

## **PREDICAMENT OF THE MINORITIES IN PAKISTAN: A PASSAGE TO BIFURCATION**

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### **Abstract**

Being a Muslim majority state, Pakistan, at the eve of its independence decided to adopt a policy of peaceful cohabitation with less-numbered minorities. By realizing the importance of peaceful co-existence, the founder of nation Quaid-e-Azam Muhammad Ali Jinnah, during his first speech to the Constituent Assembly of Pakistan was looking for a state based on modern democracy with equal rights to all the citizens. However, after his early demise, with the adoption of unfamiliar ideologies and to manoeuvring for a prolong rule by the elites, the prescribed status of minorities in the light of Islamic teachings became difficult to achieve in Pakistani society. With the passage to time minorities could not retain their previous numbers and currently it reduced to approximately 4 per cent of its total population. In spite of Constitutional protections, the situation is not improving and discrimination, persecution, mob violence, controversial blasphemy laws, forced conversions and forced marriages are the worst tools being used by a certain class to achieve their objectives. This paper is an attempt to find out the answer that why International Human Rights Commission for minorities have put Pakistan among those top ten countries which are not favourable for the minorities. It will also try to pinpoint the reasons behind this utter persecution of minorities in Pakistan.

**Keywords:** Pakistan, Islam, Constitution, Minority Rights, Violence.

**BACKGROUND:**

*After achieving independence, the Muslim majority state of Pakistan, officially included the white colour in its flag as symbol of minority manifestation in the Pakistani society.<sup>1</sup> It was achieved on the basis of Ideology of Islam and as an important part the Muslim Ummah. The minorities, whose struggle during the entire spell of freedom movement was tangible were ambitious to continue their stay in Pakistan, largely due to the rhetoric speech of the founding father of the nation on 11th August 1947 in which he made it clear that you are free to go to your temples, to your mosques, to your churches, and state will have nothing to do with it.<sup>2</sup> By appointing Mr. Jogindar Nath Mandal as the first Law Minister and Sir Zafarullah Khan, an Ahmadi, as first Foreign Minister of Pakistan he gave weightage to his words. However, it is believed that after his death the passage of Objective Resolution has reduced the space of minorities of Pakistan. On the other hand, the rightist wing who strongly believed that the creation of Pakistan was mainly based on the idea Two Nations theory with an objective to mould the society on pure Islamic values instead of modern democratic or a secular nation.<sup>3</sup>*

*The first Constitution of the country, which declared itself as an Islamic Republic tried to make sure the peaceful coexistence of the minorities.<sup>4</sup> Yet, most of the minority representatives considered it a setback for them who wanted to see the Constitution as a secular or even moderate in nature. Later on when the second Constitution of Pakistan in 1962 initially declared Pakistan a republic and deliberately the word "Islamic" was skipped but later on, with an amendment in the Constitution it was added again. However, this constitution was much similar in its nature to the first constitution to provide the minority rights Pakistan. However, the third and existing constitution of the country which was framed in 1973 ironically lacked the equal opportunities of rights for the minority when Bhutto government brought second amendment in the Constitution when definition of Muslims was added into the constitution.<sup>5</sup> Although, in spite of Foreign pressure, it was mainly done on the public demand but with the emergence of Zia's Islamization process, many political stunts were sugar-coated as an Islamic measures including Hadood and blasphemy laws, in spite of stiff resistance from the minorities which were striving for equal status form themselves as guaranteed by the founding fathers of the nations.*

*During the present day scenario, although several legislations have been formulated to restrict forced marriages, conversions or discrimination to protect the minority's rights, however, status of minorities of Pakistan has become questioned by many international agencies. Human Rights Commission on global minority's rights of United States has declared Pakistan among those ten countries which are most dangerous for the minorities.<sup>6</sup> Number of cases regarding*

destination or imprisonment has been highlighted by international media including the cases of Assia Masih, Iqbal Masih and Hindus forceful conversion of girl's particularly in the areas of Sindh. Beside these famous cases, there are number cases where minorities in Pakistan are suffering numerous problems, as the persecution, discrimination, mob violence, forced conversions, forced marriages, blasphemy laws and inequality in job quotas, harassment etc.

However, these practices often occurred because of religious misinterpretation by a class who is not aware of the true injunctions of Islam. The Quran in Surah Baqrah, eloquently says "there is no compulsion in religion".<sup>7</sup> Similarly, it clearly defines the rights of Zimi by providing them an effective role in the development of the state and society.<sup>8</sup> Prophet of Islam, Hazrat Muhammad (PBUH) provided special rights to the minorities and they free to practice their religion.<sup>9</sup> The Constitutions of Pakistan, mainly reflecting the Islamic values and teachings as policy principles are often overlooked in Pakistani society. Unfortunately, religious and constitutional guarantees for the minority rights are suppressed by the false interpretations.<sup>10</sup>

#### **TEACHINGS OF ISLAM FOR THE MINORITIES**

The Islamic laws are beneficial for all mankind of all ages and the Holy Quran considered Human being is the most important and superior than all creatures. Islam grants equal rights to believers and non-believers even a Muslim cannot torture a non-believer. Holy Prophet PBUH said: "He who tortures a Dhimmi is like the one who has counteracted him (the Prophet). I shall counteract against him (he who tortures a dhimmi) on the Day of Judgment who has counteracted him".<sup>11</sup>

Islam grants non-Muslim minorities not only the freedom of life, expression, property, worship, movement and profession. The last Prophet Hazrat Muhammad (PBUH) teach the lesson of equality and tolerance among the people. As the Holy Quran describe His glory in such words: "And we have not sent You except as a mercy to the worlds".<sup>12</sup>

In Islam protection of minorities are firstly documented under the umbrella of Charter of Madina, the Madina Constitution or Madina Pact. It provided all the basic rights to the people of different faiths, e.g. the right of minorities to protection against partisanship, segregation, racial violence, equal protection irrespective of ethnic or racial origin, to preserve their culture, religion, language, encourage racial harmony, promote human rights, appeal before the court, and abiding by the general terms of Islamic law.<sup>13</sup>

Islam as a beacon of honour and humanity and commands good behaviour from every individual. Hazrat Muhammad (PBUH) always used to warn Muslims about minorities. One day he said while talking about Zimmi's:

"Whoever kills a non-Muslim will not smell the fragrance of Paradise, but

*the fragrance of Paradise spreads over distance of forty years."*<sup>14</sup>

Holy Prophet (PBUH) said:

*Protecting the rights of non-Muslims is my foremost duty".*<sup>15</sup>

Hazrat Ali said"

*"Whoever is among our non-Muslim subjects, his blood and our blood are equal".*<sup>16</sup>

Imam Abu Hanifa said:

*"The blood money of a Jew, Christian and fire worshipper is equal to the blood money of*

*Muslim".*<sup>17</sup>

*"Harming a Zimmi with the tongue or hands and feet, abusing him, beating or backbiting him is impermissible in the same way as it is permissible for a Muslim"*<sup>18</sup>

*In an Islamic state, minorities also have the right to do whatever business they want within the legal limits. In an Islamic state, minorities cannot be forced to perform defence duties because their defence is the responsibility of the government. However, the state will protect the life, property, honour and dignity of Non-Muslim.*<sup>19</sup>

*The teachings of Islam clarify the rights of minorities, which clearly shows that in a Muslim state, minorities enjoy such sort of protection that cannot be imagined in any other society.*

## **CONSTITUTIONAL STATUS OF MINORITIES IN PAKISTAN**

*The first voice about the minorities in Pakistan was raised by Quaid-e-Azam Muhammad Ali Jinnah in his speech on August 11, 1947 in the Constituent Assembly. He emphasized on the rights of minorities, their care and declared them as citizens of the state of Pakistan. After that, in 12th March 1949, an Objective Resolution was presented to paved the way for the framing of the future constitution of Pakistan. According to this resolution, the minorities were given the freedom to practice their religion.<sup>20</sup> In the light of this a basic principle committee was also formed in which the Muslims and the minorities were granted equal rights within the state of Pakistan. For example, equal law for all citizens included all rights based on religion such as religious and personal freedom, freedom of opinion, profession, trade, admission to any institution and permission to hold a job. At present, the 1973 constitution grants numerous rights to the minorities of Pakistan, such as the right to equality, the right to live a dignified life of their own choice, the right to religious freedom, the right to struggle, the right to protect their civilisation and culture etc.<sup>21</sup>*

*Articles 8 to 28 of the 1973 constitutions deals with the fundamental rights of the citizens of Pakistan. Additionally, 1973 Constitution grants minorities the right to live, to speak, to read, to go everywhere, to buy property, to have a job and do business. Living in an Islamic state, Pakistan Penal Code published blasphemy laws to keep minorities refrained from the abusive activities against the state religion*

of Pakistan. Minorities are also a part of Electoral Process, seats in National Assembly and Senate are reserved for minorities. In start minorities could only caste vote for the member of their ethnic class, later this separate electorate system was abolished and now through joint electorate system minorities cast their vote.<sup>22</sup>

Minorities of Pakistan are given all fundamental rights in the constitution of Pakistan, practically state and society are providing protection of these rights. Minorities contribution in all fields of life is unforgettable as they are pouring their hard work into the state machinery. It is a matter of concern that despite the constitutional freedom given to minorities, their rights are sometimes violated which can be addressed under strong and neutral policies in the coming times.

### **BLASPHEMY LAW IN PAKISTAN**

Pakistan's sacrilege law is based on Section 295-C of the Pakistan Criminal Code (6 October 1860) XLV of 1860. The Quran states that anybody who "defiles the holy name of the Holy Prophet Muhammad (peace be upon him) will be punished with death or life imprisonment and shall also be subject to fine." Because to the ambiguous language of this regulation, false claims against people of religious non-age are often made (violating the principle of legitimacy). One well-known example of a person against whom such a breach took place is Asia Bibi. The victims of these unfounded charges are often thought to be embarrassed and might face conviction in the absence of compelling proof.<sup>23</sup> The advocates of persons who were harmed by the statute on sacrilege submitted a number of instances to the impartial group Global Human Rights Defenders each month. According to the United States Commission on International Religious Freedom's (USCIRF) 2012 monthly report, the Pakistani government continues to actively participate in and tolerate intentional, persistent, and obvious breaches of the right to freedom of religion or against blasphemy. According to the USCIRF, Pakistan has been a "country of special concern" since 2002. The country's sacrilege laws, which are regularly used in Punjab but are also applied nationwide, are said to routinely arrest members of religious non-age groups and diverse Muslims. According to the USCIRF, there are at least 20 prisoners serving life sentences and 16 persons on death row.<sup>24</sup>

Together with anti-Ahmadi laws that essentially outlaw their vibrant religious practices, the sacrilege legislation has fostered a culture of vigilante murder. Due to the bloodshed in Pakistan, many Hindus have emigrated to India. From 2008 to 2012, Farahnaz Ispahani advised the President of Pakistan on media matters. She accused the country's successive administrations of performing "slow genocide" towards non-age in order to broaden their support among voters.<sup>25</sup> The anti-Ahmadi laws and the sacrilege laws can be used to classify these sections, according to a BBC FAQ, "a number of clauses were introduced to the chapter of

religious offenses in the Pakistan Criminal Code beginning in 1980. The BBC reports that these rules enjoy broad public support in Pakistan and that two well-known opponents, Salman Taseer and Shahbaz Bhatti, were murdered in 2011.<sup>26</sup>

As far as religious sites are concerned, only 20 of Pakistan's 428 Hindu temples still stand today, and the Evacuee Trust Property Board, which oversees those, has been neglecting them, according to an investigation by the All Pakistan Hindu Rights Movement Pakistan; however, in November 2019, the Pakistani government began the process of rehabilitating 400 Hindu temples there; the tabernacles will resume serving Pakistanis.<sup>27</sup>

### **MINORITY ISSUES IN PAKISTAN: FORCED CONVERSIONS**

According to Pakistan's Human Rights Commission, a growing number of incidents of forced conversion are being reported. A 2014 study from the Movement for Solidarity and Peace (MSP) claims that 2,000 women are forcefully converted to Islam in Pakistan each year (700 Christian and 300 Hindu). However, there is also an opposing viewpoint, as was recently illustrated in an interview that appeared in *The Times of India*: The report, women's families fabricate tales of hijacking and forced makeovers in order to gain sympathy. According to the All Pakistan Hindu Panchayat, the majority of weddings between Hindu women and Muslim men were the consequence of romantic relationships. In December 2017, Yaqoob Khan, the assistant manager of Tall Tehsil, is accused of forcing Sikh residents of the Hangu neighbourhood to convert to Islam. Shahid Mehmood, Hangu's deputy commissioner, however, denied that it had been authorized, claiming that Yaqub had accidentally insulted Sikhs during their chat. In Pakistan, some Hindu women are abducted, forced to convert to Islam, and then married.<sup>28</sup> In addition to being married off to their captors or rapists, some 1000 non-age Christian and Hindu women are reportedly compelled to convert to Islam, according to the Pakistan Hindu Council (PHC) and the National Commission of Justice and Peace. Reports of this conduct are becoming less common in the Sindh areas of Tharparkar, Umerkot, and Mirpur Khas. Another report from the Movement for Solidarity and Peace asserts that 2,000 non-Muslim females convert to Islam each year in Pakistan.<sup>29</sup>

While precise numbers are impossible to verify, Amarnath Motumal, the vice speaker of the Pakistani Human Rights Commission, asserts that approximately 20 or more Hindu girls are kidnapped and converted each month. In 2014 alone, there were 265 legal instances of forced conversion involving Hindu females. Around a thousand Christian and Hindu girls were forcibly converted in Sindh, Pakistan's southern area, according to the annual report of the Pakistani Human Rights Commission from 2018. According to the victims' family and activists, Mian Abdul Haq, a key political and religious figure in Sindh, has been

## **SUBPAR STANDARD OF LIVING**

*Even if the aforementioned events rank among Pakistan's greatest crimes against minorities, a look at their everyday existence doesn't exactly provide hope. In the past, non-Muslims were only permitted to work as daily wage workers or in the sanitation business due to employment discrimination. There have been claims that instructors have insulted children who practice minority faiths in the classroom or used discriminatory language. Some history textbooks portray minorities negatively or completely ignore their existence when retelling the country's history; this feeds into young people's anti-minority attitudes and keeps minorities from enrolling in educational institutions, which hinders their ability to advance socially and economically. In general, violence has been directed on non-Muslims, and many of them have also perished, at least in rural areas. Hindu and Christian families have repeatedly had their houses set on fire, and the men, women, and children who lived there have either perished or been forced to escape. There aren't many churches and temples left since they were demolished all over the place. Just 20 of the 428 temples that existed when the country achieved its independence, according to a study by the Pakistan All Hindu Rights Organization, still exist today.<sup>31</sup>*

*In the lack of action from the Pakistani government, human rights campaigners and non-governmental groups provide some cause for hope. In the past, journalists, activists, and human rights lawyers have been fervently searching for instances of forced conversion, religious violence, and bad governance. Even though it only pertains to a tiny percentage of situations, justice is now a reality that may be attained. The disadvantage of this is that the activists and lawyers put their own lives in danger to protect others' lives. Religious radicals have regularly threatened and abused activists and journalists; some have even lost their lives in similar circumstances.<sup>32</sup> On June 5, a journalist in Lahore was taken without a warrant and imprisoned after criticizing the military and the administration. A co-founder of a group that fights for the rights of young women was also unfairly detained and put on an exit control list, preventing her from leaving the country.*

## **MINORITIES AND INSTITUTIONAL SEGREGATION**

*Pakistan came into being on the basis of ideology of Islam, in which all institutions not only follow Islamic teachings but also fully interpret the official religion of the country Islam, representing the constitution of Pakistan. There are about 13 million minorities in*

*Pakistan, who are Christians, Hindus and Sikhs, apart from this, the Ismailis and Zikris of the Shia sect, who should be considered a minority according to the Sunnis and the Ahmadiyya sect, which does not believe in the finality of Prophet hood, fall under the category of Non-Muslim. Pakistani's institutional system is based upon Islam, while the society is pluralistic in nature and minorities maintain their religious, cultural and territorial integrity. The reasons for the separations in institutions and minorities was self-inflicted, which has created chaos and hatred in the country.<sup>33</sup> In October 2001 Bahawalpur and in 2002 Islamabad Churches were attacked and similar incidents were also seen in Murree and Taxila. Anti-Shia attacks have also increased due to increasing sectarian intolerance. The treatment of the minority by the Pakistani majority has led to increased instability in the Pakistani society. Pakistani Hindus, Christians, Khalsa, Shia Islamis and Zikris are part of population that is representing a minority with which inequality has increased the process of fragmentation and exclusion. Members of the Ahmadi religious community have been a major target for prosecution under blasphemy laws as well as specific anti-Ahmadi laws. The militant group and Islamic political party Tehreek-e-Labaik accused the Ahmadis of pretending to be Muslims.<sup>34</sup> The Pakistan Penal Code also makes it a criminal offense to pretend to be a Muslim. In May, the government excluded Ahmadis from being part of the National Commission for Minorities. A new commission has been entrusted with the task of protecting the rights of the country's minorities.*

## **CONCLUSION**

*At the end of this detailed discussion, it has been proven that life of minorities of Pakistan, in spite of having a clear-cut provision Constitutional guarantee are facing unfavourable conditions and consistently been worsened with the passage of time. Although some exaggerations by the foreign media or foreign funded agencies etc regarding the social behaviour of Pakistan society is making the situation further deteriorated resulting in a debauched picture on international scenario. However, Father of the Nation, during his policy speech on 11th August 1947, made it clear that Pakistan would be a state with equal rights to all its citizens despite their separate identities. It is believed that he was clear about the rights of minorities in Pakistan that no one better is worse but equal before are in the eyes of law. In point of fact, he got inspiration from the Prophet Muhammad (PBUH) Who clearly described the rights of minorities in Islam and their prescribed role in the Islamic state and other Muslim states to come. However, misinterpretations of religious injunctions misinterpretation of the constitutional clauses and laws have rendered us a very much bleak picture of minorities in Pakistan. In addition to this, intolerance by the clergy often resulted in number of issues like physical attacks, psychological insecurity, forced conversion,*

social stigmatization and continued institutional dilapidation etc. In order to save the minorities from a sense of deprivation in a Muslim majority society, they are allowed to cast their votes on the basis of a separate electorate method, which is unfortunately focused on the local issues related to development or law and order etc. Above all, due to their diverse presence against a huge Muslim majority, power sharing approach may be adopted in place of western democracy to guarantee the safety of minorities, to uphold the rule of law, and to ensure justice to every citizen of Pakistan regardless of their colour creed cast and religion.



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