept of parity—that 'denied the principle of majority' and violated the logic of democracy¹²—was used.

Another critical institution of democracy, citizenship did not factor in the framing of national identity. In a strong democracy, the institution of citizenship takes deeper roots in society, citizens' rights and responsibilities both are clearly set out, understood and abided by, and citizens' rights are solidly attached to collective national identity. The emphasis on religion in collective identity—instead of citizenship was laid down by the state. The nexus between religion, national identity and the state, thus, was formed at the beginning—with implications for society at large and for minority groups in particular.

Objectives Resolution & Constitutional Development

Our Constitution is full of anomalies and contradictions. We have a very elaborate chapter on fundamental rights in the Constitution. But to say that we will have this or that right is not sufficient until the Constitution binds the state [to ensure the right].

Prof. Dr. S. Jaffer Ahmad, Karachi University

The Objectives Resolution, the preamble of the first (1956), second (1962) and third (1973) Constitution, made a substantive part (Article 2 A) of the Constitution through an amendment in 1985, opens with the acknowledgment of sovereignty of Allah and states that the '*principles of democracy, freedom, equality, tolerance and social justice, as enunciated by Islam, shall be fully observed*'. The Objectives Resolution contained two provisions to safeguard the minority rights. '*Wherein adequate provision should be made for the minorities **freely**¹³ to profess and practice their religion and develop their culture*'; and

'Wherein adequate provision should be made to safeguard the legitimate interests of minorities and backward and depressed classes', thus establishing that non-Muslim members of the State are to be treated differently—as minority—and by implication, not as equal citizens but whose 'legitimate interests' are to be safeguarded.

By the time the first Constitution was drafted in 1956, the country had already suffered the Punjab disturbances of 1953 that greatly impacted its future course vis-à-vis the status of minorities. The violence had erupted on the call of Majlis-e-Amal (an alliance of religious parties, founded in 1952) who wanted Ahmadis to be declared a non-Muslim minority and the then foreign minister and other officials holding key posts to be removed from services on the basis of being Ahmadis. Martial Law was declared in Punjab province to quell the riot that led to the lynching of several Ahmadis by the mob and to the killing and injury of many rioters by the army. The gory incident made it clear that the people's religious sentiments could be stoked to the detriment of social order and the responsibility squarely fell on the failure of ministerial and administrative apparatus due to 'subordination of law and order to political ends', as noted by the inquiry commission.¹⁴

In the first Constitution (1956), which remained in force for two years, the State was named as the Islamic Republic of Pakistan. The 1956 Constitution enumerated twenty fundamental rights, 'alleged violations which could be contested in the high and supreme courts. The congruence of these rights with the peculiarly expansionist interpretation of the writs (*mandamus, certiorari, quo warrant, prohibition and habeas corpus*) provided a ready means of securing their enforcement.'¹⁵ However, according to an analyst '...the significance of these civil rights was compromised by language in most clauses stating that

"subject to any reasonable restrictions imposed by law".¹⁵

The 1956 Constitution did not mention the word 'minorities'. It used 'religious communities or denomination'. Article 18 (a) stipulated that 'every citizen has the right to profess, practice and propagate any religion'. In *Part 12, Chapter 1: Islamic Provisions* of the 1956 Constitution, Article 197 (1) stated that 'The President shall set up an organization for Islamic research and instruction in advanced studies to assist in the reconstruction of Muslim society on a truly Islamic basis'. Article 198 said that all laws should be brought in conformity with the Quran and Sunnah and a commission would be formed to make recommendations in that regard.

The second Constitution (1962), drafted by the Constitution Committee for General Ayub Khan, did not stipulate citizens' rights as inviolable but listed them as principles for law making. 'In this Constitution there were no fundamental rights and "Islam" was omitted from the name of the State.¹⁷ The word 'Islam', however, was inserted through the First Amendment Act 1963 on the move of a Jama'at-e-Islami member, Barrister Akhtaruddin.¹⁸ The 1962 Constitution stipulated that the president of the state should be a Muslim. The tussle between the two schools of thought—secularists and conservatives—was to continue. Under Article 199 of the 1962 Constitution, an Advisory Council of Islamic Ideology was established in August 1962. Furthermore, the Central Institute of Islamic Research, established earlier through an executive notification in 1960, was given constitutional cover under Article 207 and renamed as the Islamic Research Institute. The Council came to be dominated by conservative religious leaders, while the Institute was run by religious scholars who believed in *ijtehad* and considered research as a tool to investigate in the fields of Islamic jurisprudence, *hadith* and *fiqh*. The Islamic Council and the Islamic

Research Institute 'were frequently in conflict'.¹⁹ The 1962 constitution was abrogated in 1969.

Constitutional history indicates that the tussle between the two streams of thought intensified with the passage of time. The religious and conservative parties were defeated in both Eastern and Western wings in the first relatively free and fair general elections held in the history of Pakistan in December 1970. Yet politically and institutionally the religious elite kept gaining strength and the influence of conservative religious leaders remained significant. This was evident when Islam was stipulated as a state religion in the Constitution framed in 1973. However, according to some observers, the original 1973 Constitution was a compromise between the conservative segments of the polity and the liberals.

Pakistan's Constitution is neither Islamic nor secular. It is a balancing attempt between Islam and secularism. So, it is a non-secular/non-Islamic constitution. This is because in 1973 the country needed a consensus between the Liberals and the Mullahs. It was against this background that the Constitution was drawn up. The Mullahs were happy that all laws were in conformity with the Quran and Sunnah and the Liberals were happy that they had ensured/secured the broad rights of full citizenship for all within a modern Constitutional framework.

Faisal Siddiqi, Advocate Sindh High Court

The 1973 Constitution was a consensus document agreed upon by both the Muslim majority and the non-Muslim minority. Every individual has a right to have an opinion on the Constitution. If we view (the Constitution) from the perspective of the West, we may find flaws in it. Personally, I don't find any

provision in the Constitution that negates the rights of the religious minorities. Pakistan was created in the name of Islam and Islam is important for us Muslims.

Justice (Rtc.) Dr. Zafar Ahmad Khan Sherwani,
Director Karachi Center for Dispute Resolution

Rise of Religious Extremism and the Minority Discourse

Religious extremism is a complex phenomenon and the elements that go in to making a person/group adopt extremist ideology can be diverse and difficult to untangle. Analysts cite reasons ranging from inequity, poor governance, weak political systems, faulty education, to western imperialism and globalization. Religious extremism in Pakistan includes intolerance of other world views, violent strategies, and a belief in Islamic precepts and practices—embracing all aspects of life—that date back to Islam's foundational phase shorn of the context. For an extremist, *jihad* (struggle or war) against *kuffaar* (non-believers) or *hijama* (sucking) or cupping of blood as a medical treatment could both be as relevant and worthy of practice today as during the days of the Prophet.

The majority Muslim population holds the religious belief system central to their life. Yet, there has always been a wide spectrum of interpretations and nuances within the belief system as thought out, felt and practiced by individual Muslims at different levels. In the earlier decades of Pakistan's history, a certain level of tolerance for differing interpretations and intermingling of people of diverse ideologies, cultures and religions was evident. Religion was considered more a personal

matter and public display of religious sentiments and activities was limited. The state played a role in preserving the restraint. For instance, only 10th Muharram and 12th Rabi-ul-Awwal were gazetted holidays and till the 1970s there was no tradition of bringing out large processions on 12th Rabi-ul-Awwal in the big cities. What was in evidence since earlier days, though, was the mobilization of public opinion by religious political parties.

The first such mobilization was related to anti-Ahmadi sentiments and led by the Majlis-e-Ahrar, a religious political party which demanded that the Ahmadis be declared a non-Muslim minority at a public meeting in May 1949.²⁶ The religious leaders of the Majlis-e-Ahrar brought the hate campaign to such a pitch, with all the other religious parties joining in (at the platform of Majlis-e-Amal), that it led to widespread agitation, rioting and vandalism in the cities of Punjab and to the enforcement of Martial Law in Lahore in 1953.

A lot of (inflaming of religious sentiments) is done for vested interests. When the anti-Qadiani movement was launched (in the early 1950s), there was this feeling that they [the Qadianis] are occupying high posts in the government and in bureaucracy, and if they are removed, we would get the opportunity to rise in those careers. What apparently was religious strife, deep down had economic and social reasons. So, vested interests are always there in the ethnic and religious strife.

Prof. Dr. Syed Jaffar Ahmad

The policies initiated and propagated by General Ziaul Haq in the 1980s promoted the concept of an exclusive Sunni Wahabi state, thereby excluding not just the non-Muslims but also Muslims of differing denominations. 'General Zia brought

about various constitutional, legislative and administrative changes. Many of these changes were punitive and reactionary in character. They nurtured a culture of intolerance and extremism and resulted in serious violations of the rights of religious minorities.²¹

The attempts at Islamization played a role in giving a fillip to extremist, parochial, and gender bi-ased attitudes, and the militarized exhortations to take up arms for the sake of *jihad* promoted a harsh vigilante mindset, a mindset that was reinforced by education policies. Prejudices against Hindus and Christians, thus, increased to the extent that all Hindus came to be regarded as Indian agents and all Christians as Western/Jewish agents.

This (extremism) is a human rights violation issue impacting the majority too and not just the minority. The root cause of the extremism and violence against minority as well as the majority is the extremist/militant groups who do not believe in any religion, are trained as extremists and act as mercenaries with a mission to create conflict, harassment and brutal acts of violence in society. Failure of the government is one of the factors behind increasing extremism. Worsening law and order situation encourages the extremist groups to boost the conflict. Also, when the state fails to provide basic services to the people it leads to social restlessness. At times the victims of a specific conflict emerge as extremist group and want to take revenge from society for injustice suffered by them at specific time.

Allama Qammar Abbas Naqvi,
Jaffaria Alliance Pakistan

The 1980s also witnessed the mushrooming of radical religious political parties whose number rose from 30 in 1979 to 239 in 2002.²² These parties, by and large, are off-shoots/break-away factions of, or affiliated with, five

mainstream religious political parties.²³ The Islamist political parties have succeeded considerably in influencing the state policies in line with their primary objective of establishing the rule of Islamic laws. Popular discourse of religiosity, led by these parties—divided amongst themselves on sectarian/interpretive lines—has fuelled extremism. The liberal parties, unfortunately, also have had a share in leading the country towards obscurantism for political expediency and self promotion.

The PPP is generally regarded as the main political democratic party but it is the PPP that started the political wing of the ISI; it was the PPP that declared the Ahmadis non-Muslim. In promoting Mullahism, the bigger role was Zia's: he was the one who watered the plant and fertilized it but it was PPP who sowed the seed... who first supported Gulbuddin Hikmatyar...

Kanji Rano Bheel, Advocate Sindh High Court

With the spread of Islamic radicalism and extremism, social discrimination against the minorities is on the rise as is religious intolerance and sectarian violence. The society seems to be losing its ability to cope with diversity. A worrying aspect of this trend is that discrimination is being institutionalized through laws and policies. Lack of tolerance for other religions and world views has vitiated the socio-political atmosphere for the minorities to the extent that it has created a palpable sense of fear and insecurity amongst the religious minorities, both Muslims and non-Muslims alike.

Though our family has a secular approach, still I have fears: anything can happen to me or to my family, tomorrow. Morbid thoughts assail me: what if someone alleges blasphemy on me because I am a Hindu? People say that what is happening nowadays—violence, economic hardship

disasters, etc.—is God's punishment (Allah ka azaab) and this is because of kuffaar (non-believers) hence all non-believers should be expelled from this land. I live in Shaninagar, Karachi. It is a settlement of mixed communities: Hindus, Christians, Muslims. No community is dominant here. Still, I am afraid.

Community activist (Hindu)

In 2012, Pakistan was ranked sixth among the countries in the world under the index *Peoples Under Threat Index* where the risk for genocide or mass killings of minorities is the highest. The index is used as an early warning tool by the UN bodies.²⁴

Indoctrination: Education as a Tool to Propagate an Ideology

A major factor contributing to extremism is the vacuum in society created by the failure of public education system.

Irfan Mufti,

Deputy Director South Asia Partnership-Pakistan

Indoctrination into a belief system that is discriminatory to religious minorities begins early in a person's life through childhood socialization processes in the private sphere. Indoctrination in the public sphere and at the institutional level starts with schooling where education is used as a tool to propagate the state ideology by influencing minds and molding attitudes. The content of education, particularly at the primary level, 'is closely regulated by state policy'.²⁵

The first national conference on education held in November 1947 outlined an educational policy '...which incorporated both the fundamentals of Islamic tradition and modern science and technology'.²⁶ The education policy, based on constructive nationalism, helped

in promoting a curriculum that was forward looking. This progressive stance continued through the 1950s and 1960s. The National Commission for Education, set up in 1959, while emphasizing Islamic studies and religious education, promoted Ayub Khan's brand of nationalism tempered with modernism and progress. The Sharif Commission Report 1959 stressed to fight '...ignorance, backwardness, parochialism, corruption, black marketing, superstition and lack of industry'.²⁷ The radical change came in the 1980s with the military dictator Ziaul Haq, who influenced education with his particular worldview.²⁸

Zia's education policy of 1979 sought to reorganize the entire content around Islamic thought, '...giving education an Islamic orientation so that so-called Islamic ideology permeates the thinking of the younger generation and helps them with the necessary conviction and ability to refashion society according to Islamic tenets'.²⁹ The democratic governments succeeding Ziaul Haq failed to bring about any reforms in the education policy; if anything, they confirmed the policy of the previous government. Thus the 1998 education policy stated '...we are not a country founded on territorial, linguistic, ethnical or racial identity. The only justification for our existence is our total commitment to Islam as our identity'.³⁰

Given the parameters set out by Zia's education policy, historical/current facts are distorted or coloured to adhere to narrow nationalist interpretations and ethnically and religiously driven political mandates. Thus, the curriculum of social studies, Pakistan studies, Islamic studies, Urdu and English languages taught in Pakistan today is an amalgamation of 'patriotic discourses, justification of the two-nation theory and hagiographies of Muslim heroes'.³¹

Islamic Studies, or Islamiyaat, is taught as a compulsory subject for 14 years—from class 1 to class XIV. Religious minorities are portrayed as ‘...inferior or second class citizens who have been granted limited rights and privileges by generous Pakistani Muslims, for which they should be grateful, and to whom religious minorities should be subservient...’³² The results of this indoctrination are predictable: prejudice against other faiths is now deeply ingrained in young children.

Our children have to face a lot of questions in school. My daughter is a student of class 9. Her class-mates ask questions such as, 'Why do you worship statues?' Or, they tell her, 'Your rituals are bad. Why don't you become a Muslim?' My daughter gets very upset with these questions. Sometimes she asks, 'Why did I get born in a Hindu family?' This is very painful for me.

Radha Bheel,
Sindh Rural Partners Organization, Mirpurkhas

When I was 7 years old and in class 2, my Islamiyaat teacher one day asked us: 'Who is Shia in this class?' I raised my hand. A boy also raised his hand. So there were two of us, Shias. The teacher said she was asking this question because the lesson is about prayers and Shias' way of praying is different. After the class my mates cornered me. I was overwhelmed with their questions: 'Did you kill the Prophet? That's why you mourn in Muharram! Why do you beat yourself? Why do you mistreat animals?' I could not answer a single question and was very disturbed. I told my parents. They advised me to hide my identity from now on. They said I was too young to face questions so it is better to lie about my sect.

Stucent, Karachi University

After decades of indoctrination, it is not just young

students whose malleable minds are poisoned with a distorted belief system but teachers, mature in age, also display biases and hatred for other religions and non-Muslim communities.

Even in some of the top private schools, teachers talk about non-Muslims in derogatory terms. You may develop unbiased curriculum, based on facts, but I know of teachers coming to the class and saying, 'Well, this is written in the book but I'll tell you the truth.' And this is how prejudice is spread. The community of teachers should be made a focus of educational reforms.

Prof Syed Jaffar Ahmed

Media: A Double-Edged Sword

The media has also been used as a tool in the indoctrination process. Along with its positive role in exposing the injustices to the minorities, it has, at times, distorted facts and sensationalized issues, whipping up emotions and creating mischief. For instance, in September 2008 an anchor person of a TV channel devoted an entire show to Ahmadiyyat and led one of the guests to state that Ahmadis are *wajib-ul-qatl*. Within two days of the show, two members of the Ahmadi community were murdered.

Their (media) policy is: whatever sells is good. If a TV host for a religious talk show implies that it is alright to kill Ahmadis then he is promoted. Initially this man was a small time presenter. Now he is the vice-president of the TV channel.

I.A. Rehman, Secretary General,
Human Rights Commission of Pakistan

The media often overlooks or fails to report important details of the cases pertaining to violence against the

minorities, thus creating assumptions about the accused. For instance in July 2010, two Christians brothers falsely implicated under the blasphemy law were murdered in Faisalabad in the court grounds after a hearing. Though the police had found no evidence against the accused of blasphemy, the print media '...covered the situation in a way that misled readers and could potentially incite continued violence against minorities.'³³ The media also falls short in adequate follow up of the news and neither highlight the verdict of the cases nor the punishment meted out to the culprits. In April 2011, the murderer of the two brothers was sentenced to death by the Anti-Terrorism Court. But this news was not highlighted in a way that could have placated the grief and given a sense of relief to the members of the minority.

Some media groups are patronized by political parties and they like to provoke (religious sentiments of the majority). Our national media, though has made itself credible, do not focus on non-Muslim issues like constitutional gaps, social and economic discrimination. If they ever report on minority they do it in a very coreless way. They do not take these cases, i.e. blasphemy, seriously.

Dr. Ashothamma Lohano,
Coordinator Special Task Force Sindh, HRCF

The media, both print and electronic, generally avoids the issues that impact the minorities. In June 2011 when the Punjab Chief Minister stopped Minister Kamran Michael, who was holding the additional charge of the Minister of Finance, from presenting the budget because he was from the minority community (later the decision was rescinded), the issue was not discussed in any of the talk shows. It was the social media that registered the protests by the minority.

Media has played a significant role in high-

lighting injustice to the extent that quite a few journalists have even lost their lives trying to report on several issues. Then there are the black sheep in the media. On the whole how media operates is a reflection of society, of the good and the bad. It has played a positive role in highlighting some issues and played a negative role in other cases.

Vasant Thari, Advocate Sindh High Court

In recent years, the media has played a critical role in reporting forced conversion and migration of Hindu community members due to rising insecurity. Portrayal of the facts and the opening of the debate in TV talk shows compelled the State to take action. Several respondents reported a positive view but with reservation.

Overall the role of media is positive towards the minority. Now the media actively takes up minority issues like migration, and specially, kidnapping and forced conversion of minority girls. But this (exposure) has increased the sense of insecurity among the community. Some channels portray the issue in a biased manner. One of the TV channels interviewed a few Hindu women who married Muslims and converted to Islam several years ago. The interviews showed the women as nicely settled with their Muslim husbands.

Gyan Chand, ex-Member Provincial Assembly

In contrast to insensitivity and disregard to the minority issues, the media tends to go overboard and create a biased perspective when it comes to displaying concern about the majority religion Islam. The state often plays a partner to the distorted representation. For instance, the state declared 21 September 2012 as *Ishq-e-Rasool (Love of the Prophet)* day to register the government's

protest against an anti-Islam film made in the US. The sentiments were stoked and the country-wide protest resulted in 20 deaths and injuries to 200 people.

I remember watching an anchor person of a TV channel announcing the day of the protest in a high pitched voice: in a way appealing to the emotions of the people that tomorrow you would have to show your religious sentiments, etc. The whole day the media broadcast [the protests] in quite some detail: without condemning [the violence]. It was implied that so many Muslims had come out on the street out of their love for the holy Prophet. It was implicit in the whole broadcast that the police was the bad guy; when in fact, the State had sided with them (protesters) by announcing a holiday. But they wanted something as a scapegoat, someone to blame for the rioting, the violence, and that blame was put on the police.

Prof S. Jaffer Ahmed

The Urdu media, both print and electronic, has failed to initiate informed debate on blasphemy laws and other issues that adversely impact the minorities. Instead, the Urdu press, in particular, has played a role in spreading religiosity, bigotry and discriminatory concepts including the image of the Hindu as an Indian agent and Christians as agents of the West.

The Sindhi and the English media have always supported the religious minorities; but the Urdu media promote the feeling that Hindus are kafir, they are against our country. Urdu media does not cover matters relating to the minorities.

Kanji Rano Bheel, Advocate

By and large, the stakeholders voiced their dissatisfaction with the media for limited coverage and often biased portrayal of issues related to religious minorities.

The role of media is not positive. Media hardly gives any coverage to minority issues. They have their own policy. They give coverage to influential people more than other issues. Media presents news stories according to their own point of view, instead of presenting the facts as actually are.

Mushtaq Matto,
President Pakistan People's Party Minorities Wing

3

Judicial-Legal Constraints

Constitution and the Minorities:

'Our Constitution is not minority-friendly. At one place it says all citizens will have equal rights, on the other it stipulates that a non-Muslim cannot be the head of the state.'

Malji Rathore, Convenor,
Pakistan Dalit Solidarity Network

While fundamental rights are ensured to religious minorities, the Constitution in some of its articles stipulates several conditions relating to religion which have direct implications or indirect bearings on religious minorities. Article 2 states that Islam is a state religion; Article 31 seeks to foster an Islamic way of life (Principles of Policy); Article 41 disqualifies non-Muslim for the position of President; Article 91 (3) disqualifies non-Muslim for the position of Prime Minister.

In the 1973 Constitution, Article 2 stipulating that the state's religion will be Islam and Article 41 that the head of the state shall be a Muslim were added that led to an absolute exclusion of minority from the mainstream representation. Discrimination towards minority thus starts from the highest institutions—the State and the constitution.

Michael Javaid, ex-MPA

The Constitution has made severe discrimination as it stipulates that the president and prime minister should be Muslim...these clauses have created a sense of inferiority and segregation among the minorities.

Gyan Chand, ex-MPA, ex-Senator

Article 2A, inserted under the Revival of Constitution of 1973 Order, 1985 (P.O.No.14 of 1985) by General Ziaul Haq made the Objectives Resolution a substantive part of the Constitution. In addition, the word "freely" was deleted from the text of the preamble annexed with the 1985 Order. It was 'a deliberate and dishonest act on the part of the military ruler... the deletion later had serious repercussions in our socio-political setup. It introduced an element of religious extremism in our society.³⁴ The word 'freely' has been reinserted under the Constitution (Eighteenth Amendment) Act, 2010.³⁵

Part IX titled *Islamic Provisions* (Articles 227 to 231) stipulates that all laws shall be brought in to conformity with the Quran and the Sunnah and delineates the procedure for ensuring its implementation. These Articles lay the ideological ground for inequality and discrimination between Muslims and non-Muslims.

There is no doubt that our Constitution and certain laws do discriminate against non-Muslims.

Iqbal Haider (late), ex-Senator

The Article that has fundamentally changed the course of treatment to the religious minorities was inserted through the Constitution (Second Amendment) Act 1974 by Z. A. Bhutto. The Amendment 'laid the groundwork for the moral regulation and state policing of the Muslim/non-Muslim distinction.'³⁶ The amended Article 260

(3a) defines Muslim and (3b) defines non-Muslim stipulating the Ahmadiyya sect as non-Muslim.

In 1974, through an amendment, a Definition Clause was added in the Constitution whereby a Muslim is defined so as to exclude the Ahmadis. Since then, there are two types of minorities, non-Muslims and those whom the Muslims consider non-Muslims.

Faisal Siddiqi, Lawyer

In Part II: Fundamental Rights and Principles of Policy, the Constitution grants twenty-three enumerated fundamental civil and political rights to all citizens (Articles 8 to 28), irrespective of religion, race, cast, creed, ethnicity or gender. Civil liberties, i.e. freedom of speech and expression, of assembly and association, of movement and vocation, and fundamental rights such as security of person, safeguards as to arrest and detention, right to fair trial, right to information, to education, are all guaranteed in the Constitution. Articles 20 to 22 specifically relate to freedom to profess, practice and propagate religion. Article 20, *Freedom to profess religion and to manage religious institutions*, has made this fundamental right conditional and restricted its application through the addition of 'Subject to law, public order and morality'. This Article facilitates discriminatory amendments in any other law including the Pakistan Penal Code. Article 36 specially stipulates that 'The State shall safeguard the legitimate rights and interest of minorities, including their due representation in the Federal and Provincial services'.

Despite the (1974) amendment the Ahmadis were entitled to all rights as a minority...till Ziaul Haq criminalized their right to worship in public through changes in the Pakistan Penal Code. All rights of the Ahmadis as a group, under the Constitution, were thus suspended and their right to practice their religion very severely curtailed. When the changes were challenged in the Supreme Court, a three-member bench up-

held the decision though one of the members, Justice Shafiur Rahman, wrote a very strong dissent to the judgement.

Faisal Siddiqi, Lawyer

Discrimination against religious minorities was further institutionalized through the insertion of sections in the Pakistan Penal Code with problematic text thus paving the way for the abuse of the law.

Religious minorities are frequently victimized through fake charges of blasphemy under Section 295-B and 295-C of the Pakistan Penal Code. The judiciary and the personnel manning the judicial system and the law enforcing system, by and large, work under a discriminatory mind-set against the minorities. This mind-set has become deeply entrenched since the last two decades with the seeping of extremism in religion and politics.

The country we live in today is not Quaid-e-Azam's Pakistan. This is Shabbir Ahmed Usmani's Pakistan!

Zahid Farooq, Joint Director
Urban Resource Center

Blasphemy Laws:

These are man-made, and not divine laws which cannot be changed.

Naeem Shakir, Advocate Supreme Court

Blasphemy laws were first introduced in the Indian subcontinent in 1860 by the British to address communal riots that erupted sporadically between different religious groups, particularly between Hindus and Muslims,³⁷ due to hate speech/action with reference to religion. Indian Penal Code sections 295, 296, and 298 (Offences against Religion) were enacted to deal with various acts of defamation of reli-

gions (i.e. defiling places of worship, disturbing religious assemblies, uttering words with deliberate intent to hurt religious feelings). After 67 years, the British introduced yet another section (IPC 295-A) in 1927 to curb defamation of religion or religious personages through spoken or written words. The punishment for the offences under these laws was light, a maximum of two years of imprisonment and/or fine. The provision 295-A was added in view of the rising incidents of communal riots between Hindus and Muslims particularly in the early nineteenth century. As against nine communal riots during 147 years (from 1713 to 1860), in the subsequent 67 years (1860 to 1927) more than 70 riots took place and most of them occurred in the 1920s.³⁸ '...The year 1926-27 was one continuous period of communal riots. Since April 1926, every month witnessed affrays more or less serious between partisans of the two communities and only two months passed without actual rioting in the legal sense of the word.'³⁹

Pakistan inherited the four blasphemy provisions in the PPC in 1947. During 1982-86, Ziaul Haq under his military rule, inserted five new sections with stringent punishment in Chapter 15 of the Pakistan Penal Code. Sections 295-B (defiling of the Quran punishable with life imprisonment), 295-C (blasphemy against the Prophet punishable with death or life imprisonment), 298-A (defamation of holy personages), and 298-B and 298-C (specific to Ahmadis) were introduced through the Pakistan Penal Code (Amendment) Ordinance 1982 and the Criminal Law (Amendment) Act 1986. Of the five clauses, Section 295-C, has proved to be most problematic due to ambiguity in its text, the absence of intent as a requirement of proof of the offence and the mandatory death penalty. In 1990 a Federal Shariat Court Judgment⁴⁰ had struck down the option of imprisonment for life and declared the death penalty as mandatory.

The law proved to be a turning point as unlike previous British-made blasphemy laws applicable to all religions, Zia's law meant to punish defamation only of the majority religion Islam, its holy book the Quran and the Prophet. Ahmadis, already declared non-Muslims (in 1974 during Z A Bhutto's rule) were stripped of the constitutional right to practice their religion. Blasphemy laws, thus, are inherently discriminatory and contrary to fundamental rights enshrined in the Constitution.

The blasphemy law (295-C) as framed is not a balanced legislation as it trespasses the domain of other creeds and faiths and refuses to recognize these as sacred...

Naeem Shakir, Advocate Supreme Court

Blasphemy law is biased and exploitative...indeed there should be no defamation of the Quran and the Holy Prophet... but burning Bible and burning churches should have also been made punishable crimes...

Community Activist

Blasphemy cases registered an enormous increase after the promulgation of Zia-imposed clauses. From 8 reported cases of blasphemy in 40 years (1947 to 1987) the number of blasphemy cases rose to 247 in 35 years (from 1987 to August 2010).⁴¹ This abnormal increase in the cases of blasphemy indicates that the law instead of achieving its objective, that is, curbing blasphemy, has led to its exact opposite—the flourishing of blasphemy. At the end of 2010, a private members bill, the Blasphemy Laws Amendment Bill, submitted by the Member National Assembly Sherry Rehman sought to amend the procedure related to blasphemy in the Pakistan Penal Code and the Criminal Procedure Code and to redraft Sections 295 and 298 of the PPC with a view to rid the

text and procedure of the flaws.⁴² The Bill was withdrawn in February 2011 in view of the mounting pressure of religious forces after the murder of the Governor of Punjab, Salman Taseer, 'who was critical of the exploitative potential of Section 295-C'.⁴³ A month later, in March 2011, Federal Minister for Minorities Affairs, Shabaz Bhatti was also murdered. These high profile murders put a halt to the discourse on blasphemy law. According to legal experts, Section 295 C, introduced by Ziaul Haq contains gross defects. Unlike the colonial era blasphemy law that stipulated malicious intent as a requirement to make the act or the speech punishable, Section 295-C has entirely omitted intent as a pre-requisite for crime. In addition, the text is marred with ambiguity and lack specificity.

295-C: Use of derogatory remarks, etc. in respect of the Holy Prophet. Whoever by words, either spoken or written, or by visible representation, or by any imputation, innuendo, or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet (peace be upon him) shall be punished with death, or imprisonment for life, and shall also be liable to a fine. (Pakistan Penal Code)

*The language of Section 295-C...is not only very broad because it also talks about and embraces any imputations, insinuations, innuendo, and direct or indirect speech but it does not appear to caveat that if any of this takes place accidentally or by mistake, and thus without deliberate intent and malice, then that should fall outside the punitive ambit of the law.*⁴⁴

Dr. Osama Siddique, legal scholar

Though blasphemy laws affect not only the minority but the majority (Muslims) as well, the minority, particularly Christians, have become victims of this law in numbers disproportionately higher to their population. In a case law study of 104 cases of blasphemy

reported during 1960 to 2007, 41 cases were filed under Section 295-C. Out of 41, in 20 cases the accused were Muslims, in 15 cases the accused were Christians and in five cases Ahmadis.⁴⁵ That is, 50 per cent of the accused were non-Muslims who comprise less than three per cent of the total population.

In majority of the cases registered under 295-C, the accused are found not guilty by the higher courts and released but this sometimes happens after a period of incarceration and hardship as the case drags on. Once accused of blasphemy, the victims are often hounded even after they are cleared of the allegation by the Court, else they are killed by religious zealots. In a majority of the cases, disputes over property or other pecuniary matters lead to false accusations of blasphemy.

Religion is used for political purposes. All the major blasphemy cases turned out to be related to land disputes; in a few cases it is an excuse to make off with our women.

Community Activist (Christian)

Often, an accusation of blasphemy is used as a weapon to whip up religious frenzy and incite mob, targeting not just the accused but of the entire community the non-Muslims. For instance, in a case registered against five Ahmadis under Section 295-C in June 2005 in Hasilpur⁴⁶. It turned out that,

*...the petitioners have been roped in a false case due to sectarian differences and that no specific allegation was leveled against the petitioners in the FIR.*⁴⁷

The five accused (Ahmadis) in the case⁴⁸ were granted post-arrest bail in October 2005. The Lahore High Court Order issued by Justice Muhammad Farrukh Mahmud states the facts,

...the complainant was spokesman of Majlis-i-Tahaffiza-i-Khatam-i-Naboowat. 15/16 houses belonging to Ahmadia sect existed in Chak No.192/M within territorial jurisdiction of Police Station Sadar Hasilpur. 5/6 years prior to the occurrence, Ahmadies started building their place of worship which resembled in design with a mosque. The complainant along with other asked Ahmadies to stop construction. After negotiations, Ahmadies closed the side doors of their place of worship and also stopped to construct minarets in the year 1999. A month prior to occurrence, the complainant came to know that the main gate of the place of worship had been opened ...⁴⁹

The prejudice against Ahmadis is so intense that the majority community members, with a view to punish the Ahmadis for their religion, resort to the extreme of falsely implicating them in blasphemy. The allegation serves them with a dual purpose: possible expulsion of Ahmadis from the neighborhood and the potential of accessing the land they may leave behind.

Minority Personal Laws: Omission and Neglect

The State has failed its religious minorities on yet another vital legal aspect in the private domain: personal laws that govern the individual's family relations and succession are applicable only on the ground of religion the individual belongs to. In the last 66 year of its existence, the State neglected to reform or draft new personal laws for its Christian, Hindu and other religious minority communities. Family matters (i.e matrimony, divorce, inheritance, custody of children) of religious communities are still governed by outdated colonial laws, or

customary/religious rules that do not cohere with modern day realities, causing hardships to the communities, particularly minority women. Some of these antiquated laws are the Christian Marriage Act 1872, Christian Divorce Act 1869, Hindu Widow's Marriage Act 1856, Hindu Married Woman's Rights to Separate Residence and Maintenance Act 1946.

The absence of personal laws and the colonial laws in practice today deprive minority women of several fundamental individual rights granted to women by modern, democratic states. The deeply ingrained patriarchal religious beliefs in the minority communities in Pakistan are indicated by the resistance of the minority male members—religious leaders, parliamentarians, community elders—to reform personal laws. Such a situation necessitates all the more that the State plays its role as a strong stakeholder to ensure individual rights to both women and men of the minority communities.

In the absence of marriage law, Hindu marriages are not documented. Lack of registration of marriage impacts Hindu married women's access to national identity cards (NIC). Absence of NIC leads to lack of access to passport and other official documents.

Our nikah is not registered so there have been cases when the police have harassed couples unable to produce a nikahnama.

Kanji Rano Bheel, Advocate

The process of drafting the Hindu Marriage Act was initiated in 2009 by the Hindu minority community activists, particularly the Scheduled Caste Rights Movement (SCRM), with the support of civil society and lawyers. The draft was submitted to the Parliament in October 2010 as a Private Member Bill by Krishan Chand Perwani, MNA. The draft bill was sent to the Law Committee of

the National Commission on the Status of Women (NCSW). The NCSW reviewed the bill and presented the draft Hindu Marriage Act 2011 to the Ministry of Human Rights.⁵⁰

We have been working on the Hindu marriage law. (But) the minority population from Punjab protested against it and requested me not to sign this bill as it has many things against our religion. There is no concept of written agreement of marriage in our religion. Similarly, there is no concept of divorce in our religion. If a man dies and his widow is young then the Pan-chayat requests her parents to let her marry again.

Dr. Khatomal Jewan, MNA PPP

This bill has been sent to all four provinces for their consent on behalf of the community.

Manwar Lal, MNA MQM

We are working on the Hindu and Christian marriage laws. We have prepared a bill for both communities and have sent to the relevant religious leaders for their consent on the bill. We are trying to take them into confidence to avoid any possible conflict regarding the bill. The ministry is working on the law and will resolve this problem whether the (government) will be the same or different...this work will go on.

Akram Masih Gill,
ex-Federal Minister of National Harmony

The State puts the onus of reforming the personal laws on minority members of the parliament. The minority parliamentarians are too few in number, without any political clout and divided amongst themselves on the issue. Another factor is the absence of voice and agency of minority women. Facing a condition of double jeopardy, minority wom-

en are marginalized as minority in the larger domain and kept on the fringe as a weaker sex within the private domain. The national women's movement has also failed to raise the issue of minority women's rights.

Judicial System and Law Enforcing Mechanisms

There is an in-built discrimination in the Constitution and laws but what is worse is practice and policy. Even a good law subjectively interpreted will cause problems.

I.A Rehman

Blasphemy laws are mostly handled in the lower court and are mishandled there; at the High Court level there is no discrimination.

Akram Masih Gill

It is the lower tiers of the judicial system that the populace at large approach to seek justice. District and session courts, manned by district/session judges and additional district judges deal with civil and criminal cases. Subordinate to these courts are the judicial magistrate's courts with jurisdiction to hear all criminal matters other than those which carry the death penalty. The magistrate's court is allocated a local jurisdiction, usually encompassing one or more police stations in the area. The First Information Report (FIR) of an offence is registered by the Inspector of Police or Station House Officer (SHO) who heads the police station. The SHO is a junior rank, subordinate to six posts above him in the police ranking system.⁵¹ The FIR leads to investigation and the process follows a set of rules prescribed under the Code of Criminal Procedure 1898. The SHO then submits the report to the

magistrate who initiates the trial. Trial of all non-bailable offences, including police remand notices, accused discharges, arrest and search warrants, and bail applications, are heard and decided by magistrate courts. The legal procedures include the fundamental rights of the accused—right to trial, the right to counsel/legal representation, and the right to present witnesses and evidence that enable him to prove his innocence. But often the rules and procedures are subverted, more so in cases of marginalized or disempowered groups.

Usually, blasphemy cases are registered quickly by the police on flimsy or insufficient evidence. This is despite the fact that in the higher courts, convicts of such cases are mostly acquitted and the judgments hold clear direction to lower judicial personnel to exercise extra caution and stricter rules in the handling of these cases. In a case of blasphemy, the accused (Muslim) convicted under section 295-C was sentenced to death by the Special Judge, Anti-Terrorist Court, Sargodha in November 2001. The appeal was decided by Justice Ali Nawaz Chowhan of Lahore High Court in August 2002, who in his judgment noted weak evidence, inefficiency of investigation officer and bias of the Special Judge:

Can we rely on this quality of evidence in a case as serious as the one in hand? The answer is in the big negative. But what does all this reflect? Of course, inefficiency, inaptitude, apathy and perfunctory working on the part of our police officials and the way they collect evidence...

The nature of the accusations overwhelmed the trial court to such an extent that it became oblivious to the fact that the standard of proof for establishing such an accusation and as required, was missing. Mere accusation should not create a prejudice or a bias and the duty of the Judge ...is to ascertain the facts and the circumstances

and look for the truth with all the perseverance at his command.

As we have seen in the recent past, cases of such like nature are on the increase and we have also observed element of mischief involved. This calls for extra care at the end of the Investigating Officers. Whereas, we have seen the failure inefficiency and incompetence of the Investigating Officer in handling the present case with all its consequences, therefore, we direct the Inspector General of Police, Punjab, Lahore, to ensure that whenever such a case is registered, it be entrusted for purposes of investigation to a team of at least two gazetted Investigating Officers preferably those conversant with the Islamic Jurisprudence and in case they themselves are not conversant with Islamic Law, a scholar of known reputation and integrity may be added...⁵²

It is not just the lower court where justice is tempered with religious bias. At times the higher court displays the same bias and fails to administer justice. Ayub Masib, a Christian, was convicted of blasphemy under Section 295-C in Arifwala, Pakpattan, in October 1996 and awarded the death sentence by the Sessions Judge Sahiwal in April 1998. The appeal against the judgment was filed and in July 2001, the Lahore High Court, Multan Bench, upheld the judgment and confirmed the death sentence. The appeal, submitted to the Supreme Court was accepted on 15th August, 2002 and the accused was acquitted of all charges. In the judgment, Justice Qazi Muhammad Farooq noted the lapses displayed by the trial court and the High Court:

Implicit reliance was placed on the testi-

*many of the complainant...by the learned trial Court as well as the learned members of the Division Bench of the High Court, the counter-version was spurned and the appellant was convicted and sentenced... We have come to the irresistible conclusion that...the prosecution had failed to prove its case against the appellant beyond any reasonable doubt...*⁵³

In 2004, Pervez Musharraf carried out procedural changes in the blasphemy law (295 C) through Section 156-A of the Criminal Procedure Code.

Under the amendment made during Musharraf's government, investigation of any case filed under the blasphemy law can only be done by a police officer of Superintendent of Police (SP) rank. This was done to ensure that the investigation remains fair but it has never been implemented. These cases are still being investigated by police officers below the SP rank, and judges, due to their bias against the minorities, never question it before pronouncing the sentence.

Advocate Naeem Shakir

The Sunni religious scholars have demanded removal of these procedural changes and opposed imposition of penalty for the accuser(s) in such cases.⁵⁴ It indicates continuation of the tussle between the two ideological currents in society and highlights even a greater need for mobilizing public opinion on the abuse of the law due to ambiguity in the text and procedural gaps. Local political influence is one of the reasons cited by several minority representatives for subversion of legal procedures.

Only waderas have power over police stations. We poor people cannot access the system. Before we reach the police station for complaint, the wadera phones the police and orders them

not to register the FIR. Most of the police personnel are accomplice of waderas.

Community Activist (Hindu)

Cases filed under sections 295-A, 295-B and 295-C have to be fought on technical grounds. Usually there is no eyewitness in such cases as these are mostly the result of a personal enmity or vested interests. Accused person in these cases suffer the most while the petitioner never comes back. According to the law, a notice should be issued to the complainant if he/she fails to appear before the court thrice after which a court may issue arrest warrants of petitioner declaring him/her absconder. But such is the height of bias that no judge does so.

Advocate (Christian)

Pakistan inherited the Police Act 1861. Under this law, made for the colonial subjects, the superintendence of the Police was vested directly in the hands of the political executive at the provincial level and in the hands of district magistrate at the district level. The police remained under political influence. Collusion between the Executive and the politicians make the situation worse. The Police could easily be used as an instrument for the achievements of ulterior motives.⁵⁵ The Police Act 1861 was replaced by the Police Order 2002, introduced by Gen. Pervez Musharraf, with an objective to make the police system politically neutral. There was strong resistance from the political elite towards a neutral police and it demanded amendments before implementing the law. The amendments again made the police legally subservient to elected political functionaries both at provincial and district levels.⁵⁶

You can have as many laws as you want but the question is who adjudicates? If you have a judge and jury that is fair minded, it is fine...but

if you have people with preconceived ideas then nothing is going to help.

Anita Ghulam Ali

One of the constraints towards access to justice cited by the stakeholders is the discriminatory attitude of the police towards the minority. While some minority members felt the attitude of police (disrespect, harassment, coercion) towards public is indicative of a general malaise and a political issue that affects all disadvantaged members of society, stakeholders by and large unanimously perceived the police behavior as problematic and the main reason cited was political influence.

Nobody in the police station is willing to cooperate with the minority, because the police officials are appointed to serve the politicians. In line with the existing political culture, every elected representative of the constituency appoints the DIG of his own choice. Then SHO of all police stations are also appointed accordingly. When the SHO who is supposed to take care of the related area is appointed to serve the relevant MPA, how can he give justice to the people? He cannot cooperate with the victims.

Micheal Javaid,
President All Pakistan Minorities Alliance, Sindh

A critical constraint in the administrative system that hinders dispensing of justice is political interference and lack of merit in recruitment. Political influence, rather than merit in hiring, posting and transfer of police personnel was pointed out as yet another factor obstructing the minority's access to the judiciary. Patronage of the political elite has eliminated the concepts of accountability and transparency from the police system.

For the last twenty years or so the police is being recruited on the basis of political affiliation... there is no appointment on merit. The political parties agree among themselves on how many

men (policemen) each party will have in the remit of which station. In the morning, these men come to the police station to work and in the evenings they report to the party headquarters.

Community Activist (Christian)

The disturbing factor is the cynical acceptance, or 'letting go', of the abuse of power by the political elite that has gradually seeped in to the psyche of the populace. Some of the stakeholders were of the opinion that the police personnel is 'compelled' to this mode of behavior, i.e. going against the principles of police duties due to circumstances outside their control.

The attitude of the Police is the same towards all. They are not specifically against the minority. The SHO moves to the tune of the MNA/MPA of his area. If the MNA/MPA is liberal minded [taraqi passand] the SHO too will be the same but if the landlord is of the wadera-mentality, the SHO will dance to his tune. In the same way, if the influential man of the area is from a religious organization, the police will support him as in the case of Mian Mittu; the Police of that District have to support him—it is their majboori. In Tharparkar, they will follow Mahesh Mallani, in Nagarparkar they follow Sharjeel Memon. It is not that they are opposed to the religious minority as such. It is a political issue.

Community Activist (Hindu)

Some stakeholders even sympathized with the police: they felt the police too are helpless pawns in a society that favours the rich and powerful. Refusal by the police to register FIR, though illegal, is accepted as routine.

When we (non-Muslims) go to the Police they say 'What can we do? We have our jobs to look after'. There are many honest police officers who tell us 'You are in the right but we cannot

do anything about it. You should approach the court and get a court order'.

Advocate (Hindu)

Aside from political interference, the mind-set of police personnel is also a contributing factor towards discriminatory treatment of the non-Muslim minorities. The police personnel, almost all Muslims, tend to look down upon non-Muslim complainants and sympathize with the Muslim offenders as evident in one of the case of forced religious conversion cited by a Hindu activist. In this case, the police aided and abetted the Muslim man in 'legalizing' a forced conversion.

In 2010, I approached the system in connection with a kidnapping case of a 17-year old girl, Kamla, resident of Haji Goth, Union Council Feroze Colony. Her parents approached us for help. We went to the Police Station Gulbahar, Golimar No. 1, Karachi, but they refused to register FIR and locate the couple. The ASI said he is not authorized to register FIR, the SHO would do it but the SHO said the constable would do it. When we asked for the constable, we were told he was out on some duty. For 15 days we kept returning to this police station. We were later informed that the boy who kidnapped the girl had come to the police station and the police advised him to take the girl to the court and let her give statement and access the certificate for conversion from a madrassah.

Avinash Hari

The ingrained bias against non-Muslims harbored by individuals at a personal level can have grave implications when these unethical sentiments spill over during the line of duty and at public places. Not sensitized in human rights and constitutional rights of the minorities, the police personnel, particularly at the lower tier, at times display total disregard of professional discipline and restrain and larger human val-

ues. A respondent while recollecting the 1997 incident of mob violence in Shantinagar shared:

The police had raided a house in Shantinagar on the basis of suspicion that the residents brewed alcohol illegally. While they found no evidence of alcohol, the police ransacked the house and in the process threw the Bible on the ground and trampled on it. This hurt the sentiments of the community. When the Christians took out the procession to protest against police action the police got furious. To avenge themselves against the perceived insult the police took a copy of the Holy Quran, tore out the pages and wrote the names of some villagers [of Shantinagar] on the pages and threw them in a mosque. It created a huge up-roar. The entire Muslim community rose up against us at the instigation of the mullahs helped by the police.'

Dr. Christopher John
Anjuman-e-Mazarain Punjab

A few stakeholders came out with a strong opinion against police behaviour and thought that aside from politically driven recruitment, absence of minority representatives in the police force is one of the reasons of their discriminatory attitude towards non-Muslims.

Police behaviour is totally biased. They don't treat poor people as human beings. Their attitude towards religious minority is discriminatory or even worse than the usual bad attitude. There is no officer in the police department from the minority communities and this is indicative of the mindset they have towards the minority. Unless the minority is integrated in all spheres of society, the problem will remain.

Community Activist (Hindu)

I am an educated man, when I enter a thana, I am given a lot of respect. The police greet me, ask me to be seated and introduce myself. The minute I utter my name, their attitude changes immediately.'

Advocate (Hindu)

The police, instead of fulfilling its duties in facilitating the minority's access to judiciary, encourage the communities to settle their disputes out of court, in a *jirga*—a move that usually favours the stronger disputant. The weaker party in such instances usually suffers, as going against the community decision would mean inviting further trouble. *Jirgas* now convene frequently in both rural and urban settings, a very disturbing trend.

Our community in Essa Nagari, Karachi, was harassed every night by a gang of young men affiliated with a political party. These men would enter our neighbourhood, commit petty crimes and harass women. The young men of our community got together and decided to retaliate. In the fracas that followed, a young man from the offending party was injured. The situation escalated. The SHO suggested out of court settlement. A jirga was arranged and its decision was that we pay one hundred thousand rupees and give two goats to the other side to settle matters though we were the aggrieved party! We had to abide by the decision.

Community Activist (Christian)

Several stakeholders indicated that religious minorities avoid lawyers and courts as much as possible as they perceive the system as discriminatory and feel certain that being non-Muslims they will get no redress.

Mostly people avoid the police; unless the issue is

very serious they do not approach the police. I have not seen any member of the minority getting justice whether he is poor or influential. Look at Mano Bheel. Although the Supreme Court took suo moto action, there is still no trace of his family. The court has failed to recover his family members. The Rinkle Kumari case has also been very disappointing.

Community Activist (Hindu)

The mind-set of the lower judiciary, discriminatory to the non-Muslim, poses another constraint. A lawyer shared an incident that indicates the level of psychological hardship and stress, besides other barriers, that the non-Muslim judicial per-sonnel suffer.

The majority of judges are inte-ha pasand (extremists). I went to Kot Ghulam Mohammad [to pursue a case] before a civil judge. It is natural when one enters and there is someone, an officer, sitting in the room, to say salaam. I entered and said 'Asalamalaikum'. It was a small court. The judge had a few files on his table. He had obviously already looked through my case. He had seen that the advocate's name was Hindu and that he was from the low caste. He did not reply to my Salaam. Instead he got angry and asked, 'Why did you say Salaam?' I said 'Sain what is the matter? This is our culture. There is no offence meant. It is a dua in Arabic, there was no offence intended.' He said, 'You are a Hindu. Never say Salaam in my court again.'

Advocate (Hindu)

The lawyers' fraternity often reveals a conservative streak and extremist perspective when it comes to religious matters, particularly to the sensitive subject of blasphemy.

When Qadri killed the Governor of Punjab, some 400 to 500 lawyers filed their papers to take up the case [on behalf of Qadri]. This is the attitude of our educated class so what can one expect from the ordinary citizen.

Advocate (Hindu)

The extremism and prejudicial views of judges in the lower court are challenged and corrected by the higher court. But by that time the damage has been done. In a case registered under sections 295-B and 298, a Muslim was arrested in March 2005 by Police Station Doaba, Hangu, allegedly for desecration of the Quran and for uttering profanities against Allah. The Standing Medical Board assembled in the office of Medical Superintendent, Police and Services Hospital, Peshawar was of the opinion that '...the accused was suffering from bipolar disorder with psychotic features.' Judge Dost Mohammad Khan, Peshawar High Court in his judgment in April 2006 noted:

...Allaqa Magistrate...refused him bail despite the plea that the petitioner was a victim of psychosis and severe mental delusions which he had allegedly developed while in custody of American Troops in Afghanistan... Bail was again refused to him by the learned Additional Sessions Judge, Hangu, after receiving positive report of the Standing Medical Board which too was misconstrued. The shocking aspect of the matter is that the learned trial Judge allowed religious sentiments to prevail on her judicial mind instead of deciding the bail petition on the basis of settled principles. The learned Judge, in her order has expressed apprehensions that if the accused is released on bail that would not only cause disturbance to the public peace but would also endanger the life of the accused due to the mental attachment of the society with almighty Allah...The

*learned Additional Sessions Judge, it is shocking to note, has been carried away by emotional/religious sentiments and has gone with the winds which she apprehended to be blown by the religious circles in case justice was done in the matter. This amounts to denial of justice under the fear of invisible threat. Such an approach is against the universal principle of justice...*⁵⁷

Justice rendered by the higher judiciary in such cases is often pointed out in defense of the blasphemy law, which reveals a distorted argument in favour of a flawed piece of legislation. Taking a position that justice is finally done (by the higher judiciary) totally ignores its injurious implications on the person(s) involved and on society at large. Injustice committed by the judiciary at any level needs to be halted.

A very critical issue is of vigilante behavior when a group of self-righteous people morphs into law-unto-itself and resorts to unlawful hostile actions against the offender, or the judiciary. Vigilantism, leading to physical assault and lynching has increased manifold in recent decades, particularly in relation to religious minorities.

The law is hostage to pressure from the mobs. This is because there is no effective law enforcement. Unless those who commit crimes are punished, people will continue to take the law in their own hands. Session judges feel the pressure of the mob and are threatened. This is natural because the Session judge has no protection. He feels vulnerable, exposed to the rising religious extremism.

Advocate (Hindu)

Trials under this law (blasphemy) are never conducted under established principles of criminal law. The courts are always under pressure of the

Muslim clergy who along with religious zealots throng the courtroom and display banners and placards demanding death to the accused. The verdicts are made in an environment that is hardly conducive for any judicious dispensation.

Dr. Osama Siddique, legal scholar

A few stakeholders, interviewed by the research team, reported positive changes they perceive in the judiciary in recent years as the Judicial Policy 2009 and its revisions in 2010, 2011 and 2012 have sought to expedite dispensation of cases. The lawyers' community, by and large, opposed the Judicial Policy, particularly the revised version 2012 as it set the deadline for disposing off of the old cases. The Judicial Policy 2012 was termed by the Lahore Bar Association as 'one of the hurdles in the dispensation of justice to the common man'.⁵⁸ Lawyers' attitude is also indicative of a deeper malaise in the judicial system though it was revealed that a segment of the lawyers' community was appreciative of the policy.

At this point in time the role of judges is positive, even in the lower court. Length of the trial has been shortened considerably. Sometimes the delay is from the Police but the judges try to speed things up. I recall a simple case of minor quarrel between two parties that ran from 2005 to 2008 in a lower court where I was enrolled. This dragging on of a case cannot happen any longer. Most cases are settled within two to three months. This is a judicial policy. This has really given relief to the clients. Although many among our lawyer community are not happy with this policy, it has proved really good for the client.

Vasant Thari, Advocate

The Judicial Policy Commission has taken some bold steps and made the procedures a bit speedy.

Former Federal Minister of National Harmony

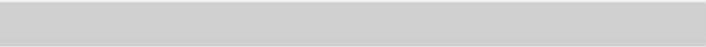

Emphasis on strict adherence to the code of conduct prescribed for judges and the principles and criteria spelled out for recruitment of judicial officers in the policy ask for neutrality and objectivity as essential factors for dispensing justice.

Another reason cited as a constraint to access judiciary is the expensive legal counsel. Lawyers' services are unaffordable for the poor and marginalized. The state came up with the Public Defender and Legal Aid Office Ordinance 2009. The National Assembly passed it but it is still pending at the Senate. By and large the lawyers' community itself is against free legal representation to the poor as was demonstrated a couple of years ago when the Karachi Bar representatives ransacked the office of a non-governmental organization providing free legal aid to the poor prisoners in the city courts.⁵⁹

Access to the legal system is possible only through a lawyer and no lawyer works without money. Lawyers charge a fee, plus they have to charge for miscellaneous expenses, like registering the case, photocopying, etc. These expenses may come up to Rs 60,000 to Rs 70,000 over and above the fee. Many lawyers do it as a business, and have no ethical compulsion abandoning their clients at the last minute because court cases can be very long drawn out. Legal aid, if it is to be successful has to be on a state supported level. A problem with criminal lawyers [in Pakistan] is that they engage in unethical practices and are generally incompetent. There are very few honest and professional criminal lawyers. Thus there is a serious absence of honesty and expertise in criminal law.

Faisal Siddiqi, Lawyer


Lawyers tend to charge more when they take up cases of the minorities. Lawyers know that a client from the minority community will face a



lot more bottlenecks and it will be difficult to get him justice so (the lawyer) will have to work harder on the case hence he feels justified in charging more for his services.

Activist (Hindu)

The failure of the policing system and the general collapse of law and order in the country have opened up a new concern for the minority communities, especially for Hindu traders in Sindh. Militant organizations have taken to kidnapping rich Hindu traders for ransom. Kidnappings have been reported from different areas of Sindh such as Kandhkot, Badin, Galarchi, Umerkot, Mithi, Gharo, Thatta, Tharparkar, Jacobabad, Daharki, Hyderabad, Sukkur and Kashmore. Most kidnappings are carried out by militant groups to finance their nefarious plans but some kidnappings may be the result of personal enmity. Hindu traders claim that the kidnappings are tied to business deals and borrowed loans.



4

Status of the Minority Access to Civic Rights

Defining Minority

The term minority refers to a demographic category, denoting a numerically smaller group whose characteristics—belief system, way of life, ethnicity, or language—set it apart from the larger group to which it belongs. The U.N. Sub-Committee on Prevention of Discrimination and Protection of Minorities has defined a minority as follows:

*A group of citizens of a State, constituting a numerical minority and in a non-dominant position in that State, endowed with ethnic, religious or linguistic characteristics which differ from those of the majority of the population, having a sense of solidarity with one another, motivated, if only implicitly, by a collective will to survive and whose aim it is to achieve equality with the majority in fact and in law.*⁶⁰

Pakistan's population is heterogeneous and comprises a number of ethnic, religious, cultural and linguistic groups. Yet the term 'minority' is generally used with reference to religious identity. The population is predominantly Muslim, thus, non-Muslim groups are identified as 'minorities'. Due to existence of several layers of divisions within the majority religion—sectarian divide (Sunni/Shiite), interpretive schism (Deobandi/

Brelvi), and heretic exclusion (i.e. Ahmadi)—defining 'minority' becomes problematic.

In popular discourse none of the Muslim groups are identified as 'minority' but named by their respective religious identities. Another factor that adds to the complexity and makes the term 'minority' an emotionally loaded word is the pre-dominance of religion in the formation of personal and national identity and the importance and superiority of Islam as a religion among the majority population. The ambivalence towards, and the negative attribute attached to the term 'minority' was indicated by most of the representatives of the minority communities as well as by the spokespersons from the majority group.

Here (in Pakistan) we define a minority on the basis of religion. This I do not find acceptable because whom we call minority are those who have been settled in this land for 5000 years.

Lawyer (Hindu)

Differentiation of people on the basis of religion creates restlessness among the people and conflict in society.

Religious Leader (Christian)

I disagree with the word 'minority'. The word itself has an element of discrimination in it. This word creates difference between groups of society and leads to a new social problem.

Religious Leader (Shiite Muslim)

The negative attribute of the term minority was best articulated by a Hindu community activist as follows:

In our country the concept of minority and majority has got linked to religion. Hence it conveys certain discrimination. The majority starts thinking that this country belongs only to them and they have rights on everything. The minority feels excluded. They feel the country does

not belong to them and they have no rights yet somehow they have got connected to this place. I feel the terminology 'minority-majority' should only be linked to statistics, to demography, to numbers. It is being used as a loaded term in this country and I do not approve of it.

Avinash Hari

The linking of the term 'minority' exclusively with religion indicates predominance of religion in our collective national identity. Collective national identity is constructed through different frames, or attributes, that are significant in the individual life of the people who constitute a group or a nation. Religion, language, culture, history, civic values are the prominent frames, or constituents, of self-identities of individuals. How these constituents are mediated in the formation of a collective national identity in a given social order is largely determined by the controlling authority, that is, the state and the power elites. The in-depth interviews reveal that the dominance of religion in the collective national identity formation—at the expense of the element of democratic citizenship, or civic values—has had grave repercussions on the status of religious minority groups.

The majority treat us as the 'other'. They keep telling us 'Why don't you go to Hindustan? Why should we go to India? I have never been to India in my life and neither have any wish. This is our land. We belong here.

Community activist (Hindu)

We do not use the term 'minority' because it confers on people an isolated status. We prefer the term 'non-Muslims'.

Community activist (Hindu)

Few among the respondents perceived the term 'minority' neutrally or positively. It was realized by several that the word 'minority' is well established in the international discourse as a sociological term denoting demographic attribute as well as ascertaining a certain set of rights of numerically smaller groups.

I think the term minority gives us an identity through which we can demand and advocate for our rights. If this term is eliminated we will definitely lose our identity and become more vulnerable.

ex-MPA (Christian)

Since I was in class eight, I knew that being a Sikh we are living as minority in Pakistan. We consider this word as our identity. The word minority is in use in every part of the world and their rights are given according to this status...

University Student (Sikh)

We want to be recognized as minority, not in terms of religion, but as a marginalized group...

ex-MPA (Hindu)

With the spread of Islamic radicalism, social discrimination against minorities is on the rise in Pakistan as is religious intolerance and sectarian violence. The society seems to be losing its ability to cope with diversity. A worrying aspect of this trend is that discrimination is being institutionalized through laws and policies; in a few cases, the laws sanction religious discrimination directly and in others by implication.

Social Discrimination and Exclusion

Discriminatory treatment robs a person of his/her dignity, results in the loss of self-worth and creates a sense of alienation from the wider society. To some extent discrimination is a class issue and the members of the minority communities from high income groups of society face less discrimination than those belonging to the lower strata. On the one hand, there are highly respected and economically well-placed Hindus and Christians holding high posts in government services or in other professional fields; on the other, Hindus and Christians belonging to the lower strata face extreme forms of social ostracism and exclusion. Prejudices against minorities run deep particularly in smaller towns and rural areas where various forms of untouchability are practiced against low-caste Hindus (and against low-caste Muslims and Christians) by both upper caste Hindus and Muslims. These forms include restriction on access to private/public spaces and public services.

Many zamindars do not allow the lower caste Hindus to sit before them in their autaq.

Activist

Muslims here have an issue when we sit with them on chairs. They think we all are cleaners and sweepers, and we have no business sitting side by side them.

Christian community member, Gojra

In Tharparkar district, the schedule castes are not allowed to fetch water from the well used by upper caste Hindus. The schedule caste Hindus use the well from which the animals drink water; they are not allowed to dig their own well.

ex-MNA (Hindu)

Restriction on public spaces can be territorial or specific to certain areas.

You will find schools in the districts of Umerkot, Sanghar and Mithi where children of the scheduled caste are not allowed to sit on the front benches—this is the attitude of the [Muslim] teachers, parents and the communities.

Community Activist (Hindu)

While discrimination against religious minorities is more apparent in rural areas, overt acts of discrimination are witnessed in urban centres and big cities. Widespread, socially constructed, prejudicial mindset and distorted belief system irrespective of rural-urban locale are indicative of a deeper malaise whose roots lie in internalization of social attitudes and values, solidified through education system (as identified by stakeholders in this study) and other institutions in society. An example of blatant discrimination against non-Muslims was shared by a respondent:

In Ranchores Lines, Karachi, there are two large matkas (earthenware pitchers), filled with water, placed on a major thoroughfare for passersby to quench their thirst. One of the pitchers is labeled in bold: 'For non-Muslims'. There is a large Hindu community living nearby.

Activist (Christian)

The prevalence of the notions of defilement among educated, professional class, particularly the judiciary, and the discriminatory treatment meted out to their non-Muslim fraternity reveals a highly disturbing picture of our society. An advocate from Sanghar shared that,

In the Sanghar District Bar, where everybody is an LL.B or an LL.M, there hangs a notice in the Bar canteen announcing 'Arrangements for separate dishes for members of the scheduled

caste'. There are about 8 to 10 percent members of the scheduled caste in the Sanghar District Bar. The issue has been raised a number of times in the media but the notice has not been removed yet.

Lawyer (Hindu)

The fact that the majority Muslim members of the District Bar do not find the notice demeaning to their fraternity and have not taken an action against this highly discriminatory and humiliating practice speaks of the fact that religious discrimination cuts across class and the attainment of higher/professional education does not mean that the person learns to respect diversity of religions.

An incident of discrimination related by a member of the scheduled caste reveals how deeply ingrained can be the notions of untouchability and defilement in the minds of even educated Muslims and how such practices leave indelible scars on the affected person.

In 1990, when I was a student in a government high school, I got a position in the class. During the prize distribution ceremony when I was called to the stage to receive my prize, the headmaster refused to shake my hand or give the prize to me with his own hands. He said, 'Your prize is on the table. You can pick it up from there.' He later explained that he had already performed the ablutions for prayers and shaking hands with a person from a scheduled caste would render him unclean and he would have to perform ablutions again. The headmaster had handed prizes to all the other [Muslim] students. I can never forget this incident.

Lawyer (Hindu)

I was working as a supervisor in a mass literacy programme in Nagarparkar. I was served tea and food in separate utensils when I went

to a tea shop or restaurant. It was so humiliating that I stopped eating out.

Community Activist (Hindu)

In Punjab, prejudice against low-income Christian workers is manifest and it is common for people to call Christian janitorial workers by demeaning names. The entire community is often referred to as *churas*, the name of the lowest caste in Hindu religious hierarchy whose traditional occupation is toilet cleaning. Here it is used for Christians as an expression of abhorrence and loathing. The stereotyping of the Christian community with a particular occupation (sanitary work), is deeply ingrained in the majority community. At times preconceived expectations, due to stereotyping, are stretched to irrational heights indicating malicious feelings towards the minority.

A girl student of a high school in our town told us that her teacher has been telling her to quit school and sit at home because '...you will end up cleaning and sweeping. You don't need to study. Besides, I do not want to teach Christians'. The student, or her parents, cannot go to the principal with the complaint because they feel insecure and fear something worse may happen. As the principal, the management and the teachers are all Muslims, we think they will not listen to us.

Community member Gojra

I used to work in a franchised restaurant in Gulberg, Lahore. With hard work I got promoted to different sections and then to a section where I had to wear a suit and tie at work. When I came suited booted, the manager screamed at me, degraded me and said how could I, a Christian, come in a suit and work! He made my life difficult. He alleged that I was stealing chicken. Every evening I had to go

through the humiliation of body search before leaving the premises.

Community Activist (Christian)

Discrimination against non-Muslim minority also epitomizes mistrust. The minority is generally viewed as 'the other' or 'the alien', or as a person whose religion is lesser (than Islam). The minority is not considered an equal citizen, hence a certain level of distrust and irrational anxiety characterize the discriminatory interaction.

I work in the polio vaccination campaign. In some of the houses when people come to know that I am Christian, they forbid me from giving vaccination drops to their children and instead ask my Muslim colleagues to do the job.

Lady healthworker, Gojra

I was going in my car when an elderly woman, accompanied by another woman in a burqa and a young boy hailed me. The boy was bandaged. He needed to be taken to a hospital and since there was no other transport nearby the woman had stopped me to ask for a lift. Although Jinnah Hospital, where they were headed was not on my route, I decided to drive them there as the boy needed medical attention. After they sat in the car, the elderly woman noticed the cross hanging over the car's dashboard and asked if I was a Christian. I replied in the affirmative. The lady said in that case they could not accept a lift from me. I told them I was going out of my way to oblige them but if they were not comfortable I could pull over on the side so they could get out of the car.

Community activist

In yet another act of blatant discrimination in Punjab, the microscopic Sikh community [slightly over 20,000

people] who have fled the fighting in FATA and Waziristan and are now living as internally displaced persons (IDPs) have been refused National Identity Cards (NICs) by NADRA whereas all Muslim IDPs have been issued NICs.

This is state-sponsored discrimination. Because they are Sikhs they are being looked at with suspicion; the inference being they may have slipped in from East Punjab.

I.A. Rehman

Prejudice is not always passive; it can transform in to mob mentality and flare into violent and inhuman acts inflicted on the person or the entire community as happened in Shantinagar (1997), Gojra (2009), and recently Badami Bagh, Lahore (2013), when Christian settlements were ransacked by Muslim militants on an alleged desecration of the Holy Quran. Or, it takes the shape of pre-meditated killings (of Shia doctors as happened in Sindh) or pre-planned mass murders (of Hazara Shia community in Balochistan). These attacks have instilled a permanent sense of fear in the religious minority communities leading to territorial exclusion, or ghettoization, or forced migration and diaspora.

When we look at the way things are going, we do not feel secure. Our houses are not safe. People jump over our walls and dishonour our women. This has happened a number of times over the last ten years. The situation has been deteriorating. For security reasons the Christian community prefers to live closer to each other.

Community activist (Christian)

Barriers to Rights and Opportunities

Social discrimination against non-Muslims is not just a matter of attitude: the discriminatory mindset creates barriers that hinder the minority's access to basic entitlements and opportunities as citizens. Constitutionally and legally, non-Muslims have equal rights to education, health, housing, public services and infrastructure but social discrimination translates into exclusionary practices and procedures, depriving the minority communities of full benefit of the facilities.

Education

The education system, marred with schisms and divisions at various levels (public vs. private, school vs. madrassa, English vs. Urdu medium, rural vs. urban) marginalizing many sections of the majority population, also harbour peculiar and insidious discrimination against non-Muslim minorities.

Muslim candidates applying for admission in professional colleges are given an extra 20 points in Punjab and 10 points in Sindh for being Hafiz-e-Quran. This puts non-Muslim candidates at a disadvantage.

Social Worker (Christian)

In blatant contradiction to the constitutional right granted under Article 22 of the Constitution ('No person attending any educational institution shall be required to receive religious instruction, or take part in any religious ceremony, or attend religious worship, if such instruction, ceremony or worship relates to a religion other than his own'), non-Muslims are compelled to study Islam as a subject:

We have to study Islamiyaat in school from class 1 up to class 12. It is compulsory for all. Our children know more about Islam than about Hinduism. We should be allowed to study Hinduism.

Community Activist (Hindu)

At the secondary level, Christians have a choice between Islamiyaat and Ethics, but practically the option of Ethics is not available for one reason or the other. We want our children to study Christianity and have taken up this matter with the higher authorities but to no avail.

Community member, Gojra

There are certain organizational matters that speak of insensitivity towards, and almost denial of, religions other than Islam and of the non-Muslim communities' life and culture.

Last year my grand-daughter's school teacher made a schedule of tests closer to Christmas, including 24th December. The teacher should have considered that Christmas holidays are important for us, like Eid is for you. This concern for us, our way of life, is missing.

Community member, Peruwal

In institutions of higher and professional education, minorities are at times denied admission on the basis of merit. Once the select number of reserved seats is completed, non-Muslims are denied admission even if they deserve to enter on merit. In a Focus Group Discussion in Lahore, a young participant shared his disappointment and resentment of not getting admission in medical colleges in the public sector despite having marks higher than other candidates.

Another phenomenon relates to faith conversion. The non-Muslim students who are good in studies, or excel in some other aspect valued by society, are

sometimes approached by their class-mates or teachers to convert to Islam.

A student from Okara district secured second position in the secondary school examinations and was awarded a laptop and full scholarship by the provincial government of Punjab. He went to Jhang to pursue higher studies. He was pressurized to accept Islam and kidnapped when he refused to do so. He was tortured and lost his senses. He was so shaken that he discontinued his studies.

School teacher, Peruwal

One of my friends had a very fair complexion. She was often asked by our class fellows 'Why don't you become a Muslim? You are so fair and beautiful. You should be a Muslim.'

College student, Gojra

Housing

A new phenomenon is discrimination in housing. Though class and caste-based ghettoization of non-Muslims is not new, the trend for territorial demarcation on the basis of religion is increasing in the middle and upper classes. In recent years, cases have surfaced where access to rented accommodation is denied by owners on the grounds of religion or sect. In some cases, restrictive conditions are imposed for ownership in housing schemes. Many Muslims no longer approve of having non-Muslims in their neighbourhood. In an affluent area of Hyderabad city, several residents expressed anger when two Hindu families moved into what had been a totally Muslim neighbourhood as narrated by a housewife. This attitude in turn causes anxiety and fear among non-Muslims.

Though predominantly a Muslim neighbourhood, there were quite a few Hindu

families living here earlier. All of them have moved out except my family as my wife runs a school here and we don't want to shift. Now we have to be very cautious of what we do and what we say. We don't participate in the neighbourhood matters any more.

Writer-educationist (Hindu)

Spatial segregation adds to alienation and to the feeling of being 'the other'. It also deprives people, particularly children, to learn to live with people of diverse cultures, religions and ideology. The sad part of the trend is that now Muslims take it as virtue not to interact and mingle with non-Muslims, and do not realize they are robbing the future generation of the rich learning of universal human values that comes with the knowledge and understanding of diverse human societies, cultures and religions.

Children of Muslims and non-Muslims used to play together in neighbourhoods but now they don't; people don't like having non Muslims as neighbours...the main prejudice is against the Ahmadis. If the Government launches a housing scheme in Rabwah, no Ahmadi can avail of it.

I.A Rehman

The owner of the flat I am living in wants to sell it and I am having difficulty in getting a rented place in this neighbourhood (Gulistan-e-Jauher, Karachi). The owner of a flat that I selected refused to rent it out to me when he came to know that we are Shia.

Community member

A friend of mine rented a house. The contract had been signed but before he could move in, the landlord called and said, 'I am sorry I just learnt you are a Diwan [a Hindu] and I cannot rent to you.' When my friend protested pointing out that the contract had already

been signed the man said, 'We are not so shameless that we would rent out to a Diwan.'

Lawyer (Sindh)

The phenomenon seems less pronounced in Sindh's rural areas where Hindus and Muslims have lived as neighbours for centuries. However, in the Punjab and in the larger cities of Sindh, discrimination in housing is on the rise as shared by the respondents.

Employment

Sometimes policies made by the government in good faith to benefit the minority backfire. Thus the quota system conceived as a means to ensure minorities and disadvantaged classes with a fair share in services is much abused today and is being used to deny minorities their rights for seats based on merit. Since 1956, there was a six percent quota for Scheduled Castes in federal services jobs. This was removed in 1998. In 2009, the government notified a five percent quota for minorities in federal services jobs.

Discrimination in the Armed Forces is more muted. During British rule in South Asia, Christians were encouraged to join the armed forces and there were two battalions in Punjab in which 90 per cent soldiers were Christians. When Ayub Khan came into power the policies were changed. There has been only one Christian who has reached the position of Major General in the history of Pakistan. While there is no law or policy that prevents non-Muslims joining the armed forces, there is a common perception that non-Muslims are not welcome in the armed forces.

In the 1980s, the security establishment started discouraging our people from joining the security forces.

Activist (Christian)

A friend of mine who wanted to join the PAF was called in for an interview. The people sitting at the interview panel blatantly said, 'You are a non-Muslim...it is our responsibility to protect you, not the other way around. This job is not for you'.

Activist (Hindu)

Similarly, there is no law that says an Ahmadi cannot receive a commission in the armed forces yet they are not allowed to hold a commission.

There have been cases when they have been turned out of the army when it was found out that the person was an Ahmedi. Recently, a cadet was asked to leave the Kakul Academy when it was found out that he was an Ahmadi.

Human Rights Activist

An educationist spoke of his experience:

During my career at Sindh University I felt the environment was conspiratorial, secretive, and people were not open to me, many incapable people on different posts did not feel good about the situation. I was not welcome there. Whenever I applied for a better post, or applied for promotion, it was rejected. This feeling persisted till I retired.

Retired Academician (Hindu)

I had enrolled myself for M.Phil and it was converted for an admission for Ph.D. I prepared for it while in service and asked for four months' leave for completing my thesis but my boss said "I will not give you leave. I am a bunya like you, that is, I care for my interests only and it is not in my

interest to let you go for four months because no one else beside you is capable of work and I must get my work done". So that's how I was deprived of my Ph.D which was my dream.

Educationist (Hindu)

A friend of mine, a Christian female lecturer in the University of Punjab, was subjected to pressure to convert to Islam or 'face dire consequences'. It was such a mental torture that she had to leave the country.

Community Activist, Gojra

Political Representation

While the minority communities view democracy and joint electorates as the way forward, by and large most community members expressed dissatisfaction regarding their representation in Parliament. At present, minority representation in Parliament is inadequate. In the National Assembly, out of a total of 342 seats, 10 are reserved for religious minorities while four seats are allocated in the Senate (out of 104). In the Provincial Assemblies, Punjab has eight reserved minority seats out of 371; Sindh has nine out of 168; Khyber Pakhtoonkhwa has three out of 124; Balochistan has three out of 65. The problem in dealing with minority representation in Parliament arises from flawed and outdated (1998) census data. The 1998 Census had two separate categories for Hindus—Hindu Jati (upper castes) and Scheduled Castes (lower castes). The problem is compounded by the fact that there is severe caste-based discrimination within the Hindu minority. Class divisions are stark in other minority groups as well. Another factor is lack of unity across minority populations and each religious minority community looks towards its own specific representation.

The issue is that the Scheduled Caste is not counted as part of the Hindu population although the Scheduled Caste comprises eighty percent of the Hindu population.

Activist

There are ten reserved seats in National Assembly for the minorities. Earlier, under the Bhutto government these ten seats were specified: four for Christians, four for Hindus, one for the Qadianis and one for the Parsis and other small groups. Later the government removed this division, and with the consent of the minority representatives. This has resulted in a new problem as the Christians from Punjab get the reserved seats because they are in larger numbers but the Punjabi Hindus lost their representation in Punjab; similarly in Sindh, Hindu gets the reserved seats and Sindhi Christians have lost their representation.

Former Senator (Christian)

The scheduled caste Hindus complain that the upper class Hindus and the priesthood endeavor to keep them cowed so as to retain their hold on them. As a result, the scheduled caste feels marginalized; they feel that their voice has been silenced before that of the more powerful caste.

The idea has been drilled into our heads to adopt a passive attitude. Our bhajans teach us to accept our position in society. Be humble, sit low and Bhagwan will be happy. Turn the other cheek if wrong is done to you. Even the poetry of Latif teaches the same. This thought has been promoted [deliberately]. It is also an economic problem because once someone becomes well off, he gets education and does not hold on to these beliefs. So the Brahmin does not want this. It is in his interest to keep scheduled caste poor and ignorant.

Activist (Hindu)

Almost all those interviewed in the course of this research spoke of a disconnect between the people and their representatives. The socio-economic divide that keeps the affluent classes apart from the majority poor and underprivileged means that the major segment of the minorities feels their voice is not being heard in circles that matter.

The political parties fill these seats just to complete a quota; they appoint their own people who, even though they are non-Muslims, do not represent the minorities, that is, they are not selected from the constituencies with large population of non-Muslims. Nor are they chosen on merit basis.

Activist (Hindu)

The community feels that the minority parliamentarians tend to give party politics priority over minority issues and are either unwilling or unable to raise concerns related to religious minorities.

They [minority Parliamentarians] do not play any role. Minority parliamentarians have not passed any legislation [favouring the minorities] nor have suggested any policies that could have a long term effect.

Lawyer (Christian)

The prevailing atmosphere of fear and intolerance has led to increasing migration of the minority communities. The Ahmadis, Christians, Hindus and many members of the professional class of Shia community opt to migrate to countries that offer a secure life.

Until the 1970s, our boys used to move to Lahore from the rural areas in search of a better life. The Goans were an important part of the city's life and the Christian community made a major

contribution to education and health institutions. Our young men came from the smaller cities to cities to study in the two polytechnic institutions set up by the Church. But all this changed in the 1980s. Most of us have migrated.

Social Worker, Peruwal

It is not only the Christians who are migrating. The year 2012 saw the beginning of a fairly steady stream of migration of the Hindu community. Two factors have contributed to this: kidnapping and forced conversion of young girls that received much publicity in the media and the less publicized kidnapping of Hindu traders for ransom.

Many of the minority communities were disheartened by the Rinkle Kumary case to the extent they have started migrating. There are many leaving on the trains that run through Khokrapar. They say they are going on pilgrimage but almost 70 per cent of those who go stay back. And there are many who are waiting for a chance to leave. I have personally dissuaded several people from leaving. But lately I have started feeling they are right. When we cannot provide them basic protection then perhaps they are justified to leave.

Advocate (Hindu)

5

Stemming the Downward Slide

Conclusions and Recommendations

The study reveals that discrimination against religious minorities is now deeply embedded in both private and public spheres. Emanating from a narrow, one-dimensional national ideology—based on a single and exclusive religious identity the seeds of discrimination appear to be sown at multiple levels: at home through internalization of values, at school and the outside world through indoctrination, at the state level through the Constitution and institutional mechanisms. Discrimination against non-Muslims takes on multiple forms both at the policy and societal level and translates into marginalization, exclusion, intolerance, and violence, as shared by the stakeholders whose views were sought for this study. The stakeholders from the minority communities contended that the deterioration has come about gradually: earlier the society was relatively tolerant and respectful towards plurality of world views, cultures and religions.

There were several representatives from the majority community (including the judiciary) who denied the existence of discrimination against non-Muslims. It can be stated that with the exception of human rights activists, concerned academicians, and some judicial experts, by and large the major-

ity populace is ignorant of the extent of discrimination against religious minorities.

The first step towards resolving the issue, thus, must come from realizing and accepting that, more by design than by default, the minorities have been relegated to the status of second class citizens. As a result, their basic human rights—i.e. access to shelter, health, employment, justice, freedom to worship—have been severely constrained. An even greater cause for concern is the increasingly indiscriminate violence that minority communities are being subjected to in their daily life. Religiously-motivated violence against Christian, Hindu, the Ahmadi and Shia communities involving their lives, property, symbols, congregations and places of worship have become so commonplace that such incidents, that are contrary to the norms of peaceful societies, have lost importance in the public discourse and in the collective conscience. This indicates a deep brutalization of society—a state of mind where various forms of violence and violations of fundamental human rights and values are accepted as norm, routine, or *fait accompli*.

Almost all the stakeholders pointed out poverty, illiteracy and total disregard of laws at all levels as structural, underlying causes that have led to the erosion of human rights, particularly of the minorities. The specific reasons, identified by the stakeholders for increasing discrimination, intolerance and violence towards religious minorities include Constitutional gaps, discriminatory laws and a national identity forged exclusively on religious grounds. A major factor pinned by all the stakeholders was the education system marred with severe gaps and flaws inclusive of its divisive structure, inadequate curricula and the presence of hate content. Poor governance and lack of distributive justice were other constraints identified by the stakeholders. The contributing factors point to the

key role of the State in the rot that has set in the society impacting the minorities the most.

Increased violence in society and growing lawlessness indicate the retreat of the state and the failure of law enforcement agencies. If the downward slide is to be stemmed and the state is to wrest back its authority and secure the public space against growing militancy and against those who do not hesitate to use terror tactics to achieve their goals, mainstreaming of all marginalized groups in all levels of life is essential. Based on the views of the respondents on how the process of increasing discrimination, intolerance and violence against the minority can be halted and the status of the minorities as equal citizens be restored, the following recommendations have emerged.

Recommendations

Judicial-Constitutional Domain

If we are committed to reforming these laws, there has to be a larger commitment to understanding the broader, structural issues. This requires closer examination of the various issues of the alienation and disenfranchisement of ordinary people from the formal legal and court systems, as well as the perennial violations of due process, inadequate substantive justice, and rarely heard of distributive justice.⁶¹

Dr. Osama Siddique

The minority representatives expressed a strong feeling of injustice: they suffer from discrimination in their daily life and are treated unjustly. Recent forced conversions of young and minor girls have accentuated this feeling, leading to a certain despair and hopelessness. This feeling of despair has been,

and continues to be solidified due to the increasing incidents of collective crimes being perpetrated upon the non-Muslim communities. Furthermore, the perpetrators of these crimes are not punished, nor has the Government released the inquiries' or commissions' reports to establish accountability and prevent such incidents from recurring, like it did in the case of the 1953 riots against the Ahmadis. The 1997 burning of the Christian village Shanti Nagar, the 2009 attack on Kurian village followed by Gojra incident, and the recent 2013 mob attack on Christians in Badami Bagh, Lahore, have left deep scars on the minority communities.

Since many of the problems facing minorities stem from the inadequacy of the country's justice system, particularly the impunity of those who commit the crimes, it is essential to understand the reasons behind the failure of our legal system in providing justice to the citizens and to address those problems that cause the people to feel alienated from all law enforcing institutions and implementing bodies. The fact that less than one percent of the country's budget is allocated to the judiciary underscores the low priority given to the justice sector. Of particular concern is the state of Pakistan's lower judiciary. Historically known to be underpaid, undertrained and overworked, the judges who work the lower courts fail to inspire confidence. The issues relating to the lower judiciary include weak and outdated legal education, inadequate infrastructure, ad-hoc policies, politically motivated postings and transfers, and lack of security to the judicial personnel in case of threats, harassment and violence inflicted by the disgruntled parties and extremist groups. These issues adversely impact judicial dispensation. And while the malfunctioning of justice affects all citizens, its implications on vulnerable minorities is much greater.

The stakeholders recommended the following measures:

- Ensure enforcement of the constitutional clauses that guarantee fundamental rights of the minorities.
- Revisit the Constitution from the perspective of reforming it and remove anomalies vis-à-vis minorities.
- Remove the criminal clauses against the Ahmadis from the Pakistan Penal Code and restore the Ahmadis' status as other minority communities.
- Induct lawyers and judges from minority communities in to the judicial system.
- Promote the concept of equal citizenship and human rights of the minorities in the curriculum of legal education/training of judges.
- Include screening for biases against minority through psychological tests currently used by the Judicial Academy in its examination system for judges.
- Ensure that laws against hate speech are strictly implemented.
- Amend the text of blasphemy law so that misuse of the law is curbed.
- Amend the procedure for registering a case of blasphemy to prevent its abuse.
- Introduce and enforce strict punishments for false/frivolous accusations of blasphemy or crimes under the Hudood Ordinances.
- Ensure protection for judges, prosecutors, witnesses and accused during trials under these laws.
- Add a section in the Pakistan Penal Code that makes advocacy of religious hatred or incitement

to discrimination or violence a punishable offence.

- Enact a comprehensive law on forced faith conversion to give protection to the minority communities.
- Ensure that all cases under Section 295-B and Section 295-C of the Pakistan Penal Code are tried in the High Court once cognizance has been taken by the relevant session courts.
- Draft and enact personal laws for minority communities with consensus of respective groups.

Democratic-Institutional Sphere

The stakeholders of all categories were of the opinion that the flourishing of democracy and strengthening of democratic institutions are vital for a just and peaceful society where rights of all citizens, inclusive of the rights of the minority groups, are respected and ensured. It was noted that most of the discriminatory laws were enacted by the military regime. It is democratic rule that promises the possibility of including the voices and the concerns of the common man and woman in politics, in governance and in law-making. The need for strong democratic institutions that offer equal and adequate opportunities to set the agenda and identify policy options was pointed out by many as these could lead to greater participation of the minority in the community and national affairs.

Equally important, as mentioned by the respondents, are the institutional measures to resist the forces of extremism and militancy and curb their influence. It was conceded that those who preach hatred, intolerance and adopt violent tactics

against non-Muslims constitute a fraction of the population. Citizens, by and large, even if they believe in a certain religious ideology, do not condone violence. The respondents pointed out the increasing role of the state institutions in providing space to the extremist forces to spread their messages. There was unanimity that the rise of extremism is leading to increasing discrimination against non-Muslims. The respondents were of the opinion that if all the state institutions are run judiciously on democratic principles the discrimination, conflict and violence can be nipped in the bud.

Specifically the stakeholders gave the following recommendations:

- Restore an effective and participatory local government system and ensure representation of the minorities.
- Hold regular and fair population census and adjust the number of reserved seats in parliament for minorities on the basis of demographic count.
- Reconstitute the National Commission on Minorities as a statutory body with terms of reference that makes regular meetings mandatory and ensure a minimum budget and a proper secretariat.
- Strike out all policies and procedures that reinforce religious and sectarian identities (i.e. mandatory affirmation of faith in application for jobs, passports and national identity cards).
- Curtail/disallow use of public space for religious rituals and ceremonies.
- Make the police politically neutral and transform policing in to democratic service rather than a force designed to serve the elite.
- Sensitize police and para-military forces on minority issues.
- Ban, with strict enforcement, all armed militias and militant religious/sectarian organizations as per Article 246 of the Constitution and prevent such organizations to revive under new names.
- Ban publication of extremist literature that promotes hate for other religions or religious ideologies.
- Draw guidelines in consultation with stakeholders for speeches/announcements made by imam/khateeb of mosque, imambargah and dargah, and ensure strict enforcement against the use of loud speaker inciting hatred and violence.
- Require all political parties to disband their militant wings and disqualify political parties from the electoral process that refuse to disband private militias.
- Disqualify political parties indulging in hate speech and inciting mob violence on the basis of Islam.
- Encourage political parties to initiate and promote national dialogue to build public support for repealing all laws that discriminate on the basis of religion, sect and gender, including the blasphemy law, anti-Ahmadi laws, Hudood ordinances, Qisas and *Diyat* laws.
- Engage legal scholars of both secular law and of fiqh—through electronic and print media to present analyses of current discriminatory laws, including the blasphemy laws.
- Prosecute individuals and/or political parties responsible for harassing minorities, and for planning and executing attacks on minorities.

- Remove from position of authority and persecute prayer leaders with known involvement in sectarian/militant activities and those who incite their congregations to hatred on the basis of religious affiliation.

Educating the Citizens

The health and stability of a modern democracy depend, not only on the justice of its institutions, but also on the qualities and attitudes of its citizens, e.g. their sense of identity and how they view potentially competing forms of regional, national, ethnic or religious identities; their ability to tolerate and work together with others who are different from themselves, their desire to participate in the political process to promote the public good and hold public authorities accountable; their willingness to show self-restraint and exercise personal responsibility in their economic demands...and their sense of justice and commitment to a fair distribution of resources.⁵²

It is not the institutions but the attributes of the people who run the institutions and populate the country, that play the key role in making a country, a state, or a society succeed or fail in establishing peace, harmony and justice. Attitudes and behavior of a people are largely determined by how their minds are shaped, what values they imbibe in childhood, what they are indoctrinated to, what they learn at a young age and what life skills they acquire as growing adults. All the stakeholders, without exception, firmly believed that it is education that holds the key to a stable, sane and healthy society. An education that enables individuals to develop, express, and integrate their diverse views to reach collective decisions is a pre-requisite to a tolerant and conflict free society.

The stakeholders identified the issues in education (including low literacy rate) as a major determinant of the downward slide vis-à-vis status of minority. At the base of the growing intolerance and bigotry in the country is the failure of the education policy of the government. The education system has been used to divide the society along class (government versus private schools) and religious lines (schools versus madarsas). In addition, by making public education a tool for creating a non-inclusive, religious national identity, the state has promoted an identity based on a virulent anti-Indianism and a narrow interpretation of religion. Aside from hate content in curriculum, distortion, inaccuracies, factual errors, and out of context information dominate text books.

The respondents were of the opinion that education, instead of stratifying the society along various lines, should unify the people around a set of democratic values such as justice and equality.

The need to curb the spread of madrassas was also identified. Religious seminaries have been largely responsible for spreading the extremist culture by molding young minds sympathetic to militancy. To wean parents (particularly of the lower strata) away from madrassas the government needs to strengthen its own school network and ensure a nation-wide curriculum that combines modern education with universal values, inclusive of religious values.

The stakeholders suggested the following:

- Remove all material in school books that promote abhorrence or contempt for other religions, beliefs, way of life, ethnicity; instead, promote those human values that uphold the dignity and self-respect of all humankind.
- Include information on plurality of religions and

cultures in teachers' training curricula (i.e. B.Ed, M.Ed) to inculcate understanding and respect for non-Muslim minorities among teachers.

- Ensure that quotas reserved for the minority communities for jobs in educational institutions are honoured.
- Strengthen and reform the public school system so that confidence in government schools is restored.
- Shut down madrassas affiliated with banned militant organizations known to be involved in inciting violence against religious and sectarian minorities.
- Institute a single, uniform, universal education policy for the entire country.
- Ensure that the policy is adhered to by instituting a system of monitoring of all education institutions.
- Make provision for non-Muslim students to study their own religion (i.e. Christianity, Hinduism) in school.
- Remove de facto compulsory status of the subjects of Arabic language and Islamiyaat for non-Muslim students.
- Remove the discriminatory provision (of 20 extra marks in Punjab and 10 in Sindh) given to Muslim candidates for admission in professional colleges being *hafiz-e-Quran*.
- Remove all provisions that give Muslim students an advantage over non-Muslim students.

Though many stakeholders felt there was no light at the end of the tunnel and the values of respect for plurality of human kind have eroded to the detriment of society, many shared

the hope that with political will, structural changes in the domains of judicial-constitutional, democratic-institutional and education can halt the downward slide and bring the society back on saner track, ensuring equal rights for all citizens irrespective of religion and culture.

References

1. Pakistan Census 1998
2. Hodson, H. V., *The Great Divide: Britain-India-Pakistan*, Oxford University Press, The Jubilee Series Edition 1997 Karachi, P.10
3. Cohen, S.P. *The Idea of Pakistan*, Vanguard Books, Lahore, 2005, P.34
4. Jinnah's speech as President of the Constituent Assembly on 11th August 1947
5. Munir, M., *From Jinnah to Zia*, 1979, Vanguard Books Ltd, Lahore, P. 29
6. Mohammad Ali Jinnah, in his interview to Mr. Doon Campbell, Reuter correspondent in New Delhi, in 1946, quoted in *Jinnah to Zia*, ibid, P.29
7. Munir Report, *Report of the Court of Inquiry constituted under the Punjab Act II of 1954 to enquire in to the Punjab Disturbances of 1953*, http://www.thepersecution.org/dl/report_1953.pdf, P. 210
8. Hayes L.D., *The Struggle for Legitimacy in Pakistan*, 1986, Vanguard Books Ltd., Lahore, P.72
9. Ghazali, A.S., *Islamic Pakistan: Illusions and Reality*, National Book Club, Islamabad, 1997, http://ghazali.net/book1/Chapter3a/page_2.html
10. Indian Independence Act 1947, Section 8 (2) (c), (so much of the said provisions as requires the Governor General or any Governor to act in his discretion or exercise his individual judgment as respects any matter shall cease to have effect as from the appointed day)
11. Shamim, R.M., *The History of Constitutional Development and Fundamental Rights in Pakistan*, Part III, Role of Judiciary in the Enforcement of Fundamental Rights, thesis, Faculty of Law, University of Karachi, Pakistan Research Repository, <http://eprints.hec.gov.pk/2252/1/2108.htm>.
12. Yusuf, H., *Pakistan: A Study of Political Development 1947-97*, Academy of Administrative & Social Sciences, Lahore, 1998, P.63
13. In 1973 Constitution, the word 'freely' was omitted when Gen. Zia amended the constitution to make the Objectives Resolution substantive part. This omission has been rectified by the 18th Amendment to the Constitution.
14. M. Munir & M.R. Kayani, *Report of the Court of Inquiry constituted under the Punjab Act II of 1954 to enquire in to the Punjab Disturbances of 1953*, printed by the Superintendent Government Printing, Punjab, 1954, Page number 387. Available at http://www.thepersecution.org/dl/report_1953.pdf
15. Braibanti, R., *Pakistan: Constitutional Issues in 1964*, *Asian Survey*, Vol. 5, No. 2, A Survey of Asia in 1964: Part II (Feb., 1965), University of California Press, <http://www.jstor.org/stable/2642484>.
16. Hayes, L. D., *The Struggle for Legitimacy in Pakistan*, 1986, Vanguard Books, Lahore, P.92
17. Munir, M. *From Jinnah to Zia*, 1979, Vanguard Books Ltd., Lahore
18. Dr. Rahman, T., *Islamic Provisions of the Constitution of the Islamic Republic of Pakistan, 1973: What more is required?* <http://www.tanzeem.org/resources/articles/articledesc.asp?id=125>
19. Hayes, L.D. *The Struggle for Legitimacy in Pakistan*, 1986, Vanguard Books, P.100.
20. Council of Islamic Ideology, GoP, <http://www.cii.gov.pk/aboutcii/History.aspx>
21. The Munir Report 1953, P. 13
22. Rehman, J. *Accommodating Religious Identities in an Islamic State: International Law, Freedom of Religion and the Rights of Religious Minorities*, *International Journal on Minority and Group Rights* 7: 139-166, 2000, Netherlands, P.

References

23. Rana M.A., Analysis: Agenda of Religious-Political Organizations, *Conflict and Peace Studies*, Vol. 4, No.1, Jan-Mar 2011, Pakistan Institute of Peace Studies, Islamabad, P.2, available at www.san-pips.com/download.php
24. Ibid (Five parties are Jamaat Islami, Jamiat Ulema-e-Islam, Jamiata Ulema-e-Pakistan, Jamaat Ahl-e-Hadith and Tehrike-e-Nifaze-Fiqh-e-Jafaria.)
25. <http://www.minorityrights.org/11337/peoples-under-threat/peoples-under-threat-2012.html>
26. Hayes, L.D., *The Crisis of Education in Pakistan*, 1987, Vanguard, Lahore, P.7
27. Ibid. P.43
28. Zaidi M., *Insights on Insecurity in Pakistan*, Narratives, Lahore, 2011, P.31
29. Ibid. P. 31
30. Ibid, P.31
31. Ibid., P 32
32. Ibid., P 34
33. Husain A & Saleem A., *Connecting the Dots: Education and Religious Discrimination in Pakistan A Study of Public Schools and Madrassas*, US Commission on International Religious Freedom, Nov 2011.
34. Pakistan Media Watch <http://pakistanmediawatch.com/2010/07/25/minorities-and-media-bias/>.
35. Express Tribune, 22 April 2011.
36. Shakir N. Blasphemy Law in Pakistan and its Impact, in *Human Rights Solidarity*, Vol. 09 No. 08 AUG 1999, Asian Human Rights Commission, available at <http://www.hrsolidarity.net/>
37. *The Constitution of the Islamic Republic of Pakistan*, 5th Edition (as modified upto 20th April 2010), Page Nos. 1 & 173, available at <http://www.na.gov.pk/publications/constitution.pdf>.
38. Saeed, S. *Political Fields and Religious Movements: The Exclusion of the Ahmadiyya Community in Pakistan*, <http://www.yale.edu/sociology/faculty/pages/saeed/Saeed%20PPST.pdf>
39. Nafees M., *Blasphemy Laws in Pakistan: A Historical Overview*, Centre for Research and Security Studies, Islamabad (unpublished report)
40. Ibid.
41. Dr. Ambedkar, B. R., *The Partition of India*, Part III, Chapter VII, Part IV The riot-torn history of Hindu-Muslim Relations 1920-1940 accessible at http://www.columbia.edu/itc/mealc/pritchett/00ambedkar/ambekar_partition/
42. Muhammad Ismail Qureshi versus The Islamic Republic of Pakistan PLD 1991 FSC 10
43. Nafees M., *Blasphemy Laws in Pakistan: A Historical Overview*, Center for Research and Security Studies, Islamabad, 2012.
44. Faruqi M., *A Question of Faith: A Report on the Status of Religious Minorities in Pakistan*, Jinnah Institute, Islamabad.
45. Dr. Siddique, O., Interview, *Harvard Human Rights Journal*, Part IV
46. Dr. Osama Siddiqui Interview Part I, *Harvard Human Rights Journal*, Nov 2011, available at <http://harvardhrj.com/interviews/osama-siddique/>

References

47. Dr. Siddique, O., *Unholy Laws and Holy Speech: Blasphemy Laws in Pakistan Controversial Defects and Free Speech Implications*, Minnesota Journal of International Law, 303, 2008.
48. Abdul Latif vs The State, 2006 Y L R 2488
49. Ramesh Jaipaul, Chairperson, Scheduled Caste Rights Movement.
50. Jamal A., *Police Organizations in Pakistan*, Human Rights Commission of Pakistan and Commonwealth Human Rights Initiatives, May 2012, Lahore.
51. Muhammad Mahboob versus The State, P L D 2002 Lahore 587
52. Ayub Masih versus The State, P L D 2002 Supreme Court 1048
53. Daily Dawn, 18 March 2013.
54. *Police Reforms in Pakistan: Opportunities for Citizens*, A Training Module, Law, Justice and Human Rights Division, GoP, 2006.
55. Report of the Sub-Committee on Police Reform, unpublished document,
56. Saifullah Khan vs The State, P L D 2006 Peshawar 140
57. Express Tribune, 10 Dec 2012
58. *Attack on NGO office giving free legal aid condemned*, Daily Dawn, 14 July 2011
59. E/CN.4/Sub.2/1985/31, para 181, from U.N. Sub-Committee on Prevention of Discrimination and Protection of Minorities 1985 meeting,
60. Osama Siddiqui Interview Part IV, *Harvard Human Rights Journal* Dec 2011, available at <http://harvardhrj.com/interviews/osama-siddique/>
61. Kymlicka W. & Wayne M., *Citizenship In Culturally Diverse Societies: Issues, Contexts, Concepts*, <http://fds.oup.com/www.oup.co.uk/pdf/0-19-829644-4.pdf>

Acronyms

AMP	Anjuman-e-Mazarain Punjab
B.Ed	Bachelor of Education
DIG	Deputy Inspector General
EHD	Encourage Human Development
FIR	First Information Report
FSC	Federal Shariat Court
GoP	Government of Pakistan
GRDO	Green Rural Development Organization
HRCP	Human Rights Commission of Pakistan
IBA	Institute of Business Administration
IPC	Indian Penal Code
ISI	Inter-Services Intelligence
IWO	Insaaf Welfare Organization
LLB	<i>Legum Baccalaureus</i> (Bachelor of Laws)
LLM	<i>Legum Magister</i> (Master of Laws)
M.Ed	Master of Education
M.Phil	Master of Philosophy
MJUI	Markazi Jamiat Ulema-e-Islam
MNA	Member National Assembly
MPA	Member Provincial Assembly
NCSW	National Commission on the Status of Women
NGO	Non-Governmental Organization
NIC	National Identity Card
PAF	Pakistan Air Force
Ph.D	Doctor of Philosophy
PILER	Pakistan Institute of Labour Education and Research
PLD	Pakistan Law Decisions
PO	Provisional Order
PPC	Pakistan Penal Code
PPP	Pakistan People's Party
PWS	Peasant Women Society
SCRM	Scheduled Caste Rights Movement
SHO	Station House Office
SP	Superintendent Police
TRDP	Thardeep Rural Development Programme
UN	United Nations
URC	Urban Resource Centre

Annexure I

List of individuals interviewed for the study

Akram Masih Gill, former Member National Assembly (March 2008 to March 2013) and member Executive Council Pakistan Muslim League-Q.

Allama Qambar Abbas Naqvi, prominent religious scholar of Shia Muslim community, founder member Jaffaria Alliance

and an advisor to the Federal Shariat Court of Pakistan.

Anita Ghulam Ali, prominent educationist, Managing Director Sindh Education Foundation, Karachi, recipient of the Sitar-e-Imtiaz (2004), a Presidential Pride of Performance (1999) and the Benazir Women Excellence Award (2009), served as Minister for Education, Government of Sindh, twice in 1996 and 1999.

Aqeela Naz, one of the pioneering activists of the well-know peasant movement Anjuman-e-Mazarain Punjab, founder member and President, Peasant Women Society, a Khanewal-based organization of women agricultural workers.

Ashuthamma Lohano, Provincial Coordinator, Human Rights Commission of Pakistan's Special Task Force Sindh.

Attiya Nisar, member Women's Wing, Jamaat-e-Islami.

Avinash Hari, founder-member of community-based organization, Upgrade Minorities for Integrated Development (UMID), Karachi, has been working for the Hindu dalit community in Sindh since 2006.

Rt. Rev. Sadq Daniel, Bishop Trinity Cathedral, Karachi.

Christopher John, President Anjuman-e-Mazarain Punjab.

Dev Thari, Mithi-based political activist, student and member Pakistan Awami League

Faisal Siddiqi, LL.M. from University of Cambridge, advocate Sindh High Court.

Farhat Sajida, school teacher and community activist, Shantinagar, Punjab.

Farwa, student, University of Karachi.

Syeda Ghulam Fatima, General Secretary, Bonded Labour Liberation Front (BLLF), Lahore, has been in forefront of struggle against bonded labour in the brick kilns, Punjab.

Ghulam Haider Malookani, founder-member and Executive Director Green Rural Development Organisation (GRDO), Hyderabad, Sindh, has been working for peasants and agricultural workers.

Gian Chand, former Member Provincial Assembly (1993-96) and former Senator.

I A Rehman, prominent human rights activist-journalist, Director Human Rights Commission of Pakistan (HRCP).

Irfan Mufti, Deputy Director South Asian Partnership-Pakistan (SAP-PK).

Jaffar Tayyar Bukhari, advocate Lahore High Court, Multan Bench.

Kanji Rano Bheel, advocate Sindh High Court.

Khatomal Jeevan, former Member National Assembly (2008-2013), ex-Parliamentary Secretary for Climate Change during this period.

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Mahesh Kumar Malani, former Member National Assembly (March 2008–March 2013).

Malji Rathore, Convenor, Pakistan Dalit Solidarity Network.

Manjeet Singh, medical student, Karachi.

Manwer Lal, former Member National Assembly (2008 to 2013).

Michael Javed, former Member Provincial Assembly, Sindh, former Senator, Provincial President, All Pakistan Minorities Alliance, Sindh.

Mohammad Tahseen, Executive Director South Asian Partnership-Pakistan, Lahore.

Munazza Hashmi, advocate Lahore High Court Multan Bench, Executive Director Encourage the Human Development (EHD), Multan.

Mushtaq Matto, President Minority Wing, Pakistan People's Party.

Nadeem Anthony, advocate Lahore High Court, Council Member Human Rights Commission of Pakistan (HRCP).

Naeem Shakir, advocate Supreme Court of Pakistan, recipient of the Human Rights Defender Award 2012.

Naeem Waris, school teacher and community activist, Shantinagar (Punjab).

Noor Naz Agha, advocate Sindh High Court.

Paul Bhatti, Pakistan People's Party (PPP) leader former Minister In-Charge and Advisor to the Prime Minister of Pakistan on National Harmony.

Peter Jacob, Executive Director, National Commission for Peace and Justice, Lahore.

Pirbhulal Satiyani, Advocacy and Research Specialist, Thardeep Rural Development Programme, Tharparkar (TRDP).

Pushpa Kumari, Hyderabad-based activist.

Radha Bheel, social worker Sindh Rural Partners Organisation (SRPO), Mirpurkhas.

Ruqayya Sami, advocate Lahore High Court, Multan Bench.

S. M. Saeed, lecturer Institute of Business Administration (IBA), Karachi.

Shaista Zaidi, educationist and well-known religious scholar of Shia Muslim community.

Subooh Talat, member Women's Wing, Jamaat e Islami.

Syed Iqbal Haider (Late), former advocate Supreme Court, Attorney General of Pakistan, Federal Minister for Law, Justice, Parliamentary Affairs and Human Rights (1993-94), Senator (1997-2000).

Prof. Dr. Syed Jaffar Ahmed, Director Pakistan Study Centre, Karachi University.

Vasant Thari, advocate Sindh High Court.

Vijesh Kumar, Ghotki-based journalist, peace and human rights activist.

Wali Ram Walabh, writer-translator, former Deputy Director Sindh Museum, former Publication Officer Institute of Sinology, recipient of President's Civil Award.

Dr. Zafar Ahmed Khan Sherwani, Director Karachi Centre for Dispute Resolution, retired Judge Sindh High Court.

Zahid Farooq, Joint Director Urban Resource Centre (URC) Karachi

Zubeida Mustafa, senior journalist-writer, former Assistant Editor Dawn, recipient of the International Women's Media Foundation's Life Time Achievement award 2012.

Annexure II

List of Organizations/Institutes who facilitated focus group discussions and the research process

1. Anjuman-e-Mazarain Punjab, Khanewal
2. Caritas-Multan
3. Diocese Office, Darul Khushnud, Saddar, Karachi
4. Encourage Human Development, Multan
5. Full Gospel Assemblies (FGA) Church, Gojra
6. Ghotki Press Club
7. Green Rural Development Organization, Hyderabad
8. Hindu Panchayat Ghotki
9. Human Rights Commission of Pakistan, Lahore
10. Insaaf Social Welfare Society, Shikarpur
11. Institute of Business Administration, Karachi University
12. Pastor's House, Peruwal
13. Peasant Women Society, Khanewal
14. Sindh Judicial Academy, Karachi
15. Thardeep Rural Development Programme, Mithi
16. Urban Resource Centre, Karachi



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