

**RELIGIOUS MINORITIES IN PAKISTAN
INTERROGATING THE ROLE OF STATE**

A Thesis Submitted

To

Sikkim University



In Partial Fulfilment of the Requirements for the
Degree of Doctor of Philosophy

By

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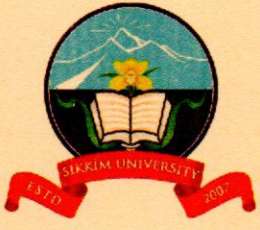
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**Dedicated to my three
Women
Mother, Wife and Daughter**

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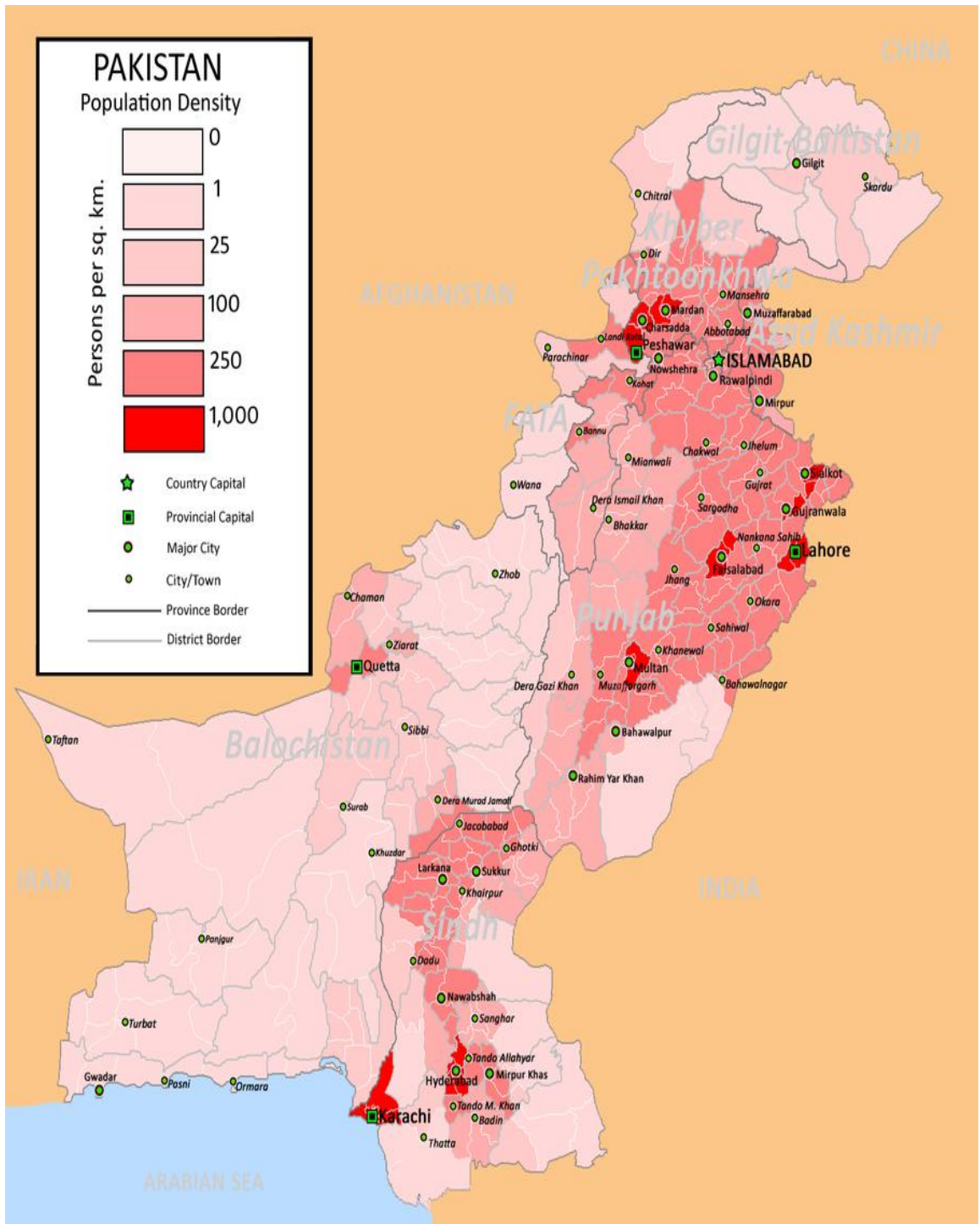
Acronyms

APMA	All Pakistan Minorities Alliance
ATA	Anti-Terrorism Act
AHRC	Asian Human Rights Commission
CDN	Compass Direct News
CPC	Country of Particular Concern
EEC	European Economic Community
EHO	Enforcement of Hodood Ordinance
ETPB	Evacuee Trust Property Board
FATA	Federally Administered Tribal Area
HRCP	Human Rights Commission of Pakistan
INC	Indian National Congress
IPC	Indian Penal Code
ISI	Inter State Intelligence
ICC	International Christian Concern
ITMP	Ittihad Tanzeemat Madaris Pakistan
JuF	Jamaat-ul-Fuqra.
JiI	Jamat-i-Islami
KP	Khyber Pakhtunkhwa
LeJ	Lashkar-e-Jhangvi
LeT	Lashkar-e-Omar (LeO), Lashkar –e-Taiba

MRG	Minorities Rights Group
MRGI	Minority Right Group International
ML	Muslim League
MQM	Muttahida Qaumi Movement
MMA	Muttahidda Majlis- e-Amal
NCJP	National Commission for Justice and Peace
NWFP	North West Frontier Province
PCNP	Pakistan Christian National Party
PHC	Pakistan Hindu Council
PIHS	Pakistan Integrated Household Survey
PNA	Pakistan National Alliance
PPC	Pakistan Penal Code
PPP	Pakistan Peoples' Party
PBUH	Peace Be Upon Him
SCFP	Scheduled Caste Federation of Pakistan
SCRM	Scheduled Caste Hindu Rights Movement
SMP	Sipah-e-Muhammad Pakistan
SSP	Sipah-e-Sahaba Pakistan
SHO	Station House Officer
ST	Sunni-e-Tehreek
TJP	Tehreek-e-Jaferia Pakistan

TNSM	Tehreek-e-Nafaz-e-Shariat-e-Mohammadi
TTP	Tehreek-e-Taliban Pakistan
TNF	Tehreek-i-Nifaz-i-Jafariya
TLP	Tehreek –e-Labbaik Pakistan
USCIRF	United States Commission on International Religious Freedom
UDHR	Universal Declaration of Human Rights

Map 1: Map of Pakistan Showing Population Density



Source: https://en.wikipedia.org/wiki/Demographics_of_Pakistan: 21-12-2017, time: 20 21 pm

ABSTRACT

Pakistan was created on the basis of religion; Jinnah's two nation theory in 1947. His two nation theory crumbled just after twenty four years in 1971 after creation of Bangladesh. He had made a statement that all the minorities would be treated equal and protected but unfortunately this dream of his too could not be achieved. From the very beginning violence and discrimination continued against the minorities especially the religious minorities of Pakistan. At this milieu it attracts researchers to study the religious minorities; - the Hindus and the Christians of Pakistan and their problems

For the study extensive literature reviewed has been done, starting from the books, articles in the journal, different reports concerning minorities and religious minorities mostly of Human Rights Commission of Pakistan and newspapers articles on religious minorities.

The study has opted for inclusion and exclusion approach as a theoretical framework because this would explain the problems of the study. This explains how far the religious minorities are included and excluded in socio-economic and political process of development in Pakistan/

Research questions

1. Is exclusion of religious minorities in Pakistan an institutionalized phenomenon?
2. Is the state responsible for the exclusion of religious minorities in Pakistan?
3. Are non-state actors backed by the state in the process of exclusion of religious minorities in Pakistan?

The study has used both quantitative and qualitative method to collect data. As the minorities are a vast subject to deal with, I have study two prominent religious minorities; the Hindus and the Christians. While in the field survey, focus group discussions were held with different religious minority groups. Along with focus group discussions, scheduled were given to the members of the different minority groups.

In chapter II historical and demographical of religious minorities have dealt. After partition there was major migration from both the sides of the border. The Hindus are mostly concentrated in Sind and the Christians in Punjab and Islamabad. The live in ghettos because they fear for their lives and properties. The chapter also deals with international conventions of which Pakistan is a signatory but has failed to implement them at home. There are also laws and articles in the constitution giving rights to the minorities and religious minorities to profess their religion and manage institutions. The constitution guarantees them protection. The

blasphemy laws has its root in British India became very stringent during Zia's period. It has been misused several times against the religious minorities.

The third chapter deals with state and the religious minorities. This study has brought out weakness of the state in dealing violence and anti-religious minorities riots. Despite the constitutional provisions the state has failed to protect the religious minorities. The Working Group Committee was formed by HRPC to look into the matter of the minorities and came up with its report and recommendations which is very important.

The women of minorities face great discrimination due to Hudood Ordinances and other laws are discriminatory in nature. This chapter also deals with incidents in which religious minorities were targeted and harassed and their place of worships were vandalised.

The fourth part of the study brings out the causes of all the maladies, the non-state actors which gathered power from the beginning. The nexus between the state machineries and non-state actors have proved be very dangerous for the minorities particularly the religious minorities. The state and the state machineries have used these non-state actors for their own vested interests and in return these non-state actors which are extremists in nature have instigated violence against these religious minorities. They have propagated Islamic ideas through madaras and the state has just been silence. The religious minorities have no place in the history of Pakistan. They are described as infidels in the textbooks of madras. The non-state actors have protested vehemently whenever the government brought the blasphemy law in the parliament for amendment. Another important issue is of kidnapping and forced conversion of Hindu girls. They are often forced to marry their kidnappers. The marriage law for Hindus did not have legal sanction it is only recently that the state has made a law but it is to be seen how for this is implemented.

The exclusion of the religious minorities is very prominent in the study although there are provisions in the constitution of Pakistan the state has failed to implement those laws and articles to protect and give freedom to practise their religion and maintain religion institution. The nexus between the state and non-state actors have institutionalised exclusion of the religious minorities. The non-state actors had forced Bhutto to declare the Ahmedis non-Muslim in 1974 this itself is an example of weak state. Hence, the state has succumbed to the pressure of the extremist non-state actors.

CHAPTER- I

INTRODUCTION

1.1 Historical Background

This study deals with the religious minorities of Pakistan, viz the Hindus and the Christians; investigating their political and socio-economic status. The study questions if exclusion is an institutional phenomena in Pakistan. How has the state behaved with its minorities particularly with religious minorities? What are the consequences of actions of the non-state actors towards the minorities particularly the religious minorities? It also studies the policies and programs of state towards them for inclusive development. Any study on minorities in Pakistan is of immense interest for the scholars by virtue of Pakistan's complex demographic composition.

Pakistan was created on the basis of religion (Islam). Subsequently, the nation witnessed a language movement (Bangla) leading to the partition of Pakistan in 1971. Pakistan is also witnessing a Mohajir and a Baloch movement for independence. Ethnic groups like Hazara and minority sects like Shias and Ahmadis have also been targeted leading to sectarian clash which also affected the religious minorities. But more important, the religious minorities like the Hindus and the Christians have been discriminated by both state and non-state actors. Therefore, while the discrimination of minorities in all forms is commonly witnessed in Pakistan this study has predominantly focused on two major religious minorities: the Hindus and the Christians.

Since the time immemorial, trade relations existed between Arabs and western coastal region of India. Even before the advent of Islam, the Arab had acquired monopoly of the sea trade with many Indian ports and had established settlements. After the Islamicization of Arabian Peninsula, the settlers built mosques and started congregational prayers. They started to convert the indigenous people to Islam. The Indian rulers in the interest of trade and tolerant tradition of India took no steps to stop their social activities. Later in 711 AD Muhammad bin Qasim invaded Sind and captured it.¹ More Muslim traders, missionaries and armies came in the late seventh

¹ S.A.A. Rizvi (2001), The Wonder that was India, Rupa & Co. New Delhi

and early eight centuries resulting in increase in Muslim population. The process of conversion became rapid and the population of South Asia which were Hindu and Buddhist started to decrease.² During 11th century A. D. a number of Indo-Muslim states had been established, and by sixteenth century the Mughals dominated northern India. The British formally took over the empire in 1858. At this point of time the population of Muslims was one-quarter. They were mostly concentrated in East Bengal, the Northwest Frontier, Punjab, Sind and Baluchistan along with large Muslim minorities in present day Uttar Pradesh and Madhya Pradesh.³

They adopted themselves to British rule but maintained their identity by establishing the Aligarh Muslim University in 1875 and the Muslim League a political party for the interest of the Muslims in the year 1906. Wealthy landowners and Muslim professionals dominated the Muslim league. The Muslim League was concerned about the Muslims in a Hindu dominated India. The Indian National Congress was secular in nature and was not in favour of partition despite of its constant persuading; the Muslim League now led by Jinnah did not yield.⁴ The idea of a separate nation did not come up until 1930; it was only after a Punjabi poet-politician Mohammed Iqbal raised the idea of separate state. A group of Indian students at Cambridge proposed the name, Pakistan. As the momentum for independence increased so did the idea of Pakistan now led by Mohammed Ali Jinnah. And a year later in 1907 an Islamist organisation, the Jamat-i-Islami was founded to foster the movement.⁵

After negotiations between the British, Indian National Congress and the Muslim league in 1946, in the Hindu dominated the following year the state of Pakistan was born on 14th August 1947 and India got independence on 15th August 1947. Pakistan was carved out of five provinces of British India and some princely states. Under the new boundaries the provinces of Punjab and Bengal were partitioned and millions of people had to move. The eastern part of Bengal, which was Muslim dominated, became East Pakistan and Western Punjab including the important princely state of Bahawalpur became Pakistani province of Punjab. West Pakistan also included the Baluchistan, the Northwest Frontier Province (NFP) now known as Khyber Phaktunwa (KP) and Sindh.

² Ibid

³ Ian Talbot (2013), Pakistan A New History, Amaryllis, New Delhi,.

⁴ Bipan Chanra (1989), India's Struggle For Independence, Penguin, New Delhi

⁵ Ibid

After independence Jinnah was appointed governor general and his close associate, Liaquat Ali Khan, became prime minister, but neither man had deep roots in the new state. Jinnah was from Bombay and Liaquat was from north India. Both these leaders died soon after the formation of Pakistan. Jinnah died in 1948 of ill health and Liaquat in 1951 was assassinated at a political rally in Rawalpindi. Their untimely death threw the country in a political chaos. Toward 1954 the Muslim League, whose supporters were in large part migrants from India, went into decline, losing power in both wings. The power fell in the hands of emigrant politician, bureaucrats, and eventually, the army. In 1954 the four provinces of West Pakistan were combined into a single administration entity under a 'one unit' scheme, to counter-balance the dense population of East Pakistan.

In March 23rd, 1956, the Constituent Assembly approved the first constitution, which renamed the state as 'The Islamic Republic of Pakistan'. A former soldier, Iskander Mirza, became president under the new constitution, which he abrogated in October 7th 1958. General Ayub Khan displaced Mirza in 1958 by coup. Pakistan has had four spells of direct or indirect military rule and several failed coup attempts. The successful coups were of General Ayub Khan in 1958, Yahya Khan in 1963, Zia ul-haq in 1977 and Pervez Musharraf in 1999.

Among all the Generals, General Zia ul-haq was more religious minded and thus Islamization of Pakistan began. Zia changed laws by decree, imposed draconian punishments based on medieval implementations of Islam, silenced secular critics and changed school curricula to pass on his bigoted world view to the next generation.⁶ Hard-line clerics started to use state owned media to preach fundamentalist views on television. Orthodox religious schools, 'madarasa', multiplied with the help of state and foreign fund particularly from Saudi Arabia. Islamist militias trained to fight the communist in Afghanistan now started to target non-Muslims, the Shias and the Ahmadis (who were declared non-Muslim in 1974 by Bhutto's government) and Shias within the country backed by the government and its political allies. These hardliners later joined militant organisations and fought proxy war with India Zia's

⁶ Farahnaz Ispahani, Purifying the Land of the Pure Pakistan's Religious Minorities, Harper Collins, Noida, 2015.

period was marked by heightening sectarian violence, in which all but the most obscurantist Muslim sects were targeted.⁷

Zia used the phrase ‘soldier of Islam’ to describe himself in his very first speech and subsequently insisted that he was a pious Muslim seeking to revive Islamic laws as practiced in earlier times. He also praised the ‘spirit of Islam’ that had characterized the opposition protests. He said that Pakistan was created in the name of Islam. Hence, it will continue to survive only if it sticks to Islam. That is why he considered the introduction of Islamic system as an essential prerequisite for the country.⁸ He also insisted that all the political parties should work for establishing an Islamic order because the country has been created in the name of Islam. Thus, the ideology of Zia created such a situation in which the minorities started to feel insecure and the covert discrimination now turned to overt. Hence, extremism started to spread its root in the country. Zia’s Islamic rhetoric worried non-Muslim minorities particularly the religious minorities like the Christians and the Hindus. A delegation of the National Council of Churches of Pakistan approached Zia about their status in a truly Islamic state. The General assured that their rights, as minorities would be protected saying that Islam laid down certain safeguard for rights of minorities. This assurance was only superficial and soon the minorities realized their rights were not secure in the country. Most of the discriminatory laws against the minorities were passed during this period. Minorities began to be targeted and their place of worship and houses were also burned and destroyed. At the same time blasphemy laws were misused against minorities worsening their conditions further.

1.2 Defining Minorities in the Perspective of Pakistan

At this juncture, it is important to understand what the term minority means. Who are the minorities? and what are the conditions for a group to be defined as a minority? Louis Wirth a sociologist had defined a minority group as any group of people who, because of their physical or cultural characteristics, are singled out from the others majority groups in the society in which they live for differential and unequal treatment and who therefore consider themselves as objects of collective discrimination. The term minority signify discriminations, and in its sociological use, the term subordinate group can be used interchangeably with the term minority, while

⁷ Ibid

⁸ Rizvi, *The Military and Politics in Pakistan 1947-86*, Progersive Publishers, 1986.

the term dominant group is often substituted for the group that is in the majority. These definitions correlate to the concept that the dominant group is that which holds power in a given society, while subordinate groups are those who lack power compared to the dominant group.⁹ Another important definition of minority is given by Charles Wagley and Marvin Harris, they have five points definition; - a minority group is distinguished by five characteristics:

- 1) unequal treatment and less power over their lives,
- 2) distinguishing physical or cultural traits like skin color or language,
- 3) involuntary membership in the group,
- 4) awareness of subordination, and
- 5) high rate of in-group marriage.¹⁰

Sociologist Joe R Feagin also states that a minority group has five characteristics:

- 1) suffering discrimination and subordination,
- 2) physical and/or cultural traits that set them apart, and which are disapproved by the dominant group,
- 3) a shared sense of collective identity and common burdens,
- 4) socially shared rules about who belongs and who does not determine minority status, and
- 5) tendency to marry within the group.¹¹

The most comprehensive definition of minority was offered in 1977 by Francesco Capotorti, special rapporteur of the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities, a minority group is: a group numerically small to the rest of the population of the state and in a non-dominant position, whose members on being nationals of the state have ethnic, religious or linguistic characteristics differing from those of the rest of the population and show an absolutely a sense of solidarity, directed towards preserving their culture, traditions, religion or language. Later in the year 1992 the United Nations Declaration in its

⁹ Wagley, Charles, and Marvin Harris. (1958), *Minorities in the New World: Six Case Studies*. New York: Columbia University Press.

¹⁰ Wirth, Louis. (1945 "The Problem of Minority Groups." *The Science of Man in the World Crisis*, edited by R. Linton: 347. In Hacker, Helen Mayer. 1951. *Women as a Minority Group*. Retrieved December 1, 2011

¹¹ Joe R. Feagin (1984), *Racial and Ethnic Relations*, Prentice Hall, New Jersey.

Article 1, refers to minorities as based on national or ethnic, cultural, religious and linguistic identity, and provides that States should protect their existence.¹²

There is no universally accepted definition as to which groups constitute minorities. It is often stressed that the existence of a minority is a question of fact and that any definition must include both objective factors such as the existence of a shared (ethnicity, language or religion) and subjective factors including that individuals must identify themselves as members of a minority. The term minority as used in the United Nations Human Rights system usually refers to national or ethnic, religious and linguistic minorities, pursuant to the United Nations Minorities Declaration. All states have one or more minority groups within their national territories, characterized by their own national, ethnic, linguistic or religious identity, which differs from that of the majority population.

Pakistan was part of British India and was partitioned on religious ground when the Muslims felt their interest would not be met in so called 'Hindu' dominant India. This is despite the fact that the member of Indian National Congress and Gandhi had adopted a secular constitution.¹³ The partition led to huge migration followed by loss of thousands of lives. Large number of Hindus and Sikhs moved to India and in the same way large number of Muslims moved to Pakistan. Another event that changed the demography of Pakistan was the war of 1971. East Pakistan was dominated by West Pakistan in more than one way. One such way was imposing Urdu as national language. The Bengalis having strong affinity towards their language reacted strongly and finally leading to partition of Pakistan and the creation of Bangladesh. This led to demographic change in Pakistan. The Hindus and Sikhs who stayed back have become minorities in Pakistan. The Christians also constituted sizable population of Pakistan but have turned out to be a minority. There are also different minority sects within Islam such as Shia, Ahmadis, Baralvies ect. Apart from these religious and sectarian minorities are also ethnic and Linguistic minorities the most important are Baloch, Sindhi, Pathan, Hazaras and Saraikis. All these minorities are now facing different kinds of discriminations from the government and violence from both state and non-state actors. The characteristic of minority in Pakistan is the same as

¹² Francesco Capotorti. Study on the Rights of Persons Belonging to Ethnic, Religious and Linguistic Minorities. Geneva UN Center for Human Rights, United Nation.

¹³ Bipan Chanra (1989), India's Struggle For Independence, Penguin, New Delhi

anywhere in the world. They are dominated by majority Sunnis; politically, economically and socially. The study of minorities in Pakistan is interesting because of the constitutional and political system in the country and the policies framed by the government towards minorities particularly the religious minorities are on papers but in reality discrimination, violence or target killing happens frequently.

1.3 Theoretical Framework of Analysis

This study proposes to look into the issue of the religious minorities of Pakistan through exclusion and inclusion theoretical framework. The concept of exclusion is highly compelling because it speaks the language of oppression and enables the marginalized and the victimized to give voice and expression to the way they experience globalization, market forces and politics in religious, feudal and military system in Pakistan. The concept of social exclusion reverberate to those who are denied access to the valued goods and services in the society because of their race, gender, religion, disability etc., or provide inadequate resources to be effective, contributing members to the political and economic life of society, and those who are not recognized as full and equal citizens and participant in society.¹⁴

John Veit-Wilson distinguishes between weak version of social exclusion discourse, which focuses on changing the excluded, and integrating them into society and stronger version of the discourse that focus on power relations between the excluded and those doing the excluding.¹⁵ Within these two versions one can insert an important discussion of political participation. The weak version of the social exclusion discourse would focus simply on the exercise of the franchise as an indicator of political participation. Strong version of the discourse would begin to assess the structural barriers to political participation by the members of radicalized and newcomer communities. In a similar way weak social inclusion focuses simply on political integration of the excluded while strong version approaches to the social inclusion discourse are intimately concerned with rights, citizenship and restructuring relations between radicalized communities and the institutions of political life. In this version, the focus is on the valued recognition and valued participation by those excluded from full participation in political life, excluded in the debate around public policy and excluded from enjoying the benefit of society. Madanipour speaks of

¹⁴ Rajeev Bhargava (2004) Inclusion and Exclusion in South Asia: The Role of Religion, UNDP Report

¹⁵ Viet Wilson, J 1998, Setting Adequacy Standards, Bristol, Policy Press.

social exclusion as a complex multi-dimensional process that combines a number of different forms of exclusion to create acute condition that result in residential segregation. The forms they identify are exclusion from decision making and political process, access to employment and material resources and integration into common cultural processes.¹⁶

The origin of social exclusion terminology can be traced back to France in the early 1970s and was redefined in the 1980s as a response to the problems of sustaining adequate living conditions for those left behind by technological change, economic growth, and economic restructuring.¹⁷ As Gore explains, social exclusion can be referred as the process of social disintegration, a ‘crack’ in the relationship between the individual and society which resulted from structural changes in the economy and seriously impeded the mobility and integration into the labour market of younger workers and created long term unemployment for unskilled workers and immigrant workers. This in turn resulted in increased social problems and a tearing of the social fabric: increased homelessness, increased tensions, and periodic violence. Social exclusion as rupture is linked to Silver's solidarity paradigm - one of three paradigms she uses to link exclusion, citizenship and social integration.¹⁸

The French focus on adequate living standards sought to link social exclusion to poverty. Levitas notes that the term originates with a concern with poverty, inequality and restricted citizenship rights.¹⁹ Like Levitas, Walker and Walker are too cognizant of the need to go beyond a uni-dimensional construct of social exclusion: "we have retained the distinction regarding poverty as a lack of the material resources, especially income, necessary to participate in British society and social exclusion as a comprehensive formulation, which refers to the dynamic process of being shut out, fully or partially, from any of the social, economic, political or cultural systems which determine the social integration of a person in a society. Social exclusion therefore

¹⁶ Madanipour, A., Cars, G. and Allen, J. (eds) (1998) *Social Exclusion in European Cities: Processes, Experiences and Responses*. London: Jessica Kingsley.

¹⁷ Gore, C., (1995), "Introduction, Markets and Citizenship" in G. Rodgers *et al*, *Social Exclusion: Rhetoric, Reality Responses*, Geneva, ILO Publications.

¹⁸ Silver H., 1994, "Social Exclusion and Social Solidarity: Three Paradigms", *International Labour Review*, vol. 133, nos. 5-6, pp. 531-578

¹⁹ Levitas, R, 1996, "The Concept of Social Exclusion and the New Durkheimian Hegemony" *Critical Social Policy*, no16 (1), pp. 5-20

could be seen as the denial (non-realization) of the civil, political and social rights of citizenship.²⁰

For many including Walker and Walker the opposite of exclusion is integration into the labour market or more generally into a broader conception of citizenship with an interlocking set of reciprocal rights and obligations.²¹ The opposite of political exclusion then could well refer to integration into the political process (through voting, through the political party system or more generally through active engagement with the policy process). Exclusion therefore is very much a lived experience and can be quantified. By 1989 the European Economic Community (EEC) began to link social exclusion with inadequate realization of social rights. In 1990 the European Observatory on National Policies for Combating Social Exclusion was established to look at "the basic rights of citizenship to a basic standard of living and to participation in major social and economic opportunities in society". To this we must also add the importance of linking exclusion with the inadequate realization of political rights – including participation in the minor and major political opportunities in society. The link between social exclusion, citizenship and political participation hinges on the degree to which groups of individuals are denied or restricted from participating in the political life of society.

The European Foundation sees social exclusion as the process through which individuals or groups are wholly or partially excluded from full participation in the society in which they are living.²² Duffy similarly notes that social exclusion refers to the inability of the individual or the group to participate effectively in economic social, political and cultural process, and leading to, alienation and distancing from the mainstream society.²³

In Western Europe interest in social exclusion has grown in the face of rising unemployment, increasing migration, increasing social tensions, structural adjustments resulting from the impositions of neo-liberalism. Walker had correctly observed by saying it was ironic that European discourse could have alighted on the

²⁰ Walker, A. and C. Walker (eds), 1997, *Britain Divided: The Growth of Social Exclusion in the 1980s and 1990s*, London, Child Poverty Action Group.

²¹ Bryne, D. 1999, *Social Exclusion*, Buckingham, Open University Press.

²² De. Haan A, Maxwell, S, 1998, "Poverty and Social Exclusion in North and South", *IDS Bulletin*, Brighton, Vol21 (1), pp1-93.

²³ Duffy, K. (1995), "Social Exclusion and Human Dignity in Europe". Council of Europe

concept of social exclusion at a time when market trends, including the creation of a single European market and currency, were generalizing more inequality and insecurity and there was an apparent loss of support for social protection.²⁴ The problem is not with capitalism as an economic system that has engendered significant income disparities and poverty and reproduces multiple forms of oppression and discrimination; rather the problem is the current conjuncture that tends to exclude some groups from the cycle of opportunities.²⁵ The current preoccupation by the European Union with social exclusion is linked to the post-industrial social order crisis affecting developed nations.²⁶ Freiler has identified multiple and varied sources of exclusion including:

- Structural/economic (iniquitous economic conditions; low wages, dual and segregated labor markets etc);
- Historical oppression (colonialism);
- Discrimination
- The absence of legal/political recognition
- Institutional/civic non-acceptance;
- Self-exclusion.²⁷

It is this broad understanding of exclusion and inclusion that the study propose to exploit for its understanding of religious minorities viz; the Hindus and the Christians in Pakistan. In the context of Pakistan the religious minorities, the Hindus and the Christians are kept away from the political participation and decision-making policies. Socio-economically too they are discriminated and kept away from many benefits. The Hindus were targeted, harassed and killed during and even after Babri Mosque demolition in 1991. It was not that the Hindus were not discriminated and harassed before demolition of Babiri Mosque but the point is that things became worse from then onwards. The story of Christians is the same; they have been targeted and killed by the non-state actors and also face discriminatory laws of the state. The incidents of Shanti Nagar 1997, Sangla Hill 2005, Bahmniwala 2009, where houses of Christians

²⁴ Walker, A. and C. Walker (eds), 1997, Britain Divided: The Growth of Social Exclusion in the 1980s and 1990s, London, Child Poverty Action Group

²⁵ Levitas, R, 1996, "The Concept of Social Exclusion and the New Durkheimian Hegemony" Critical Social Policy, no16 (1), pp. 5-20

²⁶ Bryne, D. 1999, Social Exclusion, Buckingham, Open University Press.

²⁷ Freiler, C, 2001, "What needs to Change? Social Inclusion as a focus of Well Being for Children, Families and Communities – A Draft Paper Concept", Laidlaw Foundation, Toronto

were looted first and then burned resulting in loss of properties and many lives. The local authority just watched the carnage but failed to provide any security. The Christians had to run for their lives leaving their belonging and homes.²⁸ After 9/11 things became further worse for the Christians. The extremists targeted and took revenge whenever there was prosecution of Muslims in the western world.

It is also important to understand the role and attitude of the state towards the religious minorities in Pakistan. The religious minorities and women have suffered tremendously because of state legislation, especially on account of the Hudood Laws. General Zia-ul-Haq promulgated these laws to introduce the punishments of Hudood into criminal law, in order to bring it into conformity with the injunctions of Islam as set out in the Holy Quran and Sunnah. These laws were supposedly made to Islamise Pakistani society, and provide justice to the people. However, in the process, the military adopted administrative and legislative measures in an arbitrary, non-democratic and sectarian manner. Apart from legislation on religious lines, a religious court was established by amending the Constitution.²⁹ The minorities are also not politically adequately represented in the provincial and national assembly thus their voice was not heard. The women of other religions have always raised their voice against the laws demanding that the Hudood law should not be applicable to them. This legislation has played havoc with the lives of women of particularly religious minorities in Pakistan due to the inherent flaws and lacunas in the text, and because it has been applied in bad faith by prosecuting lawyers, both public and private. All these exclude the religious minorities from political process and socio-economic benefits. The religious minorities, although they have been given some political rights through voting right, but apart from that they are discriminated in political process and decision making processes. Thus the religious minorities were left behind in the process of development,

1.4 Review of Literature

This research focuses on the socio-economic and political condition of two religious minorities, the Hindus and the Christians in Pakistan. Hence extensive literature review has been done. The first book reviewed is of Mahmud Tayyab (1995),

²⁸ Muhmud, Tayyab, 1995, "Freedom of Religion and Religious Minorities in Pakistan: A Study of Judicial Practice", Fordham International Law Journal, Vol19 No 40, pp. 40-100.

²⁹ Hassan, Kiran. 2011, "Blasphemy, the media and governor Tasser's murder", South Asian journal, No 32; April-January, pp. 64-70.

Freedom of Religion & Religious Minorities in Pakistan: a Study of Judicial Practice it explores the practice of the superior judiciary of Pakistan as it relates to freedom of religion and rights of religious minorities. Pakistan's successive constitutions, which guarantee fundamental rights and provide for separation of powers and judicial review, contemplate judicial protection against unlawful executive and legislative actions. The record of Pakistan's judiciary about protection of the rights of religious minorities is uneven and has gone through three phases. The first phase is remarkable for the unequivocal protection of freedom of religion and religious minorities. The second phase contracted this protection through undue deference to the legislature. In the last phase the judiciary capitulated before the ascendant forces of religious reaction and abdicated its protective role. This article deals with bringing into relief the remarkably divergent pronouncements of Pakistan's judiciary regarding the religious status and freedom of religion of one particular religious group, the Ahmadis, this article examines the context, nature, and doctrinal determinants of judicial practice in all the three phases.

Anh Nga Longva & Anne Sifje Roald (2012), *Religious Minorities in the Middle East, Domination, Self-Empowerment Accommodation*: The book deals with the relationships between the religious majorities and minorities in the Middle East, which is often construed as one of domination versus powerlessness. While this may indeed be the case but to claim that this is always the case is to give a simplified picture of a complex reality. Such a description lays emphasis on the challenges faced by the minorities while overlooking their astonishing ability to mobilize internal and external resources to meet these challenges. Through the study of strategies of domination, resilience, and accommodation among both Muslim and non-Muslim minorities, this volume throws into relief the inherently dynamic character of a relationship which is increasingly influenced by global events and global connections. The book gives a conceptual idea about the minorities and their socio-economic conditions.

Zoya Hasan: (2011), *Politics of Inclusion: Caste, Minorities and Affirmative Action*: Situated at the interface of policy and political processes, this study explores the dynamics and strategies of the state with regard to Muslims and lower castes. It examines the underlying issues that influence state policy towards disadvantaged groups and assesses specific strategies and whether these need rethinking and

reshaping to take India forward in its quest for equality. It also looks at the constitutional framework, the institutional structures, and the responses and debates surrounding the inclusion for lower castes and minorities, especially the emphasis on affirmative action for the former and the continuing opposition to the inclusion of the latter in this framework.

Cohen Philip Stephen, (2005) *The Idea of Pakistan*: The book analyzes the problems that Pakistan is facing today and its causes and also gives an idea what would happen in the future. Cohen, who is considered an expert on Pakistan as he has studied Pakistan for more than forty years, has explored in his book, the history of Pakistan, its independence, becoming home for minority Muslim of India, declaration as Islamic state and the sharing of power between civilian government and army. He explains the struggle between civilian government and army and how army on the pretext of protecting the country from Indian invasion and inefficiency and corruption in government snatched power from the civilian government. The book gives idea about policies and programs of the government and its impact on the people. The minorities who have been excluded from these benefits have lost faith on the government.

Paracha Nadeem Farooq (2016), *End of the Past*: The book explores the political, economic and social conditions right from its independence. It emphasizes Zia's period as the country went through many social and political changes. More draconian laws were introduced that were against religious minorities and also against minority sects of Islam. Pakistan became known as Islamic state and slowly the minorities were targeted and discriminated with the help of state and state sponsored organizations.

Musa Khan Jalalzai (2005), *Islamization and Minorities in Pakistan*: In this book the author has discussed the process of Islamization in Pakistan, Objective Resolution of 1948 and Islamic clauses of constitutions of 1956, 1962 and 1973. The book also contains articles by different scholars, on topics of Islamization under Zia's rule, understanding Islamic laws, religious political parties in Pakistan, Madarasas (a religious institution where importance is given to religious studies) a status of non-Muslim minorities in Islam and their role in Pakistan, Quaid-e-Azam's concerns about the welfare of minorities and blasphemy and its prescribed punishment in the light of Quran. The book is also helpful for research as it discuss different issues of minorities

and religious minorities for instance discriminatory laws, state sponsored violence towards them, exclusion from the political process and limiting their role in nation building.

Adil Hussain Khan (2015), *From Sufism to Ahmadiyya: A Muslim Minority Movement in South Asia*: The Ahmadiyya Muslim community represents the followers of Mirza Ghulam Ahmad (1835-1908), a charismatic leader whose claims of spiritual authority brought him into conflict with most other Muslim leaders of the time. The controversial movement originated in rural India in the latter part of the 19th century and is best known for challenging current concept of Islamic orthodoxy. Despite missionary success and expansion throughout the world, particularly in Western Europe, North America, and parts of Africa, Ahmadis have effectively been banned from Pakistan. Adil Hussain Khan traces the origins of Ahmadi Islam from a small Sufi-style brotherhood to a major transnational organization, which many Muslims believe to be beyond the pale of Islam.

Talbot Ian (2012), *Pakistan A New History*: The book deals with the history of Pakistan and Talbot has divided the history into five phases. The book deals with political, economic and social conditions through which Pakistan has evolved. It looks into the causes of failure of state at certain point of time. The role of the army, in the economic and political sphere of the country and the tradition of ultimately grabbing power from elected governments by the army. Talbot also studies the condition of the minorities and discriminatory attitude of the government towards them.

Pakistan is immensely plural country characterized by religious, sectarian and ethno-linguistic diversities. It has an overwhelmingly Muslim community with more than 80 percent of its population adhering to Islam, yet they belong to several doctrinal groups. Sunni Muslims are the dominant group with Shia Muslim, Ahmadis, Ismailis and Zikris are minorities facing discrimination. In 1974, Zulfikar Ali Bhutto was pressurised by the fundamentalist groups that the Pakistani National Assembly declared Ahmadis a non-Muslim Pakistanis.

The history of Pakistan has been best dealt in the book by Akber (2011), *Tinderbox - The Past and Future of Pakistan*: in which he has made three sections according to the time frame. The first section deals with the advent of Muslims in India till the coming of the British, the second part deals with the British rule and freedom

movements and the last section deals with present day problems of Pakistan. He has questioned fundamentalism in Pakistan, the rights of minorities, discrimination and violence against the minorities and sectarian clashes etc.

Kajsa Ahlstand & Goran Gunner (2011), *Non-Muslims in Muslim Majority Societies: in a world where almost all societies are multi-religious and multi-ethnic, we need to study how social cohesion can be achieved in different contexts. In some geographical areas, as in the Middle East and the Indian subcontinent, people of different religious beliefs have through the ages lived side by side, sometimes in harmony and sometimes in dissonance. In other geographical regions, as in Scandinavia, societies have been quite religiously homogeneous but only recently challenged by immigration. In both locations the relations between religious minority and majority are very much on the agenda. In order to discuss the situation for non-Muslims in Muslim majority societies, a consultation was convened with both Muslim and Christian participants from Pakistan, Palestine, Lebanon, and Sweden. Some of the participants work in academic settings, others in faith-based organisations, some in jurisprudence and others with theological issues. "Non-Muslims in Muslim Majority Societies" is the result of that consultation. The intention of the book is to trigger reflection and further thinking, through papers that discuss issues such as freedom of religion, minority rights, secular and religious legislation, and inter-religious dialogue in Muslim majority societies. Although the articles are presented as 'works in progress' and remain tentative in many of their conclusions, this book is an important contribution to the global debate over religious tolerance and religious pluralism.*

Shikha Dilawri (2014), *Searching for Security: The Rising Marginalization of Religious Communities in Pakistan:* The book examines religious communities such as Ahmadis, Christians and Hindus who have suffered discrimination in Pakistan for decades, their persecution has intensified in recent years and has now reached critical levels. Drawing on an extensive review of published research and interviews with a range of activists and minority representatives, this report explores the key drivers of Pakistan's continued religious discrimination at both an institutional and social level. On this backdrop of discrimination against them much of the actively are promoted by government policies, national legislation and law enforcement agencies and hence in turn enables extremist groups to attack certain communities with impunity. As this report highlights, addressing these institutional and social inequalities is essential if

security for all Pakistan's communities is to be restored. Furthermore, the persecution in Pakistan is both a cause and a symptom of the broader deterioration in human rights and governance. The protection of these groups, in collaboration with civil society groups, religious leaders, law enforcement agencies and other stakeholders, is therefore an urgent priority. Failure to do so will not only continue to threaten the country's diversity, but also the future stability of the country.

Sadia Saeed (2017), *Politics of De-secularization: Law and the Minority Question in Pakistan*: The movement away from secularist practices and toward political Islam is a prominent trend across Islamic politics. Yet this shift remains under-theorized. Why do modern Islamic politics adopt policies, schemes and programs that explicitly cater to religious sensibilities? How are these encoded in law and with what effects? This book tends to answer all these questions and also addresses these questions through examining shifts in Pakistan's official state policies toward the rights of religious minorities, in particular the controversial Ahmadiyya community. Looking closely at the 'Ahmadi question', Saeed develops a framework for conceptualizing and explaining modern de-secularization processes that emphasizes the critical role of nation-state formation, political majoritarianism, and struggles between 'secularist' and 'religious' ideologues in evolving political and legal fields. The book demonstrates that de-secularization entails instituting new understandings of religion through processes and justifications that are quintessentially modern.

Javaid Rehman (2000), *The Weakness in the International Protection of Minority Rights: A Study with Particular Reference to the State Practice of Pakistan*: The issue of minority rights continues to occupy a sensitive position in international law. The book has attempted to analyse the rights of the minorities in international law and has dealt with a number of issues of fundamental importance. Thus the book focuses on the conceptual analysis of the rights of minorities on international level and national level. This helps to compare the rights enjoyed by the minorities in a country like Pakistan in accordance with the laws framed at international level, of which Pakistan is a signatory. Historical as well as contemporary events show that the subject is also capable of engulfing the international community as a whole. Minorities, especially the religious minorities in Pakistan have been suffering socio-economic and political discrimination and violence by other majority groups. To make things worse this violence and discrimination is backed by the state machineries and agencies, leaving

no place for these minorities to go. The contention of the present study is that international law is in itself a difficult medium for providing adequate rights for minorities and for effectively safeguarding those rights. This volume analyses the weaknesses in the international protection of minority rights through a detailed examination of the practices and policies of Pakistan. Thought-provoking and original in its approach, this volume will prove to be of enormous value to international human rights lawyers and to research scholars engaged in the study of minority rights in South-Asia and Pakistan.

Zulfqar Shah (2014), *Decline of Pakistan*: The book gives idea of how broader ethnic diversity that could have become a vital motor for progress in Pakistan has now become the source of an ethnic divide and antagonism, mostly due to the military and security establishment's preference of some ethnic group over the others. The unwritten constitution of the Pakistani establishment has one guiding principle these are; dividing lines between hard-core Pakistanis and second, third and fourth rate Pakistanis. Thus, trust and faith in participation in statecraft has been prejudicial and exclusionary since the predominantly Punjabi security establishment believes in excluding citizens belonging to other religions, language and ethnic groups. The prioritization resulted in the inclusion of some ethnic groups in the political process and the exclusion of others like Sindhi and Baloch, as well as Hindu, Christians, Shias and Ahmadis, creating the foundations for ethnic conflict, interest strife, freedom movements and warfare in Pakistan. The book also discusses the anarchy that has engulfed the Pakistani state apparatus. The conflict between the civilian population and non-civilians is at the centre stage. The civilian population includes the pro-civilian fold, the upholders of civilian dominance in statecraft in the form of political parties, elections, social groups, dissenter individuals and pro-civilian elements. The pro-military fold includes serving and retired armed forces personnel and military-associated intelligence fraternity, pro-military elements within the political parties and civil bureaucracy and part of civil society. Also the two groups; military and mullah are crosscutting elements in Pakistan. They have impact on almost every social groups and schools of thought of the state and society.

Husain Haqqani (2005), *Pakistan between Mosque and Military*: Among allies in the war against terrorism, Pakistan cannot be easily characterized as either a friend or a foe of America. Nuclear-armed Pakistan is an important centre of radical Islamic

ideas and groups. Since 9/11, the selective cooperation of President General Pervez Musharraf in sharing intelligence with the United States and apprehending Al Qaeda members has led to the assumption that Pakistan might be ready to give up its longstanding ties with radical Islam. But Pakistan's status as an Islamic ideological state is closely linked with the Pakistani elite's worldview and the praetorian ambitions of its military. This book analyzes the origins of the relationships between Islamist groups and Pakistan's military, and explores the nation's quest for identity and security. Tracing how the military has sought United States' support by making itself useful for concerns of the moment while continuing to strengthen the mosque-military alliance within Pakistan. The book offers an alternative view of political developments since the country's independence in 1947.

A D Asimi (2010), *The Christian Minority in Pakistan*: The book discuss Christian minority created by foreign Missions during the British Raj. The small Christian community in the Pakistan area has existed for nearly one hundred and fifty years. Due to its low socio-economic and elemental religious background, it has always suffered from an image problem. Under the British Raj, the security and well-being of this community was assured to a very large degree. But with the establishment of Pakistan-a constitutionally Islamic state and society-the circumstances of this small minority have drastically changed. Less than two percent of the population, this minority is being constantly challenged on socio-economic and religious grounds. The Islamic elements in the land are ill-disposed toward it and, every now and then, resort to lawlessness towards members of this small minority. The author of this book has attempted to sharpen awareness of the problems of the Christian minority in Pakistan, and has proposed some steps that might alleviate these problems to a certain degree, including the development and practice of an Islam-reconciled Christianity. The thrust of his argument is that, when one is decidedly weak, and must remain so for the foreseeable future, it is best to acknowledge it and behave accordingly. One cannot safely dwell in the water while being on the wrong side of the crocodile.

Rita Manchanda (2009), *The No Nonsense Guide to Minority Rights in South Asia*: is a practical primer on issues related to minority rights in South Asian countries. It delves into all major concepts and cutting edge theories that constitute the evolving minority rights discourse. The 'minority' in South Asia is typically characterized by 'non-domination' and powerlessness, two major markers apart from language, culture,

religion and ethnicity. This book explores the process of this kind of ‘minoritization’ in the region, evaluating the weaknesses of constitutional and legal frameworks that contribute to it. In doing so, it examines in detail the State’s role in the socio-political and economic recognition, protection and exclusion of minorities from the political and socio-economic process of Pakistan.

By taking a rights-based approach, the book argues that nation-building in South Asia has been devoid of the commitment to expand the democracy and equality agenda and has instead been dominated by majoritarian and authoritarian policies. While elaborating on such politics of recognition and inequality, the author goes on to explore and analyze the ethnic composition of each South Asian country, India, Pakistan, Nepal, Bangladesh, Sri Lanka and Bhutan. She also highlights the role of minority agencies in resisting injustice and exclusion, thus providing a comparative and holistic understanding of the minorities in Pakistan and especially the religious minorities such as the Hindus, the Christians the Ahmadis and the Shias. This book is an important reference resource for students and academics working in the areas of politics and international relations, especially on human rights, minority rights and state-building. It will also be a useful guide for activist and research scholars.

O’Brien John, (2012), *The Unconquered People, The Liberation Journey of an Oppressed Caste*: This book deals with the history of the ethnography and liberation journey of the aboriginal, forest dwellers and hunting tribes who were later brought into the main stream and who in recent time are known as the Christians and the Punjabis. The author also lays emphasises on the enculturation of the Christian among the people. The book also deals with their dislocation during partition in 1947 and other factors that contributed to a turn towards Catholicism. It also traces their growing exclusion due to the progressive Islamization of the state of Pakistan especially through discriminatory and arbitrary enforcement of the Blasphemy Law.

Ispahani (2015), in her book, *Purifying the Land of Pure: Pakistan’s Religious Minorities*: studies the condition of minorities at different phases from the beginning of creation of Pakistan. Her analysis on the condition of minorities, phase wise, but has given more emphasis on Zia’s rule. The book extensively deals with Pakistan’s policies towards its religious minorities, Muslims as well as non-Muslims, since independence. Pakistan was created on the basis of religion and to protect the largest

religious minority in South Asia. In the later years some of the religious and political leaders declared that the objective of creation of Pakistan was to set up an Islamic state. Thus to make the Islamic State pure, the other religious minorities had to be either converted or killed. Thus during the period of Zia different discriminatory laws were passed which made conditions of other religious minorities more difficult.

Ahmed, Khaled (2012), *Sectarian War: Pakistan's Sunni-Shia Violence and its Link to the Middle East*: The book traces the roots of the sectarian conflict in the pre-partition India and developments in the Middle East, especially Saudi Arab and Iran. Their proxy war in Pakistan and its impact on political, economic and social conditions have affected the people and their development. It also discuss the Islamization during the period of Zia and laws passed during his time to make the country an Islamic state thus giving rise to sectarian violence and target killings.

Jaffrelot, Christophe (2005), *Pakistan Nation, Nationalism and the State*: The book discusses the idea of Pakistan as a nation and how it has coped to live as a nation where there are many difficulties. It gives idea about the country's extremely complicated political crisis giving rise to many questions. It also deals with definition of identity, the interaction of religion and ethnic factors, and deeply flawed institutionalization of democracy. The books also deal with different ethnic groups and their resentment towards central government.

Shahid Siddiqui, (2016), *Education Policies in Pakistan Politics, Projections and Practices*: The book analyses the socio-economic and political context to understand the processes of planning and implementing education policies. The major themes covered are vision and goals, universal primary education, literacy, female education, language issues, higher education, technical and vocational education, special education, religious and madrassah education, curricula and textbook, and teachers and teacher education. Each theme is tracked through policies set in motion from 1947 to 2009, when the last education policy was offered. The book is of immense help for the research as it focuses on education of minorities and discrimination faced by them on curriculum.

Rashida Qureshi and Jane Rarieya (2007), *Gender and Education in Pakistan*: The book gives details about the gender inequality in Pakistan and discrimination among the society. Pakistan ranked 143 among 144 countries in gender equality in 2016. This

shows that there is a huge gap in gender equality. The book goes on to discuss discrimination met towards minorities especially religious minorities in Pakistan. Hence, there is immediate need to bridge the gap.

Rashida Patel (2010), *Gender Equality and Women's Empowerment in Pakistan: In* this book, the author provides an overview of different forms of discrimination faced by Muslim women in Pakistan. She focuses on socio-legal problems related to the private sphere such as marriage, divorce, violence against women, etc. The five chapters of this book focus on violence, honour killings, nuptial concerns, divorce, and reproductive rights. By doing so, it brings up different aspects of social and legal discrimination against women and girls in the private sphere and in their families. Within these fields, a variety of specific forms of gender inequality concerning different aspects of family or individual life are identified. For instance, it highlights the state of insufficient health care provision for women, unequal rights for female spouses in marriage as well as divorce, or different forms of violence including gang rape and honour killings. The book approaches these issues from a predominantly legal perspective. On the basis of various legal texts, for example the Pakistan Penal Code 1860, the Criminal Procedure Code 1898, the Zina Ordinance and Case Laws, the author reveals that discrimination against women is deeply entrenched in the legal body of the country.

The book also points out the discrimination meted out to women of minorities especially religious minorities. They are excluded from socio-economic and political sphere. They are often harassed and barred from getting any benefits. Even if there are legal provisions in favour of women and girls, they are often ineffective. They are not put into practice because of a lack of knowledge, cultural obstruction, or insufficient political will on behalf of the responsible institutions such as the police or courts. Furthermore, women in Pakistan are incapable of claiming their rights due to socio-cultural and economic obstacles or their lack of education and awareness. In particular, the section on violence against women reveals that women are legally discriminated against to such an extent that there is effectively a culture of impunity for the perpetrators. As such, it is difficult for women to obtain justice. However, Patel does not stop at denouncing deficits and inadequate behaviour. Instead, once they are identified she proposes concrete legal amendments or practical measures,

which stem from her knowledge of both the legal system as well as the situation of the female population in Pakistan in order to improve their situation.

Ravi Kalia (2011), *Pakistan From the Rhetoric of Democracy to the Rise of Militancy*: The book focuses on number of socio-economic and political issues of Pakistan. From the beginning Pakistan was facing these problems but it became more prominent from early 70s. Pakistan founded on fear of 'Islam in danger' and promising to provide safe place for the minority Muslims after independence in a separate territorial boundary called Pakistan. Thus Islam is in no danger in Pakistan but now the leaders have not been able to unite the Muslims in Pakistan as they did during pre-independence. Thus, if one ask what is to be Pakistani?, one gets different and diverse answers as the Pakistani polyglot population, which while attempting to rid itself of its syncretistic Indian inheritance attempted to identify itself with Middle East. The dilemma of conflicted identity is best captured by the Pakistani Urdu poet Imtiaz Hussain, "you Muslims.... are always looking towards the deserts of Arabia, but for your graves you prefer the shade of India". Pakistan has become more intolerant towards other religious minorities. The state is unable to act against the extremist as they feed on the religious leaders and military plays major role in the affair of the state. At present Pakistan is viewed by the world as a client state of the U.S., Saudi Arabia and China, an international school for training jihadi terrorists, proliferators of nuclear technology, a theocratic state on the brink of bankruptcy, a government that is controlled by the military and nation in an unending conflict with its neighbours. The book seeks answers to these questions and its global implications.

Ravi Kalia (2016), *Pakistan's Political Labyrinths Military, Society and Terror*: The book gives idea about Pakistan's current political and socio-economic condition and the role played by military. It also deals with Pakistan's foreign policies and relations especially with America. The book also throws light on American's policy towards Pakistan and its fight against terrorist in the region with the help of Pakistan.

Kausar Parveen (2013), *The Politics of Pakistan Role of the Opposition 1947-1958*: The book focus on the problems of the political instability from various angles. Pakistan had experienced comparatively stable government in the post-colonial period till 1954 under one party at the centre and the province, Pakistan Muslim League (PML). After 1954 many parties emerged and wanted their share in political arena but

no party could get majority so coalition governments had to be formed which resulted in instability which led to country-wide martial law of 1958. The book analyzes the importance of opposition in Pakistan and the role it played in nation building.

Ayesha Jalal (2014), *The Struggle for Pakistan: A Muslim Homeland and Global Politics*: According to Ayesha Jalal, a professor of history at Tufts University, if there is one country in the world where the echoes of the past reverberate in the present with great destructive force, it is Pakistan. Created as a Muslim homeland in 1947, it had to begin with almost nothing in hand to govern itself. Unlike India, which had a centre, a capital and an administrative system built over a century, the new country had to start from scratch. In the cavalier words of Louis Mountbatten, India's last British Governor General, "As far as Pakistan is concerned we are putting up a tent. We can do no more."

The book focuses on Pakistan's unending quest for converting its administrative tent into a well-oiled state by systematically strengthening its bureaucracy and armed forces resulting in contradictions. Through skilful politics Muhammad Ali Jinnah managed to get the nation he wanted but he broke the unity of India that made it possible to run the country. India escaped the consequences of 1947 relatively unscathed in administrative and political terms but Pakistan did not. The quest for security gave democracy a rickety start. By 1958 the military had broken the back of the political system. The book charts this story right until the present. It tells the story of her country's quest for security and cohesion with great acuity. Each cycle of military intervention, from the first in 1958 to the latest in 1998 began as an effort to strengthen central authority but ended up weakening it.

The interval marked by the civilian rule, had heavy lifting to do. On the one hand elected leaders had to keep the military at bay, an illusory quest, and on the other hand, they had to strengthen the political system so that it could cope with the many demands of democracy. They never succeeded in doing that. The net result is that Pakistan's political evolution is "frozen" between repeated cycles of military and civilian rule.

This has had an obvious impact on the writing of its history. "The Struggle for Pakistan" is Jalal's second book on Pakistan's history and third if one includes *The Sole Spokesman: Jinnah, the Muslim League and the Demand for Pakistan*: (1985).

Her latest book covers a much larger period—from 1958 to virtually the present day, almost 65 years. Coupled with the introductory chapters on Pakistan's origins and the decade 1947-58—the fateful years that have shaped its future ever since—the book has a thinness about it. But the huge time span it covers is only one reason for the thinness: when coupled with the recurrence of the same phenomenon, even a talented historian can only say that much.

The obvious question to ask is to why Pakistan is unable to break with its past? Here unfortunately Jalal has little to say except point to the enmeshing of military rule with geopolitical upheavals in the country's neighbourhood. Three rounds of dictatorship—under Ayub Khan (1958), Zia ul Haq (1978) and Pervez Musharraf (1999) coincided with the Cold War, the Soviet invasion of Afghanistan and American takeover of Afghanistan. It is easy to blame the pernicious influence the U.S.A. has had over Pakistan in each of these periods for its misfortunes. But that is only one half of the equation the emergence of the military as an independent force is a wholly indigenous development that dates back almost to the starting point of the country.

Ayesha Jalal is not alone in blaming the army for the mess. There is now an array of Pakistan scholars like Aqil Shah, Farzana Shaikh and others who say this openly, backed by impressive work. But so much water has passed through the Indus that these scholars, Jalal in particular, have acquired an identity as Pakistanis and their scholarship and feelings are too intertwined for them to ask a theoretical question: Was Pakistan a mistake? The book goes on to find the answers to this question.

Ayesha Jalal (1994), *The Sole Spokesman Jinnah, The Muslim League and the Demand for Pakistan*: The book, which was her Ph.D. thesis, was published as a book in 1982 first. The book examines the role played by Mohammad Ali Jinnah and Muslim league during pre-independence in uniting the minority Muslims in India and raising the demand for Pakistan, a separate territory for the Muslims. Jalal also goes on to justify Jinnah's demand for Pakistan as all the other methods had been exhausted. The book has emphasized that the partition of 1947 was no more a partial solution to the Muslim minority problem in the subcontinent. The point has been made more poignant by the resurgence of communal tension in India and repercussions in Pakistan and Bangladesh. Apart from targeting their own non-

Muslim minority citizens, Pakistan and Bangladesh can merely look helplessly across the borders at the plight of India's Muslim minority under siege.

Farhat Nasim, (2011), *Problems of Democracy in Pakistan 1999-2007*: This book examines the comprehensive definitions of democracy, types, models, institutions and conditions for democracy. It will provide the insight on the short democratic history of Pakistan since 1947-2007, with special reference of military's role in destroying the institutions of democracy and problems of democracy in Pakistan from 1999-2007. The book will also help to understand the future of democracy in Pakistan and the micro study will also help to know about the public opinion regarding democracy. The book is helpful in understanding the conditions of minorities in Pakistan specially the religious minorities. It gives us idea about the undemocratic means used for discriminating them from socio-economic and political spheres.

Rashid, Ahmed, (2012), *Pakistan on The Brink: The Future of Pakistan Afghanistan and the West*: The book gives idea about Pakistan's political crisis and its role as geo-strategic country in the region. The book studies how the policies and programs of the west, especially America's impacted Pakistan. Pakistan's relations with America have been sour and Pakistan had to walk on the tight rope. Its foreign policies have suffered as the relations with India and Afghanistan have also deteriorated.

Cohen, Stephen, (2011), *The Future of Pakistan*: The book examines different political and economic problems faced by Pakistan. Its strategic geopolitical location has drawn the western power's attention in fighting global terrorism. It also deals with resentment against the government by different ethnic groups and religious minorities.

Hussain, Zahid, (2010), *The Scorpion's Tail*: The book gives idea about how Islamization has happened in Pakistan and its impact on the society. There has been a rise in radical movements and the minority groups and sects have to face the wrath of it. The territory of Pakistan has been used by foreign fighter of Al Qaeda and Taliban to wage holy war against the West and sometime against Pakistan.

Singh, Jaswant (2009), *Jinnah India-Partition Independence*:: The book explores the political history of Pakistan, how partition was preordained and how Jinnah played an important role in it. Singh has thrown light on Jinnah during freedom struggle and later when he became champion of Muslim. He also focuses on the causes for the

change in the attitude of Jinnah from ambassador of Hindu-Muslim unity to champion of Muslims for their separate homeland. Nawaz, Shuja (2008), *Crossed Swords: Pakistan Its Army and the Wars Within*: The book examines the role of the army of Pakistan during peace and war and its importance as one of the main institution in the country. It focuses on different coups and their impact on political and economic condition of the country. The book is helpful, as without understanding the role and importance of army in Pakistan, any study remains unfinished.

Aqil Shah, (2014), *The Army and Democracy: Military Politics in Pakistan*: Since Pakistan gained independence in 1947, only once has an elected government completed its tenure and peacefully transferred power to another elected government. In sharp contrast to neighbouring India, the Muslim nation has been ruled by its military for over three decades. Even when they were not directly in control of the government, the armed forces maintained a firm grip on national politics. How the military became Pakistan's foremost power elite and what its unchecked authority means for the future of this nuclear-armed nation are among the crucial questions Aqil Shah takes up in the book. Pakistan's and India's armies inherited their organisation, training and doctrines from their British predecessor, along with an ethic that regarded politics as outside the military domain. But Pakistan's weak national solidarity, exacerbated by a mentality that saw war with India looming around every corner, empowered the military to take national security and ultimately government into its own hands. As the military's habit of disrupting the natural course of politics gained strength over time, it arrested the development of democratic institution and hence Pakistan could not develop like India because it lacked organized institutions and leadership and will power. Pakistan has gone through lots of tough time for instance half of its history is under military rule and no civilian government has ever completed its full term in office. And the nexus between the military and the hardliners has always done harm to Pakistan and to the religious minorities. Based on archival materials, internal military documents and over 100 interviews with politicians, civil servants and Pakistani officers, including four service chiefs and three heads of the clandestine Inter-services Intelligence, "The Army and Democracy" provides insight into the military's contentious relationship with Pakistan's civilian government. Shah identifies steps for reforming Pakistan's armed forces and reducing

its interference in politics and sees lessons for fragile democracies striving to bring the military under civilian control.

Farzana Shaikh (2009), *Making Sense of Pakistan*: Pakistan's transformation from a country once projected as a model of Muslim enlightenment to a state now threatened by an Islamist take over dominates the headlines. Many account for the change by pointing to Pakistan's controversial partnership with the United States since 9/11; others see it as a consequence of Pakistan's long history of authoritarian rule, which has marginalized liberal opinion and left the field open for inroads by the religious right. Farzana Shaikh argues that while external influences and domestic politics have unquestionably shaped the direction of change, the country's social and political decline is rooted primarily in uncertainty about the meaning of Pakistan and the significance of 'being Pakistani'. She shows how this has pre-empted a consensus on the role of Islam in the public sphere, which has encouraged the spread of political Islam. It has also widened the gap between personal piety and public morality, corrupting the country's economic foundations and tearing apart its social fabric. More ominously still, it has given rise to a new and dangerous nexus between the country's powerful armed forces and Muslim extremists. They have been rival contenders in the struggle to redefine the meaning of Pakistan but their convergence, enhanced by internal and foreign conflicts, has led to the militarization of society and the Islamization of the military. Drawing on her earlier work on the origins of Pakistan, Shaikh demonstrates how the culture and ideology that constrained Indo-Muslim politics in the years leading to Partition in 1947 have left their mark on the country. In this broad yet discriminating study, these insights from history are skilfully deployed to better understand Pakistan's troubled present.

Tariq Ali, (2003), *The Clash of Fundamentalisms: Crusaders, Jihads and Modernity*: The books look into the history of early Islam and how radicalization began and the causes behind it. Ali also focuses on how Muslim world sees west especially America as their enemy. After 9/11 there has been a major change in the policies of the West and America towards the Islamic states. Pakistan due to its strategic geopolitical location has become a main partner in the fight against terrorism. Pakistan's role in the war against the global terrorism along with West and America has great impact on its political and economic and social spheres.

Zamindar, Vazira Fazila-Yacoobali (2007), *The Long Partition and the making of Modern South Asia Refugees, Boundaries, Histories*: The book gives an account of partition and its affect on both the countries. The problem of refugees and migration and the formation of new boundaries were serious issues, which both India and Pakistan failed to work out properly. People suffered on the both sides by losing lives and properties that has left deep scars, never to be erased.

Ullah, Haroon K, (2014) *Vying for Allah's Vote: Understanding Islamic Parties, Political Violence and Extremism in Pakistan*: The book explores the relations between religion, politics and policies and how they are intertwined It also discusses the rise of extremism and political violence toward religious minorities and other minorities. It also focuses on the status of the women and the discriminatory policies of the government.

Razvi, Murtaza (2009), *Musharraf: The Years in Power*: The book explores the political and socio-economic condition of Pakistan during the Musharraf period. It deals with different policies that were followed during his rule and its impact on the minorities. It also has a chapter on women's issues throwing light on the condition of women specifically those belonging to the minority groups.

Ali, Tariq (2008), *The Duel: Pakistan on the Flight Path of American Power*: The book examines the history of Pakistan and its political crises. It focuses more on Musharraf's period, his policies, both domestic and foreign and his alliance with America in the war against terrorism and its impact on Pakistan.

Casey, Ethan (2005), *Alive and Well in Pakistan*: The book analyses Pakistan, its people and political and economic problems faced by them. The author throws light about how Pakistan is perceived in the west and what it actually is in reality. The book focuses on Musharraf, his achievements and his failures. The book also looks into the socio-economic and political situation in Pakistan.

Anatol, Lieven (2012), *Pakistan: A Hard Country*: The book gives idea about the social fabric, tribal societies and people, their political, economic and social conditions, the rise in extremism and failure of the state to control it. The author is of the opinion that Pakistan is not a failed state, as many think in the west and in America. Although there are many problems, it is stable and continues functioning

and the West and the Americans should not interfere in the internal affairs of the country.

Nasr, Vali (2006), *The Shia Revival*: The book deals with the differences between Shias and Sunni sects, their history, practices and culture. The book traces how and why sectarian violence began and what is its impact on Pakistani society. It also discusses how Iran and Saudi Arab are involved in proxy war in Pakistan and the impact on the political and socio-economic conditions of the country.

Center for Research and Security Studies (2013), “Blasphemy Laws in Pakistan: A Historical Overview”: The report gives detailed analysis about blasphemy laws. It reviews its history, how it was implemented and why and when amended and how in General Zia’s period more stringent laws were added and how these laws were misused against the religious minorities and other minority groups. The radical Sunnis were encouraged and sectarian violence and target killings began in Pakistan.

Farah Mihlar (2014), “Everything Has Shattered - Rising Levels of Violence Against Shi'a and Hazara in Pakistan”: This report has drawn attention of the researchers, the academicians as well as human rights activists. The attacks by extremist groups against Pakistan’s Shias have been on the increase since the 1980s, but targeted killings reached unprecedented levels in 2013, with some 700 Shias murdered. Many of those killed were Hazara Shias in the province of Baluchistan. The death toll exceeded the previous high of 2012, described by Human Rights Watch as ‘the bloodiest year for Shias in living memory. The recent attacks have mostly been carried out by three militant groups - Sipah-e-Sahaba Pakistan (SSP), Lashkar-e-Jhangvi (LeJ) and the Tehrik-e-Taliban Pakistan (TTP). All three follow an extremist Sunni Islamic ideology under which the Shias are deemed as heretics and apostates, punishable by death. These groups are also engaged in anti Shias propaganda and hate speeches at every level of Pakistani society. As a result, Pakistani Shias throughout the country are living in constant fear. This briefing paper provides an analysis of the present situation of the Shia and Hazara communities in Pakistan. It details the manner in which they are targeted and the nature of these incidents. It also discusses the role of the state, in some cases failing to take sufficient action against the perpetrators, in others accused of collusion. It concludes with recommendations to the international community and the Pakistan government. In addition to a desk review of

recent statistics and reports on the situation of religious minorities in Pakistan, this briefing draws on primary field research. The author travelled to Islamabad in December 2013, where she conducted in-depth interviews with 10 Hazaras and five Shias activists. At the time, due to the threat of an imminent attack against Shias, many other activists were not available for interviews. For security reasons, the names of those interviewed were changed.

Savita Pamdey (2005), *Politics of Ethnic and Religious Minorities in Pakistan*: Pakistan remains a treasure trove for research on all the theoretical concepts and their practices that social scientists can think of in a developing country. It is a conglomerate of diverse ethnic groups having various political, linguist, racial and religious affiliations, moulded into a weak constitutional structure. Since independence, politics in Pakistan has been a sum total of conflicts rooted in the frictions within these various ethnic groupings. This book deals with the politics as it has evolved in this ethnic fusion in Pakistan and the growth of political culture surrounded by it. The towering distinctiveness of the province of Punjab or the Punjabi identity from the beginning has been the majority identity. It has overshadowed other provinces of Pakistan. That is why every other province with its distinct ethnic identity in the country suffers from the functional minority syndrome. This book seeks to find the equation that has grown surrounding the efforts of creating a single national identity by the province of Punjab and the struggle of the other provinces to maintain their respective culture, traditions, language and political voice within Pakistan. Apart from making an attempt to search out the uniqueness of the politics of ethnicity within the various provinces of Pakistan and the manner in which it has in turn created a distinct political character of the nation, the book also deals with the role of religion in the politics of the country in the context of legally accepted minorities and the religious minorities in the Islamic state.

Ahmed, Feroz (1998), *Ethnicity and Politics in Pakistan*: This book deals with ethnicity and politics in Pakistan during the last 25 years. The author has reinterpreted the account of events related to ethnic politics in Pakistan. He analyses ethnic and class disparities and explains the root causes of the problems.

Cara, Cilano, (2011), The book *National Identities in Pakistan*” examines how literature of those who remained Pakistanis acts as a cultural response to the threat the

war posed to the nationalist identity. It provides an analysis of the writing by Pakistani authors in their attempt to deal with the radical shock of the war and shows how fiction about the war helps readers imagine what the paring down of the country means for any abiding articulation of Pakistani group identification. The author discusses English and Urdu language fictions in the context of the historical debate about Pakistani nationalism, including how such nationalism informs literary culture, and in the contemporary interest in official apologies for the past. The author organizes the literary analysis around four key issues like the domestic sphere and the family; the territorial limits of citizenship; multiculturalism, class, and nationalist history; and diasporic imaginings of the nation. These issues resonate across the fictions in both languages and the author's analysis of them traces how these works grapple with changing notions of what it means to be a Pakistani after the civil war and offers an interesting discussion to studies on South Asia. Urdu is the national language spoken and understood by only 10 percent of the population, while others speak regional languages such as Baloch, Panjabi, Pashto and Sindhi among others. The Urdu –speakers are mainly immigrants from India or their descendants who at the time of partition in 1947 opted for this predominantly Muslim homeland and left the Hindu-majority India. Partition and more recent migrations have greatly contributed to Pakistan's socio-cultural and ethnic plurality. After East Pakistan achieved independence in 1971, there was huge movement of Muslims known as 'Biharis' to present day Pakistan who settled in Karachi, adding number to Urdu speaking citizens. Also during Afghanistan invasion by Russia large number of Afghan refugees settled in Pakistan. All these have affected the demography of Pakistan.

In the wake of the Babri Masjid demolition, carried by an organized Hindu hardliners such as Bajrang Dal, Rastriya Swayamsevak Sangh, (RSS) Vishva Hindu Parishad, (VHP) etc which was followed by blasts in Mumbai, and a wave of communal violence across the country, what happened and is still happening to Muslims in India is reasonably well documented. But what Hindus in Pakistan were made to go through back then, and to date, as fallout of the demolition, hardly receives our attention beyond occasional news items appearing in the media—often based on secondary sources.

Khalid Haroon (2013), *A White Trail; A Journey into the Heart of Pakistan's Religious Minorities*: The book deals extensively with minority's problems in

Pakistan. It is a matter of fact that religious minorities in Pakistan—not just Hindus, but others as well—are routinely persecuted, both by state and non-state actors. However, all that we get to know about these communities is through the much-hyped media reports or the propaganda literature that is produced by Hindutva organizations, claiming to be saviour of Hindus in Pakistan as it claims in India. Neither is helpful for building a nuanced understating of the situation and reducing persecution of religious minorities in Pakistan. The stories of the other religious minorities—Christians, Zoroastrians, Bahaiis and Sikhs—are no less heart breaking. Like Hindus, Christians have been persecuted for what their co-religionists are doing to Muslims in other countries. If the demolition of Babari Masjid was a point of revenge against Hindus, Post-9/11 policies of western countries became a point of reference to harass and discriminate against Christians in Pakistan. The author, in the introduction, makes a very valid and important point, which answers an often asked question for those working with minorities in their respective countries. To the question, “So will you portray a negative image of the country?” the author’s answer is categorical: “Firstly, if the minorities are being persecuted, which indeed they are, and then there is a crying need to highlight those instances, with the process of rectifying it being a second step. The solution is definitely not to hide the dust under the carpet.”

Niaz, Ilhan (2010), *Culture of power and governance of Pakistan 1947-2008*: Niaz argues that a nation cannot be formed on the basis of religion only. He also deals with socio-economic status of people. Also there has been institutional discrimination of minorities. The author deals with the policies of the state towards the minorities and how it affects them. The lack of good governance in the country has resulted in the deteriorating condition of the minorities.

Ahmed Akbar (1997), *Jinnah, Pakistan and Islamic Identity – The Search for Saladin*: The book deals with the constitutional rights of the people. Article 25 of 5 (1) of the Constitution of Pakistan describes that all citizens are equal before law and are entitled to equal protection by the law. The constitution of any state is a sacred book and it is for the entire nation. It is without any bias, prejudice or discrimination against any individual, caste, gender or religion etc. There cannot be discrimination with any citizen on any basis. Unfortunately constitutions in Pakistan have been formulated against the vision of the father of the nation, the Quaid-e-Azam, Muhammad Ali Jinnah, the vision that he presented in the First Constituent Assembly

of Pakistan on August 11, 1947. There was no need to promote the concept of two-nation theory that is why he negated it and promoted nationalism in his maiden address. It is unfortunate that his masterpiece address could not become a blue print for the Pakistani nation. He very clearly said that Hindus are free to go to the temples; Muslims are free to go to the mosques or to any other place or worship in this state of Pakistan. People may belong to any religion or caste or creed that has nothing to do with the business of the state. He further says that we should keep that in front of us as our ideal and you will find that in course of time Hindus would cease to be Hindus and Muslims would cease to be Muslims, not in the religious sense, because that is the personal faith of every individual, but in the political sense as citizens of the State. But sadly the dream of the Father of the Nation was not transformed into reality. According to the minorities, constitution of Pakistan has failed to provide them shelter, protection and equal status as it has been declared an Islamic state that promotes only Islamic teachings and values.

Ali & Rehman (2001), "Shariat Law in Pakistan": deals with Islamic Ideology Council and Federal Shariat Court (FSC). Articles 29, 30, 33, 36, 37 and 40 include the need for Muslim children to be provided instructions in 'Islamiyat' (religious course in school) to enable them to develop themselves. National education policies are formulated keeping in mind the majority religion and minorities are kept aside in consultation and writing of the textbooks.

Khan Sarfaraz (2014), *The Constitution of Islamic Republic of Pakistan*: the book deals with constitutional safeguards of minorities and how they are not applied in reality. There are biases and propagation against the minority religions and their civilizations in the textbooks and reason is simply that there is intolerance, unacceptability and violation of human rights. The blasphemy law predates the founding of the country in 1947, but during the 1980s the U.S.-backed military dictator, Gen. Muhammad Zia-ul-Haq, amended it to add the death penalty and singled out Islam as the religion that may not be insulted, among other changes. The law has been used to counter minorities and to settle personal differences. It has become powerful weapon in the hand of extremist Muslims.

In Pakistan, religious minorities and women have suffered tremendously because of state legislation, especially on account of the Hudood Laws. General Zia-ul-Haq

promulgated these laws to introduce the punishments of hadd into criminal law, in order to bring it into conformity with the injunctions of Islam as set out in the Holy Quran and Sunnah. These laws includes,

- 1) Offence of Zina (Enforcement of Hudood) Ordinance 1979;
- 2) Offences against Property (Enforcement of Hudood) Ordinance 1979;
- 3) Prohibition Enforcement of Hadd Order IV 1979
- 4) Offence of Qazf (Enforcement of Hudood) Ordinance 1979; and,
- 5) Execution of the Punishment of Whipping Ordinance 1979.

These laws were supposedly made to Islamize Pakistani society, and provide justice to the people. However, in the process, the military adopted administrative and legislative measures in an arbitrary, non-democratic and sectarian manner. Apart from legislation on religious lines, a religious court was established by amending the Constitution.

Hassan, Kiran (2011), "Blasphemy, the media, and governor Taseer's murder": argues that introduction of a new court, the Federal Shariat Court, not only jeopardized the whole judicial system of the country but impaired the independence of the Parliament as well, because it was empowered to terminate any regulation found repugnant to the Holy Quran and Sunnah in its judgment.

The women of other religions have always raised their voices against the law demanding that the Hudood law should not be applicable to them. This legislation has played havoc with the lives of women in Pakistan due to inherent flaws and lacunas in the text, and because it has been applied in bad faith by prosecuting lawyers, both public and private. The National Commission on the Status of Women, a statutory body of the federal government of Pakistan, has recognized the fact that 80% of women languishing in jails are there as a result of the ambiguities in this legislation with regards to adultery, rape, kidnapping and abduction.

Rape is endemic in Pakistan and most of the victims are from minority communities. The annual report of the Human Rights Commission of Pakistan (2002) observes that 'one woman is being raped every two hours, and one woman is gang-raped every eight hours' Most of the cases go unreported because of social taboos and the stigma that the wretched act carries against a woman. For those who do come forward, they face

immense legal and administrative obstacles in having their cases heard. Most of the victims are from the minorities whose voices go unheard. The Commission recently assigned a Special Committee, consisting of judges, lawyers and Islamic scholars to review the Hudood Laws. The Special Committee has taken serious exception to the lacunas, abuse and flawed application of the legislation and has made recommendations that would bring about radical changes in the statute, and make it inapplicable to non-Muslim citizens of the State.

1.5 Rationale and Scope of the Study

The study is important from various angles. Pakistan is immensely plural country characterized by religious, sectarian and ethno-linguistic diversities. The minorities from different religion or sects among the same religion have faced discrimination. Secondly the research would attempt to bring out picture of religious minorities, Hindus and Christians, who are being discriminated against by the state and non-state actors. The Pakistani government has made certain laws, such as Hudood Law and Blasphemy law, limiting their fundamental rights. Not much work has been done on this though different aspects have been studied separately. Going through above survey of literature one can find out that the available literature has not focused on religious minorities in Pakistan. Thus this study will focus specially on religious minorities from the framework of theoretical exclusion and inclusion.

The scope of the study is wide and will have many implications. It will further add to existing knowledge on religious minorities in Pakistan. The study would be helpful in academic for the student and researchers and also to the general people interested in knowing the status on minorities in Pakistan. The study also has some limitation, as it would be difficult to travel to different parts of Pakistan thus interacting with the religious minorities would be limited.

1.6 Objectives of the Study

1. To historicize political and socio-economic exclusion of religious minorities in Pakistan
2. To examine the level of discrimination/ exclusion of minorities by the state and non-state actors in Pakistan
3. To study the impact of growing trends of religious extremism on minorities in Pakistan

1.7 Research Questions

1. Is exclusion of religious minorities in Pakistan an institutionalized phenomenon?
2. Is the state responsible for the exclusion of religious minorities in Pakistan?
3. Are non-state actors backed by the state in the process of exclusion of religious minorities in Pakistan?

1.8 Methodology

The study has used both quantitative and qualitative method to collect data. As the minorities are a vast subject to deal with, I have study two prominent religious minorities; Hindus and Christians. The study needed field survey for collection of data. While in the fieldwork, focus group discussions were held with different religious minority groups. Along with focus group discussions, questionnaires were given to the members of the different minority groups for data analysis.

1.9 Organization of the Study

The study is divided into five chapters including introduction and conclusion. In the introduction I have drawn definitions of minority by different scholars and tried to put it in the context of Pakistan. I have done literature review widely from different sources. For theatrical framework I have fallowed inclusive and exclusive framework that would explain the religious minorities in Pakistan.

In chapter II the study deals with history and demography of minorities particularly of religious minorities before and after partition. I have also dealt with international standards on religion and religious tolerance and Pakistan's position on it. The chapter also deals with provisions for safeguard of minorities in Pakistani constitution and the blasphemy laws.

In chapter III the study deals with the role of the state towards the minorities particularly the religious minorities. I have dealt with the report and recommendations of Working Committee set up by the Human Rights Commission Pakistan. The chapter also focus on the impact of blasphemy law on the minorities especially the religious minorities and the status of the women. I have also discussed incidents of destruction of church, temples kidnapping and target killings of religious minorities.

The study in chapter IV deals with non-state actors and their relation with the state apparatus, how they have done discrimination on different aspects against the

religious minorities. I have also focused on how the Hindus and the Christians have been dealt in the text books in Madarasas and government schools and the propaganda against the religious memories. Another important issue is the kidnapping and forceful conversion of Hindu girls then being married to Muslim men sometime to their kidnappers.

In the last chapter, I have summed up the entire above chapter and attempted to bring out findings.

CHAPTER- II

RELIGIOUS MINORITIES IN PAKISTAN: A HISTORICAL - DEMOGRAPHICAL ANALYSIS

2.1 Introduction

The chapter deals with brief history of 1947 partition and how it transformed the demography of the region. It also deals with distribution of different minorities in Pakistan though with focus on religious minorities the Hindus and the Christians. While doing so, it defines the minorities as they existed in post- partition Pakistan. The radicalization of education started as soon as Pakistan was created. Apart from few modern educational institutions large number of madarasas started mushrooming. The education in madarsas were purely religious and lacked modern scientific education which later became producer of radical minds with hate and intolerance towards minorities especially the religious minorities the Hindus and the Christians who are seen as a ‘Kafir’ unbeliever of Allah. The second section of the chapter also focuses on the constitutional laws and rights of the minorities. It also deals with various laws that state promulgated from time to time. There are certain articles in the constitution of Pakistan that grants equal treatment of minorities and also there are article that allows the minorities to profess their religion and maintain their places of worship. There are blasphemy laws which were made stringent during the dictatorship of Zia. These blasphemy laws have a great impact on the minorities of Pakistan especially religious minorities, the Hindus and the Christians. The third section of the chapter deals with international standard on religious tolerance in context to Pakistan. As Pakistan is signatory in many international conventions that safeguards the rights of the minorities and prohibits discriminations based on race and religion.

2.2 Lahore Declaration and the Idea of Pakistan

Before going into the details of post partition history and conditions of minority particularly religious minorities, the Hindus and the Christians in Pakistan it is important to know how the idea of Pakistan came up and culminated to become a new country. The Lahore Resolution reminds the popular decision made by the Indian Muslims in favour of Pakistan. The Pakistan scheme was not an abrupt move at the Lahore session rather it was being discussed in the political circles a few years earlier. On 1st May 1939, Jinnah had made the British clear that a Muslim state had become

the fate of the Indian Muslims. The popularity of the League pervaded all the Muslim minds. Raghuvendra Tanwar described the post-League session situation that with every passing day after the adoption of the Pakistan Resolution the League moved one step closer to its goal of a separate home land for Muslims. The rational minds could look into the sharply changing situation. The Times, the British newspaper portraying importance and numerical strength of the Muslims wrote that the course of Muslim feelings could not be brushed aside.¹

The Muslim League knew very well that the new country would have non-Muslim communities that would become minorities for instance religious minorities like the Hindus and the Christians. The Lahore Resolution of March 1940, that demanded the creation of a homeland for the Muslims, specially assured the religious minorities about the rights.² The relevant paragraph of the Lahore Resolution reads as follows: That adequate, effective and mandatory safeguard should be specifically provided in the constitution for minorities in these units and in regions for the protection of their religious, cultural, economic, political, administrative and other rights and interests in constitution with them and in other parts of India where the Musalman are in a minority adequate-effective and mandatory safeguard shall be specifically provided in the constitution for them and other minorities for the protection of their religious, cultural, economic, political, administrative and other rights and interests in consultation with them”³ All resolutions of the Muslim League and the statements of the Mohammad Ali Jinnah during 1940-47 repeated the promise of security of life and freedom of religion in Pakistan.

Mohammad Ali Jinnah made a categorical promise of freedom of religion and equality of all citizens before the law in his first address to Pakistan’s Constituent Assembly on 11th August, 1947. He said that in Pakistan Hindus would cease to be Hindus and Muslims would cease to be Muslims not in the religious sense because that is the personal faith of each individual, but in political sense.⁴ He said that people are free to go to place of worship Muslim to mosque, Hindu to Temple or to any place

¹ Bipan Chandra (1989) *India’s Struggle for Independence*, Penguin, New Delhi

² Abdul Majid (2014) “Religious Minorities in Pakistan”, *Journal of Punjab University Historical Society*, Vol.27 No.1, Lahore

³ Abdul Majid (2014) “Religious Minorities in Pakistan”, *Journal of Punjab University Historical Society*, Vol.27 No.1, Lahore

⁴ Persecution and Discrimination of Hindus in Pakistan Ranbir Singh, Chair of Hindu Human Rights Group HHR) <https://appgfreedomofreligionorbelief.org/media/Pakistan-Hindu-brief.pdf>

of worship in this state of Pakistan. You may belong to any religion or caste or creed and that has nothing to do with the business of the state.⁵

The Objectives Resolution, March 1949, passed by Pakistan's Constitution Assembly has also recognized the rights of religious minorities in Pakistan. It states that all persons are equal before the law and are entitled without any discrimination to the equal treatment before the law. In this respect, the law shall prohibit any discrimination and guarantees to all people equal and effective protection against discrimination on any ground such a race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status ⁶

The Objective Resolution also states that in those states in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or speak language of their own in Pakistan.⁷

2.3 Distribution of Minorities in Pakistan

Before going into details of religious minorities and their demographic shift, it is important to understand the other minorities as well. The minority form approximately 3.7 percent that is 6 million of total population including Hindu, Christian, Parsi, Bhai, Ahmedi and Shias.⁸ There are ethnic minorities in Pakistan but Pakistani government has failed to provide demographic information relating to race, colour, descent and national or ethnic origin of groups. Pakistan's composition of distinct, national and ethno-linguistic groups may be inferred using the data from 1998 census. The percentage population by mother tongue is indicative of belonging to the ethnic group associated with the language. Therefore it is reasonably accurate to aggregate this linguistic breakdown with the ethnic composition of the country. Minority report group (MRG) also notes that Pakistan, while providing percentage breakdown of mother tongue spoken in its 1998 census, omitted such information from its current report.

⁵Ibid

⁶Ibid

⁷Ibid

⁸CERD Report on Redressing A History of Neglect: Discrimination of Ethnic Group and Indigenous People of Pakistan, February 2009

Table: 2.1 Religious Group in Pakistan according to Census 1998

Administrative Unit	Muslim	Christian	Hindu	Qadiani (Ahmadi)	Scheduled Caste	Other
Pakistan	96.28	1.59	1.60	0.22	0.25	0.07
Rural	96.48	1.10	1.80	0.18	0.34	0.08
Urban	95.84	2.59	1.16	0.29	0.06	0.06
NWFP	99.44	0.21	0.03	0.24	*	0.08
Rural	99.65	0.03	*	0.22	*	0.08
Urban	98.42	1.06	0.11	0.31	0.01	0.09
FATA	99.6	0.07	0.03	0.21	0.03	0.07
Rural	99.63	0.04	0.03	0.21	0.03	0.06
Urban	98.16	1.17	0.32	0.10	.007	0.23
Punjab	97.21	2.31	0.13	0.25	0.03	0.07
Rural	97.66	1.87	0.15	0.19	0.05	0.08
Urban	96.25	3.27	0.06	0.37	0.02	0.03
Sind	91.31	0.97	6.51	0.14	0.99	0.08
Rural	88.12	0.14	9.77	0.12	1.79	0.06
Urban	94.67	1.84	3.08	0.17	0.14	0.10
Balochistan	98.75	0.40	0.49	0.15	0.10	0.10
Rural	99.42	0.06	0.15	0.14	0.12	0.10
Urban	96.61	1.49	1.58	0.16	0.05	0.10
Islamabad	95.53	4.07	0.02	0.34	*	0.03
Rural	98.80	0.94	*	0.23	*	0.03
Urban	93.83	5.70	0.03	0.40	*	0.03

Source: Abdul Majid (2014) "Religious Minorities in Pakistan", Journal of Punjab University Historical Society, Vol.27 No.1, Lahore

The government censuses have always been heavily criticized and not been trusted by different groups, especially the minority ethnic groups and indigenous people, like the Balochis, accuses the government of underestimating their number in order to deny them their rights. Although suspect, the data does provide a useful estimation, which leaves little doubt that the Punjabis constitute the largest group within the country,

consisting 44.15 percent of the population.⁹ The most numerically prominent ethnic groups also have corresponding provinces with autonomous competencies, where they form regional majorities, thus forming provincial units within the Islamic Republic.

Punjabis are the largest ethnic-linguistic group and constitute 44.15 of the population. They have corresponding provinces with autonomous competencies where they form regional majority thus forming provincial unit within the Islamic Republic. The provinces are not homogeneous and so is the case of ethno-linguistic groups exclusively concentrated in any one province. Punjabis constitutes 75.29 percent in the provincially and nationally 44.15 percent while the Siraikis constitutes 17.36 percent at the province level and at national level they constitute 10.53 percent. Sindhis constitutes 59.73 percent of the provincial population and nationally are 21.05 percent. In the same province Urdu speaking Mohajirs make up 21.05 percent and on the national level they constitute 7.60 percent. The other important ethnic group is Balochis, which constitutes up to 54.76 percent of the Baluchistan population, while the Pashto-speaking Pakhtuns constitutes the other major group within Baluchistan at 29.64 percent and at national level they make up 3.57 percent.¹⁰

The North West Frontier Province (NWFP) now called Khyber Pakhtunkhwa (KP) is predominantly Pukhtun dominated province. At Provincial level Pashto-speaking group constitute 73.90 percent and at national level they constitutes 15.43 percent. Surprisingly this second most prominent group was seen as ‘other’ according to 1998 census at 20.43 percent. This indicates that a large number of displaced Afghans are present in the province, and do not belong to any of the indigenous ethno-linguistic group. Federally Administered Tribal Area (FATA) is mostly homogeneous with the tribal Pakhtun making up 99.10 percent of the population.

There are two ethno-linguistic groups, which are anomalous to this pattern as they are without their own provinces. The Siraikis speaking Siraiki, constitutes a localized population in northern Punjab province accounting for 10.53 percent of national

⁹CERD Report on Redressing A History of Neglect: Discrimination of Ethnic Group and Indigenous People of Pakistan, February 2009

¹⁰Ibid

population. Ethnically, linguistically, and geographically they occupy the nexus between the Punjabis and the Sindhis.¹¹

The Mohajir, who constitutes 7.60 percent of the total population, only speaks Urdu, which is the national language, as the mother tongue. They are the only non-indigenous ethno-linguistic group having emigrated from India and are concentrated in the biggest city of Pakistan, Karachi as well as Hyderabad. They have asserted their power through their political party the Muttahida Qaumi Movement (MQM). The other significant ethno-linguistic groups are Hindko are 2.43 percent and Baralvis, 1.20 percent. The Shina, Burushaski, Balti Khowar, Gujrati, Potohari and Farsi constitute 2.21 percent. These groups too face discriminations of one form or the other.¹² As they are numerically small their rights hardly matters to the main stream politics. These groups live in remote countryside of Pakistan. Pakistan has not adequately brought its constitutional definition of “minority” in line with the Committee’s Concluding Observations of 1997, to encompass vulnerable ethnic groups. This aspect is overlooked in the current 2008 state report. While Pakistan in one of its report admitted that the country is a multi-religious, multi-cultural, pluralistic society where people of different ethnic and religious backgrounds live together in peace and harmony, it chose to restrictively recognise minorities as only 3.72 percent of the total population and consist of Christians, Hindus, Ahmadis, Parsis, Buddhists and Sikhs.¹³ Thus recognition is conferred only on ‘religious’ groups, as ‘minorities’ under the constitution and consequently is entitlement of ‘positive measures,’ denied to other ‘ethnic’ and ‘linguistic’ groups. Furthermore religious minorities are protected from discriminations and their group interests catered for, in theory, through a number of constitutional provisions and institutions such as the Ministry of Minorities Affairs, Minorities Affairs Division, the National Commission for Minorities, the Federal Advisory Council for Minorities Affairs, the Districts Minority Committees and the monthly holding of meetings with minority members of the National Assembly as already clarified by Pakistan in its Report to the Committee.

¹¹Iftikar H Malik, Religious Minorities in Pakistan, Report Minority Rights Group International, 2002

¹²CERD Report on Redressing A History of Neglect: Discrimination of Ethnic Group and Indigenous People of Pakistan, February 2009

¹³Ibid

However it must be noted that despite official recognition being accorded to these groups through legislation and various institutions in theory, any practical equality in the proper implementation of these measures for correcting the deeply rooted prejudice, against religious minorities, invasive through Pakistani society, is still seriously lacking.

The committee acknowledged in its 1997 concluding that those religious minorities comes within the purview of the convention, as in Pakistan religious differences may coincide with ethnic differences. This, in no way, accounts for the recognition and equality that needs to be accorded to all ethnic, linguistic and racial groups in Pakistan who do not also adhere to a minority religion.

Another important minority group is the Ahmadis, they number about 3-4 million in Pakistan, which makes for about 1.5 percent of the total population, and face high level of discrimination. After the implementation of the eight amendments to the 1973 Constitution in 1985, the system of the separate electoral lists for all religious minorities was introduced in Pakistan. In the election of 2008 registered voters were required to sign a certificate denying the authority of the founder of the Ahmadya community. Since the Ahmadis would not sign this certificate they were denied the right to vote.¹⁴ In addition to their rightful barriers facing the Ahmadi community, there is acute danger of physical persecution by individuals who decide to take the law into their own hands. After the deletion of the word 'freely' from the Objectives Resolution in 1985, there was rise in brutal incidents towards the Ahmadis. In 2010 the Human Rights Commission of Pakistan (HRCP) constituted a Working Group to study the fate of minorities and they have suggested many points. Among them was that Ahmedis were required to fill separate form for passport that was a discriminatory in nature.¹⁵ There were hate speech, violence and threat of violence against members of minorities even during period of review, with clerics speaking against minorities in religious congregation and Friday prayer sermons. During Friday sermon in Lahore in June 2011, head of the right wing political parties threatened a fresh movement against the Ahmedi community if it did not accept their minority status and if the government kept silent about their blasphemous and unconstitutional

¹⁴Neha M. Zaighm, (2014) Advocating for the inclusive electoral processes, for minority rights and for rule of law in south Asia: Report on the issues faced by minorities in Pakistan, South Asian for Human Rights,

¹⁵ HRCP, April 2011

activities. The Working Group was also informed that organized hate campaign against Ahmedi community continued in Punjab through the use of stickers, wall chalking and distribution of pamphlets, amid a rise in the intensity of attacks against members of the community. It also noted that there was little consequence for extremists perpetrating faith-based hate speech, instigating discrimination and hostility towards and, at times social boycott of members of minorities and vulnerable communities. The horrific violence in Gojra in 2009 and in Faisalabad in 2010 was the recent examples of the violence fuelled by hate mongering and abuse of mosque loudspeakers.¹⁶ They have already been declared non- Muslims and since then there have been targeted killings and bombing of their mosques. The discrimination is not only limited to religious sphere but also pervades economic, political and social fields. Many have left the country to save their lives and families. It has become very difficult to carry day-to-day business for the community. The table below shows number of Ahmadiis killed in a short period of time. This explains their fate in Pakistan.¹⁷

Table: 2.2 Religious Minorities charged under Blasphemy law

Year	Murdered religion	Booked on Blasphemy Law	Booked under Ahmadi specific law
2007	5	22	24
2008	6	30	76
2009	11	37	57
2010-	91, including 85 killed in two terrorist attacks in May 28		

Source: Centre for Research and Security Studies

The other minority group that has face discrimination is the Hazaras. The Hazara, is a Persian-speaking Shia minority, immigrated to Quetta, the provincial capital of Baluchistan from Afghanistan more than a century ago. Descendants of the Kushans, whose lineage also has Mongol influence, their communities are today found in parts of Afghanistan, Iran, Pakistan, India and central Asian countries like Turkmenistan and Kazakhstan.¹⁸ They are easily discernible due to their central Asian features. The Hazaras have experienced increasing persecution, during the current wave of sectarian violence, spreading across Pakistan. According to the Human Rights Watch report

¹⁶ Ibd pp 18, 19

¹⁷ Op. cit

¹⁸Report, Hazaras in Afghanistan and Pakistan, Department of Foreign Affairs and Trade, Govt. of Australia, 26 March 2014.

published in 2014 “We are the walking Dead” several hundred have been killed in steadily worsening violence since 2008.¹⁹ Lashkar-e-Jhangvi (LeJ), the country's most feared sectarian hardliner group has in the past claimed responsibility for regional attacks. Asma Jahangir, chairperson of the Human Rights Commission of Pakistan (HRCP), had said that the Hazaras are under severe threat. The government seems to be helpless, as sectarian hardliner outfits have taken root in Baluchistan. Many Hazara businessmen have rented out their shops in the street of Mizan Chowk, the central market where they used to make living selling commodities like shampoo and chewing gum, brought in from neighbouring Iran. The HRCP says in its report that travelling even a few kilometres has become a risk for the Hazaras.²⁰

The Shias as a whole has been targeted and killed all over Pakistan. They too are considered non-Muslims by fundamentalists. And extremist groups have carried targeted killings against them. Their mosques ‘imambargha’ have been targeted and their religious heads have been killed. On every Moharam procession they are scared, as there has been numbers of attacks in the past. Violence against the Shias is related to the question of identity. Pakistan has adopted only two permissible identities in the state, the Muslims and the non-Muslims. It wanted the two classifications ‘separated’ before promising them full rights of citizenship under the constitution. The idea of separation clearly identified the religious and the secular. In the beginning the Shias had supported the principle of separation. They even supported the apostatisation of Ahmadis in 1974. They failed to realize that once established, the principle of apostatisation could be applied to other sects too. The Shias now realize that if they were apostatized under pressure by powerful Deobandi seminaries and their state-protected armed militia, they might have to bear the fate of Hindus, Christians, Sikhs and Ahmedis. They also understand the fact that Ahmadis are non-Muslims in Pakistan only, the moment they enter India or other countries they become Muslims again. If Shias were to be apostatized, it would be hard to prevent them from becoming Muslim again when they visit Iran or Iraq.²¹

¹⁹Report, The Shia Hazara of Pakistan; A Community under Siege, Minority Support Pakistan, 2012

²⁰ HRCP (2014) Report, “We are the Walking Dead”; Killings of the Shia Hazaras in Balochistan, Pakistan,

²¹ Khaled Ahmed, (2013) Sectarian War Pakistan’s Sunni-Shia Violence and Its link to The Middle East, Oxford University Press, Karachi,

2.4 Demography of Religious Minorities (Hindus and Christians) after Partition

The Hindus were concentrated in the province of Sindh before partition and even now the major Hindu population is in Sindh, mostly in Karachi. The difference being that after partition the population has dropped drastically and in recent years many have sought to move to India after facing pressure from the state and non-state actors. The violence against Sindhi Hindus and their mass migration to India was a tragic loss scripted, orchestrated and implemented by non-Sindhis in Sindh.²² There is ample evidence to back up the above statement that non-Sindhis and the newly established central government of Pakistan orchestrated and implemented the migration of Sindhi Hindus. The Sindh's governor, Francis Mundie, described Sindh during partition as a place which "characteristically carries on almost as if nothing had happened or was about to happen".²³ The situation changed when, Karachi rapidly became a vast refugee camp, making Jinnah extremely worried about the mass exchange of population which was taking place and the bloodshed that accompanied it. In fact Jinnah had told Ayub Khuhro, premier of Sindh, categorically that he expected to retain the minority communities in Pakistan. Khuhro fully agreed with Jinnah as Hindus, he felt, were an essential part of the society and economy of the province. The events took an ugly turn in Karachi and Hyderabad as the new arrivals were entering and occupying houses where the owners, particularly Hindus, were still living, they were thrown out of their house along with their belongings.²⁴

Congress leaders advised Hindus to leave Sindh as the violence was spreading but the Sindhi Muslim leadership believed this as a ploy to deprive Sindh of its merchants, bankers, and sanitation workers. Ayub Khuhro, the premier of Sindh, and other Sindhi leaders also attempted to retain Sindh's minorities, for they also feared a loss of cultural identity with the Hindu exodus. The Sindh government had attempted to use force to stop the migration by passing the Sindh Maintenance of Public Safety Ordinance in September 1947. On September 4, 1947 curfew had to be imposed in Nawabshah because of communal violence. It turned out that the

²²Haider Nizami (2012), Who orchestrated the exodus of Shindhi Hindus after Partition, The Express Tribune, June 4th.

²³Ibid

²⁴Ibid

policies of a local collector resulted in the migration of a large Sikh community of Nawabshah to make room for an overflow of refugees from East Punjab.

The Sindh government took stern action to suppress the violence. The Sindh government set up a Peace Board comprising of Hindus and Muslims members to maintain order in the troubled province. P. V. Tahilramani was the secretary of the Peace Board. He on 6th January 1948 had informed the chief minister that the Sikhs in Guru Mandir an area in Karachi were being killed. The senior bureaucrats and police officials were not found and when he rushed the area he saw mob of refugees armed with sticks and knives storming the temples. Tahilramani tried to stop the mob for which Jinnah was pleased.²⁵

The Prime Minister, Liaquat Ali Khan, was annoyed with Khuhro when he went to see him on 9th January 1948. Liaquat said to Khuhro: “What sort of Muslim are you that you protect Hindus here when Muslims are being killed in India. Aren’t you ashamed of yourself” This show the difference of opinion between Jinnah and Liaquat Ali Khan In the third week of January 1948, Liaquat Ali Khan said the Sindh government must move out of Karachi and told Khuhro to go and make his capital in Hyderabad or somewhere else. Liaquat said this during a cabinet meeting while Jinnah quietly listened. The Sindh Assembly passed a resolution on February 10, 1948, against the Centre’s impending move to annex Karachi. The central government had already taken over the power to allotment of houses in Karachi. Khuhro was forced to quit and Karachi was handed over to the Centre in April 1948.²⁶ The influx of population moving from India to Pakistan and vice versa was mainly from two parts; East and West Pakistan. The percentage of Hindus and Sikhs in Pakistan dropped from 17 percent in 1931 to 2 percent in 1951. As reported in 1953 a total of 7.5 million Hindus and Sikhs migrated from East and West Pakistan and settled in India by 1951. Also according to the census of India in 1951 a total of 2.5 million Hindus entered into India from East Pakistan now Bangladesh.²⁷ This

²⁵Haider Nizami (2012), Who orchestrated the exodus of Shindhi Hindus after Partition, The Express Tribune

²⁶Ibid

²⁷ Census of India in 1951 Government of India

suggest that out of total migration of 7.5 million people into India, 5 million entered from West Pakistan and the remaining 2.5 million entered from East Pakistan²⁸

The figure also was confirmed from the news published in 1949. The ministry of rehabilitation established to help the refugees took a census and estimated the number of refugees from West Pakistan to be 5 million. The number of migrants from the East Pakistan now Bangladesh was around 2 million in 1949 and this number swelled to 2.5 million by 1951.²⁹ The number of Hindus and the Sikhs who left Pakistan were replaced by almost the same number of Muslims who left India. Thus the overall population of West Pakistan remained the same. This is supported by the initial reports of migration that were published in December 1947.³⁰ As per this report out of the total of 8.5 million people who crossed the Punjab border 4,362,000 was non Muslims. Later this number grew up to 5 million as migration continued. As per the census of 1951 the total population of West Pakistan was around 34 million out of which 5 million Hindus and Sikhs left West Pakistan that would have made 14.7 percent of the population.³¹ The study claims that 2 percent of Hindus still were in Pakistan even after partition. Adding 2 percent to 14.7 percent the final figure would be 16.7 percent which is very close to 17 percent as claimed by many academicians and researchers. The reporting during this period reflected the fact that almost all Hindus of Pakistan lived in East Bengal. There was only a tiny minority of Hindus that existed in West Pakistan. According to the 1998 census figures of Pakistan, the total population share of Hindus is 1.85 percent including the scheduled castes. Prof Sarkar also argues that many Hindus in Pakistan hide their religious identity due to fear of persecution. So according to her claim the population share of Hindus may be much higher than 1.85 percent.³²

Many dalit Hindus have converted to Christianity in Pakistan due to the efforts of missionary groups. This is conceivable because the similar process of conversions took place in India. This means that 1.59 percent Christian population of Pakistan also includes some erstwhile Hindus.

²⁸ 2017, 11:30, <https://bharatjournal.wordpress.com/2015/01/01/what-happened-to-the-hindu-population-of-west-pakistan/comment-page-1/>

²⁹ Ibid

³⁰ Ibid

³¹ Ibid

³² Ibid

It is very important to highlight the plight of minorities in Pakistan who face discrimination and persecution and this must be done on the basis of facts. There are many authentic reports that the study has used to support the fact that minorities face hardships in Pakistan. Also during my visit to Pakistan I have talked to many Hindus who claimed that their relatives have moved to India also Pakistani Hindu girls have married Indian Hindu boys but these are very small in number.³³

According to United States Commission on International Religious Freedom (USCIRF), Pakistan represents the worst situation in the world for religious freedom for countries not currently designated by the U.S. government as “countries of particular concern.”³⁴ In the past years, conditions hit an all-time low due to chronic sectarian violence targeting mostly Ahmadis Shia Muslims and also religious minorities the Christians, and the Hindus. The previous and current governments failed to provide adequate protection or to arrest the perpetrators. Also, Pakistan’s repressive blasphemy laws and anti-Ahmadi laws are widely used to violate religious freedoms and foster a climate of impunity. The USCIRF again recommended in 2014 that Pakistan be designated as a “country of particular concern” (CPC). Since 2002, USCIRF has recommended that Pakistan be named a CPC³⁵.

The present situation of Pakistan did not happen in a year or two. It has a long history of today’s socio-economic, cultural and political condition of minorities in Pakistan. The major step was taken in 1974 when the Pakistani National Assembly declared Ahmadis as non-Muslim Pakistanis. The Pakistani state has increasingly sought to sponsor Islamisation for both ideological reasons and for the purpose of legitimization. This can be categorized into three phases, first from 1947 to 1971, second from 1972 to 1977 and third 1977 to present.³⁶ Recently fourth phase has been added by Hansen dating from 9/11 in which Islamic social movements, increasingly in conflict with the state have replaced its efforts to conform public life to interpretation of Islamic precepts.³⁷ Although the state attempts to manipulate and project religion, it has established alliances with militant groups to forward regional

³³ Survey during visit to Pakistan

³⁴ USCIRF Report, 2014 on Pakistan

³⁵ USCIRF Report, 2014 on Pakistan

³⁶ Muhammad Abdul Qader, *Pakistan, Social and Cultural Transformations in a Muslim Nation*, Routledge, London 2006

³⁷ David Hansen, *Radical Rhetoric- Moderate Behavior; Perception of Islam, Shari’a, and the Radical Dimension in Urban Pakistan*, *Journal of International and Global Studies*, Vol 5, No 2, pp153-155

strategic interest. This process has been constant throughout the history of Pakistan although it intensified in the 1990s.

Soon after settlements of refugees and migrants in different parts of Pakistan new problems started cropping up. Apart from economic, political and social problems, the problem of minorities particularly of religious minorities became prominent. Pakistan lacked modern education system. Apart from few modern education institutions large number of madras as started mushrooming.

There are two major religious minorities in Pakistan the Hindu and the Christian that the study focuses on. Both these religious minorities have faced discrimination right from its creation although its founder had promised for equal rights. The religious minorities had been victim of the state, non-state. The extremist groups have resorted to violence by destroying their houses and place of worships.³⁸

2.5(a) Hindus

The partition of India in August 1947 was a unique situation in the history of mankind. To examine the consequences of such involuntary migrations detailed data is available for the periods before and after partition this facilitates an empirical investigation. It was one of the largest and most rapid migrations in human history an estimated 14.5 million people migrated within four years. Both the countries' demography changed drastically.³⁹ Professor Saswati Sarkar, an academic based in America, has recently written two articles relating to Hindu persecution in the subcontinent and its lack of reportage in the media. Together, they provide a meticulously, detailed analysis of the subject and act as a valuable resource for research. Doubtless, Sarkar's thesis is correct – Hindus have been, and still are, persecuted in many of the sub-continent particularly Pakistan. When Pakistan was created in 1947, Hindus constituted about 15 percent of the population of West Pakistan by 1998 it is about 1.6 percent the population has declined by about 90 per cent in about 50 years.⁴⁰ This decimation is the outcome of sustained legal and social discrimination ever since the creation of Pakistan. Pakistani journalist, Reema Abbasi

³⁸ International Religious Freedom Report 2009: Pakistan
<http://www.thepersecution.org/ussd/us09irf.html>

³⁹ Prashant Bhartwaj, Asim Khwaja & Atif Mian, The Partition of India: Demographic Consequences, SSRN e journal 06/2009; DOI: 10.2139/ssrn.1294846

⁴⁰ Saswati Sarkar, Discrimination and Prosecution: The Plight of Hindus in Pakistan, *Survey of Human Rights*, 2013, by the Hindu American Foundation (HAF). On page 74,

has noted; it was the Pakistan Peoples Party's (PPP) five-year rule that proved detrimental for the minorities, be it the Shias, Ahmedis, Christians or Hindus. A supposedly secular party ushered in the worst era of religious militancy and sectarianism, including forced conversions of young Hindu and Christian women. The PPP's first three years in power saw a mass exodus of 11,000 Hindus who left Baluchistan for India to avoid losing their girls to abductors and another religion. Prime Minister Nawaz Sharif's PML-N is following more or less the same path.⁴¹

Post Babri Masjid the situation of Hindus in Pakistan became very difficult as they faced life threatening consequences. Though the Hindus in Sindh had presumed that they may be punished for the demolition of Babri Masjid by the fundamentalist Hindus they quickly organised emergency meetings and they announced they would join their Muslim brothers in peaceful protest. They also urged the government to provide security and protect their temples and properties. Although police were deployed near temples and houses of Hindus they stood as mere spectators when the violence broke. In Kotri, small town in Sindh, several shops of Hindus were set on fire and when a Hindu journalist went to Kotri police station his F.I.R. was refused and the complainant were often beaten up and locked up in jail.⁴² Just after the incidents there was protest against the demolition of Babri Masjid throughout Pakistan but it completely got out of control in Baluchistan. At least ten Hindus were killed and around sixty shops owned by the Hindus were burned and fifteen temples were set on fire.⁴³ In Sindh, Karachi was the main target eighteen temples one church and forty houses were ransacked and one Hindu boy named, Hira Ram was stabbed to death.⁴⁴ The Hindu families were trapped and could not get safe passages thus they had to face extreme terror. The HRCP has declared the year 1992 the most traumatic for religious minorities in Pakistan. Minority women remained extra vulnerable to sexual assaults and minority men to political pressurization as stated, the general secretary of HRCP Ms Asma Jehangir.⁴⁵ The HRCP report also said that due to anti

⁴¹ Reema Abbasi (9 January 2014) Space for Hindus is shrinking fast in Pakistan
<https://www.dailymail.co.uk/indiahome/indianews/article-2536773/Space-Hindus-shrinking-fast-Pakistan.html>

⁴² ----- Violence against Hindus in Karachi, Dawn, 11-12-1992

⁴³ Majid Qazi, Ten killed as Protest turned violent in Balochistan, Dawn, 9-12-1992

⁴⁴ M. Ilyas Khan, Hindu Localities under siege in Karachi, Frontier Post , 9-12-1992

⁴⁵ ----- '92 most traumatic for religious minorities, Dawn, 14-01-1993

blasphemy led to the death of two minority men and since then it has become instrument to persecute non-Muslim.

In particular, Hindus officially estimated at nearly two percent (unofficial estimates from the Pakistan Hindu Council place that figure much higher), face discrimination and widespread violence, including attacks on temples, kidnappings for ransom, and the abduction of Hindu girls. Pakistan Hindu Council (PHC) chairman, Dr. Ramesh Kumar Vankwani, who also serves as a member of the National Assembly, condemned the surge in kidnappings, forced conversions, and involuntary marriages of Hindu girls, citing the recent cases of Lucky Bhel and Sapna Rani. Bhel was kidnapped from Sindh and forcibly married to a local Muslim religious leader, while Sapna Rani, a teacher from Peshawar, was abducted and held in captivity for 15 days where she was forced to convert to Islam and marry her abductor.⁴⁶ With all these incidents happening on daily basis the community is always in fear, which has forced some parents giving their children unidentifiable Hindu names to prevent from being targeted by extremists. In 2012, 60 families left for India because of discrimination, violence and conversion.⁴⁷ According to Human Rights Commission Pakistan (HRCP) the condition of minorities is worsening and it is nearly impossible for those accused in blasphemy cases to have a trial in Pakistan, according to I.A. Rehman of the Human Rights Commission of Pakistan's (HRCP), annual report "State of Human Rights in 2013" said, "We are worried about the big picture and we do not find any indication of a comprehensive approach to human rights." There are only symptomatic treatment and no holistic approach, he regretted. He said the number of those killed in sectarian clashes do not give an idea of the state of fear they were living in. The State should reorient itself to people's welfare and meet basic demands, he demanded.⁴⁸ Also there has been report of forced conversion, extortion and target killing from the province of Baluchistan by HRCP in 2013⁴⁹

2.5 (b) Christians

Pakistani Christians felt pretty secure until 1972 when, having given to the demands of hard Islamist, the Government in a high-handed nationalization scheme

⁴⁶ Human Rights Report Survey 2013, Hindu American Foundation.

⁴⁷ Persecution forces 60 families to migrate to India, Tribune, August 9 2012

⁴⁸ Meena Menon, Condition of Minorities worsening in Pakistan: HRCP, The Hindu, April 24-2014.

⁴⁹ Human Rights Commission Pakistan, 2013.

appropriated most Christian owned and operated schools and colleges in the land, causing lasting fear and apprehension in the hearts of Christians of Pakistan.

From the beginning of Pakistan's existence there have been random but continuous cases when majority Sunnis have oppressed Christians with impunity and have subjected them to a naked street justice. In the rural area or small localities where Christians are found in small numbers Christians has no say at all on daily political and socio-economic processes that affect their lives. They don't dare to enter into any kind of arguments or contention with the Muslims however right and justifiable they may be. The Christians even if they succeed in their pursuit of justice, their success becomes the cause of vendetta and entrapment by their Muslim neighbours for the purpose of setting the score. Things have become worse after the promulgation of the Blasphemy Laws in 1986. The government had decided to have a separate column for religion in the identity card of the Christians against which the Christians protested. The Christians felt that inclusion of religious column in national identity card was a conspiracy against the very existence of the country.⁵⁰ Everywhere there was a protest march and that Christian observed Human Rights Day on 10th December as black day. Pakistan Christian National Party (PCNP) The general secretary of PCNP, Mr. M Joseph Francis urged all the Christian community of Pakistan to come together and protest against the unconstitutional steps taken by the government. The general secretary also came up with eight points to ensure their security and stability in the country. Firstly, he urged the dissolution of the assemblies and senate and the formation of the caretaker government that holds impartial elections within 90 days. The caretaker government would not be qualified to take part in the election. Secondly, amendment of 1973 constitution as it has been amended repeatedly and could no longer serve the need of the people. Thirdly the changes in the entire work force of the Election Commission. Fourthly, he also asked the imposition of the 1972 interim constitution during the term of caretaker government. Fifthly, he demanded the election to be held under the 1970 framework order and without separate seat for minority. Sixthly, the elected assembly should create a new constitution for the country that is more reflective of the current changes in the world and Pakistan. Seventh, the division of state and religion to be clearly pronounced in the section two

⁵⁰ Mazhar Arif, Christian asks govt. To stop anti-state elements, Frontier Post 10-11-1992

of the new constitution as it was originally envisaged by the Quaid-e-Azam and eight, it should be made clear that Pakistan would be a secular state.⁵¹

The abuse of this antiquated law by Muslim fundamentalist and score settlers at large has created an atmosphere of deep uneasiness.⁵² Things got even worse after 9/11 there were series of attacks on churches and worshipping Christian congregations, some right in the capital city of Islamabad, resulting in senseless loss of life and property. The Christians of Pakistan were made scapegoats for America and its alliance's action towards the terrorist and Afghanistan and Pakistan. These have created fear in the hearts of Christians.⁵³

It is important to understand the origin, creation and brief history of Pakistan in order to appreciate the place that the Christian minority has had in this Islamic Republic. The main concentrations of Christians are in Punjab and Karachi. Only few of them are converts from Islam. Most of them are descendants of members of a mass movement from outcaste Hinduism that took place at the end of the nineteenth century and at the beginning of this century in Punjab. The word Christian describes a member of a community. It does not necessarily imply personal faith. Under the census of Pakistan those who are not Muslim are designated Christian, or Hindu, or Buddhist according to the community in which they are born.

Half of the Christians in Pakistan are Roman Catholics. The Roman Catholics have a major seminary of 'Christ the King' in Karachi and a minor seminary in Lahore. Several of these schools, which are English medium and of high standard, are not nationalized, as most are private institutions. They run several hospitals and are involved in social work of various types. The Protestant groups include a large brethren membership spread in small, mainly autonomous, congregations over Punjab and at present in all major cities. The Pentecostals are also involved in similar social works. The largest established Protestant church is the Church of Pakistan, which was established in 1970 as the union of four churches traditions; Anglican, Methodist,

⁵¹ ----- Christian to observe "black day", Frontier, 5-12-1992r Post

⁵² A.D. Asimi (2010), The Christen minority in Pakistan Problems and Prospects, World Alive Press, Winnipeg.

⁵³ Ibid

Presbyterian and Lutheran.⁵⁴ The United Presbyterian did not join in the church union plan. Despite the inroad of McIntire schematics since 1967, the United Presbyterian Church is next largest church after the Church of Pakistan. About 75 percent of United Presbyterian lives in the villages. The urban church is composed of two distinct groups, the middle class professional people, and the lower class such as cleaners or sweepers as they are called 'chuhras'. The middle class Christians, if they are not well taught in the scriptures, tend to imitate Muslim ways to avoid being classed as the sweepers. There is growing secularism among them. Rural Christians are easily led stray because of lack of vital teaching and are very influenced by magical practices, fetishes and superstitions. The question arises why the United Presbyterian Church, which up to the 1930's had become rapidly larger and self-supporting, then started to decline. This is because the Hindus were forced to conversion to Islam and also the Hindus asserted and protected their religion.

The Salvation Army is a Faith-based Organisation also referred to as para-church organisation in Pakistan which functions under the Lahore Church Council (Presbyterian) and the Associate Reformed Presbyterian Church. Apart from church establishments, they work outside and across denominations to engage in social work and evangelism. They also seek to come alongside the church and specialize in things that individual churches are not able to specialise in by themselves. Many opportunities are available for those who want to work in Pakistan in a creative and acceptable ways particularly in para-church organizations like the Pakistan Bible Correspondence School which has over 6,000 students, half of whom are Muslim. The Pakistan Fellowship of Evangelical Students has six full-time workers and the Christian Publishing House in Lahore has the German Brethren's large interest. The Technical Services Association which contributes to the economic betterment of poor Christians and Muslims has developed viable embroidery and knitting project with some export trade. Other para-church or training organizations serving the whole church include the Scripture Union, the Pakistan Bible Society, Gospel Recordings, FEBA which broadcasts in local languages from Seychelles, Youth for Christ, the Christian Study Centre in Rawalpindi, and in Gujranwala the Theological Seminary, the United Bible Training Centre and the Christian Technical Training Centre With

⁵⁴ Theodore Gabriel, *Christian Citizen in an Islamic State: The Pakistan Experience*, Ashgate, Hampshire, 2007

the dispersion of over a quarter of a million Pakistanis for economic reasons in the oil lands of the Middle East a new factor has emerged in recent years. There are many thousands of Pakistanis in the Sultanate of Oman, over 5,000 in Bahrain, 15,000 in Kuwait, 50,000 in the United Arab Emirates, 100,000 in Saudi Arabia, 17,000 in Qatar and over 6,000 in Libya. Among these skilled, semi-skilled and unskilled workers who go on one or two year contracts are a percentage of Christians sometimes up to 5%. Laymen have established Urdu-speaking congregations in Muscat, Salalah, Bahrain, Riyadh, Tripoli and Benghazi to name some. Many hundreds of Pakistani nurses who work in Saudi Arabia and Libya are Christians.⁵⁵

The Christians have faced violence, kidnapping destruction of churches by fundamentalist and the state has acted as mere spectator. Police reportedly tortured and mistreated those in custody on religious charges and were accused of at least one extrajudicial killing in a blasphemy case. For example, on 16th September 2009, a young Christian man, Robert Fanish Masih, who had been accused of blasphemy, died while in police custody Sialkot.⁵⁶ The case prompted widespread media attention, and several human rights groups asserted that he had been killed extra judicially. Non-Muslim prisoners generally were accorded poorer facilities than Muslim inmates. According to the National Commission for Justice and Peace (NCJP), between 1st July and 31st December, 2009 a total of 24 cases were registered under blasphemy laws. Of these, ten were Christians, seven were Hindus, three were Ahmadis, and four were Muslims. A total of 1,068 persons were charged under the blasphemy laws between 1987 and 2010. In 2010, blasphemy the First Information Reports (FIR) were registered with the police against 17 Christians, eight Muslims, five Ahmadis, and seven Hindus according to information provided by NCJP.

The government did not subject individuals to forced labour or enslavement based on religious beliefs; however, minority community leaders charged that the government failed to take adequate action to prevent bonded labour in the brick making and agricultural sectors. Christians and Hindus were disproportionately victims of these illegal practices.

⁵⁵Vivienne Stacy(1988), Practical Lessons for Evangelism among Muslims, Interserve, London,

⁵⁶ ----(6th September, 2009) Fanish Masih's death murder in custody Dawn newspaper

2.6 International Standard on Religion and Religious Tolerance

The primary sources of law underpinning the mandate of the Special Rapporteur on freedom of religion or belief are article 18 of the Universal Declaration of Human Rights, (UDHR) article 18 of the International Covenant on Civil and Political Rights and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. As Pakistan is also the signatory to the declaration it becomes legal binding for Pakistan to keep its minorities' rights protected.

The work of the mandate is also guided by the relevant articles of the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment just because they belong to minority religious community. The mandate is also guided by relevant resolutions of the Human Rights Council, the General Assembly and other organs of the United Nations, as well as relevant jurisprudence of the treaty bodies and provisions of international humanitarian law. The Special Rapporteur also takes into account relevant human rights instruments and jurisprudence at the regional level. Pakistan is signatory of the declarations and conventions too.⁵⁷

Pakistan's judicial treatment of international legal norms of freedom of religion remains incomplete, inconsistent, and arbitrary. In order to appreciate how far Pakistan's judicial practice has strayed from applicable norms; one must retrace the evolution on international standards of freedom of religion, Pakistan's pioneering role in developing such standards, and the applicability of these standards in domestic courts.

As it has since antiquity, freedom of religion remains a central question in international law. The U.N. General Assembly's adoption of the UDHR in 1948 represented the first significant step in constructing a universal norm for protecting freedom of religion. Taking its lead from the Charter of the United Nations, which emphasizes non-discrimination on the basis of religion in its main articles addressing

⁵⁷ Report on United Nation Human Rights

human rights, Article 18 of the UDHR provides that: Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance. The representative of Pakistan had supported the declaration.⁵⁸

Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching. No one shall be subject to coercion, which would impair his freedom to have or to adopt a religion or belief of his choice. Similarly, the American Declaration of the Rights and Duties of Man, the European Convention on Human Rights and Fundamental Freedoms, the American Convention on Human Rights, and the African Charter on Human and Peoples' Rights, provide that every person has the right to freely profess a religious faith and to manifest and practice it both in public and in private. International efforts to codify freedom of religion culminated in the adoption, by consensus, of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief ("Declaration"). Although it lacks the binding nature of an international agreement, the Declaration is "regarded throughout the world as articulating the fundamental rights of freedom of religion and belief."⁵⁹ "The Declaration gives specific content to the general statements of the rights of freedom of belief and freedom from discrimination based on religion or belief contained in the major human rights instruments. The "savings clause" of the Declaration preserves the standards set forth in the Universal Declaration and the International Covenants by providing that nothing in the present Declaration shall be construed as restricting or derogating from any right defined in the UDHR and the International Covenants on Human Rights. Because it is enunciated in normative terms, elevating the rights and freedoms in question to normative status, the Declaration has a certain legal effect, "under the criteria deriving from international legal decisions. Articles 4 and 7 leave no doubt that the U.N. General Assembly intended the Declaration to be normative and not merely hortatory. Under Article 4,

⁵⁸ Tayyab Mahmud, Freedom of Religion and Religious Minorities in Pakistan: A Study of Judicial Practice, *Fordham International Law Journal*, Vol19 Issue 1, 1995.

⁵⁹ *Ibid*

states are required to "make all efforts to enact or rescind legislation" and to take other effective measures to prohibit discrimination on the basis of religion or belief. Articles 2, 9 and Article 7 imposes a more categorical obligation, by providing that "the rights and freedoms set forth in the present Declaration shall be accorded in national legislations in such a manner that everyone shall be able to avail himself of such rights and freedoms in practice."⁶⁰ Article 1 affirms the right to freedom of thought, conscience, and belief, and the right to manifest one's religion or belief. Article 2 prohibits discrimination on the basis of religion or belief. The freedom of thought, conscience, and religion should be distinguished from the freedom to manifest religion or belief. No limitations upon the freedom of thought and freedom to profess a religion or belief are permissible. In contrast, the freedom to manifest one's religion or beliefs may be subject to restraints imposed to protect other human rights and the various societal interests recognized by international human rights instruments.

The use or threat of coercion to compel persons to recant or to convert, which would impair the freedom to profess a religion or belief of one's choice, is also forbidden. To attain the core aim of the Declaration, the protection of the right to profess any religion or belief, coercion should be interpreted to include mental or psychological means of compulsion as well as physical means, and must extend to such practices as conditioning the receipt of public benefits or services upon renunciation or acceptance of religious belief. Article 1 of the Declaration permits restraints prescribed by law that are necessary for the protection of public safety, order, health, morals, and the fundamental rights and freedoms of others. Given the breadth and vagueness of these terms, analyses of specific restrictions must guard against interpretations that would eviscerate the safeguards created and magnify uncertainties concerning the resolution of conflicts. Article 6 sketches the contours of the basic right to religious freedom that is broadly stated in Article 1. The core rights are fundamental rights that cannot be violated under any circumstances. International law currently recognizes twelve non-derogable core rights, including the right to freedom of religion and prohibition of discrimination on the basis of religion.⁶¹ The core rights are binding on all states,

⁶⁰ Tayyab Mahmud, *Freedom of Religion and Religious Minorities in Pakistan: A Study of Judicial Practice*, *Fordham International Law Journal*, Vol19 Issue 1, 1995.

⁶¹ U.N. Charter article 1, states one of the purpose of U.N. is to promote, encourage and respect for human rights and that fundamental freedom for all without distinction on race, sex language or religion.

whether the states are signatories to a particular convention or not, as principles of customary international law. Non-core rights are those human rights that may be limited or suspended by a state. Such derogation is permissible in two circumstances: first during war or public emergencies; and secondly in order to protect national security, public health, safety, morals, or the rights and freedoms of others.⁶² Whereas in Pakistan the minorities have been discriminated right from the beginning under all circumstances and to large extend the state has helped the non-state actors in this action for number of reasons. One of the main reasons is to gather support during elections another is to train them for proxy war with India. The situation has worsened to extend that it is difficult to control them now because there are rouge element in the state establishments like in army and Inter State Intelligence (ISI).

Table 2.3 Pakistan signatory to different International Conventions

Convention	Status
International Convention on the Elimination of all forms of Racial Discrimination 1965	Rectified
International Covenant on Civil and Political Rights (ICCPR)	Rectified reservation on articles,2,6,7,12,13,18,19 and 40
International Covenant on Economic, Social and Cultural Rights, 1966	Rectified
Elimination of All Forms of Discrimination against Women 1979	Rectified
ILO III Discrimination (Employment and Occupation Convention, 1958	Rectified
ILO 169 Convention on Indigenous and Tribal People in Independent countries 1989	Rectified
International Convention on the Protection of the Rights of All Migrants Workers and members of the families	Not Rectified
International Convention on the Prevention on Punishment of the Crimes of Genocide, 148	Rectified
Convention of the Rights of the Child 1989	Rectified
Convention Against Torture and other Cruel inhuman or Degrading Treatment or Punishment, 1984	Rectified

⁶² Christoph Schreuer (1982) Derogation of Human Rights in Situations of Public Emergency: The Experience of the European Convention on Human Rights Yale Journal of International Law Volume 9 Issue 1 The Yale Journal of World Public Order

2.7 Rights of Minorities in Pakistan in Constitution of 1973

The 1973 Constitution provides fundamental rights to all citizens which provide important protections to religious minorities. The constitution of 1973 laid great emphasis of Fundamental Rights. The Fundamental Rights are given as under; all citizens are equal before law. No person should be deprived of life and liberty. There should be no discrimination on the ground of religion, caste, creed, sex or place of birth. The freedom of speech, expression, association and cultural activities are guaranteed. The freedom of religious teaching of minorities within their own institutions is granted by the state. Safeguard against discrimination in government services and provided protection to the maintenance and development of the religious institutions of all communities are provided. The state should give the following protections to the minorities.⁶³

1. Freedom of trade, business or profession
2. Freedom of speech
3. Right to information
4. Freedom to profess religion and to manage religious institutions
5. Safeguard against taxation for purposes of any particular religion
6. Safeguard as to educational institutions in respect of religion
7. Provision as to property
8. Protection of property rights
9. Equality of citizens
10. Right to education
11. Non-discrimination in respect of access to public places
12. Safeguard against discrimination in services
13. Preservation of language, script and culture⁶⁴

The Former Federal Minister of Law (PPP), Dr. Babar Awan said in his article “Wakalat Nama” published in Roznama Dunya, according to the article 36, protection

⁶³ Abdul Majid Religious Minorities in Pakistan http://pu.edu.pk/images/journal/HistoryPStudies/PDF-FILES/1%20Abdul%20Majid_v27No1june2014.pdf

⁶⁴ Abdul Majid (2014) “Religious Minorities in Pakistan”, Journal of Punjab University Historical Society, Vol.27 No.1, Lahore

of minorities: The State shall safeguard the legitimate rights and interests of minorities, including their due representation in the Federal and Provincial services⁶⁵

Some believe that minorities enjoy double rights than the Muslims under Objective Resolution. Firstly, all the minorities who are the citizens of Pakistan enjoy protection of the constitution and laws of the country and are as such entitled to democracy, freedom, equality, tolerance and social justice, fundamental rights, including equality of status of opportunity before law, social, economic and political justice and freedom of thought, expression, belief, faith, worship and association, subject to law and public morality.⁶⁶

Secondly, the double rights to the minorities are that they being the citizen of Pakistan not only enjoy the rights guaranteed to the entire citizen under the constitution but special provisions have been incorporated for the benefits of the minorities. They are allowed to contest the election on the general seats as well on special seats reserved for them under the constitution of Pakistan.

Also the Objective Resolution resolves that adequate provision shall be made for the minorities to freely profess and practice their religion and develop their culture. The people including minorities shall be guaranteed fundamental rights including equality of status, of opportunity and before law, social, economic, and political justice, and freedom of thought, expression, belief, faith, worship and association, subject to law and public morality. It also guarantees that sufficient provision shall be made to safeguard the legitimate interests of minorities and backward and depressed class.⁶⁷

The reality is something on the ground and will be dealt in subsequent chapter

Article 20 empowers the minorities to profess religion and manage their religious institutions.⁶⁸

Subject to law, public order and morality;-

⁶⁵Abdul Majid (2014) "Religious Minorities in Pakistan", Journal of Punjab University Historical Society, Vol.27 No.1, Lahore

⁶⁶ Muqtedir Akhtar Shabir (27 March, 2012) Article 2-A of the Constitution and Minorities Rights, Pak Tribune <http://www.paktribune.com/articles/Article-2-A-of-the-Constitution-and-Minorities-Rights-242889.html>

⁶⁷Maqtedir Akhtar Shabir, Article 2-A of the Constitution and Minorities Rights, 27th March, 2012, The Express Tribune

⁶⁸ Ibid

Every citizen shall have right to profess, practise and propagate his religion and every religious denomination and every sect thereof shall have the right to establish, maintain and manage its religious institutions.

Article 21:- Safeguard against taxation for purposes of any particular religion.

No person shall be compelled to pay any special tax the proceeds of which are to be spent on the propagation or maintenance of any religion than his own.

Article 22:- safeguards educational institutions in respect of religion, etc.

No person attending any educational institutions shall be required to receive religious instructions, or take part in any religious ceremony, or attend religious worship, if such instructions, ceremony or worship relates to religion other than his own.

In respect to any religious instruction, there shall be no discrimination against any community in the granting of exemption or concession in relation to taxation.⁶⁹

Subject to law:

No religious community or denomination shall prevent from providing religious instruction for pupils of that community or denomination in any educational institution maintained wholly by that community or denomination and no citizen shall be denied admission in any educational institutions receiving aid from public revenues on the ground only of race, religion, caste or place of birth.

Nothing in this article shall prevent any public authority from making provision for the advancement of any socially or educationally backward class of citizen.

Article 28 states the preservation of language, script and culture.

Subject to Article 251, any section of citizen having distinct language, script or culture shall have the right to preserve and promote the same and subject to law, establish institution for that purpose.⁷⁰

⁶⁹ Ibid

⁷⁰Maqtedir Akhtar Shabir, Article 2-A of the Constitution and Minorities Rights, 27th March, 2012, The Express Tribune

Article 36:- states protection of minorities.

That the State shall; safeguard the legitimate rights and interest of minorities, including their due representation in the Federal and Provisional services.

We must understand, while interpreting the provisions of the constitution, that the constitution of Pakistan is made for the entire citizens of Pakistan and to protect their rights and by no means is it limited to the Muslims of Pakistan. It is also true that certain resolve has been laid down in the constitution to ensure the rights of the Muslims to lead their lives according to teaching of Islam but it does not mean that it takes away rights of other people belonging to other religions.

We shall understand that by incorporating these provisions the minorities of Pakistan are not only protected as citizens of Pakistan but their rights as minorities have been many a times secured through incorporating Article 2 –A in the constitution.⁷¹ These are on the papers and only if these laws were implemented in letter and spirit the minorities would actually enjoy all the rights that are enshrined in the constitution. Another law that has really bothered the minorities is the blasphemy law.

2.8 Blasphemy Law and Religious Minorities

The present day blasphemy law has its history in the communal riots during 1920s mostly between Hindus and Muslims. Sikhs and other non-Muslims also had some communal clashes with the Muslims. There were three blasphemy laws promulgated in 1860 only dealt with physical offenses like defiling of worship places (IPC-295), disturbance to a religious assembly (IPC-296), and utterance of words verbally (IPC-298). There was no law that specifically addressed blasphemous offense in the form of written words, as this wasn't a common occurrence till that time. There was only one law dealing with the written words and it was IPC-153A.⁷² In 1927 the IPC-295A was promulgated with the sole purpose of addressing the blasphemy offenses that were committed in written words. It said ... whoever, with deliberate and malicious intention of outraging the religious feelings of any class of His Majesty's subjects, by words, either spoken or written, or by visible representations, insults or attempts to insult the religion or the religious beliefs. This addition to the existing blasphemy law

⁷¹ Ibid

⁷² Report, Blasphemy Laws in Pakistan A Historical Overview Center for Research and security Studies, Islamabad

was result of those offenses that occurred in India during the last sixty-seven years the period of 1860-1927 that falls under the IPC-295A.

Pakistan's history in relation to the practice of blasphemy laws can be divided into periods before and after General Zia-ul-Haq's era. The pre-Zia era continued with blasphemy laws inherited from British rule while five more laws relating to blasphemy were introduced to the statute book during Zia's rule. Before Zia-ul-Haq's coup, only eight blasphemy incidents took place in the country.

Until the ascendancy of General Zia-ul-Haq to power, most of the blasphemy cases were in line with what the founder of the country had assured the Muslims and the non-Muslims in his speech of 11th August 1947. However, after taking power Zia made amendments to blasphemy laws from 1980-1984 as part of his Islamization drive that was going to have deep consequences on minorities particularly the religious minorities. These changes were:

295-B: Defiling, etc. of copy of Holy Qur'an. Whoever wilfully defiles damages or desecrates a copy of the Holy Qur'an or of an extract there from or uses it in any derogatory manner or for any unlawful purpose shall be punishable with imprisonment for life.

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.⁷³

298-A: Use of derogatory remarks, etc., in respect of holy personages. 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 any wife (Ummul Mumineen), or members of the family (Ahle-bait), of the Holy Prophet PBUH (Peace Be Upon Him), or any of the righteous Caliphs (Khulaf-e-Raashideen) or companions (Sahaaba) of the Holy Prophet shall be punished with imprisonment of

⁷³Report, Blasphemy Laws in Pakistan A Historical Overview Center for Research and security Studies, Islamabad

either description for a term which may extend to three years, or with fine, or with both.⁷⁴

298-B: Misuse of epithets, descriptions and titles, etc. reserved for certain holy personages or places. (1) Any person of the Qadiani Group or the Lahori Group who call themselves ‘Ahmadis’ or by any other name who by words, either spoken or written, or by visible representation,

(a) refers to or addresses, any person, other than a Caliph or companion of the Holy Prophet Muhammad (PBUH), as ‘Ameerul-Mumineen,’ ‘Khalifa-tul- Muslimeen’, ‘Sahaabi’ or ‘Razi Alah Anho’;

(b) refers to or addresses, any person, other than a wife of the Holy Prophet Muhammad (peace be upon him), as ‘Ummul-Mumineen’;

(c) refers to or addresses, any person, other than a member of the family (Ahlebait) of the Holy Prophet Muhammad (Peace Be Upon Him) as Ahle-bait; or

(d) refers to or names, or calls, his place of worship as ‘Masjid’; ... shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.⁷⁵

(2) Any person of the Qadiani group or Lahori group (who call themselves ‘Ahmadis’ or by any other name) who by words, either spoken or written, or by visible representation, refers to the mode or form of call to prayers followed by his faith as ‘Azan’, or recites Azan as used by the Muslims, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.⁷⁶

298-C: Person of Qadiani group, etc., calling himself a Muslim or preaching or propagating his faith. Any person of the Qadiani group or Lahori group (who call themselves ‘Ahmadis’ or by another name), who, directly or indirectly, poses himself as a Muslim, or calls, or refers to, his faith as Islam, or preaches or propagates his faith, or invites others to accept his faith, by words, either spoken or written, or by

⁷⁴Ibid

⁷⁵Ibid

⁷⁶ Syed Rashid Ali Anti Qadiani Ordinance of 1984 <http://www.alhafeez.org/rashid/constipak1.html>

visible representation, or in any manner whatsoever outrages the religious feelings of Muslims, shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine.⁷⁷

Contrary to the previous blasphemy laws that addressed ‘all religious beliefs’, the new laws were specific to ‘particular religious beliefs’ of different jurisprudences (fiqhas) of the Muslims and prohibited the non-Muslims (Quadianis or Ahmadis in this case) from indulging into any activities that may be construed as an act of hurting the feelings of the Muslims (PPC-298B and 298-C). Surprisingly, no law was enunciated to provide a remedy to the non-Muslims (Christians, Hindus, Quadianis or Ahmadis in this case) from any act of other citizens that many hurt their religious feelings. General Zia-ul-Haq and his supporters might have intended to provide a legal procedure to address the religious conflict between the Muslims and the non-Muslims. Unfortunately, the outcome of these legal efforts was totally opposite to what was expected. Soon after the promulgation of these laws and with the passage of time the number of such cases continued growing and the people, finding an encouragement and incitement, began committing acts that could hardly be regarded as lawful. From 1851 to 1947, when the British ruled this region and the hatred between the Muslims and Hindus, at one time, had touched an unprecedented level, there were only seven incidents that were blasphemous in their nature. During the reign of the General Zia-ul-Haq, within a short period of eight years (1980-88), Pakistan witnessed eight blasphemy cases reaching the court. What exactly happened during this period or before that led to the promulgation of these additional blasphemy laws? Neither during the British rule nor during the period before General Zia-ul-Haq (1947-1979) was any case of defiling the Holy Quran ever reported? Not a single blasphemy cases filed from 1947 to 1979 were related to any defilement of the, Holy Quran or defamation of the Holy Prophet Muhammad, (PBUH) by any Muslim or non-Muslim.⁷⁸ How did the Hindu-Muslim hatred turned into Muslim-Ahmadi hatred despite the fact that both the communities, during the pre-partition period, had struggled jointly for securing a separate homeland for the Muslims of the sub-

⁷⁷Report, Blasphemy Laws in Pakistan A Historical Overview Center for Research and security Studies, Islamabad

⁷⁸ Report, Blasphemy Laws in Pakistan A Historical Overview Center for Research and security Studies, Islamabad

continent? A look back into the past may offer some answers to these intriguing questions.

British government took seventy seven years to introduce four blasphemy laws while General Ziaul- Haq took only seven years to introduce five blasphemy laws, PPC 295B, & C and PPC 298A, B, & C two of which were specific to Ahmadi and Shia minority communities. Next year he went ahead and included the Objective Resolution in the constitution as its preamble. Both these steps were in line with what the Ahrar had been demanding since 1949 and completely opposite to what Jinnah dreamt of Pakistan. What followed was a series of blasphemy cases that were the direct results of an ambiguity created by these laws.

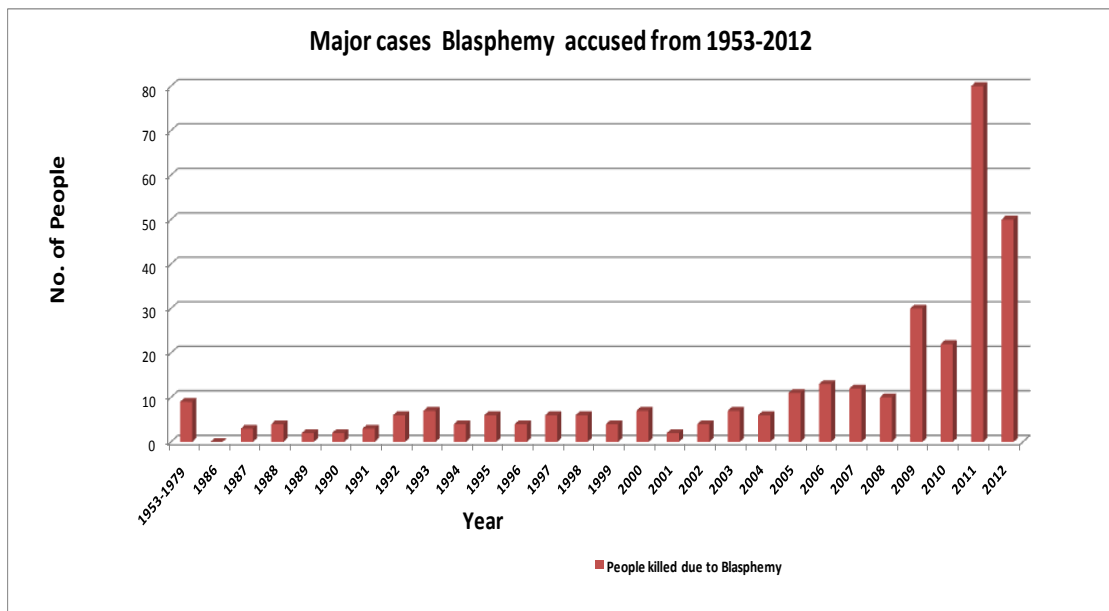
During the British rule, the enactment of four blasphemy laws had a history of Hindu-Muslim riots on religious grounds and several cases of blasphemous writings by the non-Muslim writers. In case of the subsequent enactment of blasphemy laws during the Zia rule, the history of Ahmadi-Ahrars conflicts, sectarian violence among different religious sects of the Muslims, and above all the division of the society on liberals and fundamentalists lines played significant role. Unlike the past, no prominent blasphemous writing is on record that could be regarded as a cause for promulgation of these new blasphemy laws other than the conflicts and sectarian violence cited above. With the exception of Ahmadi dispute, all other religious disputes among the different religious schools of thought were very old and every one of them, to date, considers their faiths as the correct one.

After creation of Pakistan these disputes became more prominent and began turning violent. However, one thing was common among all these acts of violence; most of them were politically motivated. The Ahrars' anti-Ahmadi movement never demanded any enactment of blasphemy laws in the beginning. It was a later development that was presumably shaped up after the Ahmadi were declared non-Muslims in 1974. Irrespective of the causes of motivations, the enactment of these laws also created a rift between the fundamentalists and liberals and the worst case of this conflict occurred in the form of the brutal murder of the Governor of Punjab, Salman Taseer, on 4th January 2011, and the Minister for Religious Affairs, Shahbaz Bhatti, on 2nd March 2011. One section of the society rejoiced at these incidents and garlanded the perpetrator for committing this heroic deed; the other loathed and

mourned the incident in as harsh words as they could, a kind of reminiscent of pre-partition India when the killers of Hindus blasphemers were treated by a section of the Muslims as their heroes.

In forty years from 1947 to 1986, the number of blasphemy cases filed in the courts was only eight. After promulgation of blasphemy laws PPC 295B, 295C in 1984 and 1985, this number multiplied and touched the figure of 243. The cases whose record is not available are stated to be over 1,000 or so. We are now having nine blasphemy cases every year after 1987 as against only eight cases in 30 years preceding 1987. The graph below shows how constantly the trend is going upward.

2.4 Graph Major Cases Blasphemy accused from 1953-2012



Source: Centre for Research and Security Studies, Islamabad

There has been a major turning point in Pakistani politics, a political party emerged named Tehreek-e-Labbaik Pakistan (TLP) with one agenda, to safeguard the blasphemy laws and to avoid any amendments in it. They won 2 seats in Sind provincial election in 2018 and became second and third in two national assembly seats. Hence the party which got registered in 2017 as a political party has spread its wings quickly. This is a matter of concern for the liberals in general and religious minorities in particular.⁷⁹

⁷⁹Moosa Kaleem, The Emergence of Tehreek-e-Labbaik Pakistan on Karachi’s Political Map, Dawn 18thSeptember 2018

2.9 Conclusion

Pakistan was created on the basis of religion arguing that Muslim was different race and would not be protected in India which bears no truth as the minorities within Islam like the Shia, the Ahmadhis and the Hazaras are venerable to this day and they are constantly targeted, killed and discriminated. Also the idea of Jinnah's two-nation theory failed completely as in 1971 East Pakistan severed itself from West Pakistan to become Bangladesh. The reason behind it being many, among them the most important was language. Also they were treated as second rated citizen.

Although the founder has made statement that the minorities would be treated as equal and the state would protect them. The Objective Resolution had also stated that the minorities would be safeguarded by the state. As time passed Pakistan became Islamic Republic and thus the nature of the state became parochial. As mentioned above the state declared the Ahmedi as non-Muslim in the year 1974. This was followed by the rise of Islamization during Zia's period. Many laws and ordinances were introduced hence creating problems for the minorities particularly the religious minorities.

Pakistan is signatory to International conventions laws for protecting religious minorities. There are provisions and laws in the constitution of Pakistan stating safeguard of their rights, equal treatment with majority Sunnis, freedom of religion etc. With all these provisions and laws the minorities especially religious minorities are still facing discrimination and violence which will be dealt chapter III.

CHAPTER III

STATE AND RELIGIOUS MINORITIES IN PAKISTAN: DYNAMICS AND DIMENSIONS

3.1 Introduction

The chapter focus on the nature of state of Pakistan and questions its role as a protector of the minorities particularly the religious minorities, the Hindus and the Christians. The Human Rights Commission of Pakistan (HRPC) in June 2010 had established Working Group on Committees to look into the matter of religious minorities, their age old problems of discriminations. The Working Group gathered lots of information and prepared a comprehensive report. Along with its report it also gave important recommendations. It also discusses socio-economic and political status of the minorities particularly the religious minorities; the Hindus and the Christians of Pakistan. The chapter also focus on state and the non-state agencies which have worked hand in hand to further accelerate the problems of religious minorities. It also examines the exclusion of the religious minorities in every aspect. The minorities feel discriminated in political process as well as in socio-economic development. Although there are laws in the constitution protecting the rights of the minorities but in real it's just the opposite. The minorities of Pakistan stand vulnerable. As Pakistan is an Islamic state it leaves little scope for secularism.

The white patch on its national flag represents its minority but the state has failed to protect sanctum for the flag. The stringent blasphemy law have been used by the majority Sunnis against the minorities and people have been jailed on false charges. In most of the cases it was found personal vendetta involved. The local state authorities have succumbed to the pressure of the local political and religious leaders. The women belonging to minorities especially of religious minorities have faced immense discrimination, the Huhood Ordinance and some other laws are discriminatory in nature which will be discussed subsequently. Their condition was already bad in a patriarchal society and even at present they face challenges from state and non-state actors. The women of Hindu have been kidnapped, forced to convert to Islam and marry their abductors. The local authorities like police have become helpless due to pressure from the religious and extremist groups. Hence, the picture of minorities in general and religious minorities in particular looks bleak in Pakistan. This chapter

also deals with the destruction of the places of workshop and targeting of people belonging to minorities especially religious minorities the Hindus and the Christians. There have been destructions of temples and mostly churches at regular interval of time. The Christians who are seen as agents of west have face threat to their lives and there are reports of their kidnapping. In most of the cases it was found that there were vested interests of the majority Sunnis and the extremists. They were after the land of the temples and the churches belonging to religious minorities.

3.2 Working Group its report and recommendations on Religious Minorities

The Human Rights Commission Pakistan had set up Working Group Committee in 2011 to review the status of the minorities. The religious minorities have been facing traditional threats and discrimination and have steadily multiplied over the last few years. It has aggregated with militancy growing intolerance and the rise to the power of violent extremist in Pakistan. This has left the religious minorities vulnerable by the growing violence and hate directed towards them. The factors for the rise in excesses against these religious communities includes not only the rise in militancy and religious extremist elements but also the government's failure to take effective steps to protect the basic human rights of the minorities and other vulnerable communities.¹ In June 2010 Human Rights Commission of Pakistan (HRCP) established a Working Group on Committees so that they could study the challenges and discrimination faced by the minorities. The HRCP considers 2010 a bad year for the minorities and suggests worse time ahead.

Table: 3.1 Population of minorities in Pakistan according to Ministry of Minorities

Population	Punjab	Sindh	Khyber Pakhtunkhwa	Baluchistan	Total	%
Christians	1699,843	294,885	36,668	26,426	2,057,858	42
Hindu/Secluded Caste	116,410	2,280,842	5,090	39,146	2,441,488	50
Ahmedis	181,428	42,524	42,150	9,800	276,902	6
Others	48,2779	23,828	14,726	6,470	93,804	2
Total	2,04460	2,643,079	98,634	81,879	4,870,052	100

Source: HRCP Report on Minority April 2011.

¹ Life at Risk, Report of HRCP, April 2011 Working Group on Communities Vulnerable because of their Beliefs

The committee is of the opinion that the government is reluctant giving actual figure and the figure given in the table is lower than what it actually is. The reason behind this may be the government's manipulative attitude toward minorities.² Members of the religious minorities disagree with the figure of non-Muslim population in Pakistan based on the last census and complain that their population is not accurately reflected in official statistics. The committee aimed to bring awareness among the minorities about all forms of violence, threats of violence and discrimination on basis of religion. Whether the threat is from state or non-state actors the committee is committed to improve the situation through changes in the law, policy and implementation, leading to prevention of discrimination and effective protection of basic rights and freedoms of all citizens.

Table: 3.2 Population by Religion and Gender according to 1998 census

Gender	Muslims	Christians	Hindu	Ahmadis	Scheduled Caste	Others	Total
Male	66,313,355	1,089,060	1,101,597	145,612	174,675	49,387	68,873,686
Female	61,120,054	1,003,842	1,009,674	140,600	157,668	46,755	63,478,593
Total	127,433,409	2,092,982	2,111,271	286,212	332,323	96,142	132,352,279

Source: HRCP Report April 2011

The Commission for the Minorities in Pakistan was like non-existence also its members were not known and activates were limited to just awarding stipends and sanctioned money for renovation of place of worship. The National Assembly's Standing Committee on Minorities had expressed reservation about the performance of the National Commission for Minorities and had observed that since the establishment, the Commission has not been able to protect and safeguard religious, social and cultural rights of the minorities in Pakistan.³

The Working Group called staff members of the Commission for Minorities a fake, and observed that it was completely devoid of the substance of what such a commission should be. The Commission was neither independent nor autonomous

² Ibid

³ Ibid

and had come into existence through executive order. The Working Group said that unless some minimum requirement were met it was certain that a commission would not be able to do much for the safeguard of the minorities.

It was noted that there was no contact information for the commission even on the website of the government of Pakistan or the website of the federal minorities. This suggests that there was no attachment with the people, the very purpose it was constituted. Thus with the people it was suppose to engage and protect them from different kinds of discriminations the commission did not yield. The Working Group recommended that the commission must have the fallowing attributes:

It must be a statutory body established by an act of parliament.

The law setting up the commission must also define the body's functions and composition.

The commission must have the mandate to address discrimination against minorities in law, policies and practises.

All members of the commission should be named in a transparent manner after meaningful consultation with representatives of the minority and vulnerable communities. Representative from the human rights organisations and civil society should also be named in the commission.

The commission must have as independent status, with its own budget, secretariat and working procedure

The commission must have the power to receive and entertain complaints and take all measures necessary to redress these complaints.

It should also have the authority to refer the matter to the court.

The commission should submit the report to the parliament annually.

To make the commission effective, its existence, functions and relevance to the problems of the people must be published and access of members of minority communities to it facilitated and ensured.

It should also have the authority to refer the matter to the court.

The commission should submit the report to the parliament annually.

The Working Group unanimously concluded that unless these conditions were not met, the commission would not be in a position to act as a watching for minorities' rights. The Working Group came out with a report, which is shocking it observed that faith-based discrimination and preaching of hatred and intolerance in Pakistan has root in the fact the country's law, including the constitution itself, did not envision equal rights for all citizens. The textbook even at the elementary level preached segregation. The Working Group also raised the issue of the teachers inciting hatred against the minorities in the school. It also emphasised the urgent need to educate the students to respect other religion, cultural, ethnic, and linguistic diversity. It also pointed out the law was not being implemented properly against those spreading hatred and intolerance. The Working Group also observed that not only the state has been unable to perform its primary duty of protecting the right to life of its citizens in the case of minority communities but it has also failed to stem the flow of hate speech through the print and electronic media, which at times based their tirades against the minorities in outlandish claims of conspiracies against the glory of Islam and Muslim. In one of the most alarming example of hate speech in recent years, an anchor person of popular Urdu channel commemorated the 1974 amendment to the constitution, which declared Ahmedis non-Muslim by holding a prime-hour discussion on 7th September, 2008 that ended with the anchor declaring the Ahmedis Wajibul Qutil (liable to be killed). The following day a Ahmedi doctor was killed in Mirpurkhas in Sind and the day after another Ahmedi was assassinated in Nawabshah also in Sind. The anchor was not even rebuked; much less charge with the criminal offence that instigation to murder Pakistani law.⁴

The Working Group was also informed that right wing political and religious groups branded religious minorities as agents of other countries; Hindus are considered as agents of India and Christians are agents of west. Despite of the laws mentioned in the constitution to safeguard the minorities the state has failed to ensure protection against such intimidation as well as to prosecute those perpetrating such propaganda. The Hindus reported that they often feared and faced backlash in Pakistan in the form of

⁴ The Working Group Report, HRCP April 2011

discrimination and violence for any perceived excesses against Muslims in India. They reported that they felt vulnerable ahead of an Indian High Court verdict in September 2010 regarding a dispute over the ownership of the land on which Babri Mosque was built. They said that before the verdict was announced they had sent their children and women to their relatives' house in Hindu majority areas for fear of a backlash from Muslim extremists.⁵ Discrimination on the basis of faith was also seen during disaster management, the minorities were not given the benefits as compared to the Muslims the example of this was seen during massive flood of 2010.⁶ During August in the same year 500 Ahmeedi families displaced from Dera Ghazi Khan, Muzaffargarh and Rajampur district of southern Punjab by the flood were denied relief goods and shelter by government officials and local clerics on account of their faith.⁷ The displaced families were expelled from a government schools in Dera Ghazi Khan and from other rented lodging in southern Punjab following clerics' diktats that the affected Ahmedis must not be provided any help. Christians also had made similar complaint, that they were been harassed and were not given any relief benefits. They were discriminated by the government officials. Some district officials in Sukkar had reportedly observed that Sikhs and Hindus were pushed away from food distribution points. In Karachi, about 600 Hindu flood victims staged a protest after they were given beef to eat.⁸ The vulnerability faced by displaced religious minorities did not draw a specific response from the state. There has been official recognition of specific protection needed by the religious minorities by the National Assembly Standing Committee on Minorities in May 2009. This was only after many displaced families of religious minorities from the troubled areas of Khyber Pakhtunkhwa and FATA. Different committees of parliament have expressed their concern over discrimination and threat to their lives and properties of religious minorities. In October 2010 meeting of the Senate Standing Committee on Minorities' Affairs, one senator informed the committee that 500 Hindu families in Baluchistan had migrated to India because of threat to their lives, properties, crimes of all sorts and abduction for ransom.⁹ The liberal political parties did not do much to improve the lives of these religious minorities but they had mentioned in their manifestos. They did not

⁵ Ibid

⁶ The Working Group Report, HRCP April 2011

⁷ Ibid

⁸ Ibid

⁹ Working Group, HRCP, April, 2010

confront the extremist groups instead sometimes helped them by allocation different posts of different organisations as they had helped these political parties in one way or other. The media also did not played positive role as on the television most of the talk shows held with religious leaders with conservative outlook who openly criticised other religion and their existence. The Hindus and the Christians were scared to discuss their religious affairs and the media did not cover their plight. Sometime the extremist groups threatened the reporters not to cover the religious minorities' stories. The state remained quiet and thus encouraging the extremist groups in their endeavour of discrimination, harassment against the religious groups.

3.3 The State and the Religious Minorities

It is very important to understand the nature of state in Pakistan. The civilian government has never been so powerful as to prevent the army from interfering in day-to-day political process of the country. Also there has been nexus between army, Inter State Intelligence (ISI) and religious parties their leaders and extremist groups.¹⁰ Hence the religious parties and the leaders do not hesitate from instigating violence and target killings against the minorities specially the religious minorities knowing the fact that they have state backing.

The discrimination is entrenched in the constitution itself saying that non-Muslim cannot become the prime minister or the president of the country (see annexure-2). Another example is the article 22 of the constitution exempts the non-Muslims from studying Islamic studies but the students are forced to study as in general knowledge and other papers in which multiple questions about Islamic Studies are continuously asked. Although non-Muslim have option of appearing in the paper of ethics rather than Islamic Studies, the Islamic Studies paper clearly stated that any student attempting that paper would get 30 percent additional marks hence, anyone appearing in ethics paper would have to forgo the additional marks. The Hindus from Baluchistan said that they faced problem in admission to Cadet College, as at the time of test all the candidates were required to appear in the paper of Islamic Studies. The Hindus also complained that if the Hindu child was admitted in the college they were served the same food that included beef, which is against their religion. The education system in Pakistan is not inclusive and there is nothing positive in the textbooks about

¹⁰ Frederic Grare (2011), Pakistan's Pursuit of Democracy in ed Ravi Kalia, Pakistan From the Rhetoric of Democracy to the Rise of Militancy, Routledge, New Delhi, p 169

the non-Muslim. There is not a mention about their contribution of nation building. The truth is that the religious minorities are humiliated and belittled throughout the textbooks. This is a powerful propaganda against the religious minorities by the state and the only purpose of this is to appease the extremists and right wings religious leaders. This also caters to vote bank politics and the religious leaders are instrumental in this whole process.

In 1952, Jamiat Ulimma-e-Islami proposed that the constitution should demanded that a board of Ulama should serve as the final arbiter of any proposed legislation's compatibility with Islamic law. The proposal was rejected in the National Assembly by a vote of 276 to 91. Both side reached compromise but without satisfaction. Pakistan would now be called Islamic Republic state with only Muslim as the head of the state. Pakistan's first constitution permitted that the Quran be taught in schools, but it did not impose the sharia law and was deliberately vague about Islam's role when setting public policy. Despite of these the rights of religious minorities were given only minimal protection.¹¹ Article 2 of the constitution states Islam shall be the state religion of Pakistan and from this day onwards Islamization started and reached its peak during period of Zia ul- Haq. The government also amended the constitution of 1973 to ensure that the Ahmedis did not hold the post of president and the prime minister (see annexure1&2). Bhutto had conceded to the pressure from Islamist parties and to appease them but this did not save him after the election of 1977 in which Pakistan National Alliance (PNA) dominated by the religious parties attacked Bhutto by using Islam and raised religious issues in national political debate for the first time. The PNA gave a slogan of Nizam-i-Mustafa (System of the Prophet). Bhutto tried to convince the people through sharia-secularism gamut and he removed the word socialism from his party's literature, he also promised to make Friday a weekly holiday and publicising its platform as one of Islamic egalitarianism. On the other hand Zia thought only Islam could unify people as he had mention; 'One God, One Prophet, One Book, One Country, One System' and no dissension. Bhutto won 155 out of 200 and PNA won only 36 seats but was accused by the PNA of rigging the election. This was followed by agitation on the street for months and Bhutto tried to suppress them but failed. The PNA approached Zia-ul-Haq the chief of the army staff and Admiral Mohammad Shariff, Chairman of the Joint Chiefs of Staff

¹¹ Haroon K. Ullah, *Vying for Allah's Vote*, Cambridge University Press, Kondil, 2014

Committee, and convinced them to remove Bhutto while no agreement was reached with Bhutto as he and his colleagues remained stubborn. The absence of a formal agreement between the government and the PNA was used as an excuse by the army under its chairman Admiral Mohammad Shariff which led to Coup with code name 'Operation Fair Play' by General Zia-ul-Huq to break the stalemate. Those justifying the coup argued that no agreement had been reached between the two sides. Hence Bhutto was removed from power and later was charged with murder of opponent leader, which led to hanging him in 1979.

Thus began dark period in Pakistani history with Zia-ul-Haq assuming power. The first step towards Islamisation was judicial and legal reform. In 1979, Zia promulgated the notorious Hudood Ordinance, which set Islamic punishments like whipping, stoning, and other fatal method for crime ranging from adultery and drinking to gang robbery. With Hudood Ordinance he met his dual purpose firstly to bring Pakistani criminal law at par with Sharia law and their focus on the sanctity of private property, to remind the lower classes that the Bhutto regime was over. Zia had established Sharia Benches on the High Court and Supreme Court in 1979 but in 1980 he eliminated High Court Sharia benches and instead Federal Sharia benches were established. These benches comprised of Muslim judges of the respective courts and these judges were empowered to examine any law or provision of the law and to decide whether they were repugnant to the injunction to Islam as mention in the Holy Quran and Sunnah of the Holy Prophet. In the year 1981 Zia appointed three religious leaders and scholars to the Federal Shariat court making for the first time the members of Ulemas had ever served on a Pakistani court. But their power was limited as they were not empowered to review the constitution or any law relating to the financial or economic system. The Sharia courts simply became machinery in the hand of the state for social control.¹²

The reforms in the education were going to have deep impact on Pakistani society. Zia revised the standard textbooks used in Pakistani school to create a semi-mythic narrative of Islamic Pakistan. Quranic and Islamic studies was made a mandatory part of both public and private education. Zia founded Sharia faculty at the Quaid-i-Azam University, and the government made effort to modernize and mainstream the

¹² Haroon K. Ullah, (2014) *Vying for Allah's Vote*, Cambridge University Press.

religious the school, or (madasa) by increasing public funds and encouraging the ulimas to adopt modern educational standards but didn't happen in practise. The government recognised the degrees issued by the madarsa and the students were eligible to receive public scholarship funds.

The state had played very important role for what the religious minorities are today, their economic, political, and social conditions. In almost all the violence that was carried out against the minorities particularly religious minorities during this period the state acted very incompetently. The action was taken only after lots of lives and properties were destroyed. In Pakistan, the army and its secret agency the ISI (Inter State Intelligence) control the state, and the elected civilian government has very little say. The nexus between the army, the extremist, and the ISI has created such a situation that the minorities have little say in everyday life.¹³

The first riot that Pakistan experienced was in 1953 in Lahore in which 2000 Ahmadis were killed and huge amount of property was ruined. The then Prime Minister Khawaja Nazimuddin did not take adequate action against the perpetrators. All the perpetrators were acquitted later. Thus from the very beginning the state has been treating the religious minorities with discrimination. This can be analysed as what has prompted the state to take these discriminatory steps.¹⁴

The central principal of democracy is equality among all citizen with equal rights and duties. But the real democracy with such principles was the last thing bothering the minds of Pakistani politicians. The real interest was to find out the means to stop the religious minorities from becoming equal citizens and ways to exclude them from electoral politics.¹⁵ Now the big question is, why do these politicians want to alienate the religious minorities, and this has bothers, the liberal and the democrats from the beginning. After the restoration of democracy in the country in 1988, the political leaders from the mainstream political parties did not bother the issue of marginalisation of minorities in electoral politics. Even after removal of some part of 8th amendment unanimously through 13th amendment in 1997, the issue of joint electorate was not touched.¹⁶ The other reasons could be, not to offend the determined

¹³ Rashid Ahmed, (2012), Pakistan on the Brink, Allen Lane, London, pp46-46.

¹⁴ Report of the Court of Inquiry on Punjab Disturbance in 1953 , Lahore

¹⁵ Rasul Bakhsh Rais, Marginalising religious minorities, Daily Times, Newspaper 20-5-2012.

¹⁶ Ibid

religious group or to start fresh controversy, which is politically insignificant to them.¹⁷ In Pakistan, majority Sunni's rights to elect local governments and religious minorities' rights to be seen as equal citizens both remain challenge to these days. Therefore, the question of the participation of religious minorities in local governments becomes twice as complicated.

As far as the inclusion and participation of religious minorities in local government elections is concerned, consequently the operations of local bodies in different parts of the country have different circumstances offering diverse challenges and opportunities. The situation is made such by the local religious leaders that the religious minorities has no say at all in the local bodies.

Minorities live in fear and their participation is checked due to inadequate legal frameworks, and the practices of social exclusion and economic marginalisation. The allocation of a quota of seats for minorities has both pros and cons. It is useful in place where non-Muslims are in a minority. However, it becomes a problem where they are in the majority because the groups and political parties fielding candidates in these Union Councils are dominated nationally and provincially by Muslims. In such cases, it can be useful if the Muslims can also vote for the minority candidates but it does not happen.

Thus minorities of Pakistan have always been excluded in the process of nation building and also from various benefits distributed to the majority religious community. And even if the religious minorities are elected their decisions are seldom taken.¹⁸ The minorities are not adequately represented in the provincial as well as national assemblies.¹⁹ The Muslim voters would not vote the non-Muslims and thus reservation is the only way to solve the problem. There is lack of trust and faith towards non-Muslims. The minorities want the majority Muslims to heed and apply the Quaid-i-Azam's viewpoint that religion has nothing to do with the business of the state. The people of Pakistan have long ago forgotten this advice and thus the socio-political has been deepening into an ever expanding and disintegration of civil strife. This has changed the state of mind of the right wing Muslims that persuades them to

¹⁷ Ibid

¹⁸ Local Government and religious minorities, Development Advocate, Pakistan, Vol 4; Issue 1, UNDP, <http://www.pk.undp.org/>

¹⁹ Anwar Syed, Representation of Minorities, Dawn, Newspaper, 31st -3- 2002.

persecute non-Muslim. General Musharraf had taken step to curb extremism but very little success was achieved. The state and the religion is so intertwined that the fundamentalists have taken state for granted.²⁰

Since the first parliamentary election in the country in 1970 almost 23 years after the creation of Pakistan there have been several elections. The first election was held on the basis of joint electoral system, by then military ruler Yahya Khan, which was later amended by Zia-ul- Haq in 1980s. Minorities were hardly 3 percent of the population in 2002 the government decided to adopt joint electoral system. The decision was welcome by all the minorities, liberals, political parties and international community. The religious parties and other religious institutions did not accept the joint electoral system.²¹

An Islamic political party has challenged the joint electorate system in the Supreme Court saying it violates Pakistan's Constitution. The Jamiat Ulema-i-Pakistan party also questioned President General Pervez Musharraf's right to do away with the separate electorate system, enforced since 1977. The party said in its 9th April 2002 court petition that restoration of joint electorates has nullified the Islamic character of the constitution. The restoration also jeopardized fundamental rights of Muslims by treating Ahmedis as Muslims, thus allowing them to contest elections on Muslims seats, it said. Ahmedis are among the government-recognized religious minority communities. They consider themselves Muslims, but many orthodox Muslims consider them heretics.²² Salimullah Khan, president of Jamiat Ulema-i-Pakistan addressed a press conference in Lahore, that the Quran and Sunnah (Islamic tradition) specified that non-Muslims cannot represent Muslims nor have control over Muslim affairs. According to an Ahmedi if the petition says something for Ahmedis, it can also be applied to Christians. The joint electorate eliminates religious discrimination and give equal opportunity to every citizen to take part in the electoral process. Through this system, any citizen, even an Ahmedi, can cast a vote for anybody and receive votes from anybody, irrespective of religion. Akram Gill, a Catholic and minority member of the District Council of Lahore told UCA News that the joint

²⁰Ibid

²¹ PPI, Constitutional package harmful to minorities, The Nation, 25-06-2002

²² Faheem Younus, Pakistan's 'Separate but Equal' Election, The Huffington Post, 14th July-2013.

electorates will help Christians become part of mainstream politics and obtain more acceptance and respect in society.²³

Musharraf, who came to power in a 1999 coup and later declared himself president, agreed to a long-standing demand to restore the joint electorate system, doing away with non-Muslim minorities being able to vote only for members of their group in reserved constituencies. After the coup, the Supreme Court mandated that Musharraf restore democracy through an election by October 2002. Major political parties have supported Musharraf's decision, while some Muslim religious-political parties opposed the decision. Religious minorities, however, were happy with the restoration of joint electorates and see themselves taking an active part in the elections. Referring to the court's directive to Musharraf, Khan noted that amendment by the president could be resorted to only if the constitution fails to provide a solution for the attainment of his declared objectives.²⁴ Khan said the court had ruled, "that no amendment shall be made in the silent features of the constitution, that is, independence of judiciary, federalism, parliamentary form of government, blended with Islamic provisions."²⁵ The party's petition to the apex court urged that preparation of new electoral rolls be stopped; saying separate electoral rolls had already been prepared but is now being changed. According to the Ahmedi community source, if the government is serious about holding elections through joint electorates, electoral lists should do away with the "religion column." Failure to do so would mean that "things are not clear," he added. He said that the two major political parties of former elected prime ministers had already chosen Ahmedi candidates for the elections. Church rights bodies had opposed the separate electoral system introduced by the late president General Zia ul-Haq in 1979 as "religious apartheid."²⁶ Under this system, non-Muslims voted only for members of their religious group in few reserved seats while Muslims elected representatives through geographic constituencies. This could limit the political rights of the minorities in Pakistan. This was the trap laid by the right wing parties and fundamentalist to curb the political movement of the minorities.

²³ Ibid

²⁴ Ibid

²⁵ PPI, Constitutional package harmful to minorities, The Nation, 25-06-2002

²⁶ Ayaz Amir, Islamabad Diary, Dawn, 21-6-2002.

During the Benazir's second period in power she had promised to do away with the separate electorate and other discriminatory laws but she failed to do so. The reason she gave up was that she did not have support of Nawaz Sharif who was direct beneficiary of Zia. Also Muslim League of Nawaz Sharif was party of feudal and businessmen and hardliners who were not interested in egalitarian society.²⁷

The government has also failed to implement 5 percent quota for the minorities in all the government jobs, which was made mandatory by notification in October 2009. In 2015 there was call for 696 vacant posts for civil judges cum judicial magistrate but no quota for minorities were mentioned.²⁸ There are several civil petitions seeking their implementation and is pending in the court. In one of the petition submitted in April 2010, Justice Sheikh Azmat Saeed had observed that he would not dispose of the petition until the quota was implemented in all government departments in its letter and spirit.²⁹ An advocate who was the member of a Committee for Protection of Minorities members lamented that instead of ensuring that all the departments and other institutions were implementing the quota, the court itself was flouting the order. This gave the message to the other government organizations that the order was not to be taken seriously.

The article, 260 (3) (b), of the constitution of Pakistan, clearly recognized Christians, Hindus, Sikhs, Buddhists, Admadis, Parsis and Bahais as religious minorities communities in Pakistan.³⁰ Though there is a law already in the constitution yet not much has been done to implement for the benefits of the religious minorities. The problem with the implementation of this kind of law is that the majority right wing politicians, religious leaders and fundamentalist Sunnis will be furious thus leading to street protest and backlash on the minorities. Thus the government is too timid to see that the laws benefiting the minorities are carried in full swing.

In order to make their voice heard to the government the minorities' forged alliance, All Pakistan Minorities Alliance (APMA) for securing and protecting their rights. Shab haz Clement Bhatti, a young Christian leader, headed the alliance. They passed

²⁷ Iftikar H. Malik, Religious Minorities in Pakistan, Minority Right Group International, August 2002.

²⁸ Rana Tanveer, No Location for minorities in LHC's latest hiring derive, The Express Tribune, 2-3-2015.

²⁹ Ibid

³⁰ Ibid

several resolutions to forge and foster unity and harmony among the minorities. The resolution also urged the government to repeal the blasphemy and other controversial laws forthwith so that the constitutional discrimination could be stopped and an atmosphere of religious harmony and tolerance could be brought about in the country.³¹ The convention also asked the government to restore the seats reserved for the minority communities in the senate, national and provincial assemblies as provided in the original constitution of 1973.

Table: 3.3 Minority Representation in National and Provincial Assemblies

National Assembly	10
Punjab	8
Sind	9
Khyber Pakhtun khwa	3
Baluchistan	3

Source: Abdul Majid (2014) “Religious Minorities in Pakistan”, Journal of Punjab University Historical Society, Vol.27 No.1, Lahore

The seat in National Assembly was restored to 10 for the minorities. The Christians will have four seats in National Assembly, Hindus and people belonging to scheduled caste four, one for Sikhs, Buddhist and Parsi communities and for Ahmadi one. In the provincial assembly minorities’ reserved seats are twenty-three. In Punjab among 372 including 66 seats reserved for women and nine for minorities, in Sindh among 167 seats including 29 seats for women eight for minorities. In Baluchistan three reserved seats for minorities among 65 members and eleven for women and in Northwest Frontier Province (NWFP) now Khyber Pakhtunwkhwa (KP) among 124 including 22 women and three minority members.³² They also urged the government for reservation for their women within 33 percent reservation for the women. They also appealed to the political parties to accommodate religious minorities in the joint electorate system in such a way that their representations could be ensured in the legislature. The alliance was welcomed by Pakistan People’s Party chairperson Benazir Bhutto hailed the formation of the alliance, Muttahida Qaumi Movemnet (MQM) and Awami National Party (ANP) other prominent parties also supported APMA. Bhatti had thanked General Musharraf for restoring joint electorate system.

³¹ Rasheed Khalid, Minorities forge alliance to secure and protect their rights, The Nation, 15-7-2002

³² Rifaqat Ali, Technocrat seats dropped, restored for minorities, Dawn, 2-8-2002

The Scheduled Caste Federation of Pakistan (SCFP) has also expressed happiness and welcomed the restoration of minority reserved seat in national and provincial assembly but regretted that 1.6 million Scheduled Castes in Pakistan have been practically deprived of the representation chances in the parliament due to country's system.³³

During the election in October 2002 the general had planned things for himself as he had promised to return Pakistan to democratic path. General Musharraf rewrote election rules in such a way that disqualified Nawaz Sharif and Benazir Bhutto and threatened to throw them in jail if they return to the country.³⁴ This disheartened both Pakistan People's Party and Pakistan Muslim League. After the election the government would work under the constitution amended by the general, which gives extra power to Musharraf and National Security Council. His pretext was as usual made by his predecessors, to do away corruption, bring good governance and save the country from external power. But the critics say he has no intention to let the civilian run the Pakistan. Faced with such criticism, Musharraf did not but aspect was the force that has filled the vacuum; an alliance of six hardliner religious parties that called itself the 'Muttahidda Majlis- e-Amal' (MMA).³⁵ The MMA is vociferously anti American. This was more worrisome for Musharraf as it had also become a focus for popular discontent against him for his action since September 11, especially when he had crackdown on insurgents going to fight jihad in Kashmir, and what is perceived to be his pro America pandering.

In the past Pakistani religious parties seldom grabbed more than 5 percent of vote. The country's intelligentsia likes to claim this is because, once all the screams dies down and ballots are cast; Pakistanis are moderate and secular in nature. In fact, most Pakistanis are poor, unschooled people who traditionally vote as their feudal squire's commands or they suffer the wrath. With the two big parties in retreat the hardliner religious collation was leading a whole lot of voters to the booths. The polls indicated that the MMA could win 30 to 50 of the 270 national assembly seats; another 70 seats are reserved for women and minorities, a Musharraf innovation. That is nowhere near a majority. But in a splintered parliament, it could be enough to give the clerics a few

³³ Staff Correspondent, SCFP hails restoration of minority reserved seats, The Nation, 7-8-2002

³⁴ Tim Mcgrik & Khana Khel, Religious right may find breathing space in Pakistan, Daily Times, 9-10-2002

³⁵ Ibid

berths in a future coalition government. From there, the clerics could snip and demand radical Islamic changes in schools and social programmes.³⁶ This could be catastrophic for Pakistan in general and minorities in particular.

Musharraf had plainly given religious group for free rein in the campaign than he had allowed to big parties that were his main rivals. In Jhang city in Punjab province Maulana Azam Tariq leader of an outlawed extremist group called Sipah-e-Sahaba, which had been linked to numerous sectarian killings was being allowed to run as an independent candidate despite election laws that disqualified any candidate who has criminal charges pending, or even those who did not earn a college degree.³⁷ The hardliner religious parties though did not perform well in the election of 2002 but their impact on socio-political fabric of Pakistan was immensely negative. Just before the election there were series of terrorist attacks on Christian's institutions and churches and send wave of fear among the minorities and there were apprehension that they would not take part in election.³⁸ The killing of seven Christian workers of Idr-i-Amn-o-Insaaf in Karachi had angered the Christian and other minorities.³⁹ The hatred policy they had towards the government and America turned against the minorities.⁴⁰

The election was rigged and manipulated by the establishment as claimed by many, especially by chairman of APMA, Shabaz Bhatti. He said that APMA had started collecting data regarding malpractice and would be placed at national and international level. There was doubt on Election Commission as it declared result 30 hours later thus giving time to manipulate the result. Many candidates complained that they were declared winner at the time of counting at their booth but later on television they were declared unsuccessful.⁴¹ The minorities had sided with PPP in the election casting 98 percent of their vote. Thus PPP got 35 seats in national assembly and 67 seats in Punjab province.⁴²

³⁶ Tim McGrik & Khana Khel, Religious right may find breathing space in Pakistan, Daily Times, 9-10-2002

³⁷ Tim McGrik & Khana Khel, Religious right may find breathing space in Pakistan, Daily Times, 9-10-2002

³⁸ Rubina Jabbar, Living on the margins, The News International, 20-10-2002

³⁹ --- Minorities seek role in future setup, Dawn, 14-10-2002.

⁴⁰ --- Minorities vexed by success of Islamic condition, Daily Times, 15-10-2002

⁴¹ Frontier Post Report, Minorities accuse admn of manipulating polls results, 13-10-2002

⁴² -- Minorities seek role in future setup, Dawn, 14-10-2002

3.4 Exclusion of Religious Minorities

There is sadly a small and weak Christian minority in Pakistan. They virtually have no history of their own except that they have existed in this land for nearly a hundred and fifty years. In the post-independence most of its members lacked proper integration into their socio-cultural environment. There is a high degree of intolerance and acceptance of narrow orthodox ideas. The most serious handicap besetting the Christian minority, both on the collective as well as individual level, is that it is inherently deprived of social prestige.. In many ways the Christian community in Pakistan is nothing more than a piece of baggage left behind by the departing British Raj and other western Christian Missions. In its present scenario, the community lacks social prestige, political involvement, and economic strength. Even in the pre-independence era the situation of Christian was different. They were one among the several religious communities; they lacked social prestige and played no considerable role in the matters of the British. But their security as well as their fair share of the right and opportunities was as much assured as of other communities. After independence, things changed dramatically for Christians in Pakistan.

Pakistan constitutionally is an Islamic theocratic state and thus instantly differentiates the followers of national religion and the non-followers. Another factor is the traditional feudalistic value system, the Sharia law and the government's inability to tackle the inequalities resulting from them. Thus, within a part of the Muslim society, tolerance and pluralism are counted among the lesser values of life. In Pakistan in the recent years the situation of the Christians minority has been progressively getting worse with steady rise of aggressive Islamism. The Christians are facing realities that have never been the part of their lives. Hence in order to understand these realities new approaches are required.

The problems faced by the Christians come from three major sources. Firstly, there is an unresolved doctrinal conflict between Islam and Christianity, including each one's claim of being the absolute final of the revered religions. This incurable conflict keeps fire of mutual rejection always ablaze. The Quran also sees Christians as infidels and in several instances forbids Muslims to develop bonds of friendships with them.

Secondly, there is, in the Muslim hearts the lingering hurt because of the Christian Crusades of early middle Ages, and thus the Muslims are paying back in kind.⁴³

The major sources of problems for the Christians in Pakistan reside in the religious nature of Pakistan as a national state. The Constitution sets down Islam as the State Religion, making Muslims as the preferred citizens. This makes non-Muslims without an inherent national status. The only status available to them is that which is ‘granted’ to them by the state, or by the “true Pakistanis”, the Muslims. This condition of status dependency has reduced the Christians and other non-Muslim’s natural and universally recognized human rights to a matter of Muslim determination. Thus, to the extent that the non-Muslims are placed under the Islamic law and the Islamic principles of justice, to which they, in good conscience, cannot subscribe, they are in a strange national situation.⁴⁴

In the second mode the state excluded certain communities by re-labeling itself. During General Zia it intensified the ideology under Sharia in such a manner that the Sunnis became redefined while the Shias became excluded from the redefinition. The enforcement of Zakat by the state forced the Shias community to elect a different identity by refusing to pay zakat to the state. The Shias themselves have segregated from the main stream and have started to be ghettoized. They have been targeted in masses and the state has failed to protect them.⁴⁵

Another important sect to be attacked by the extremist Sunni was Barelvis. The Sunnis had always regarded them as traitors because they were sympathetic towards the Shias. The attack on the Barelvis first occurred in Jhang but the major attack on them was in 2006 in Nishtar Park in Karachi.⁴⁶

3.5 Blasphemy Law and Violence against Religious Minorities

The shift towards an exclusive Islamic identity had begun from the very beginning. Pakistan was determined by the Objective Resolution, a preamble to the constitution of 1956. When a Hindu member of parliament from East Pakistan expressed reservation of the Objectives Resolution, it was Zafarulla Khan an Ahmadi and first

⁴³ -- Minorities seek role in future setup, Dawn, 14-10-2002

⁴⁴ Ibid

⁴⁵ Ibid

⁴⁶ Khaled Ahmed, *Sectarian War Pakistan’s Sunni-Shia Violence and Its link to The Middle East*, Oxford University Press, Karachi, 2013

foreign minister, defended it. Little did he know after decades the professed Islamic identity for the state of Pakistan would declare his community as non-Muslims?

The religious parties, led by the Jamaat-e-Islami, began to demand, imposing Sharia as a logical development for a state that was created on the basis of Islam. All the ruling parties or the dictators played religious card for the purpose of expediency it was General Zia-ul-Haq who institutionalized discrimination and opened the doors for persecution of non-Muslims.⁴⁷ Apart from making amendments to insure severe punishment for Ahmadis calling themselves Muslim, the additions and amendments he introduced to laws pertaining to Blasphemy all of sudden led to a sharp rise in alleged incidents of blasphemy, both in the number of the cases registered as well vigilant justice. Though no one has been executed despite of death penalty, over 65 people belonging to religious minorities have been killed by extremist or individual and some in police custody.

The first case that caught public attention was that of Naimat Ahmar in 1992, a 45 year old Christian school teacher in Faisalabad. He was stabbed to death by a student accused for blasphemy. Manzoor Masih was killed at bus stop in Lahore in April 1994; Samuel Masih was killed by policeman who was supposed to guard him at hospital in 2003. Jagdish Kumar was lynched to death by fellow workers. On 1st April 2007 the police in Toba Tek Singh arrested Salamat Masih and 11 year old Daniel Masih under blasphemy laws also with them other three Christians were arrested. The charge on them was that they had removed Islamic sticker from the pocket of Faisal Gulzar a Muslim boy and crushed on it. The mob later attacked Christian colony. On March 23- 2007 Amanat Masih, a 50 year old man from Shekhpura, was tortured by the mob for allegedly burning some pages of of Quran. He was later arrested and remains in the jail. His wife had saved Rs 50,000 for their daughter's wedding was looted by the mob. On April-2007 Shaheen Masih, a 12 year old girl was kidnapped by four Muslim men and gang raped for two days after which she was rescued by the police. The four men were arrested and a case was registered against them but later they all were released. In Charsadda, a small town in Khyber Pakhtunwa with well established Christian community faced threat. Letters were

⁴⁷ Zohra Yusuf (August 2017), The Shrinking Minorities of Pakistan, Newline Magazine

slipped in their houses warning them to convert to Islam or face death.⁴⁸ The violence of Shantinagar in 1997, Gojra in 2009, Joseph colony in Lahore where seven Christians were killed⁴⁹ and Francis colony in Gujrawala, and in 2013 are major incidents where the extremist groups were instigated to attack entire neighbourhood of Christians allegedly by land mafias where 78 people were killed and 120 injured.⁵⁰ The most important point in all these incidents are that no one was convicted. This shows that the religious minorities cannot hope for justice and hence feel second rated citizen in the country. Both the legal system and administrative system have failed them. In the case of Joseph colony those arrested for setting houses Christian ablaze were quickly released on bail with no further progress on their trial. The only Christian, Sawan Masih, whose alleged blasphemy had been used to instigate mobs, was given the death sentence in a rare display in speedy justice.⁵¹ In another incident on 4th November 2014, in which a young Christian couple, Shama and Sajjad working as bonded labourers in a brick Kiln were lynched by a mob in Kot Radha Krishan, Punjab. They were beaten to death and their bodies burned by an angry mob when they learned from the mosque that the Christian couple had desecrated a copy of the Quran.⁵²

The Hindus are mostly concentrated in Sindh, always have been seen with suspicion for having link with India and conspiring for them. They have been victims of socio-economic and political discrimination but the real problem for them is forced conversion of their women and girls and being forced to marry to the Muslim boys and sometime with older Muslim men. Many of them are minor girls who are abducted, forcibly and converted and then married to Muslim men. The Sindh Assembly passed a bill to check forced conversion in 2016 but was put away because the religious parties protested against it. Several politico-religious leaders in Sindh have supporter and even helped conversion.⁵³ Kidnapping of Hindus have become rampant and if the ransom is not given the person is killed. Garish Kumar was

⁴⁸ Irfan Hussain (2-6-2007), Open season on minorities, Dawn Newspaper

⁴⁹ ---- (6-8-2009) 447 witnesses approach Gojra inquiry tribunal, Daily Times

⁵⁰ ----(23-9-2013) Protest held across country, Dawn

⁵¹ Zohra Yusuf (August 2017), The Shrinking Minorities of Pakistan, Newline Magazine

⁵² ----- (21-11-2017) 5 sentenced to death over burning of Christian couple in Kot Radha Kishan, Tribune Newspaper

⁵³ Zohra Yusuf (August 2017), The Shrinking Minorities of Pakistan, Newline Magazine

kidnapped and was killed. His dismembered body parts were later found near madrasas.⁵⁴

The constitution and other laws and policies restricted religious freedom and, in practice, the government enforced these restrictions. The constitution establishes Islam as the state religion, and it requires that laws be consistent with Islam. The constitution states that "subject to law, public order, and morality, every citizen shall have the right to profess, practice, and propagate his religion;" in practice, however, the government has restricted freedom of religion. Freedom of speech was also constitutionally "subject to any reasonable restrictions imposed by law in the interest of the glory of Islam."⁵⁵

The government rarely investigated or prosecuted the perpetrators of increased extremist attacks on religious minorities and the majority promoting tolerance, which deepened the climate of impunity. Despite the government's steps to protect religious minorities, societal intolerance and violence against religious minorities and Muslims promoting tolerance increased, and abuses under the blasphemy laws continued. The government has not been able to take adequate measures to prevent these incidents or undertake reform measures to prevent the abuse of the blasphemy laws. The case of Aasia Bibi cannot be brushed aside. On 8th November a Christian woman, Aasia Bibi, was sentenced to death for blasphemy, first woman in the country, by a district court in Nankana Sahib, Punjab. Aasia was accused of committing blasphemy in June 2009 when she was reportedly fetching water while working in the fields. Following an argument with a group of Muslim women, the women went to a local cleric and alleged that Aasia had made derogatory remarks about the Prophet. The cleric lodged a complaint with the police. On November 20 Punjab Governor Salman Taseer visited Aasia in Sheikhpura jail and appealed to President Zardari to pardon her. This request sparked protest across the country by religious groups who threatened to start an anti-government movement if leniency was granted to her. Taseer also received death threats for his actions. An appeal at the Lahore High Court by Bibi's family is pending, and she remains in police custody. The President, Zardari was considering pardoning the death penalty of Aasia Bibi but was forced not to do so by the religious

⁵⁴ Irfan Hussain(2-6-2007), Open season on minorities, Dawn Newspaper

⁵⁵ Ahmer Fazeel, (1997) The Constitution of the Islamic Republic Pakistan, Pakistan Law House, Lahore,

leaders and extremist groups. Salman Tassir who had advocated her case was killed by his own security guard. The government also kept away from the bill brought by the member of ruling party which could amend the blasphemy laws to stop abuse.

According to the Asian Human Rights Commission (AHRC), a Muslim group attacked a Hindu community in Mir Wah Gorchani, Mirpurkhas, Sindh on August 23, after a Muslim cleric announced through the loudspeakers that Hindus had put up blasphemous wall chalking. A Muslim man was killed as a result of the attack. On the demand of the Muslim leaders, seven Hindus were arrested on charges of blasphemy while other Hindus abandoned the area. On 11th August 2010 Rubina Bibi was acquitted by a local court in Gujranwala, Punjab. Rubina had been charged with humiliation of the Prophet Mohammad by residents of Alipur Chattah, Gujranwala, and Punjab on 20th March, 2009. Police arrested Rubina and registered a complaint under section 295-C of the Pakistan Penal Code. She was sent to the district jail in Gujranwala along with her one-and-a-half year old son, Yashwa.⁵⁶

The killing of those accused of blasphemy continued during the reporting period. On 19th July 2010 two Christian residents of Faisalabad, Punjab, Rashid Emmanuel and his younger brother Sajad Emmanuel, were killed when exiting a court. They had been accused of distributing blasphemous material, but the judge had found them not guilty. Although escorted by three police officers, an assailant present at the hearing opened fire, killing the two men and injuring the lead police officer on the security escort team. The Lahore High Court and President Zardari ordered an inquiry into the incident.

There were numerous reports about attacks on holy places of religious minorities. In one case, on 18th September 2010, unidentified persons entered a church located at Shah Latif town in Karachi and torched it before fleeing. Several sacred books were reportedly burned, and a heavy contingent of police was dispatched to the area to avoid a breakdown in security. According to the police, an official report was registered on the complaint of Priest Peter Shahzad against unidentified persons.

⁵⁶ Zohra Yusuf (August 2017), The Shrinking Minorities of Pakistan, Newline Magazine

According to press reports, the attack was in reaction to the planned burning of a Quran by a Florida Pastor named Terry Jones.⁵⁷

On 16th May 2009 according to International Christian Concern (ICC) approximately 40 Muslim militants assaulted the Christian Abundant Life Church in Karachi. The armed militants threatened to kill the Christians in the Saifal Marree Goth Surjani area, where the church is located. After the militants left, the pastor approached the Surjani police station to inform them about the attack and threats; however, the police filed a report against four Christians for threatening Tariq Muhammad, a Muslim convert from Christianity who led the militant group and formulated the plan to demolish the church and build a mosque. At the end of the reporting period, the four Christians were in hiding for their lives.⁵⁸

In May 2009 according to Compass Direct News (CDN), police illegally detained three Christians – Atif Masih, Kamran Masih, and Naveed Gill – on false charges of alcohol possession in Sialkot, Punjab, at the request of their Muslim employer, Rana Ejaz, after they refused to work on Sundays. According to an update provided by NCJP, the three Christians were released after three days in detention due to pressure by human rights organizations.⁵⁹

In May according to CDN, Zafar Masih, a Christian, fled his town in Punjab, after accusing Ali Ahmed of beating and raping his 12-year-old daughter on May 12.- 2010 CDN claims that Masih attempted to file a police report against Ahmed at the Tatlay Aali police station, but Station House Officer (SHO) Iqbal Ojjhra refused to accept it and allegedly pressured Masih to withdraw the application. Masih has since been threatened by Imtiyaz Kharral, a local politician and the area's largest land owner. On May 13th 2009 Kharral called a meeting at his farmhouse with SHO Ojjhra, local Muslims, police officers, Masih and his family, and the other Christian families of the town. Kharral allegedly gave the Christians two options: Masih could drop his charges, or the Christians could relocate elsewhere.

⁵⁷ Mubashir Hassan (9-9-2010), Pakistani Christians disown Florida pastor, The Nation Newspaper

⁵⁸ <https://www.persecution.org/2010/05/25/pakistani-militants-invade-church-threaten-to-massacre-christians/> Time: 2:30/ 12-6-216

⁵⁹ Zohra Yusuf (August 2017), The Shrinking Minorities of Pakistan, Newsline Magazine

On May 6th 2009 according to Assist News Service, at least five Christian boys, including Shoaib Ilyas, Chaman Ashraf, Ashar Masih, Neeta Masih, and Sunny, were forced to leave their homes in Lahore after being accused of committing blasphemy by desecrating a banner inscribed with Qur'anic verses. Local Muslim groups and Christians negotiated an agreement whereby the five accused would leave the area and never come back.

On 1st April 2010 unidentified militants in Faisalabad fired multiple shots and killed Ahmadis Sheikh Ashraf Parvez, Sheikh Masood Jawad, and Jawad's son, Asif Masood. There were reports that victims had been previously threatened because of their religious affiliation. No arrests have been reported. On 28th of March according to CDN, police filed false charges of alcohol possession against 47 Christians, including two children and eight women, in an attempt to intimidate and extort money from them. Later the district and session court granted bail to all the accused, but the case is still pending.

In August 2009 according to Pakistan Christian Post, militants shot and killed six Christians and injured seven others in Quetta, Balochistan. A police report was registered against unknown people but no arrests have been made to date.⁶⁰

In July and August 2009 Muslim mobs, reportedly inspired by supporters of the banned Sipah-e-Sahba Pakistan (SSP) sectarian extremist organization, attacked the Christian communities living in Gojra and Korian localities, near Toba Tek Singh, Punjab, following allegations that local Christians had desecrated the Qur'an. The mob killed eight Christians and burned nearly 100 houses as police failed to stop the violence.⁶¹

At the end of the reporting period, police had arrested 42 individuals in connection with the Gojra incident. Of those arrested 34 were released on bail and eight were still in custody at Toba Tek Singh. In the Korian case, police arrested 54 individuals, of whom 43 were released on bail and 11 remained in jail. The provincial government initiated a program to construct new houses for members of the Christian community

⁶⁰ International Religious Freedom Report (July-December- 2010) Pakistan, Bureau of Democracy, Human Rights and Lanour

⁶¹ Rana Tanveer (2-7-2009) Christians accused of blasphemy Daily Times

who lost their homes in the violence. The reconstruction program was ongoing at the end of the reporting period.

According to the Compass News on 22nd July 2009, a group of students from Madarsa reportedly gang raped a 12 year old Christian girl in Gujar Khan, Punjab. The girl's father attempted to file a complaint but the officer in charge refused to comply. Another officer later admitted that they were under pressure from Muslim leaders and extremists to refrain from filing a report. In June 2009 a fistfight led to an alleged incident of blasphemy that sparked a mob attack on a Christian community in the district of Kasur, Punjab, prompting 700 persons to flee their homes. The late Federal Minister for Minorities Shahbaz Bhatti offered compensation to the affected families. There was no new information on this case at the end of the reporting period.⁶²

In June 2009 CDN reported that police imprisoned Arshad Masih, a Christian man from Gujranwala, in a Sialkot jail and reportedly abused him while in custody because his father was a Christian preacher. Although Masih was charged officially with robbery, he was later granted bail on the strength of testimony that he was not among the robbers. According to NCJP, the case was later dropped as no evidence was found against Masih, and the Masih family is peacefully living in Gujranwala.

In May 2009 two students of a seminary in Chakwal, Punjab, entered the home of an Ahmadi, Mubashir Ahmed, and tried to behead him. Neighbours intervened and saved his life, but he was severely injured. One student was captured and taken to a local police station; the other escaped. Police opened an investigation and were seeking the other assailant. According to Jamaat-e-Ahmadiyya, the attackers were identified and arrested. Reportedly under pressure, however, Mubashir forgave the assailants, and the police case was dropped.

In April 2009 authorities released Catholics Christians, James Masih and Buta Masih from prison; they were convicted of blasphemy and sentenced to 10 years in prison in November 2006 for allegedly burning a Qur'an. The evidence was fabricated the reality was James's Muslim neighbour wanted his land.⁶³ In January 2009 police

⁶² <https://www.persecution.org/2010/05/25/pakistani-militants-invade-church-threaten-to-massacre-christians/>

⁶³ Report Asian Center for Human Rights, Pakistan the Land of Religious Apartheid and Jackboot Justice

arrested Hector Aleem in Rawalpindi on charges of sending a blasphemous text message from his cell phone. After a hearing in an antiterrorism court, Aleem, who is a member of an agency that works for Christians' rights, was cleared of the blasphemy charges but not of abetting a crime. A government official told CDN that religious extremists heavily influenced the decision telling the judge, that they would kill him outside if released. At the end of the reporting period, the blasphemy charges against Hector Aleem had been dropped, but he remained jailed on charges of fraud and smuggling.⁶⁴

Minority communities claimed the government was complicit in seizures of their property by Muslims, and that the policy of dismantling illegal slum settlements disproportionately targeted minority communities. These groups also accused the government of inaction in cases where extremist groups attacked places of worship belonging to minority groups.⁶⁵

From the time of the British Raj to the time of transfer of power to the Muslims in Pakistan, seven blasphemy cases were recorded. After creation of Pakistan, the picture now looks more dismal than what it was during the British Raj:

Table: 3.4 History of blasphemy cases

Sl. No'	Year	Cases
1	1713-1851	1 blasphemy case in almost 140 years
2	1851-1947	6 blasphemy case in 95 years
3	1947-1987	8 blasphemy case in 40 years
4	1987-1012	247 blasphemy case in 35 years affected nearly 328 persons

Source: Centre for Research and Security Studies, Islamabad

This data is based on the information that is reliable and accessible. A large number of people affected of similar accusation are suspected to have remained beyond the reach of the news media. However, whatever information is available shows a picture that is very dismal and disappointing. During the British Raj, only two persons, Mahashay

⁶⁴ <http://persecutedchurchnews.blogspot.com/2013/07/christian-jailed-for-text-messages-in.html/> Time 4:00 PM/ 2-5=2016

⁶⁵ Qaisar Jullus (Feb-22-2016), The Experience of Minorities under Pakistan's Blasphemy law, VIslam- Christian and Muslim Relations, Vol. 27 Issue 1, pp95-115

Rajpal and Nathuramal Sharma accused of blasphemy, were extra judicially murdered. After the creation of Pakistan and enactment of these additional blasphemy laws, the number of people extra-judicially murdered has now gone up to 59 persons including men, women, children, and old men (Ref. Table 1). Murder of 59 persons within 22 years means at least 2 persons on the average were extra-judicially killed every year. Some of them were killed soon after their acquittal from the court, an act that was criminal as well as contemptuous to the court, but failed to motivate the court to take a sue motto action or force the government to form a committee to investigate all such cases and seek opinion from the judiciary, clergy, and the public as to how such illegal acts be precluded in the future.

Although the number of people belonging to minority communities accused of blasphemy appears to be lower than the number of Muslims, the percentage of the population turns this lower number into a figure that is many times higher than the number of Muslim offenders of this law.

Table: 3.5 Number of People booked under Blasphemy law from different region

From 1953-2012	No. of Cases	No. of Person	Sunnis	Christians	Hindus	Ahmedis	Shias	Total no. of Blasphemy
Baluchistan	3	9	3	---	---	6	---	6
Islamabad	5	11	5	8	---	---	---	8
KPK	9	10	7	1	3	1	---	3
Punjab	157	271	131	99	---	37	4	140
Sindh	37	42	28	3	1	7	1	40

Source: Center for Research and Security Studies.

No female was accused of blasphemy in the undivided India during British Raj. In Pakistan, after the introduction of more stringent blasphemy laws during General Zia-ul-Haq regime, we witnessed at least 50 females being accused of blasphemy in the whole country. It happened within a short period of only 12 years from 1999 to July 2012. Among these female blasphemers, the highly affected were the members of minority community. Only 9 women were Muslims and the remaining 41 women were belonging to Christian (30 females), Ahmadis (9), Budhist (1), and Hindu (1) faiths. Even some of these females were extra-judicially murdered too; one mentally disabled Muslim woman was burnt alive in Rahim Yar Khan in 1999, one Christian woman Naseem Bibi died mysteriously in Kot Lakhpat Jail in 2003, three Christian women were killed during the riot in Gojra triggered by an accusation of blasphemy in 2009, and her former husband killed a Christian woman, because of her conversion from Christianity to Islam. Also teenagers both boys and girls have been accused for committing blasphemy. These incidents happened after the promulgation of blasphemy laws during Zia era and majority of these cases took place in Punjab and Sindh.⁶⁶ The judges of Faisalabad court handed down four death sentences to Christians accused of blasphemy. In one case the accused was clearly mentally disturbed, but the judge refused to send him for medical examination before passing the judgment on him.⁶⁷

⁶⁶ Report, Blasphemy Laws in Pakistan A Historical Overview, Center for Research and Security Studies, Islamabad

⁶⁷ Killing Christians in Pakistan, Daily Times, 7-8-2002

3.6 Socio-Economic and Political Conditions of Religious Minorities

The plight of the minorities and particularly religious minorities has been grim in Pakistan right from the beginning. The incident that took place in Baluchistan where 43 Hindus were kidnapped in last three years of which three were found dead later. Whenever there was a debate in the provincial assembly parliamentarians have either taken head-in-sand approach or blamed the intelligence agencies for the kidnapping and killing. Tausiq Kumar whose relative was killed few months ago had applied for asylum in India and many Hindu families had migrated out of Baluchistan.⁶⁸

During the period of Z.A. Bhutto there was economic crisis that hit the minorities most. The shipping business, car assembling and wine factories owned largely by the Parsis had to face the brunt of Bhutto's nationalization policy. In these business Hindus and Christians were mainly employed thus after the closure of these business they lost their daily bread. It also targeted rice and cotton mills of Hindus and they were not paid proper compensation some people did not get compensation at all after the state controlled their business.⁶⁹ The plight of Christians was the same as other minorities they live in ghetto in Lahore and Karachi for fear of attacks that had taken place from time to time. The government now and then had always followed exclusive development though they stake claim that they have followed the constitution in order to safeguard the minorities politically and socio-economically. Hence, the religious minorities have been left out from the process of development. There are many incidents, which explain the discrimination by the government and non-government institutions. The religious minorities have been attacked, killed, kidnapped, women raped and forced conversion have been rampant. The government has not been able to stop these heinous incidents hence discrimination in all form against minorities has continued.

The Hindu community had deserted Khahi a city near Shikarpur, once a business hub known for its flourishing business for cotton and cotton materials. The businessmen used to trade with neighbouring cities of Jacobabad and Sukkur. The Hindus also were living in neighbouring areas of the cities but they have been forced to leave to secure their lives and properties. The extremists have looted their houses and have

⁶⁸ Nadir Hassan, For Hindu community asylum may be the only option, The Express Tribune, 11-06-2011.

⁶⁹ Rubina Jabbar, Living on the margins, The News International, 20-10-2002

kidnapped them and killed the Hindus creating fear in them.⁷⁰ The Hindus living in upper Sindh were also living in fear, as there had been constant violence in the area targeting the Hindus. On Three prominent Hindu traders were kidnapped in Thul and no action was taken to nab the culprits. The first incident of kidnapping took place in 2000 in Kashmore where 12 women were kidnapped, 10 Muslim girls were set free but two Hindu girls were recovered with the help of Sardars⁷¹ and local administration only after the deal was made with the Sardars. The Hindus are forced to pay ‘dunn’, protection money, money to the Sardars. In Thul almost 80 percent of business was conducted by Hindus and is carried out in collaboration with Sardars. The Sardars also receives financial help during election serving as reciprocity for ensuring their security. The Hindus are at the mercy of these influential Sardars.⁷² The Hindus are so scared that they don’t want to be mentioned anywhere by the media person. Many Hindus have left the place and moved to bigger cities like Karachi or Hyderabad also many have moved to India for their safety. According to one Hindu respondent his brother moved to Kanpur in India when his elder brother who was head of Panchayat was killed and he himself came to Karachi.⁷³ Many Hindus had migrated to India during Zia’s regime. There are plenty of cases of robberies and kidnapping increased. Like Khahi, many other neighbouring towns like Chak and Pagerji have also been affected by the law and order situation and have been abandoned by the Hindus. Businessmen and industrial class were forced to leave their ancestral towns because they became victims of kidnapping, robberies, threats and extortion. In Ketcha, a small town in Sindh, Hindu land owners have reportedly been harassed and victimized by land grabbers. The Patharidars (money lenders) and Sardars purchased hundreds and thousands of acres of cultivated land at negligible rates from the Hindus. The Hindus were threatened with dire consequences if they did not sell their land to the Sardars and Patharidars. The government had failed to enforce law and order in these areas. It’s the local influential people; the Sardars, religious leaders, the Mullahas (clergies) and the government authorities who control the area which a prevalent system in most of the part of Pakistan. This is because Pakistan is still gratifying the feudal system.

⁷⁰ Imdad Soomro, Living in Fear, Dawn, 17-5-2003

⁷¹ Sardar is an influential person usually tribal lord or feudal

⁷² Imdad Soomro, Living in fear, Dawn, 17-6- 2013

⁷³ Field Survey carried in Karachi

In one incident in Kashmore where Hindus houses, some 20-armed men allegedly attacked villagers with rocket launchers, rifles and other automatic weapons at the bus stand, leaving 15 dead including a Hindu woman and kidnapped 9 villagers include 3 Hindus. The armed men threatened the Hindu communities of Kashmore and Thul talukas to either leave the town or face the consequences. The Hindu community left their home under tremendous fear against such threat.⁷⁴ The most notable thing here is that the arms the attackers used were not simple hence the question arises from where did they get the arms and who provided them?

Pakistan has enacted many laws and brought ordinances that has discriminated religious minorities. There has been resilient fight against the government to abolish these laws but whenever there was hue and cry made by the religious minorities they were put down by strong hand. In addition, there are numerous national laws, which discriminate against religious minorities. Many provisions in the Pakistan Penal Code are fundamentally communal and target non-Muslims and Ahmadis like blasphemy laws and Hudood Ordinance (pertaining to rape and adultery), Qisas-o-Diyat (Blood Money), Qanoon-e-Shahadat (Witness Law) etc, are discriminatory against minorities and women. Section 299 (k) of Pakistan Penal Code defines ‘qisas’ as punishment by causing similar hurt at the same part of the body of the convict as he has caused to the victim or by causing his death if he has committed qatl-iamd in exercise of the right of the victim or a wali.⁷⁵ These laws and ordinances have been misused by the state and non-state actors against the minorities particularly the religious minorities.

The religious minorities have been systematically excluded from the voters’ list. On 12th June 2007, the Election Commission of Pakistan released a new voters’ list for the upcoming general elections. Instead of a joint voter list, the Ahmadis were placed in a separate voters’ list. The Secretary of the Election Commission, Kunwar Dilshad Ahmed reportedly justified the separate list for the Ahmadis on the ground that a separate list for the community could help its members in checking the names and information of their members. In July 2007, the All Pakistan Minorities Alliance claimed that 20 per cent of non-Muslim voters have been excluded from the new voters’ list. About 18 percent eligible voters belonging to minorities have been struck

⁷⁴Field Survey carried in Karachi

⁷⁵ ----- Report to the UN Committee Against Racial Discrimination, Pakistan The Land of Religious Apartheid and Jackboot Justice, Asian Center for Human Rights, 2007.

out in the new voters' list in KP. On 26 July 2007, the Supreme Court directed the Election Commission of Pakistan to ensure registration of all eligible voters in the new electoral rolls⁷⁶.

3.7 Status of Women of Religious Minorities

The All Pakistan Minorities Alliance (APMA) has announced protest against legal discrimination of laws towards women from religious minorities. The Hudood Ordinance and Qanoon-e-Shahadat discriminate women from minorities while kidnappings, rape and forcible conversion to Islam have caused suffering to the religious minorities in Sind and Punjab. Women from minorities are more vulnerable to the discriminatory laws and ordinances than Sunni Muslim women. Minority women are barred from appealing in court as witness in cases lodge under Hudood Ordinance. In cases under Qanoon-e-Shahadat, a women's testimony is counted as worth only one fourth of other witnesses and Muslim woman's testimony is worth half.⁷⁷ The APMA raise their voice against these injustices with the women in the parliament and the public and meet the political parties and its leaders and journalists to raise a strong public objection to the violation. Minority women felt insecure in their own country due to negligence and indifferences of the government and civil administration. An organization calling itself Revenge Seeking Islamic Organization (Tanzimul Iintiqumi-al-Bakistani) was identified by a note left behind by the terrorists on it Pakistan was spelled as Bakistan. The note said that the act was in retaliation against the atrocities committed against the Muslims of Afghanistan, Palestine and Kashmir, and against the conspiracy to spread Christianity in Pakistan. They had announced in Urdu that more killings would follow in coming days. The alienation of the Jihad from the present government and the rapidly spreading paranoia about Christians is that the root of religion based terrorism.

The National Commission on Status of Women under the bold leadership of Justice Majida Razvi constituted a 14 member Special Committee to thoroughly examine Hudood Ordinances of 1979. The Special Committee came to the conclusion that the four Hudood Ordinances blatantly suffered from conceptual inaccuracies, textual errors, discrimination on gender and religious lines and flawed execution of these laws that have caused gross injustice to the people. The Committee therefore

⁷⁶ Ibid

⁷⁷ --- APMA to protest gender discrimination, Dawn, 1-10-2003

recommended immediate repeal of Hudood Laws. The National Commission adopted the recommendations, which were forwarded to the federal government and the President for implementation. In consequence thereof, the President has made a few public declarations that Hudood Laws needed review and more consideration.

The Scheduled Caste (SC) Hindus have long standing demand of separate marriage law for their community. The chairman of the Scheduled Caste Hindu Rights Movement (SCRM), Ramesh Jaipal demanded legal protection of their fundamental right. Lower caste Hindus in Pakistan are called 'achhoots' meaning untouchables. They face dual discrimination as a minority in a Muslim country and as member of a lower caste among fellow Hindu. They are typically employed in less respected jobs such as fishermen, cobblers, brick makers, and sweepers. They inherit jobs of their fore fathers and father. Pakistan's attitude towards these low caste Hindus has been double standard and denial. The discrimination against them is not officially recognised but it's true that their condition is pathetic. There is no legislation against it and thus there is widespread impunity.⁷⁸

There were seminars and debates on the discriminatory laws against women especially women belonging to religious minorities Justice Majida Razvi said that it was a matter of fact and the record of country's jail would bear out that 80% women prisoners are convicts under Hudood Ordinance. The incidents of violence against women increased beyond proportions after promulgation of these laws. While detailing the arduous exercise entrusted to the Special Committee she said that it was observed that the Ordinances suffered conceptual and textual errors. And more particularly its flawed implementation had subjected women to oppression. She remarked that removing flaws and errors in these laws was not possible as it was like an old cloth that further tears if mended at one place. She said that no debate took place before the promulgation of this legislation. She said that National Commission had recommended for the repeal the Hudood laws and the matter was now with the President and the federal government.⁷⁹ Syed Afzal Haider dwelt on the subject from different angles of Islamic jurisprudence. He said that Holy Quran did not prescribe

⁷⁸ Azam Khan. Scheduled Caste Hindus seek legal rights' protection, The Express Tribune, 15-06-2011

⁷⁹ Killing Christians in Pakistan, Daily Times, 7-8-2002

punishment of 'Rajam' that is stoning to death. And the remote reference found in the 'Sunnah' that is the life of holy prophet Muhammad has not been interpreted in its historical perspective. He said that Islam laid much emphasis on forgiveness rather than punishment. The religious clerics have made Islam merely a religion of sever punishments. He said that those should be repealed. Choudhry Naeem Shakir said that a large number of our Muslim compatriots are swayed away with religious sentiment and stand up against us when we say that Hudood laws failed to deliver justice to people and therefore demand for the repeal of Hudood Ordinances. They think as if we were disturbing the law of the nature. And the religious leaders have put fear in their minds. The law in fact has done more injustice than justice to the women especially to the women of the religious minorities. They forget that draftsmen of the Ministry of Law under Daulbi a Saudi religious scholar especially engaged by Gen. Zia ul Haq framed these laws which were never put before any forum of assembly for debate or consideration. Therefore, treating these laws as divine is not only a misconception but creates a lot of problems and confusion. The women particularly of religious minorities remain subjected to the rigors of Hudood Ordinances, as their testimony under these laws has been rendered inadmissible for the offences laid therein especially rape or adultery. According to the standard of evidence required, as a proof for the commission of the offence of adultery or rape is four adult male Muslim eye-witnesses of the commission of the offence. This standard of testimony throws women and minorities out of the category of a witness. And thus they stand discriminated and marginalized. And only that the witnesses are supposed to be leading life according to the ordained injunctions of Islam. All these have worsened the lives of the women of minorities. The women of minorities have suffered in the male dominant society of patriarchy. The victims of rape are unable to produce such kind of evidence to punish the perpetrators of offence and thus are roped in on their own statement as the same is treated as confession. This is the reason that women victims are in the jails and the perpetrators are free to find more victims. Mr. Naeem Shakir said that the military ruler Gen. Zia in the religious fervour to Islamise the society brought Non-Muslim citizens under application of Islamic Shariah. This is state oppression against the minorities. The non-state actors also take undue advantages and targets minorities.

3.8 Destruction of Places of Worship and Target Killing of Religious Minorities

In 1996, General Zia-ul Haq lifted martial law and restored the Constitution, although with several amendments that maintained his power intact. An elected parliament and civilian government headed by a prime minister were also allowed but elected officials were warned by him not to overturn or weaken his policies of Islamization. An International Commission of Jurists (ICJ) mission to Pakistan in 1987 heard about a number of attacks on Hindu temples and Christian church that had occurred during and since the lifting of martial law. Muslims perpetrated these attacks and which resulted in the destruction of these places of worship took place in Jacobabad, Rahimyar Khan and Sukkur in the provinces of Punjab and Sind.

The places of worships of religious minorities especially of Hindus and Christian are attacked on regular basis. The government has not been able to stop these incidents and thus has encouraged the extremist groups to carry on attacks on churches and temples. In Bahawalpur on 28th October 2001 the terrorist raided church killing 18 worshippers. Latter on 17th March 2002 a church in Islamabad's diplomatic enclave was attacked and killed five people. The most astonishing thing is that the diplomatic enclave is guarded by security men. Hence, if the state cannot protect these minorities in these posh areas then the security of them in other places is questionable. There was an attack on the Christian missionary school in Murree in August 6th 2002. The main target was the children from 16 countries mostly western. Six people were killed and the terrorist escaped into nearby jungle⁸⁰. Seeing these attacks on Christians many western tourists left the country early. The Australian government urged their citizens to leave the country as soon as possible.⁸¹ Different political parties condemned the attack but no culprit was arrested. Another attack on Christian hospital in Taxila in which 3 women were killed and 24 injured.⁸² The protection is only meant for the political leaders and the majority Muslims. Even after repeated statement of the government of not allowing Pakistan's soil to be used by the terrorists have lost its impact because every now and then there are incidents where minorities are being attacked. The death of Samuel Masih in police custody have raised question of the state law enforcement agencies. Samuel Masih was charged of blasphemy under section 295 PPC. This reveals how laws enacted by the state were used hand in glove

⁸⁰ Raja Assad Hameed, 3 school attack suspects killed in grenade blast, Dawn, 7-8-2002

⁸¹ Reture, Australian urged to leave Pakistan after attack, Daily Times

⁸² Shakaël Anjum, 4 killed in attack on Taxila chapel, Dawn, 10-8-2002

by its machinery to terrorize the minorities. This man was hit by blunt weapon on head by off-duty policeman named Faryad Ali shows clearly the state of security for minorities in Pakistan.⁸³ In another incident in Rimpa Plaza, two Christian men were gunned down in Karachi.⁸⁴ The atrocities on Hindus are no less. Dr. Tek Chand a Hindu was brutally attacked. There was mass protest against the attack on Hindu community. The protesters warned the government to arrest the person named in the First Information Report (F.I.R.) within 24 hours⁸⁵ or to face more mass protest. On 28th of November 2003 a group of drunken Muslim men stormed the church and attacked the worshippers and vandalizing the church.⁸⁶

The Hindu Community protested the decision of Cantonment Board of Peshawar (CBP) to demolish the historic temple, which is 140 years old, and 70 houses of Hindu Balmeeki community.⁸⁷ There was a protest by the Hindus, when 600 Hindus were fed beef which is against their faith, against the local administration. This incident happened in the relief camp during flood.⁸⁸ The victims belonged to Baagri and the waghari Community, part of Hindu community. It is noteworthy that even during natural calamities the minorities especially the religious minorities met discrimination while distributing benefits. Not only the religious minorities were denied relief and aid but were attacked by the extremist group, Lashkar-e-Jhagvi.⁸⁹ The idea of destroying the minority's worship place does not at all match with the policy of safeguarding the minorities of Pakistan. Pakistan is signatory to so many international organizations, committees on Human Rights and organizations and committees prohibiting racial, and religious discriminations. Pakistan has made tall claims at international forums but in its own country it has failed miserably to protect its minorities especially religious minorities.⁹⁰

⁸³ Shehar Bano Khan, Remove the Seeds of Discrimination, Dawn, 28-5-2004

⁸⁴ Nusrat Nasarullah, Christians' killing: ugly scars, Dawn, 29-9-2002

⁸⁵ ---- Hindus protest attack on leader's life, Daily Times, 12-8-2002

⁸⁶ ---- Drunk men beat up congregation, Dawn, 29-11-2003

⁸⁷ ---Hindus protest CBP decision to destroy temple, homes, Daily Times, 1-12-2003

⁸⁸ Amar Guriro, (22-6-210), 600 Hindus protest against being fed beef, Daily Times

⁸⁹ OmarWaraich (4-9-2010), Minorities Suffering in Pakistan Flood, Dawn Newspaper

⁹⁰ Tayyab Mahmud, Freedom of Religion and Religious Minorities in Pakistan: A Study of Judicial Practice, Fordham International Law Journal, Vol19 Issue 1, 1995.

3.9 Conclusion

The state is responsible for protecting the lives and properties of these religious memories but unfortunately it has failed to do so. In fact the state has used its machineries against the minorities at local level to harsh mostly at police stations. This is to appease the majority Sunnis particularly the extremists and the religious leaders. As the state is not capable to protect its minorities it becomes a weak state and it does not includes the minorities in the process of development. These religious minorities are not involved in political process and socio-economic development. It is clear from the foregoing that most members of religious minorities in Pakistan experience life as dhimmi – or worse – in all but name, are de facto second-class citizens subject to violence, repression and intimidation, and are almost powerless to do anything about their circumstances. There remains however profoundly important economic, caste, and class element in the persecution of religious minorities in Pakistan. Groups like the Baha'i, Buddhists, Sikhs, and Zoroastrians (Parsis) whose members tend to be relatively affluent and well educated, and which exist in relatively small numbers largely confined to urban areas, find themselves left alone provided they do not assert themselves too strongly or appear to challenge the Muslim majority, locally or nationally. Some groups, like Sikhs, find themselves also granted latitude on the basis that they are seen as “anti-Hindu”.

The stringent blasphemy law has been used as a weapon against the minorities particularly the religious minorities. There have been many false cases against the minorities. The sole propose for doing so was to meet their own vested interest, for instance grabbing their land or their business. The statues of women of minorities have always faced discrimination in a patriarchal society. The women of religious minorities have faced additional problems. The women of Hindu have been kidnapped and converted to Islam and forced to marry their abductors.

The places of worship of religious minorities especially of Christians have been attacked and vandalized. These unfortunate incidents have happened right from the beginning of Pakistan and there is sign of ending to it. It has been seen that most of the time targeting of these places are done to scare the religious minorities and grab the land of Church or the temples. The local government and the central government have not been able to protect these places. The local polices are posted to safeguard

these place after the incidents but after a month or two they leave until another incident occur. The local polices are also under pressure by the local political and religious leader. Hence the state have failed to protect its minorities.

CHAPTER IV

NON-STATE ACTORS AND RELIGIOUS MINORITIES IN PAKISTAN: AN EMERGING TREND

4.1 Introduction

This chapter deals with non-state actors and their role in the present scenario of Pakistan. The non-state actors have influenced the policies of the government and thus played an important role in affairs of religious minorities. It also focuses on their ideologies of non-state and their impact on religious minorities. The chapter will also focus on how religious minorities are represented in a wrong way in the textbooks. The chapter will also deal with the relations between the state and non-state actors and analyse their actions towards the religious minorities. The study also focuses on the education and the government is using it as propaganda against the religious minorities. It also focuses on marriage, forced conversion and sectarian issues.

After the sudden death of Mohammad Ali Jinnah, the infant nation of Pakistan was thrown into the hands of those who were bureaucrats, opportunist politicians and the army. They deviated from the path of democracy that Jinnah had dreamt of. Most of the time Pakistan was under the direct rule of military, therefore democracy could not grow as it did in India. There have been restrictions on religious freedom and both the religious minorities, the Hindus and the Christians face hardships in day to day life and non-state actors have acted as a catalyst to these problems.

The religious extremists who were opposed to the formation of Pakistan in the beginning have been calming as the builders of the nation and asserted their theocratic ideology on the state.¹ The religious extremists insisted on imposing the mode of separate electorate on Pakistan in general and minorities in particular to keep them away from the political process. These religious extremist groups have always put pressure on the government to bring out such legislation that would fulfil their objectives and put restrictions on the freedom of minorities.

¹ Naeem Shakir, The Constituency of alienation, Pakistan Today, 25-3-2001

Throughout the year in 2013, the Asian Human Rights Commission documented many people's lives and dignity of religious minorities snatched by callous state and inhuman cruelty in Pakistan. Hundreds of incidents of sectarian violence, target killings, terrorist attacks and suicide bombing as well as killing witnessed. In the same year Pakistan saw the promulgation of two draconian ordinances that have restricted freedoms further.² It also witnessed the absence of the rule of law, killing of people from Muslim minority sects and other religious minorities the Hindus and the Christians and torture in custody, disappearance after arrest and extrajudicial executions, suicide attacks on religious sites, persecution of religious minorities, and forced marriage after conversion of Hindu girls.³ All these happened before the eyes of the government; the state authorities did not act and many times gave support to the non-state actors which carried out crimes against the religious minorities.

During the military rule under Zia the state and non-state actors continued their actions against religious minorities, and Muslim sect the Ahmadis. Blasphemy laws remained in force and new clauses added to it as a result many new cases were registered, mostly in Punjab and Sind. The laws violated the rights to freedom of expression, thought, conscience and religion. Religious minorities and other Muslim sect minorities particularly Ahmadis, Hazaras and Shias continued to face restricted access to employment, health care, education and other basic services.

The non-state actors have played important role in exclusion policies and programs of the state towards the minorities especially religious minorities. The state has failed to guarantee safeguard to the religious minorities and hence the religious minorities feel alienated in the political process. As the government has a weak stand on religious minorities the non-state actors have taken advantage and openly targeted the minorities lodging false cases against them resorting to violence against them knowing they would be acquitted. These non-state actors and state-actors have coordinated together to achieve common objectives hence discrimination against religious minorities is done in a systematic way.⁴ Thus it becomes important to understand these non-state actors and how they muster their power, from where they

² ----27th February 2014 Ordinance versus legislation Daily Times Newspaper

³ Shahid Husain, People of Pakistan at mercy of state and no-state actors, Asian Human Rights Commission Report, 2013.

⁴ Stephen Tankel, Destabilizing Elements: The Punjabi Militant threat to Pakistan in Ravi Kalia ed Pakistan's Labyrinths: Military, Society and Terror, Rutledge New York, 2016.

get political and financial assistance and how their actions affect the religious minorities.

4.2 Non-State Actors: An Overview

Non-state actors are individuals or organizations that are politically, economically and socially powerful and have influence over the government. According to Pearlman and Cunningham, non-state actors are organized political actors not directly connected to the state but pursuing their objectives that effects vital state interests⁵. In Pakistan's case the non-state actors are more or less backed by the state actor such as the military or the Inter State Intelligence (ISI) and also by the religious political parties.⁶ This is because the non-state actors have been used to fight proxy wars against India on the eastern border and on the western border to fight in Afghanistan with the western alliance led by America. However, the engagement of Geneva Call also shows, that non-state actors commit themselves to rules that are usually aimed at states, and that they can be more than just a cause of problems. The variety of activities and contexts suggests that non-state violent actors are a very heterogeneous group. Non-state violent actors are able to contribute to establishing or upholding a political order. In defining non-state violent actors, the violence concept is important: Violence can be narrowly defined as causing or threatening physical damage to individuals or groups. A striking example for this would be a robbery during which the victim is threatened with a knife. But violence can also be defined more broadly, involving structural violence, through an order that causes damage to individuals or groups without the application of direct means of violence. A narrow concept of violence is connected to a more traditional understanding of security, while a broader conception of security – like human security – also goes hand in hand with a broader conception of violence: From such perspective, the state has an obligation to protect not only itself, but also the population. Correspondingly, the definition of non-state violent actors and security problems may vary not only in empirical terms, but also analytically. Non-state violent actors, in this understanding, are actors that apply the use of force in different forms for pursuing their political or economic ends. The relation of political order and non- state violent actors are crucial, since the monopoly

⁵ Pearlman and Cunningham,(2011) Non-state Actors Fragmentation and Conflict Processes, *Journal of Conflict Resolution*, 56(1), pp3-15

⁶Stephen Tankel, (2016) *Destabilizing Elements: The Punjabi Militant threat to Pakistan* in Ravi Kalia ed Pakistan's Labyrinths: Military, Society and Terror, Routledge New York

on the use of force that is the absence of non-state use of force – forms part of the very definition of statehood.⁷ The prominent non-state actors are:-

- 1) Tehreek-e-Taliban Pakistan (TTP),
- 2) Lashkar-e-Omar (LeO),
- 3) Lashkar –e-Taiba (LeT)
- 4) Sipah-e-Sahaba Pakistan (SSP),
- 5) Tehreek-e-Jaferia Pakistan (TJP),
- 6) Tehreek-e-Nafaz-e-Shariat-e-Mohammadi (TNSM),
- 7) Lashkar-e-Jhangvi L-e-J)
- 8) Sipah-e-Muhammad Pakistan (SMP),
- 9) Jamaat-ul-Fuqra (JuF)
- 10) Jamiat Ulema-e-Pakistan (JUP)
- 11) Sunni Tehreek (ST)

These are the most prominent religious non-state actors operating in Pakistan. These groups have gathered their support from the majority Sunni Muslims and the state. The Islamic Republic of Pakistan has been home to religious activism since its independence because its creation was based on religion. Religious activism played very important role in shaping the society.⁸ The state also used religious ideology to gather support from time to time but the religious parties never culminated to the point where they could achieve political power. These religious elements were always involved in power politics for instance the Lahore riots of 1953. They were more concern about the local issues and were targeting minorities until 2001. In 9/11 American launched attack on Afghanistan believing the terrorist of 9/11 were hiding in Afghanistan. The religious parties and extremist groups got together and opposed

⁷ Anja P. Jakobi, Non-State Violence and Political Order: A View on Long-Term Consequences on Non-State Security Governance, Leibniz Association, Peace Research Institute Frankfurt, pp. 2-3.

⁸ Chengappa, B.(2001), Pakistan: The Role of Religion in Political Evolution. Strategic Analysis, 24 (12),2155 - 2177

the government and carried anti-state activities because Pakistan was partner in fighting terrorism. Tehrik-e-Taliban Pakistan (TTP) openly took the responsibilities of these attacks. These extremist organizations have fought on many fronts only their names changed to suit the situation or when they were banned. But its members and the objectives always remained the same. After fulfilling their masters' tasks; fighting western power at western front later fighting with the government and later they were directed to another task like fighting proxy war against India in Kashmir. Apart from this they kept on instigating violence against non-Muslim minorities. An International Commission of Jurists mission in Pakistan in 1987 noted a number of attacks on Hindu temples and a Christian churches These attacks were said to have been perpetuated by Islamic non-actors which resulted in destruction of these places of worships, took place in Jacobabad, Rahimyar Khan Sukkur in the province of Punjab and Sind.⁹ Like Jaamat-e-Islami had become close political aid to the Zia in similar manner Jamiat Ulema-e-Islami (JUI) had sided with Benazir Bhutto. They slowly established their contact with ISI and Military and other state institutions. Thus they enjoyed power as they worked for each other. The state institutions used them to fight proxy wars and help Taliban in Afghanistan and in return the members of the extremist organization got away from the law after committing crime against religious minorities.¹⁰

There have also been evidences on Madrasas being used as platform for recruitment of jihadis and terrorists.¹¹ In 2005 a group of scholars published a study later came to be known as Andrabi study. It used data from household based economic surveys Pakistan Integrated Household Survey (PIHS) from 1991, 1997, 2001 and 1998 Pakistan census and as well as data collected in 2003 in three district in the province of Punjab. The study shows that nearly 70 per- cent of full time enrolment goes to public school and 30 percent account to private school. This data itself has lot to say about the socio-economic conditions of Pakistan. As 70 percent are enrolled in public school and the quality of education is sub-standard. The study estimated that about

⁹Farahnaz Ispahani, (2015), Purifying the Land of Pure Pakistan's religious minorities, Harper Collins Noida p160.

¹⁰Ibid

¹¹C. Christine Fair,(2016), Militant Recruitment in Pakistan in Ravi Kalia edt Pakistan's Political Labyrinth, Military Society and Terror, Routledge, New Delhi ,p 62

475,000 might attend Madrasas full- time less than 3 percent of all full time enrolment¹²

The study although had limitations because it had excluded the area of Northwest Frontier Province (NWPF) now known as Khyber Pakhtunwa (KP) and Federally Administered Tribal Area (FATA). In fact these two provinces could have high number of Madrasas. The study also did not look into the quality of the syllabus in the schools and the tolerance towards religious minorities There are misinterpretation of history of religious minorities and have not recognized the contribution by religious minorities in nation building.

4.3 Islamic Ideas and Religious Minorities

While religious minorities are technically allowed to study alternatives to Islamic Studies courses after third grade, including an ethics course though it is not guaranteed that such courses or textbooks and teachers to teach them will be available. The curriculum and textbooks for Grades 1-3 often integrate Urdu, Social Studies, and Islamic Studies are integrated into one textbook. A careful examination of the first grade textbook used for the integrated curriculum, titled Meri Kitabor ‘My Book’, which is compulsory for students, revealed that 7 out of 16 total chapters contained Islamic sermons.¹³ The instructions for teachers in this book underscore its Islamic content. It has not been made clear how religious minorities who would also be studying the integrated curriculum. A practice justified by the concept of using language instruction as a vehicle for all education at this level in order to strengthen literacy, would have an alternative to learning Islamic concepts. The Social Studies called ‘Pakistan Studies’ at later grades and Urdu textbooks after Grade 3 found that both subjects, compulsory for religious minority students, contained significant Islamic content. Compulsory Urdu language textbooks for all students up to Grade 10, published by the Punjab Textbook Board, found that 96 chapters and poems out of 362 had a strong Islamic orientation, without any mention of Pakistan’s religious minorities or their beliefs¹⁴

¹² Ibid

¹³ Farahnaz Ispahani, (2015), Purifying the Land of the Pure, HarperCollins, Noida, p130

¹⁴ Azhar Hussain, Ahmad Salim and Arif Navied, Connecting the Dots: Education and Religious Discrimination in Pakistan A Study of Public Schools and Madrasas, Nov 2011, Washington DC, pp46-47

4.4 Religious Minorities in Textbooks

The portrayal of religious minorities in textbooks is generally either derogatory or omitted entirely, with some exceptions, which will be described in a subsequent section. Religious minorities are often 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. The contributions of religious minorities towards the formation, development, and protection of Pakistan are largely absent.

4.4(a) Hindus

Overall, Hindus are portrayed as enemies of Pakistan and Islam in text books like Urdu, Social Studies and Pakistan Studies. There are a few exceptions as will be described subsequently. Social and Pakistan Studies textbooks express hatred towards India and Great Britain, but Hindus are often singled out as particularly inferior or evil. While an exhaustive list of anti-Hindu content observed in the textbook review is impractical, the following excerpts from books at various grade levels give an idea as to the level of bigotry contained in the textbooks: Hindus are repeatedly described as extremists and eternal enemies of Islam whose culture and society is based on injustice and cruelty, while Islam delivers a message of peace and brotherhood, concepts portrayed as alien to the Hindu. Thus, negative depictions of Hindus are manifested through both historical distortions and the framing of concepts through religious language that promotes the superiority of Islam over Hinduism, as in the following examples. The religious beliefs of the Muslims and Hindus are absolutely different. The Hindus worship many Idols. They have many Gods and Goddesses. The Muslims believe in one Allah who is Almighty and who is Creator of the universe. Hindu religion is divided into different classes by their system of caste and creed, whereas in Islam all the Muslims are equal and are brotherly with one another. In the Hindu religion the women are given a low status whereas Islam teaches to give due respect to the women. The social equality and justice to all freed the caste ridden Hindu society and paved the way for spread of Islam, we know that the low caste Hindus suffered due to the low caste system, The Hindus belonging to lower castes were tortured, insulted and disgraced. Hindu leadership has not only shown their religious hatred but also expressed their political hatred by opposing to celebrate their independence day on the same day. They proposed 15th August 1947, as their

independence day because they never wanted to celebrate with Pakistan on the same day and this shows their psyche of narrow mindedness.¹⁵ While much of the content found reflected Hindus in a negative light, there were also instances in which the textbooks seemed to be presenting facts from the Islamic perspective, but with a neutral voice. Muslims bury their dead while Hindus burn them. In Islam there is no cast system while Hindu society is divided into four casts systems called varna system. While such content is particularly prevalent in the Social Studies and Pakistan Studies textbooks, particularly for Grade 5, it is also found in Islamic Studies textbooks, as in the following example; Hindus have tried all their means to harm Muslims of Indian Sub-continent and killed millions of Muslims. They were deprived of their assets and properties.

4.4(b) Christians

The textbooks do not contain many references to Christians specifically. The few references that do exist seem generally negative, painting an incomplete picture of the largest religious minority in Pakistan. Christian Missionaries took full advantage of the British occupation of Asia and under their patronage started converting people of different religions to Christianity. Under Muslim reign in Jerusalem, the Muslim King treated the non-Muslims, including Christians and Jews in a very fair and just manner. They have always provided Christians full protection and had granted them all rights they deserved, but Christians never appreciated nor liked Muslim ruler of Jerusalem. The crusaders provoked Christians to fight against the Muslims by inciting that, those who will die in a battle against Muslim will have reward and their all sins will be forgiven.

The Christians are not mentioned in the Pakistani textbooks of their contributions in defence of Pakistan. Despite repeated references to the Indo-Pakistan wars, the textbooks generally overlook the sacrifices of decorated war heroes from the Christian community such as Air Vice Marshalls Eric Gordon Hall and Michael John O'Brian in Indo-Pakistani Wars of 1947, 1965, and 1971; or Group Captain (Colonel) Cecil Chaudhry, Wing Commander (Lt. Col.) Mervyn Leslie Middlecoat (KIA), Squadron Leader (Major) Peter Christy (KIA), and Air Commodore (Brigadier-General) Nazir Latif in Indo-Pakistan Wars of 1965 and 1971. Also disregarded from the textbooks is

¹⁵Ibid, p47

the career of Chief Justice Alvin Robert Cornelius of the Pakistani Supreme Court from 1960 to 1968.¹⁶

The textbooks used in almost all the Madrasas are old and outdated and follow 'hadiths', sayings of Prophet Mohammed and 'Fiqh' the Islamic Jurisprudence. Books on logic and philosophy were written during 12th and 13th century and books on medical are also of medieval period. Books used for religious studies generally date back to the seventeenth century at the latest and the eleventh century at the earliest. In some cases books prescribed for astronomy, mathematics, and grammar are replications of texts originally created five to seven hundred years ago. All of the textbooks reviewed for this study were originally written between the eleventh and fourteenth centuries.¹⁷

Religious Minorities are generally portrayed in the madarasa textbooks reviewed in one of three ways: (1) kafirs (infidels) or mushrakeen (pagans), (2) dhimmis (non-Muslims living under Islamic rule), or (3) 'murtids', apostates people who have turned away from Islam. Non-Muslims are never described as citizens with the constitutionally protected rights, which accompany citizenship.

4.5(a) Kafirs, Mushrakeen, Infidels and Pagans

This first category of non-Muslims found in the madarasa textbooks is a traditional designation for those living in non-Muslim or "hostile" countries (dar-al-harb) without any treaty with Muslims. They are treated as enemies, and there are clear, recurring orders to fight against them until they submit or convert to Islam.¹⁸

4.5(b) Dhimmis

The category of dhimmis refers to non-Muslims who have either been conquered by or have entered into an agreement with the Islamic state and pay a special tax in exchange for limited rights and safety. Dhimmis can also be those who live in a separate non-Muslim state if their country has entered into an agreement with the Muslim state to pay the special tax or jizya. The literal meaning of the word dhimmi actually denotes a special protected status, whereby the Islamic rulers, having received payment of the tax, are then duty-bound to protect and care for the safety and

¹⁶Ibid, p 48

¹⁷ Ibid

¹⁸Ibid, p49

security of the dhimmi's life and property. While this practice traditionally gave religious minorities living under Muslim rule some rights and social status, it does not grant him/her citizenship equal to Muslims. One of the madarasa textbooks on 'fiqh' reviewed, 'Kanz-ul-Daqaiq' 'The Treasure of Difficult Problems' a textbook used in Hanafi madrassas particularly of the Bareilvi sect establishes that dhimmis are not equal to Muslims as citizens. The text goes on to say, for example, that if a non-Muslim lives in a Muslim state and has a status of dhimmi, he cannot offer asylum to another, while Muslims on the other hand can offer asylum to anyone. This message is reiterated in another textbook on 'fiqh', 'Al-Hadaya' 'The Guidance', which says that if a non-Muslim is offering asylum to another non-Muslim, he or she could potentially be protecting a spy or saboteur. This questions the non-Muslim's patriotism and trustworthiness. 'Al-Hadaya', written by Burhan-ud-Din Abi-al-Hassan Ali in the twelfth century, is a textbook widely recommended by madarasas with the exception of those of the Ahle-Hadith sect, and is particularly popular in Deobandi madarasas for Grades 5 and 6. This textbook provides more detailed instructions to students on how to treat dhimmis.

For example, segregation is encouraged; it is mandatory for the dhimmis who are under the protection of a Muslim state not to appear similar to Muslims. They should rather be different in every aspect including their outlooks and their animals for riding. They will also wear different headgear and will not ride on horses. Likewise, they wouldn't be allowed to keep ammunition. The text goes on to elaborate on the reason for this kind of treatment:

This will make their humiliation evident and hide the weaknesses of the Muslims because a Muslim is respected and a dhimmi is disdained. They shouldn't be greeted first. Hurdles need to be created on the ways they pass through. If they don't have distinguishing symbols, they might be treated equal to Muslims, which is illegitimate. They need to put a rough robe around their bellies and not the silk belts as the latter would be unfair with Muslims. Their women need to be different from the women of Muslims when seen outside or at public places. Their homes also need to contain special symbols so that no Muslim beggar should stand at their doors and start praying for them. It is considered more appropriate to not let them ride on animals unless it is extremely necessary. Even in the instances when it is necessary, they would need to

step down while passing through the settlements of Muslims. They should be forbidden to wear the dress meant for the knowledgeable and notables. The same spirit can be found in ‘Riaz-ul-Saleheen’ The Garden of Pious People, a textbook on hadith originally written some 900 years ago and used frequently in the madrassas of the Ahle-Hadith sect. According to this textbook, it is illegitimate to greet non-Muslims such as Christians and Jews with the greeting of ‘Salam’, Peace. Where Christians and Jews are found, the textbook instructs the reader to make them uncomfortable.¹⁹

4.5(c) Murtids

The third category by which non-Muslims are depicted in the madarasa textbooks is with regard to ‘Irtidad’, or the manner in which students are instructed to treat a ‘murtid’, an apostate or person who has turned away from Islam. Kanz-ul-Daqaiq instructs the reader that such a person must be arrested and taken into the custody of the Muslim state, where he or she is given three days to return to Islam on pain of death. The person, who puts this murtid to death, even if it was during the three days of reflection that is an extra-judicial execution, is not to be subject to prosecution. This three-day grace period advocated by Kanz-ul-Daqaiq could be considered generous, as the Al-Hadaya textbook advocates that the murtid should be killed on the spot. Such messages pose potential dangers in the current climate of inter-sectarian tensions in Pakistan, where others may declare followers of certain sects as non-Muslim.

4.6 Jihad in Text Book

In every madarasa textbooks the concept of jihad has been reduced from its wider meaning of personal development to violent conflict in the name of Islam, considered to be the duty of every Muslim. The Quran verse commanding the believer to kill the pagans or infidels or unbelievers wherever you find them is often cited with no context. Without the provision of context, students may be left to interpret the verse themselves, and could potentially take it as an order from God simply to kill non-Muslims wherever they are found. Similarly, another textbook on hadith, ‘Mashkwat-ul-Masabeh’, The Lamp of the Lamps, says that until ‘Qayamat’, (the last Day of

¹⁹Azhar Hussain, Ahmad Salim and Arif Navied, Connecting the Dots: Education and Religious Discrimination in Pakistan A Study of Public Schools and Madrasas, Nov 2011, Washington DC, pp46-47

Judgment), Muslims will wage violent jihad, as this is mandatory for all Muslims. At no time is it suggested that decisions regarding warfare should be left to the state, creating the possibility that the reader could consider it his or her individual responsibility to fight. In all the textbooks, the student is presented a world where concepts such as nation, constitution, legality, standing armies, or multi-lateral organizations except where they are prescribed by Islamic doctrine or sharia law do not exist. The commandments are direct for individuals, with seeming absence of a governmental authority or central decision-making body, institutional arrangements, or courts of law. Such a depiction provides possibilities for selective interpretation of religious text and for the challenging of the authority of the state in perceived accordance with religious doctrine.

4.7 Reforms in Education and Religious Tolerance and the Role of State

The government of Pakistan has made various attempts to reform the madaras education system over the years, including: the creation of a Pakistan Madaras Education Board in 2001 and three government-supported “model madarasas;” an unenforced 2002 ordinance on guidelines for madaras registration and the prohibition of the teaching of radicalism. In 2002 for five-year, \$113 million plan was launched to bring the teaching of secular subjects to 8,000 madarasas through provision of teacher training, textbooks, and other resources; and a 2005 amendment on registration and the prohibition of teaching that promotes militancy or spreads sectarianism or religious hatred, which was subsequently revised following protest from the madaras-run National Madaras Oversight Board (NMOB) or Ittihad Tanzeemat Madaris Pakistan (ITMP). More recently, on 7th October 2010, the ITMP and the government of Pakistan signed an agreement to facilitate a number of enhancements to the madaras education system, including uniform curriculum standards and inclusion of contemporary subjects, registration of madarasas, and standards for the awarding of madarasa degrees. In July 2011, the province of Khyber Pakhtankhwa took measures to reform madarasas within the province, in consultation with each of the schools of thought which ran madarasas. These reforms would require foreign students to have government documentation in order to study at madarasas and would institute sections for contemporary education in fields such as math and science. Numerous madarasas have also taken the initiative in recent years to incorporate contemporary subjects such as math, science and computer science into

their curriculums in some fashion. While some progress has thus been made in recent years with regard to enhancement of the madarasa curricula, curricular reform efforts have generally focused on incorporating contemporary or secular subjects such as math, science and computer science into the madarasa curricula, rather than attempting to change the curricula for the religious subjects themselves or encourage the use of updated textbooks in these subjects. This tends to put the pressure on the madarasa teachers themselves to interpret or adapt these textbooks to the modern environment, a challenge compounded by the fact that there are five different governing madaras boards and no universal curriculum. The government should adopt one programme for all the madarasas throughout the country.²⁰

The government took some steps to improve religious freedom. The late Federal Minister for Minorities, Shahbaz Bhatti, hosted several events to promote interfaith dialogue and religious tolerance and took an active role in assisting victims of religiously motivated attacks on Christians, Hindus and Ahmadis. The ministry also provided scholarships to minority students and approved new programs aimed at the maintenance of minority places of worship and the development and welfare of minority communities. Hindus and Sikhs welcomed the government decision to approve Lahore's first crematorium to serve the over one million Hindus and Sikhs living in Punjab. Bhatti also established district level interfaith committees to meet monthly to address issues of religious tolerance and interfaith dialogue.

4.8 Non-State Actors and its Impact on Religious Minorities

The constitution and other laws and policies restricted religious freedom and, in practice, the government enforced these restrictions. The constitution establishes Islam as the state religion, and it is required that laws be consistent with Islam. The constitution of Pakistan states that every citizen is subject to law, public order, and morality shall have the right to profess, practice, and propagate his religion; in practice, however, the government has limited freedom of religion. Freedom of speech was also constitutionally subjected to reasonable restrictions imposed by law in the interest of the glory of Islam.

Despite the government's steps to protect religious minorities, societal intolerance and violence against religious minorities and Muslims promoting tolerance increased, and

²⁰Ibid

abuses under the blasphemy laws continued. Thus the government of the day has not been successful to take adequate measures to prevent these incidents or undertake reform measures to prevent the abuse of the blasphemy laws.

Reports of social abuses or discrimination based on religious affiliation, belief, or practice continued, and there were increased reports of human rights and religious freedom activists and members of religious minorities going into hiding due to a climate of intolerance and fear, especially after the arrest of Aasia Bibi and the controversy surrounding the blasphemy laws. Relations between Sunni Muslims and other religious communities remained tense. Social discrimination against religious minorities was widespread, and social violence against such groups occurred. Non-state actors, including violent extremist groups and individuals, targeted religious congregations. Acts of violence and intimidation against religious minorities by extremist non-state actors increased and aggravated existing sectarian tensions. The non-state actors in some parts of the country demanded that all citizens follow a strict version of Islam and threatened brutal consequences if they did not abide by it. Extremists also targeted liberal Muslims advocating for tolerance and pluralism, including followers of Sufism and other moderate forms of Islam. Several attacks were directed at Sufi and Shias gatherings and their religious sites, resulting in numerous deaths and extensive damage.

Freedom of speech was subject to reasonable restrictions in the interest of the 'glory of Islam', as stipulated in sections 295(a), (b), and (c) of the penal code. The consequences for contravening the country's blasphemy laws were death for defiling Islam or its prophets; life imprisonment for defiling, damaging, or desecrating the Quran; and 10 years' imprisonment for insulting another's religious feelings. Some individuals brought charges under these laws to settle personal scores or to intimidate vulnerable Muslims, sectarian opponents, and religious minorities. Under the Anti-Terrorism Act (ATA), any action, including speech, intended to incite religious hatred was punishable by up to seven years imprisonment. In cases in which a minority group claimed its religious feelings were insulted, the blasphemy laws were rarely enforced, and cases were rarely brought to the legal system. A 2005 law required that a senior police official investigate any blasphemy charge before a complaint was filed. This law was not uniformly enforced and thus the local authorities took

advantage of it. Laws prohibiting blasphemy continued to be used against Christians, Hindus and other religious minorities groups, including Muslims.

4.9 Sharia Laws and its Implication on Religious Minorities

The penal code incorporates a number of Sharia (Islamic law) provisions. The judicial system encompasses several different court systems with overlapping and sometimes competing jurisdictions that reflect differences in civil, criminal, and Islamic jurisprudence. The Federal Shariat Court and the Sharia bench of the Supreme Court serve as appellate courts for certain convictions in criminal court under the Hudood Ordinances, which criminalizes rape, extramarital affairs, property crimes, alcohol, and gambling; judges and attorneys in these courts must be Muslim. A 2005 Supreme Court ruling allows the Supreme Court to bypass the Sharia bench and assume jurisdiction in such appellate cases in its own right and prohibits the Federal Shariat Court from reviewing decisions of the provincial high courts. The Federal Shariat Court may overturn legislation it judges inconsistent with Islamic doctrines, but such cases can be appealed to the Sharia bench of the Supreme Court and ultimately may be heard by the full Supreme Court. The Federal Shariat Court applies to Muslims and non-Muslims, such as in cases relating to Hudood laws. Non-Muslims were allowed to consult the Federal Shariat Court in matters that affected them or violated their rights but they were seldom given justice.

Criminal law allowed offenders to offer monetary restitution to victims and allowed victims to carry out physical vengeance rather than seeking punishment through the court system. The "Qisaas and Diyat" law calls for providing qisaas, retribution for murder and other violent crimes or diyat compensation money to the victim of the crime. Religious minorities claimed that the amounts of monetary restitution were far higher for minority offenders and far lower for minority victims than for Muslims.

Under Sharia, Hudood referred to punishments for certain crimes such as theft, fornication, consumption of alcohol, and apostasy. The country's Hudood Ordinances often relied on harsh and discriminatory interpretations of Quranic standards of evidence and punishment that applied equally to Muslims and non-Muslims. But in reality Quranic standards for Muslim and non-Muslim and male and female testimony carried different weight. Until the passage of the 2006 Protection of Women (Criminal Laws Amendment) Act (WPA), cases of rape and adultery were also heard

under the Hudood Ordinances, which led to numerous abuses against women. The 2006 law moved these cases to secular rather than Sharia courts; thousands of women have now been released from jail, although social ostracism continued in some cases. The Federal Sharia Court recently ruled that key provisions of the act are unconstitutional, negating protections established by the act. In December the Federal Sharia Court ruled that some of the provisions of the WPA are against the Hudood Ordinances (mainly with regard to the provisions that transferred competences from the Sharia Court to the Criminal Courts) and asked the government to amend them. The government has six months to petition against the ruling, but has yet to do so.

Government policies did not afford equal protection to minority religious groups. Religious minorities were legally restricted from public display of certain religious images and, due to discriminatory legislation and social pressure, were often afraid to profess freely their religious beliefs. The 2008 establishment of the Ministry for Minorities removed responsibility for protection of religious minorities from the Ministry of Religious Affairs. The Ministry of Minorities is a stand-alone, cabinet-level ministry that has the aim to protect the rights of minorities as envisaged under the 1973 constitution of Pakistan. The budget of the ministry covers assistance to indigent minorities, the repair of minority places of worship, the establishment of minority-run small development projects, and the celebration of minority religious festivals. The ministry of religious affairs previously covered these expenses. Religious minorities claimed that the Ministry for Minorities is underfunded and that localities and villages that were home to minority citizens went without basic civic amenities. There were also indications that the Ministry of Minorities would be dissolved at the federal level in 2011, along with several other ministries, as part of the devolution plan under the 18th Amendment. Minority representatives in the Parliament and minority rights organizations oppose the possible devolution of the ministry to the provinces.

The Ministry of Religious Affairs is primarily responsible for organizing participation in the Hajj and other Islamic religious pilgrimages. The federal government, however, also consults the ministry on matters such as blasphemy and educational reforms. The ministry organized events aimed at promoting peace and religious tolerance and also carried out research on these subjects. In June the ministry reconstituted the Sufi

Advisory Council as the National Sufi Council with the objective of promoting free religious thought and the establishment of Sufi Centers and research activities on Sufi Islamic thought. There is no evidence the Council has undertaken any activities since its establishment.

On 7th October 2010 the Ministry of the Interior signed a Memorandum of Agreement (MOA) with the heads of the five wafaqs. The agreement requires the madarasas to teach secular subjects, refrain from teaching or publishing literature promoting militancy or extremism, and to establish an independent board to monitor madrassah education. In return madarasas graduation certificates would receive government recognition. The agreement must be followed with legislation that has yet to be tabled.

The MOA reflects the 2005 framework for cooperative registration of madarasas, including provision of financial and educational data and expanded oversight of the prohibition on the teaching of sectarian or religious hatred and violence. The government and the independent madarasas boards have agreed to a phased introduction to all madarasas offering full-time education of secular subjects, including mathematics, English, and science. The civilian government considers madarasa reform a priority but has yet made little progress in this regard. Due to the present economic conditions, the government does not appear to have any funds to carry out the plan, although in the past three years secular subjects were introduced in some madarasas through government support.

On October 16 the Baluchistan Assembly adopted the Societies Registration (Baluchistan Amendment) Act of 2010, requiring all madarasas to be registered in the province. The madarasas were also told to submit annual reports of their educational activities to the registrar of societies at the end of each fiscal year.

All wafaqs continued to mandate the elimination of teaching that promoted religious or sectarian intolerance and terrorist or extremist recruitment at madarasas. Inspectors from the boards mandated that affiliated madarasas with full-time students supplement religious studies with secular subjects. Wafaqs also restricted foreign private funding of madarasas. A comparatively small, yet influential, number of unregistered and Deobandi-controlled madarasas continued to teach extremism and

allow recruitment of their students by terrorist organizations. Similarly the Dawa schools, run by Jamaat-ud-Dawa, a charitable front for the banned Lashkar-e-Tayyiba, continued extremist teaching and recruitment for Lashkar-e-Tayyiba, a designated foreign terrorist organization. Following the November 2008 terrorist attacks in Mumbai, India, attributed to Lashkar-e-Tayyiba, the Punjab provincial government took over management of several Jamaat-ud-Dawa institutions.

4.10 Marriage Laws

Personal laws vary for different religious communities and often create problems of security of the lives of religious minorities. The Hindu women did not have any proof of marriage and thus they became victim of second marriage also the widows did not get inheritance. Earlier marriage laws were particularly contentious, as there were no legal mechanisms in place to recognize marriage of religious minorities particularly for Hindus. The Hindu Marriage Bill had failed three times in 2008, 2011 and 2012 before it was passed by the National Assembly.²¹ This was landmark bill to regulate marriages of minority Hindus in Pakistan. The minimum age for both boy and girl is 18 years. This will be of immense help for the women who will get documentary proof of their marriage. It will be first personal law for the Hindus in Baluchistan, Punjab and Khyber Pakhtunwa provinces. Now it is to be seen how the law is implemented on the ground.

Although Christian marriage are recognised under the Christian Marriage Act, 1872, in practise it has not guaranteed the marriages a proper registered and it remains underdeveloped on the issues such as divorce. In addition, because the Personal Laws for Muslims take precedence over the Personal Laws of non-Muslims, a Christian marriage will be terminated over one party convert to Islam. In some ways this has also encourage the Christians to convert to Islam in order to secure divorce, which under Christian Personal Laws is extremely difficult. The lack of ineffectiveness have contributed legal mechanism to register marriage has contributed to a number of difficulties for religious minorities in Pakistan.

The government does not recognize either civil or common-law marriage. Marriages were generally performed and registered according to one's religious group; however there was no legal mechanism in place for the government to register marriages of

²¹ Kalbe Ali, NA Finally Passes Hindu Marriage Bill Dawn Sept 27 2016

Hindus and Sikhs. The marriages of non-Muslim men remained legal upon conversion to Islam. If a non-Muslim female converted to Islam, and her marriage was performed according to her previous religious beliefs, the marriage was considered dissolved. Children born to Hindu or Christian women who converted to Islam after marriage were considered illegitimate unless their husbands also converted. The only way the marriage can be legitimated and the children made eligible for inheritance was for the husband to convert to Islam. The children of a Muslim man and a Muslim woman who both converted to another religious group were considered illegitimate, and the government could take custody of the children. The registration of Hindu marriages by the government has been a long-standing demand of these communities. The Scheduled Caste Rights Movement (SCRM) and other minority rights organizations demanded legislation for minorities' marriage registration. The minorities' representatives were of the view that in the absence of Hindu marriage registration, women faced difficulties in getting a share of their parents' and husbands' property, accessing health services, voting, obtaining a passport, and buying or selling property.

4.11 Forced Conversion of Hindu Girls

There has been constant conversion of Hindu girls to Islam and then married to the local Muslim. The Thar region in Umerkot district has opened new field of study on forced conversion of Hindu girls to Muslim and then marrying them to local fundamentalists. When a girl is brought before a 'qazi' (cleric) for conversion to Islam, the qazi must comply immediately. If he delays the conversion even to say his prayers, he himself becomes 'kafir' (non believer), said Pir Waliullah Sarhandi, a younger brother of Pir Mohammed Ayub Jan Sarhandi.²² The latter, who is 'gaddi nashin' (inheritor of claim) of the Sarhandi shrine in Samaro 'tehsil', (block) of Umerkot district, claims to have converted thousands of Hindu girls and young women to Islam, mostly those belonging to the scheduled castes such as Bheel, Meghwar and Kohli. Allegedly, this includes forced conversions, as well as conversions of underage girls eloping with Muslim men.²³

The most recent case to have caused a stir is that of Ravita Meghwar: her parents claim their 16 year old daughter was abducted by men from an influential Muslim

²² Naziha Syed Ali Forced Conversion of Hindu Girls in Tharparkar 17th July, 2017, Dawn newspaper

²³ ---- Scheduled Caste Hindus Demand Marriage Registration in Pakistan, The News International, 14-07-2011

community living near their village in Tharparkar district, forcibly converted by Pir Ayub Jan in Samaro and married off to one of her kidnappers. When Ravita appeared in court in response to her parents' petition she refuted their account, maintaining that she had gone willingly and that she wished to stay with her husband, Nawaz Ali Shah. The girls are threatened with dire consequences if they speak in the court against the kidnappers.

There has been continuous process of conversion in Tharparkar and Umerkot, districts that are home to large communities of Hindus, Tharparkar's Hindu population is in fact around 50 percent and it threatens to wreck centuries of inter-communal harmony in the area. This is a part of the country where religion has traditionally been worn lightly. Instead, cultural commonalities bind the communities. At one point time there was even social acceptance of Muslim men marrying Hindu women: former Sindh chief minister Arbab Rahim's maternal cousin is one-time MPA (Member of Provincial Assembly, Ram Singh Sodho, whose mother converted to Islam after marriage. Now locals profess increasing concern that Thar too like the rest of the country is becoming polarised along religious lines.

After the hue and cry over forced conversions in Umerkot and Tharparkar districts, the Sindh Assembly passed a bill against the practice in November 2016. But before the governor could sign it into law, some religious organisations along with non-state actors threatened widespread agitation if the government did not withdraw it. Their main objection was to make provision stipulating the conversion of underage girls would not be formally recognised. The attempted legislation was mothballed. Now, however, the government has announced it will review the bill again.

The Pir's brother, voluble and expansive, clearly takes pride in the institution's reputation as a one-stop shop for no-questions-asked conversions. He said that they have converted untold numbers of Hindus to Islam unable to give a precise figure. He also said that there is not even one case in which forceful conversion is done. On the other hand Dr Ramesh Vankwani MNA (Member of National Assembly) said, "There is not even one case in which anyone has willingly converted. These men, who are often already married, kidnap the girls, keep them in their custody for 15 days, rape

them, and through threats and intimidation, make the girls say they converted willingly”.²⁴

Similar to Bharchundi Sharif in Mirpurkhas district further north to the Sarhandi shrine is synonymous with religious conversions, but most of the conversions taking place as the latter are Hindus living in lower Sind. Even going by the estimates of those engaged in the conversion of non-Muslims in Tharparkar and Umerkot districts, the annual rate is at least in the several hundreds, possibly more.²⁵

At least 25 conversions of young Hindu girls and women take place every month in Umerkot’s Kunri and Samaro talukas alone, says an activist from a Local Human Rights Organisation. This area is so deprived and the people, most of them belongs to the scheduled castes, are so powerless that the families know there is no use reporting forced conversions to the police, let alone raising a hue and cry. That is why only a miniscule number of alleged forced conversion cases are reported to media. According to a list compiled from news reports by the Local Human Rights Organisation, in 2015 and 2016, only 13 Hindus in the Samaro and Kunri ‘talukas’ (group of villages in one particular area) converted to Islam.

However, a curious disparity is evident even in the few cases that have been reported. The list of 13 only includes two males. One of them is Dilip Kumar, an adult, and the other is Ramesh Bheel, a young boy who converted along with his mother Devi Bheel. Human Rights activists in Umerkot and Mithi, Tharparkar’s largest towns, raised many questions in frustration, why only young girls and women of marriageable age? Why don’t mature women convert? Why is the story always the same a girl runs away with a Muslim man, converts to Islam and refuses to have anything more to do with her family, who have little choice but to stay quiet?²⁶

Another shocking incident of kidnapping of two Hindu girls took place. Their parents Shiv Dhan and Mani, however, did not stay quiet when their two daughters, Sonari and Samjoo, were abducted from home in the middle of the night on Jan 15, 2016 by a group of intruders armed with guns and axes. Among them was the son of a landlord who owned acres of land on the other side of the main road running alongside their

²⁴ Forced Conversion of Hindu Girls in Tharparkar 17th July, 2017, Dawn newspaper

²⁵ Ibid

²⁶ Ibid

village and who subsequently married Sonari. The parents had protested along with their other family members by sitting on the road for several days but no one heard their cry. They were not allowed to meet their daughters. When they were brought to the court the daughters said they were converted on their own will. Their sole comfort was that their younger daughter was returned after few days but they have never met, or even saw 16-year-old Sonari since. Evocatively, when asked how many children he has, Shiv Dhan said he has one daughter and two sons. Whether he had become resigned to never see Sonari again, or whether she is now dead to him after having changed her religion, it is difficult to tell.²⁷

At New Islamabad, close to the garrison town of Chhor, converts are schooled in the basics of Islam after they recite the ‘kalima’ (formal declaration of faith) at the nearby JUI-F madarasas complex. These impoverished people are given ration, sewing machines, and dowries for their daughters, largesse only reserved for those who have converted.²⁸

Instances of Hindu men wanting to convert for the sake of marrying Muslim girls are virtually unheard of. One that did occur two years ago is illustrative of the power imbalance in the area’s social dynamics. A young Hindu man from Umerkot city was working in Karachi when he fell in love with a Pakhtun girl. He brought her to his native town, became a Muslim and married her. It was not long before the men from her family descended on his house, and not finding the couple there, abducted some women of his family. Although police rescued them before the men could go very far, the boy’s family returned the girl. Ramesh Kumar, a Human Rights activist says that a Hindu girl’s family’s can never imagine doing like this because the police and agencies are all on the side of the Muslims.²⁹

A demographic breakdown of the Hindu population in Sind offers an interesting perspective on the travails of the Hindu community in Pakistan. According to Krishan Sharma, a human rights activist based in Mithi Tharparkar’s largest town northern and central Sind are home to upper caste, well-to-do Hindu business families, who live in prime locations coveted by politicians and tribal ‘sardars’ (local leaders) who want to

²⁷ Forced Conversion of Hindu Girls in Tharparkar 17th July, 2017, Dawn newspaper

²⁸ Forced Conversion of Hindu Girls in Tharparkar 17th July, 2017, Dawn newspaper

²⁹ Ibid

invest in land, or set up petrol pumps, factories, etc. Often the long-term Hindu residents do not wish to sell their property, so a situation is created to drive them out. That can include kidnapping for ransom as well as forced conversion of their daughters.³⁰

Thus, the Hindus do not have protection from the state and this can be one reason that the non-state actors have taken advantage. They are shifting from Ghotki, Khairpur, Umerkot, etc to Karachi where they can be found in large numbers dominating the rice, pulses and cotton markets, Hindus feel safest in the country's most lawless city. They live in ghettos and are most of the time in the state of perplex.

The highest number of Hindus in Pakistan, however, lives in southern Sind where most of them work as agro-based bonded labour. They have no access to education, health or basic amenities. Their women and children work in the open field all day, they are visible, and everyone can see them. They are easy targets for the 'waderas' (sons and their henchmen). That is also why the highest number of forced conversions of Hindu girls and young women take place in the green belt of Umerkot district rather than the arid Tharparkar district where Muslims zamindars have vast landholdings and most of the 'haris' (bonded labourers) are Hindu.

Local Hindus says that it is only the wealthy Muslim zamindars that prey on their girls and women. Other Muslims in Thari society, they say, have always accorded them dignity and respect. According to Human Rights campaigners, that older men lure and entice young and naive Hindu girls by promises of marriage that seem like a stepping stone to a far better life than they could ever dream of. But even if no force is involved, this is not informed consent, maintained one of these activists and in the case of minors; it should not be deemed consent at all, but compulsion.³¹

Dr Ramesh Vankwani, MNA and patron-in-chief of the Pakistan Hindu Council, said, there is not even one case in which anyone has willingly converted. These men, who are often already married, kidnap the girls, keep them in their custody for 15 days,

³⁰ Ibid

³¹ Ibid

rape them, and through threats and intimidation, make the girls say they converted willingly.³²

When a young girl finds herself in such a situation, she is left with few options. Returning home can mean putting herself and her family at risk of retaliation by her abductors. At the same time, and this is particularly in the case of older girls, she is also afraid the community may shun her because they see her as defiled. For her to remain with the man, even if she has any regrets, can appear to be the lesser evil,” said Fatima Halepoto, a human rights lawyer. The most shocking tragedy is that these girls, or even the children they bear, are never fully accepted into the man’s family either.³³

However, it is not only the powerlessness of haris in the social hierarchy that gives licence to wealthy waderas to take advantage of them. After all, Hindus have lived here since centuries; it is only in recent years that forced conversions have become such a burning issue. An increasing wave of fundamentalism in the area is also contributing to an indirect sanction of the practice. Moreover, this growing religiosity has given rise to another aspect of religious conversion, one that directly exploits the haris’ extreme poverty.

About 20 kilometres north of Umerkot, a couple of kilometres outside the garrison town of Chhor, lays the settlement of New Islamabad. Fresh converts are schooled for four months here in the basics of Islam after they recite the kalima at the imposing Jamiat Ulema-e-Islam (Fazl) madarasa complex in Chhor. The new Muslims receive a ‘sanad’ (certificate) upon completing their course.

The head of the madarasa complex, an affable man by the name, Mohammed Yaqoob who is also the general secretary of JUI-F Umerkot district and the head of the Wafaqul Madaris Al-Arabia in Umerkot and Tharparkar districts, said, that they accept only families for conversion. New Islamabad can accommodate 40 families at a time. Twenty-three families have recently left and another 35 are due to arrive soon. Maulvi Yaqoob said he did not wish to speak ill of Pir Ayub Jan Sarhandi and agreed that Maulana Fazlur Rehman would not approve of the kind of conversions that took

³² Forced Conversion of Hindu Girls in Tharparkar, 17th July -2017, Dawn

³³ Ibid

place in Samaro. He maintained that he refused to carry out conversions of Hindu girls accompanied by Muslim men wanting to marry them because there is less Islam and instead more of other things.³⁴

At the same time, the madarasa makes an exception for young Hindu men and women who cannot marry each other because of the many prohibited degrees of relationship in their culture. For them, changing their religion seems the only recourse. Maulvi Yaqoob estimates that around 9,000 conversions have taken place at the madaras during the last 15 years. More recently though they have started maintaining a record, and he can confirm that last year, around 850 Hindus underwent conversion here. In earlier years, he said, his compatriots had too often ventured far afield in the area to preach, but now 99.9 per cent of people who come to us for conversion come as a result of ‘tableegh’ (preaching of Islam) by the earlier converts.³⁵

Another reason for impoverished lower caste Hindus to approach Maulvi Yaqoob for conversion may also be the largesse they receive upon entering the fold of Islam. The madarasa’s New Muslim Welfare Association provides converts with brick and mortar homes to live in, ghee, flour, sewing machines, and dowries for their daughters, etc. The ‘new’ Muslims are given the facility of cultivating crops on the surrounding land where a concrete-lined canal, supplying water to the Cantonment from Nara Canal in the east, provides water all year round. It is a vastly different scenario from the parched expanses where they have to wait anxiously for rains every year.

According to MNA Ramesh Vankwani, the forced conversions have set a precedent, that converting Hindus to Islam is ‘sawab ka kaam’ it means if a Muslim converts a Hindu he has done his religious duty. No one is protecting the Hindus, not even the state, said Ramesh Vankwani. Mr Sharma, the human rights worker based in Mithi, narrated a chilling incident. at a wedding function a few years ago, he found himself in conversation with a senior law-enforcement official. At one point the senior law-enforcement official told that, the state was not comfortable with the people of the area. When Mr Sharma asked if he was referring to Hindus he said no, everyone. In other border areas the state get support and facilitation from people towards the

³⁴ Ibid

³⁵ Forced Conversion of Hindu Girls in Tharparkar, 17th July -2017, Dawn

enemy, but here they get no information from people in Tharparkar, from either Muslims or Hindus. There's no support from the security perspective to the state. When Mr. Sharma asked should the Hindus leave? The law-enforcement official said, no instead he asked for giving them information against the enemy. Sometime later, when Mr. Sharma saw a vehicle belonging to the FIF the Falah-i-Insaniyat Foundation, the charity wing of the Jamaatud Dawa an extremist group, he realised this wasn't just an individual's statement but of state and extremists.³⁶

From the point of the security forces, Thar's geographical contiguity with India makes it a particularly sensitive area where cross-border infiltration makes it necessary to exercise more than usual vigilance over the local population, regardless of religious affiliation.

Nevertheless, say locals, while the state has little money for health, education or development in the area, there seems to be plenty of funding for new madarasas that have mushroomed since the early 2000s. It is not as though ultra conservative Islam has never existed here. Many decades ago, Badiuddin Shah Al-Rashdi, a cousin of Pir Pagara, brought the Salafi Ahle Hadith movement to Thar from Badin with funding from Kuwait which had affected the people of the region and made them fundamentalist and thus conversion of Hindus took place.³⁷

However, in a society that valued its pluralism, the influence of its political arm, the Jamiat Ahle Hadith, remained confined to a few pockets, such as between Diplo a town in Tharparkar and Badin district. Until about 15 years ago, that is, when a hardline version of Islam began to spread throughout Thar. It found a natural ally in members of the Jamiat Ahle Hadith. These now form the bulk of the JuD presence here. According to locals, they seem to have unlimited funding at their disposal to build madarasas and purchase mosques to disseminate Salafi Islam. An enormous JuD centre is under construction just outside Mithi at the Nagarparkar road junction. Several people told Dawn that locals driving trucks with construction material for the building have to disembark outside the gate. The madarasa's own people take the

³⁶ Ibid

³⁷ Forced Conversion of Hindu Girls in Tharparkar, 17th July -2017, Dawn

vehicles inside, unload the contents, and bring the trucks back. Meanwhile in Mithi itself, the FIF has forcibly occupied a college property as its base.³⁸

In response to the contention that madarasas are increasing all over the country, Human Rights activists in Thar say that the existence of a huge, largely destitute and marginalised Hindu population in the area means that the issue of conversions is far more complex than its proponents makes it out to be. It also carries a high risk of violent social conflict.³⁹

Two years ago, on occasion of 'Eid-ul-Azha' (Islamic festival in which sacrifice of lamb or other animal is made and then distributed among the people of same faith), JuD declared they would sacrifice cows in Mithi's main Kashmir chowk because large Hindu community live in Tharparkar, there used to be no cow slaughter in Mithi till then. But the residents, both Hindu and Muslim alike, went to the mauvi and asked him not to create problems between the communities. Thus so far, according to the locals, JuD is not involved in conversions of Hindus. They are concentrating on making better Muslims of the Muslims.⁴⁰

Most intriguing though, given the animosity in Pakistan towards proselytising by any religious community other than Muslims is the space allowed to Christians, mainly Irish Catholic, and Ahmadis to operate their centres in Thar. Some are in close proximity with madaras. Ahmadis in particular have to contend with institutionalised discrimination and persecution in the rest of the country. The Christian and Ahmadi missionaries offer impoverished Hindus schools, health clinics etc as an incentive in fact, it is not unknown for the converts to revert to their old faith if the projects fail to materialise or come to an end. Thus the Hindus depends on the facilities, even though poor, provided by the Christians and the Ahmadi missionaries rather than state. This may be one reason that the Christians and the Ahmadis are more secure here than in other part of the country.⁴¹

Thar has long been known for communal harmony, negligible incidence of crime and a benevolent social ethos. If, as the locals fear, things proceed along the same

³⁸ Ibid

³⁹ Ibid

⁴⁰ Forced Conversion of Hindu Girls in Tharparkar, 17th July -2017, Dawn

⁴¹ Forced Conversion of Hindu Girls in Tharparkar, 17th July -2017, Dawn

trajectory, the part of Pakistan they call home may become engulfed in the kind of turmoil that has proven such a formidable challenge to the state elsewhere in the country.

4.12 Sectarian Violence and its Impact on Religious Minorities

Islamization of Pakistan was taking place sometime rapidly and sometime gradually as in the period of Zia with his policies and laws gave impetus and Islamization was at pick. Zia unleashed lethal violence against the Shias and put more restriction on Ahmadis by issuing decree that made them difficult to practise their faith. The hardliners had already got Ahmadies declared non-Muslim in 1974 and now they wanted Shias to be also declared non-Muslims as well. The extremist group had been working towards marginalizing all religions and sects except orthodox Sunni Islam. Zia had issued presidential ordinance in 1984 that barred Ahmadies from performing ‘azan’, (call to prayer) and also barred them from calling their place of worship as mosque. Zia’s new definition of Muslim was those people who believe in unity and oneness of Almighty Allah and in the absolute and finality of the Prophet-hood of Mohammad. In the same way non-Muslims were defined by the law as a person who is not Muslim and includes person belonging to the Christian, Hindu, Sikh, Buddhist or Parsi community, a person of the Qadiani group or Lahori group who call themselves as Ahmadis or a Bahai and a person belonging to scheduled castes of Hinduism. Zia had inserted two new Sections 298-B and 298-C of Prohibition and Punishment Ordinance of April 24 1984.⁴² The new section of 298-B prescribed punishments for misuse of epithets, descriptions and titles reserved only for Islam. The other section 298-C barred Qadiani or the Lahori group to use any Islamic culture or symbols. It also mentions that if found doing so the person shall be imprisoned along with fine. All these stringent laws gave free hand to the extremist and religious leaders to propagate their religious ideology. The extremist started targeting the non-Muslims and especially religious minorities in different cities in the name of religion and got away from the law or whenever the state agencies tried to stop or arrest them there were massive protest in the streets and subsequently they had to let them go.⁴³

The emergence of Jaish-i-Mohammad (JeM) in 2000 added to the intensity of sectarian violence perpetrated by Lashkar-e-Jhangvi. JeM had established close link

⁴² Farahnaz Ispahani (2015), *Purifying the Land of the Pure*, Harper Collins, Noida, p147

⁴³ Khaled Ahmed (2011), *Sectarian War*, Oxford University Press, Karachi, p176

with Al Qaeda in Afghanistan and it also enjoyed support of Inter-State-Intelligence (ISI) as it fought proxy war with India. Sipah-e-Sahaba, (SSP) and Lashkar-e-Jhangvi which got cadres from Deobandis were instrumental in carrying sectarian violence and target killing all over Pakistan. At one point of time the Shia doctors were targeted and killed along with Shias Ahamedis were also targeted and killed. The government machineries were inactive as the leaders of these extremist groups were protected by the army and ISI.⁴⁴

The religious minorities suffered due to sectarian and target killing as they became soft targets or punching bags of these extremist groups. The religious minorities were very often accused of committing blasphemy by local religious leaders for their own interest. The blasphemy law was used to harass them very often so that the majority Sunni gets rid of these religious minorities from the locality or either convert themselves to Islam. Sometime the extremist wanted to grab the land of religious minorities of Hindus and Christians particularly area surrounding their place of worship. Christians have always complained about social, economic and political discrimination. The Frontier Post had carried a survey which revealed that according to the census of 1981, the total population of Christian was 13 lakhs while according to the church registration the population was more than 80 lakhs. The article 25(1) states that all citizens are equal before the law and are entitled to equal protection of law. Article 36 also states protection of legitimate rights and interests of the religious minorities but the story on the ground is different. All these laws and rules are only on papers.

Discrimination against religious minorities in Pakistan manifests in myriad forms, ranging from restrictions on political participation and limited economic opportunities to outright violence. These different forms of discrimination do not operate in isolation, but rather work together and reinforce one another. Similarly religious discrimination does not function separately from other forms of oppression that take hold in Pakistan, but alongside them.

For this reason, members of different religious groups, as well as members of the same religious group, may experience discrimination in different ways depending on other factors such as gender, class and ethnicity. On the other hand, groups such, as

⁴⁴ Ibid, p175

Scheduled Caste Hindus women suffer from multiple and intersectional forms of discrimination that affects their lives in profound ways. In comparison, the discrimination encountered by religious minorities belonging to the elite and urban middle class is somewhat mild, and the inclusion of these minorities in the positions of power within the politics, the economy or the military has often been used to deflect criticism from the blatant religious discrimination that pervades the country. Yet it is important to note that the members of this relatively privileged group are few and even they do not have immunity from discriminatory structures, which prevent them from enjoying full citizenship rights.

With regard to the different systems of oppression that operate in Pakistan, gender based oppression is particularly severe, as highlighted by the Global Gender Gap Index for 2013. Measuring ‘relative gaps’ between men and women in areas including education, health, economics, and politics, this ranking placed Pakistan second to last out of the 136 countries assessed. It is therefore unsurprising that minority women-who encounter multiple and intersectional decimation-, find themselves in a particularly dire situation.

Pakistan has seen the implementations of various policies, constitutional amendments and different legislations that promote the discrimination of religious minorities in the country. This discrimination which ascribes as inferior status to religious minorities at an institutional level severely impact the daily lives of the members of the religious minorities and limits their role in the country’s political process. This is despite the fact that Pakistan has either signed or ratified various international agreements guaranteeing freedoms of religion and protection from persecution.

However there is a huge gap still remaining between formal ratification and implementation. The failure to incorporate these conventions into domestic legislation has resulted in their frequent violation, as well as variety of legal gaps with regard to the protection of the religious freedom in Pakistan. For instance the second amendment to the Constitution of Pakistan, which designates, Ahmadis as a ‘non-Muslim minority’, also ordinance XX, undermine a legal framework that would allow all Pakistanis to enjoy freedom of religion belief by violating key aspects of the aforementioned conventions such as Article 18 of the ICCPR, which emphasizes the freedom to have or to adopt a religious or belief of his choice and to manifest his

religion or belief in worship, observance, practise, and teaching in public or private. Legal and institutional gaps such as these contribute to the marginalization of religious minorities particularly Ahmadis, and are exacerbated by prejudice within the judiciary towards these groups.⁴⁵

The constitution of Pakistan guarantees equality to all citizens before the law, the participation of religious minorities in Pakistan's political arena is at the same time restricted. As one of the respondent said that religious minorities are not fully engaged in the political process and as a result are withdrawn and do not feel part of the system.

Article 41 (2) and 91(3) of the constitution strictly bar non Muslims from holding the two most influential positions of the government in the country, the post of president and the prime minister.⁴⁶ Although ten seats are reserved for religious minorities in the National Assembly still their participation in the political process is limited. Political parties seldom give minorities opportunity to in the general seats for the national or provincial assemblies and if ever they do as party or as independent candidates they often face resistance. For instance in 2013 Pakistan People's Party awarded party ticket to a Hindu a local madarasas distributed leaflets addressing the Muslims not to vote of non-Muslim candidate saying them as 'infidel'.⁴⁷

The reserved seats also have problems as they are not filled by direct election. Instead each political party nominates religious minorities to these positions on the basis of proportional representation after the general election. Thus, these representative have a limited connection to the communities they are supposed to represent, meaning minorities are still left without adequate means to address their concern. Hence, due to lack of accountability to their constituencies' minority in national and provincial level have often shown greater allegiance to their political party and do not represent their community in reality. At the same time the representative of religious minorities also face challenges and are often not taken into consideration on decision making.⁴⁸ One of the respondent said that the religious minorities are excluded from the mainstream

⁴⁵ Tayyab Mahmud (1995), Freedom of Religion & Religious Minorities in Pakistan: A Study of Judicial Practise, Fordham International Law Journal, Vol.19 (1).

⁴⁶ Ibid

⁴⁷ Farahnaz Ispahani (2015), Purifying the Land of the Pure, Harper Collins, Noidam

⁴⁸ Ibid

politics as they are barred from holding country's top positions viz the president and the prime minister. The minorities are represents the party and not the community they belong and thus the religious minorities do not have direct representative in provincial, national assemblies. The representation of the religious minorities in government, voting rights remain a contested issue in Pakistan as it was seen in the election of 2013. Though the system of separate electorates was overturned in 2002, making the return of joint electorates in the country, full electoral rights for all religious minorities in Pakistan have not been realized. While, all religious voters have been added to a common list of the voters list the Ahmadis, continues to appear on a separate list. In order to complete their registration as voter they have to provide their address and dissociate themselves from Islam which is violation of their religion. The Ahmadis feels insecure by providing their separate voter list as they feel they will become easy target.⁴⁹ Thus many do not get register and hence do not vote. According to HRCP, religious minorities in Pakistan are deterred from casting their votes through variety of tactics like harassing minority female voters in polling stations. Although efforts were made to reach the religious minorities by the majority candidates many were still ignored in the areas where they were large in numbers. In many areas where scheduled castes are sizeable and work for the land lords the candidates call the land lords in order to secure minority votes.

4.13 Conclusion

The non-state actors have played major role in day to day life of religious minorities in Pakistan. The non-state actors have always influenced the policies and programmes of the state and hence they have been dealt separately. The religious groups and parties have from the very beginning put pressure on the government to uphold the discriminatory laws so that the ideology of Islamic state reaches its pinnacle. Any change in the constitution in favour of the religious minorities has been opposed by strikes and demonstration by the extremist and religious leaders. As it has been seen that their influence is so much on the state that the state had to bow down in 1974 and declare Ahmadis as non- Muslims. Another instance in whenever the government want to amend the blasphemy laws it has received massive protest from the non-state actors.

⁴⁹ Ibid

The religious minorities have specially the Hindus women had face problem regarding the marriage as the marriage was not legalised and they could not be proved in the court of law. Now that the law has been made it become important to see if it is implemented at the ground. The problem of forced conversion of Hindu girls to Islam and forcefully being married to the Muslim men is immense. Many times these girls have been kidnapped and whenever a case was registered by their parent the girls were forced to give statement in the court according to their kidnappers. The religious minorities have also faced restriction on their freedom of religion.

The military ruler and the civilian government have all drawn their support from the religious parties, leaders and extremist groups. Hence, there is covert understanding among them. Both non-state actors and state actors have worked together in the process of discrimination in political and socio-economic areas. The non-state actors have very often instigated violence against the religious minorities and other minorities groups while local authorities supported them indirectly by arresting them on false charge and beating them in the jail. Many times the local police was used by the religious leader or rich landlords to harsh and arrest the members of minorities if the minorities had opposed the demands of the members of Sunni Majority, religious leaders and rich landlords.

The religious minorities have been dealt in the school and college textbook in a demining manner. They have been neglected from the history of Pakistan, their contribution in the nation building have been brushed aside. They have been look down as infidels and hence to be treated as second rated citizens. The students of religious minorities have been forced to study Islamic studies and hence they have no other choice. It has also been found that the students of religious minorities have been discriminated and harassed in the school. There are also report of children of minorities not been allowed admission in the public schools.

The sectarian violence and the target killings of religious minorities including other minorities such as Shias, Ahmadis and ethnic minority Hazaras of Pakistan have spread fear. But it manly focuses on religious minorities viz the Hindus and the Christians.

CHAPTER V

CONCUSION

Pakistan was created on the basis of religion and Jinnah's two-nation theory. He said that Hindus and Muslims belong to two different race and Muslims would not be safe in the Hindu majority India. His two-nation theory failed when East Pakistan severed itself from West Pakistan in 1971 and became Bangladesh. There were many reasons behind it; economic, political and language discrimination against East Pakistan from the very beginning. Urdu was imposed on East Pakistan which was not acceptable to the Bengali speaking people.

Pakistan became Islamic Republic in 1956 this itself created some kind of advantageous situation for the majority Sunnis and fundamentalist. The religious minorities like the Hindus and the Christians were easy target from the very beginning but became more regular during the period of Zia. Pakistan witnessed its first major riots in 1953 instigated by religious parties against Ahmadis in Lahore as well as the rest of Punjab, which were eventually suppressed by the Pakistani Army who declared three months of martial law. Another import event was declaring Ahmadis non-Muslims in 1974 by Bhutto under great pressure by religious and right wing political parties.

An exclusion and inclusion approach has been used as a framework to study two religious minorities; the Christians and the Hindus of Pakistan. The religious minorities have been excluded from the socio-economic and political process if not completely but to large extend. The attempt has been to critically analyse to what extend the state has included as well as excluded the religious minorities from socio-economic and political process. The government have made tall claims that the minorities have been included in all sphere of government system but they are all on papers and have not been fallowed in sprit and letters

The study has followed inclusion and exclusion approach as theoretical framework and has adopted Freiler's multiple and varied sources of exclusion including:

Structural/economic

Historical oppression

Discrimination

Absence of legal/political recognition

Institutionalized non acceptance and

Self-exclusion.

It is this broad understanding of exclusion and inclusion that the study has tried to understand the condition of religious minorities viz; the Hindus and the Christians in Pakistan. In the context of Pakistan the religious minorities, the Hindus and the Christians are kept away from the political participation and decision-making policies. Socio-economically and culturally too they are discriminated and kept away from the mainstream.

Pakistan has huge economic disparity in which minorities particularly the religious minorities are kept away in the process of economic development. In the rural area the landlord or the 'waderas' dominate the economic and political the areas. The minorities have little say in political process. The religious minorities give protection money to these landlords and 'sardars'. The Hindus and the Christians are paid low wage by the landlord and are victims of their atrocities. The constitution has the provision for equal opportunity for employment but in reality the religious minorities have not been given equal opportunity government jobs Some Christians are engaged in menial job like sweepers by provincial government have complained about not being paid on time and difficulties in getting benefits from the government as the officials don't heed to their grievances. Even in private jobs like brick kilns they are underpaid and treated as inhuman.

The minorities have been discriminated from the time Pakistan was created. If comparison is to be made between colonial period and independence, the religious minorities were treated equal with other religion and class. After independence though there are provisions and laws in the constitution for equal treatment and protection of their rights specially freedom to profess own religion and manage religious

institutions. In practice these right and freedom although stated in the law of the land it's difficult to maintain in day to day affairs of religious minorities. The blasphemy law enacted during British rule had very few people arrested under this law. But after Pakistan became independence this law became more prominent and people arrested under this law increased considerably. Most of the people arrested under blasphemy laws were religious minorities. During Zia's period the law was incorporated with many clauses and hence the law was made more stringent. Zia-ul-Haq was most fundamentalist in nature. He said that the unity of Pakistan could only be achieved through Islamization. He introduced stringent sharia laws and also set up sharia courts. He also added new clauses to already existing blasphemy law, which were used against the religious minorities specially the Christians, the Hindus and Ahmadis the Islamic sect.

Another important problem is of force conversion of Hindu girls and being married to the Muslims sometime even to their kidnappers. This has become a great concern for the Hindus. The parents of the kidnapped girls have reported to the police and filed a case but the girls were made to give statement in favour of the kidnapper saying they willingly converted to Islam and married with the person. The Hindus girls were warned with dire consequences if they did not act on the demand of the kidnappers or the local religious leaders.

Hence, the religious leaders and right wing parties took advantage of this and the law is misused by the majority Sunnis against the religious minorities. There were many efforts by the liberal political leaders to amend the blasphemy law but failed. This was because the religious leaders, the clerics, the extremist groups, religious political parties objected vehemently. They also warned the government of dire consequences if there was even a slight change in the law. And whenever the government brought the law in the parliament there was massive protest in the street. Hence the government was helpless and weak to act on it. In 2015 a new political party was formed with one point agenda; that is to oppose any change in the blasphemy laws. It also won two seats in Sind provincial assembly

Another important characteristic of exclusion is discrimination which has been prominent from the beginning. The religious minorities; the Hindus and the Christians have been victim of state and non-state actors' discrimination policies and

programme. As the state and non-state are intertwined in the process of discrimination the religious minorities become easy target.

There have been major incidents of violence instigated by the religious leaders and extremist group. Many times the churches of the Christian have been vandalised, their houses destroyed and there are incidents of kidnapping. The religious minorities face discrimination in the police station, sometime their complaints don't get registered and even if they do they are not treated seriously. In most cases the religious minorities have been falsely accused of committing blasphemy and have been arrested. There are incidents of extra judicial killings too. In most of the case it was done for selfish interest. The religious leaders and the extremist groups have instigated violence against the churches and the temples to acquire their land.

Although there was the constitution of 1973 has many laws and provision for the safeguard of religious minorities and political representation in provincial assemblies and national assembly the separate electorate have segregated the religious minorities from the majority Sunnis. Every time the government wanted do away with the separate electorate there was hue and cry from the religious parties and extremist groups. Moreover the government has come up with separate voter list for the Ahmedis and are required to certify that they believe in the finality of the prophet.

The religious minorities are also discriminated socially and culturally as is prominent in educational institutions. The text books of state run schools and madarasas are full of derogatory remarks about the religious minorities. They are labelled as infidels, 'Kafir' and heretics. Although many Christians has bravely fought the war against India and won laurels have not been mentioned in any test book. The Hindus are seen as lower beings and the children are taught not to mix with them and to treat them as second class. The state has turned blind eyes on these matters of religious minorities. The government has taken some steps to modernise the madarasas with introducing of science and maths the condition remains the same because importance is given to age old literature and science. It is clear from the foregoing that most members of religious minorities in Pakistan experience life infidels in all but in name, are in reality are second-class citizens subject to violence, repression and intimidation, and are almost powerless to do anything about their circumstances. Those singled out for the worst persecution and those who find themselves least protected by the Pakistani

state fall either into groups who are seen as proxies for external states such as the Christians and the Hindus are seen as agents of west and India respectively or groups, such as the Ahmadi and Medhi Foundation, which are seen as deviant forms of Islam.

The religious minorities have ghettoised themselves; this is because of the fear and insecurity. Hence this act as self exclusion from the mainstream socio-economic and political process. It is the responsible for protecting the lives and properties of these religious memories but unfortunately it has failed to do so. In fact the state has used its machineries against the minorities at all levels to harass mostly at police stations. This is to appease the majority Sunnis particularly the extremists and the religious leaders. As the state is not capable to protect its minorities it becomes a weak state and it does not include the minorities in the process of development.

The non-state actors have played major role in day to day life of religious minorities in Pakistan. It has been proved; there is a nexus between the non-state actors and the army. The non-state actors have always influenced the policies and programmes of the state and hence they have been dealt separately. These extremist groups and religious political parties have from the very beginning put pressure on the government to uphold the discriminatory laws so that the ideology of Islamic state reaches its pinnacle. Any change in the constitution in favour of the religious minorities has been opposed by strikes and demonstration by the extremist groups and religious leaders. As it has been seen that their influence is so much on the government that it had to bow down in 1974 and declare Ahmadis as non- Muslims. Another instance in whenever the government want to amend the blasphemy laws and joint electorate it has received massive protest from the non-state actors.

The military ruler and the civilian government have all drawn their support from the religious parties, leaders and extremist groups. Hence, there is covert understanding among them. Both the non-state actors and the state actors have worked together in the process of discrimination against the religious minorities. The non-state actors have very often instigated violence against the religious minorities and other minorities groups while local authorities supported them indirectly by arresting them on false charge and beating them in the jail. Many times the local police was used by the religious leader or rich landlords to harass and arrest the members of minorities if

the minorities had opposed the demands of the members of Sunni Majority, religious leaders and rich landlords

The prospects of any meaningful changes being made in relation to the demands of religious minorities are negligible in the foreseeable future and the outlook for religious minorities in Pakistan is generally bleak. Pakistan itself is struggling with by terrorist violence, weak political institutions, federal instability, economic crisis, food and fuel shortages, and public dissatisfaction and unrest. Within this context the situation of religious minorities is widely seen in Pakistan, understandably perhaps, as a minor and secondary issue. Their plight is getting worse day by day and is likely to continue in the near future.

The religious minorities have been discriminated socio-economically and politically. They have been excluded from the developmental process of country and have not been given their due place in nation building. Since Pakistan has been declared Islamic country and during the reign of Zia-ul-Haq Islamaization took place. More stringent laws were passed in order to harass and discriminate the minorities and spread Islamic ideology. More clauses were added to existing blasphemy law making non-Muslim feel insecure. These blasphemy laws have been used against the minorities specially the Christians and the Hindus, These laws have been misused for selfish interests. It has been also found that land of the religious minorities have been acquired forcefully and have been threatened if they don't comply the majority would get them arrested on false blasphemy case. Also forced conversion of mostly Hindu girls has been reported every now and then. These girls have been kidnapped and forcefully married to the kidnapers. The parents of the girls have complained to the police and cases have been filed but the girls are threatened of dire consequences and hence the girls in the court do not give statement against the kidnapers.

The state has failed to protect the minorities even though there are provisions in the constitution of Pakistan. This can be understood as the political parties have to bank on the religious leaders and extremist groups for their votes and supports. The army and the ISI have also instigated violence against religious minorities and the religious and these extremist groups fight proxy war with India for them. Hence, there is a nexus between the religious leaders and extremist and army and the ISI.

The practise of their religious customs and practises have also become difficult for the Christians and the Hindus. Their place of worship have been attacked and destroyed. Their land has been encroached and the Hindus and the Christians forced to sell the land on low price to the majority Sunni.

The local police and their representative are helpless and often sides with the extremist and the religious leaders at the time of violence. It is seen that whenever there has been anti Islam activities protests in India or in Christian country there has been protest and violence against either the Hindus or the Christians in Pakistan.

Thus the religious minorities; the Christians and the Hindus in Pakistan are living in an insecure condition and this is one reason that they live in ghettos and mostly concentrated in cities of Lahore in Punjab province and Karachi and Sind province. During my visit I came across many Christians who did not want to disclose their identity in the beginning because they were scared of consequences. Talking to Hindus was easy because of my name as is Hindu they were more at ease and talked to me openly about their problems.

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Annexure 1

Scheduled

Religious Minorities in Pakistan: Interrogating the Role of State

1) Personal Profile:

- a. Name:
- b. Father's Name:
- c. Religion:
- d. Address:
- e. Occupation:

2) General Questions:

- a. Do you feel socially discriminated;YES/ NO
- b. Do you feel politically discriminated: .. YES/ NO
- c. Do you feel economically discriminated: ..YES/ NO
- d. Do your children face discrimination in the school:,,, YES/ NO
- e. Discriminations faced by the children of religious minorities: YES/ NO
- f. Is your child allowed to sit next to Sunni Muslim Child? YES/ NO.....
- g. Is your child allowed to drink water from the same tap: YES/ NO.....
- h. Do you get government benefits: YES/NO,
- i. Do you feel safe in your locality: YES/ NO
- j. How are religious minorities treated in police custody: GOOD/ BAD/ AVRAGE
- k. Are you threatened to withdraw your case against the majority Sunni: YES/ NO

3) Question pertaining to Hindus

- a. Do you know someone in your community who has been converted: YES/ NO
- b. Do you know a girl in your community who was kidnapped: YES/ NO
- c. Do you know a man in your community who has been kidnapped for ransom: YES/ NO
- d. Are you allowed to celebrate your festivals according to your wish as in India: YES/ NO/ AVERAGE
- e. How are you treated in the workplace: GOOD /BAD/ AVERAGE
- f. What do you think about blasphemy law: GOOD/ BAD/ AVERAGE
- g. Do you know someone who has been arrested under Blasphemy law: YES/ NO

4) Questions pertaining to Christians

- a. As a Christian how do you feel in the country: SAFE / UNSAFE/ DON'T KNOW
- b. What do you think about blasphemy law: GOOD/ BAD/ AVERAGE
- c. Do you know someone in your community who has was arrested for blasphemy: YES/ NO
- d. Has anyone been kidnapped in your community for ransom: YES/ NO/ DON'T KNOW
- e. Are you allowed to celebrate your festivals according to your wish: YES/ NO/ AVERAGE
- f. Has your church been targeted at any point of time: YES/ NO
- g. View on status of religious minorities: _____

The respondents were all from Karachi where the Hindus and the Christians are easy to communicate and meet. A visit to a small factory where most of the workers were Christians was made. Fifty persons as respondents and handed over the schedules to them. All of them were literate but lacked knowledge of English. Thus one had to explain them the questions and they were at ease while answering as they were called them to another room. All most all of them agreed on most of the questions in the scheduled while four of them didn't know what to say of discrimination socially, politically and economically. All others gave the same view that there are discriminations on all the fields and they are hapless. Most of them agreed that their children were look down in the school and they were not allowed to sit next to majority Sunnis. One of the respondents also said that his child was beaten when he drank water from same tap. This was in government school. The Christian respondent felt they didn't feel safe and were targeted if they became vocal about their rights. On government benefits they said they get but very little. When asked about the treatment they get in police custody they all agreed that the religious minority (Christians) did not receive the same treatment as majority Sunnis. They also mention the most of the time they are pressurised to withdraw the case or else face the consequences. It is learnt that sometime the police don't want to register the case. On blasphemy law they wanted the government to immediately scrap the law or change the stringent clauses. They said that they were target and false allegations were charged on them. Many of them knew people who were arrested for blasphemy on false charge. When asked why they were targeted; they said because the majority Sunnis wanted either their land or shops. They did this to pressurise the Christians to sell off their properties. On celebrating their festivals they said that they were allowed to celebrate but were always conscious that it might irritate the majority Sunnis. Most of them knew the incidents of church vandalism but very few spoke about their church been talked about them been targeted.

The Hindus live in ghetto in Karachi and most of the respondents were from lower middle class. They all agreed on the discriminations in different spheres and also felt they were not safe in the country. They all agreed that their children were not allowed to sit in the class with Sunnis kids, except for few children those went to private schools. They all agreed that they did not receive government benefits and even if they got it was negligible. On conversion they all agreed that many Hindu girls have been converted and married to the Muslims. Almost all knew someone who had been converted. Some Hindu respondents also said that they were not treated with respect in their workplace and they faced some kind of discrimination. On blasphemy law they all were against it and they most of the people knew someone arrested on blasphemy charge. (See annexure -4)

The interview was done with council member of Human Rights Commission of Pakistan (HRCP) Mr. Amarnath Motumal who is also advocate and from Karachi. He also has taken up many cases of Hindus as well as Christians minorities relating to kidnapping, conversion, rape and other cases relating to blasphemy. In his opinion there are discriminations against the minorities particularly religious minorities and many cases of discrimination and cases relating to kidnap, conversion, rape and false charge on blasphemy don't get registered and are covered up by both local authorities and majority Sunnis who are mostly fundamentalist in nature. Mr. Motumal said that Pakistan People's Party (PPP) government was more inclusive in nature and comparatively made minorities feel safe and free. (See annexure-3)

Annexure: 2

Interview with Mrs Naziha Syes Ali (Senior Editor & investigative journalist in Dawn)

1. What do you think is the conditions of minorities in Pakistan?

A. Non-Muslims in Pakistan generally speaking aren't prevented from practising their faith. Even socially speaking, in places like Tharparkar and Umerkot districts (Sindh province has a history of religious tolerance, mainly because of its Sufi traditions), Hindus and Muslims have lived in harmony for generations. In fact, cows are not slaughtered for their meat in the aforementioned districts.

However, growing religiosity in Pakistan does create insecurity for minorities. Their patriotism (especially that of Hindus) is often suspect. Hate material in some school textbooks that leaves minority students vulnerable to being bullied and ostracised. In most parts of the country, there is not much intermingling of people from different faiths on a social level (again Sindh is an exception to this).

2. How do you see religious minorities, the Hindus and the Christians from other minorities?

A. Tolerance for Hindus and Christians to practise their religion freely is not extended to Ahmadis who were declared non-Muslims in 1974. They are easily the most discriminated against minority in Pakistan.

3. I often read on news papers religious minorities being discriminated, do you think state institutions plays role in it?

A. Discrimination against the minorities is institutionally entrenched in many ways. According to Pakistan's constitution, only a Muslim can become prime minister and president. Government ads for sanitation workers usually call for Hindus to apply (although there have often been voices raised against this by civil society). Applying for official documents such as identity card and passport often requires a declaration of one's faith (whatever it may be). Also Muslims have to sign a "finality of prophethood" declaration which is to differentiate Muslims from Ahmadis who aren't distinguishable from Muslims by their names.

Nevertheless, the courts have often intervened in favour of minorities, sometimes ordering encroachments on temple grounds to be removed. Recently, the Supreme Court took up the case of the Katas Raj temple and ordered the nearby cement factories to replenish the water in the temple lake. The lake had almost dried up because the factories were using up all the groundwater that fed it.

4. There are many articles in the constitution of Pakistan that guarantees equality and freedom to profess their religion etc. Why has the state not been to enforce them?

A. Minorities, aside from Ahmadis, are quite free to practise their faith. However, certain situations, especially accusations of blasphemy, have the potential of creating

enormous difficulties for their lives and property. Extremists have become a pressure group, and can create difficulties for state institutions.

5. Does non-state actors (religious groups and militant outfits) also play an important role in discriminating religious minorities?

A. Religious groups play a major role in influencing the mindset of the general population. After all, the more hardline one's beliefs (regardless of which religion one belongs to), the more superior one feels to minority faiths. They create an environment in which oppression and persecution becomes more acceptable.

6. What do you think of blasphemy laws and its impact on minorities?

A. The blasphemy laws have a huge and disproportionate impact on the minorities. Allegations of blasphemy have led to mob violence. However, no death sentence for blasphemy has yet been carried out: the superior courts have always upheld appeals against such sentences. A couple of judges have even been killed after they acquitted blasphemy accused.

7. Do you see any chance of it getting amended in the near future?

A. No. Ultra right wing groups have too much power at the moment and they use the issue for political leverage.

8. There are reports of forceful conversion of Hindu girls, how do you react to this?

A. This is mostly happening in Umerkot district where Hindus and Muslims have always lived in peace. The growing numbers of madressahs in the area is leading to an increasing radicalisation and a belief that it is virtuous to convert Hindus to Islam. Even though both communities still live in harmony, it is difficult to say if that harmony will last due to the presence of extremist groups.

9. What do you think about the recent Hindu marriage law passed by the government?

A. It's a very important law because it enables Hindu marriages to be registered and provides documentary proof of marriage for purposes of separation, remarriage, inheritance etc. It can also help discourage forced conversions in the case of married women.

10. In your opinion which political party is more sympathetic towards minorities?

A. The PPP. Recently a Dalit woman for the first time in Pakistan's history was elected senator.

Annexure 3

Interview with Mr. Amarnath Motumal, (Council Member of HRCP)

Q1. What in your opinion is the status of minorities, particularly the religious minorities, the Hindus and the Christians in Pakistan?

A. The situation is bad but no one speak about it because they are scared that they may be targeted. The two major sects with Islam the Shias and Ahamadis also face similar discriminations but the religious minorities the Hindus and the Christians are worse affected. The situation has not changed and it is not likely to change in near future as Pakistan is an Islamic state and have no space for secularism.

Q2. What do you think about the provisions and the laws in the constitution against discriminations?

A. There are laws in the constitution, like Article 20 which gives rights to the minorities to profess religions and manage their religious institutions but in real practise it far from implementation.

Q3. Why do you think these laws are not implemented in letter and spirit?

A. This is a complex issue in Pakistan. The religious parties though they have not done well in election but have powerful impact on the people and the government of the day. They are the ones creating hurdle in implementation of these laws. In 1974 due to their pressure the Bhutto had to declare the Ahmadis as non-Muslims. The local authorities too yield to the pressure of these fundamentalist groups and there are non-state actors who act in favour of religious parties and leaders.

Q4. Who in your view was the most religious head of the state and why?

A. There is no doubt Zia was the most religious head and also the most powerful who had big impact on the laws for the minorities. He brought Hoodud Ordinance and inserted stringent clauses in blasphemy laws and made it harder punishment. The minorities particularly the religious minorities were targeted even for small unintentional doings. The country went through Islamization and non-state actors started gaining more power thus their interference in sate affairs.

Q5. What do you think about the treatment of minorities in police custody?

A. The minorities especially the religious minorities are not treated as other majority Sunnis. They are often beaten and harassed and there are extra judicial activates in the custody and also forced to make confession for the crime which they might have not done.

Q6. Have you been approached by the religious minorities to fight a case for them?

A. Yes, many times people come to me and I have filed a case for them. Most of them are poor and have no idea what to do. I guide them and helped them.

Q7. What kind of case they bring to you?

A. Most of them are petty case of theft, fighting but there are also cases of conversion, kidnap and rape.

Q8 There is representatives of minority in National Assembly and also Provincial Assemblies. Do you think they speak for their communities?

A. Yes there have been representatives in both National Assembly and Provincial Assemblies but they are very few according to the ratio of the minority. And in reality no one listen to them. Also they are more interested to fulfil their own vested interests.

Q9. There has been lots of debate on amending the blasphemy laws; do you think the government can bring amendments?

A. The government cannot bring amendment as there is lots of pressure from the religious leaders and extremist groups. There has been protest whenever the government talked about the amendments to the blasphemy laws The example of Aasia Bibi is an example because which Salmaan Taseer had to died. He was killed by his own bodyguard. There were hardly thousand people at his funeral but when his killer was pronounced death penalty there was mass protest. At his funeral there were thousands of people. This shows that there is hardly any chance that the government would bring any changes in near future.

Q10. What is the solutions to all these discriminations?

A. All the minorities should join hands and work together to achieve their goal. They should focus on education of their children and vote to the liberal leader who would try to bring some respite to the minorities.

Annexure 4

Oath of the Office of the President [Article 42]

(In the name of Allah, the most Beneficent, the most Merciful.)

I, _____, do solemnly swear that I am a Muslim and believe in the Unity and Oneness of Almighty Allah, the Books of Allah, the Holy Quran being the last of them, the Prophethood of Muhammad (peace be upon him) as the last of the Prophets and that there can be no Prophet after him, the Day of Judgment, and all the requirements and teachings of the Holy Quran and Sunnah:

That I will bear true faith and allegiance to Pakistan:

That, as President of Pakistan, I will discharge my duties, and perform my functions, honestly, to the best of my ability, faithfully in accordance with the Constitution of the Islamic Republic of Pakistan and the law, and always in the interest of the sovereignty, integrity, solidarity, well-being and prosperity of Pakistan:

That I will not allow my personal interest to influence my official conduct or my official decisions:

That I will preserve, protect and defend the Constitution of the Islamic Republic of Pakistan:

That, in all circumstances, I will do right to all manner of people, according to law, without fear or favor, affection or ill-will:

And that I will not directly or indirectly communicate or reveal to any person any matter which shall be brought under my consideration or shall become known to me as President of Pakistan, except as may be required for the due discharge of my duties as President.

May Allah Almighty help and guide me (A'meen).

Annexure 5

Oath of Office of the Prime Minister [Article 91 1(5)]

(In the name of Allah, the most Beneficent, the most Merciful.)

I, _____, do swear solemnly that I am a Muslim and believe in the Unity and Oneness of Almighty Allah, the Books of Allah, the Holy Quran being the last of them, the Prophethood of Muhammad (peace be upon him) as the last of the Prophets and that there can be no Prophet after him, the Day of Judgment, and all the requirements and teachings of the Holy Quran and Sunnah:

That I will bear true faith and allegiance to Pakistan:

That, as Prime Minister of Pakistan, I will discharge my duties, and perform my functions, honestly, to the best of my ability, faithfully in accordance with the Constitution of the Islamic Republic of Pakistan and the law, and always in the interest of the sovereignty, integrity, solidarity, well-being and prosperity of Pakistan:

That I will strive to preserve the Islamic Ideology which is the basis for the creation of Pakistan:

That I will not allow my personal interest to influence my official conduct or my official decisions:

That I will preserve, protect and defend the Constitution of the Islamic Republic of Pakistan:

That, in all circumstances, I will do right to all manner of people, according to law, without fear or favor, affection or ill-will:

And that I will not directly or indirectly communicate or reveal to any person any matter which shall be brought under my consideration or shall become known to me as Prime Minister except as may be required for the due discharge of my duties as Prime Minister.

May Allah Almighty help and guide me (A'meen).

Annexure: 6

Certificate to be given by the Ahmadi in order to be inrolled in voter list

“ I,..... s/o, w/o.....hereby solemnly declare that I believe in the absolute and unqualified finality of prophethood of Muhammad (peace be upon him) as the last of prophets, and I do not recognize any person who claims to be a prophet in any sense of the word or of any description whatsoever after Muhammad (peace be upon him) or recognize such a claimant as prophet or religious reformer, nor do I belong to the Qadiani Group or Lahori Group or call myself an Ahmadi.”