

# report

minority  
rights  
group  
international

## Religious Minorities in Pakistan

By Dr Iftikhar H. Malik



### **Acknowledgements**

Minority Rights Group International (MRG) gratefully acknowledges the support of all organizations and individuals who gave financial and other assistance for this report. Commissioning Editor: Shelina Thawer. Report Editor: Katrina Payne.

### **The Author**

Dr Iftikhar H. Malik is a Senior Lecturer in International History at Bath Spa University College, Bath, UK. Since 1995, he has taught courses on Asian history, imperialism and the contemporary Muslim world. He has written numerous books, papers and articles. His areas of research are mainly South Asia - with special reference to Muslim politics - and Pakistan, Muslim communities in the West, and the United States of America–Muslim world relationship.

### **Minority Rights Group International**

Minority Rights Group International (MRG) is a non-governmental organization (NGO) working to secure the rights of ethnic, religious and linguistic minorities and indigenous peoples worldwide, and to promote cooperation and understanding between communities. Our activities are focused on international advocacy, training, publishing and outreach. We are guided by the needs expressed by our worldwide partner network of organizations which represent minority and indigenous peoples.

MRG works with over 130 organizations in nearly 60 countries. Our governing Council, which meets twice a year, has members from 10 different countries. MRG has consultative status with the United Nations Economic and Social Council (ECOSOC), and is registered as a charity and a company limited by guarantee under English law. Registered charity no. 282305, limited company no. 1544957.

### **Note**

There are no internationally agreed definitions of what constitutes a minority. MRG's work focuses on non-dominant ethnic, linguistic or religious communities. The use of the term 'minority' in this report is not taken as disregarding the right to self-identification and the legitimate desire of religious communities not to be identified as minorities.

© Minority Rights Group International  
All rights reserved

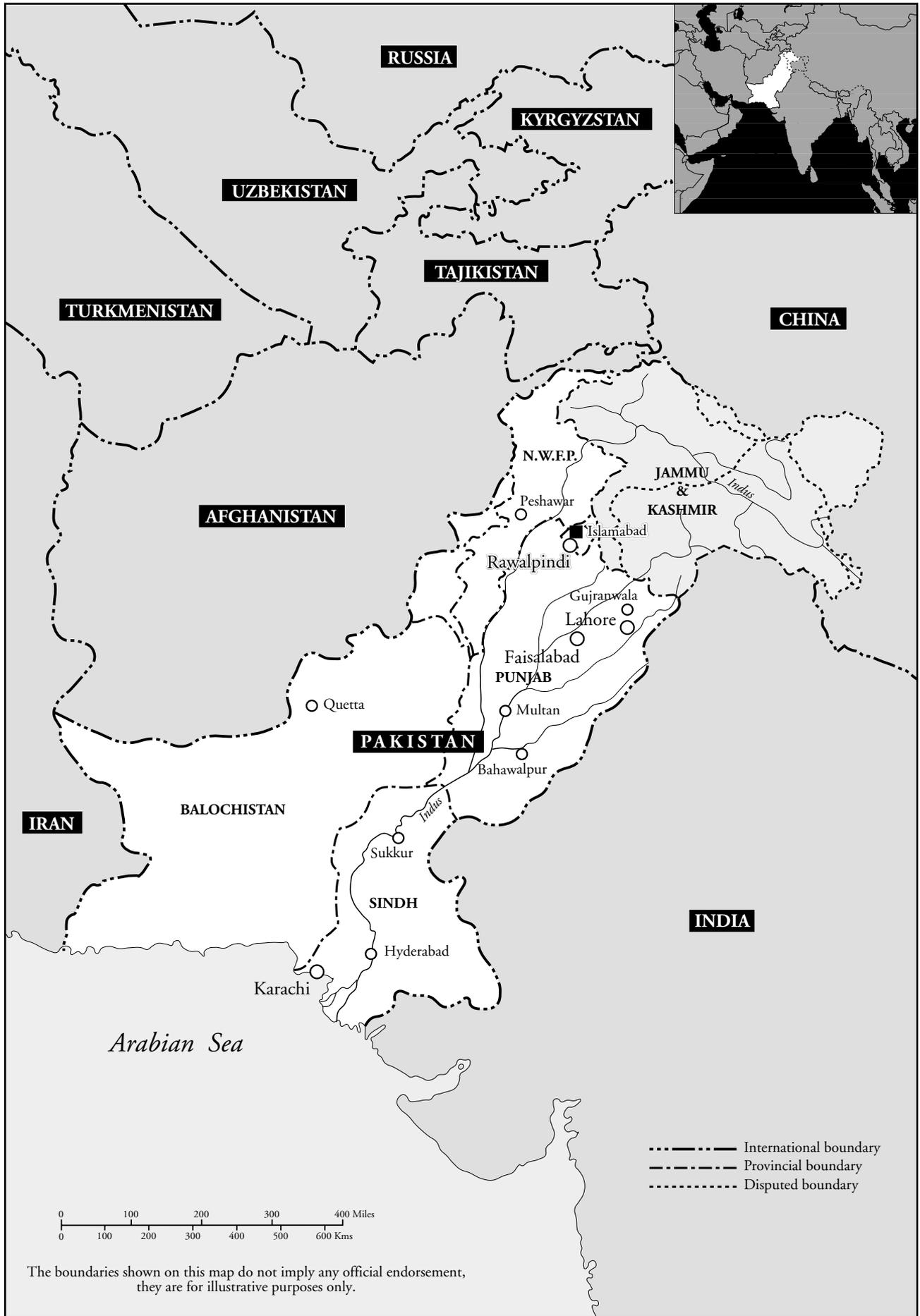
Material from this publication may be reproduced for teaching or for other non-commercial purposes. No part of it may be reproduced in any form for commercial purposes without the prior express permission of the copyright holders. For further information please contact MRG. A CIP catalogue record of this publication is available from the British Library **ISBN 1 897693 69 9 Published** September 2002. **Typeset** by Kavita Graphics. Printed in the UK on recycled paper. **Cover Photo** A Christian boy traumatised after his village, Shantinagar, was attacked. Piers Benatar/Panos Pictures. **Religious Minorities in Pakistan** is published by MRG as a contribution to public understanding of the issue which forms its subject. The text and views of the author do not necessarily represent in every detail and in all its aspects, the collective view of MRG.

# Religious Minorities in Pakistan

By Dr Iftikhar H. Malik

## Contents

Map	2
Preface	3
Politics of pluralism	4
Jinnah's vision, and the basis for its undoing	6
Military and politics in Pakistan	8
Minorities in Pakistan	10
Pakistan's Constitutions, minorities and exclusion	14
The reversal of Jinnah's ideal	17
Minorities and institutional segregation	22
Conclusion	26
Recommendations	28
Relevant international instruments	29
Notes	30
Bibliography	32



## Pakistan and its neighbours

# Preface

Recent massacres of religious minorities in Pakistan have focused new attention on the predicament of minorities in a country which is generally perceived to be a homogeneous Muslim nation. This report describes Pakistan's ethnic and religious minorities, and highlights its rich cultural diversity. There are five major ethno-regional communities in Pakistan: Baloch, Muhajir, Punjabis, Pushtuns and Sindhis, as well as several smaller groups. There are also religious and sectarian groups such as Ahmadis, Christians, Hindus, Kalasha, Parsis and Sikhs, and Shia Muslim sects including Ismailis and Bohras.

Almost half of Pakistan's history as a modern nation has seen military rule. In analysing the status of Pakistan's religious minorities, this report details the challenges they face as citizens. The role of the military, the political use of religion by governments and a weak civil society, all pose enormous challenges to minorities in Pakistan.

Demands for greater autonomy by the major ethnic groups have, over the years, provoked severe government repression. At the same time, non-Muslim minorities have continued to be the victims of particularly harsh religious laws. The system of separate electorates, which was in place until recently, confined non-Muslims and some Muslim groups to second-class citizenship, and undermined their claim for equal rights. Successive constitutional amendments and other legislation – particularly during the Zia ul-Haq government – deprived Ahmadis of religious freedom.

An amendment to Pakistan's Penal Code decreed the death penalty for anyone denigrating the name of the Prophet Muhammed. Indiscriminate and pernicious use of this blasphemy law, particularly against Christians and Ahmadis, continues to violate their rights as citizens. Minorities in Pakistan also continue to be victims of sectarian violence by extremist Sunni groups. There have been frequent clashes between Sunni and Shia groups across the country. In the province of Sindh, Sindhi-Muhajir clashes have claimed hundreds of victims. Legislation and action by successive governments has failed to put an end to sectarian violence.

Similarly, the status of women in Pakistan has been the subject of much debate and controversy. Efforts to

introduce Islamic law have resulted in discrimination against women. At the time of writing this report, there continue to be incidents of extreme violence against women based on local, customary or tribal law. Women remain a vulnerable group in Pakistan with inadequate legal protection to safeguard their rights.

Events within and beyond the region have influenced developments in Pakistan. The decision of the military regime to join the USA-led coalition against terrorism has provoked popular resentment and an internal backlash by extremist groups with renewed violence in many parts of the country. Efforts to rein in militant elements and provide security for all citizens, particularly minorities, seem inadequate and ineffective. Against this background, the need to ensure protection of minority rights is compelling. Pakistan is yet to ratify the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, among other human rights instruments.

This report on minorities in Pakistan is therefore timely and of direct relevance to the international community and agencies concerned about South Asia in general and Pakistan in particular. It is hoped that this report will enhance and deepen understanding regarding religious minorities in Pakistan, and the need for the protection of minority and gender-based rights across communities. The author, Dr Iftikhar Malik, links the marginalization of Pakistan's minorities with its socio-cultural and political history. With general elections due this year, it is hoped that a government with a new democratic mandate will review all discriminatory legislation, uphold the principle of equal citizenship enshrined in Pakistan's original Constitution and take effective action to curb sectarian violence.

Defending the principles of equal citizenship and non-discrimination, and disallowing the use of religion to violate the rights of non-Muslim and non-dominant Muslim citizens, must be priorities for any new government. This is perhaps the only way to protect Pakistan's ethnic and religious diversity, and the security of future generations.

**Mark Lattimer**

Director

August 2002

# Politics of pluralism

Pakistan is an immensely plural country characterized by religious, sectarian and ethno-linguistic diversities. It is an overwhelmingly Muslim community with more than 90 per cent of its 142 million<sup>1</sup> inhabitants adhering to Islam, yet they belong to several doctrinal groups. Sunni Muslims are in the ascendant, with Shia Muslims and Zikris facing discrimination. In 1974, the Pakistani National Assembly declared Ahmadis – also called Qadianis – a non-Muslim minority. There are several Christian denominations, Bahais, Buddhists, Hindus, Jains, Kalasha, Parsis and Sikhs who identify themselves as non-Muslim Pakistanis.

While most Pakistanis converse in or understand Urdu – the national language – it is the first language of only c. 10 per cent of the population, while others speak regional languages such as Balochi, Punjabi, Pushto 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.

## Migrations and diversity

Around 2500 BCE, present-day Pakistan was the heartland of the Indus Valley civilization. This included invaders and immigrants from the neighbouring western regions and elsewhere who had migrated into the region. Around c. 1500 BCE, the Dravidians – generally believed to be the indigenous peoples of the Indus Valley – were overpowered by Aryan invaders from Central Asia who established the 'Hindu' Vedic era.<sup>2</sup> Subsequently, this region became the centre of the Buddhist and Zoroastrian civilizations, latterly to be recaptured by the Hindu ruling dynasties. The Greek invasion in the early-fourth century BCE was followed by invasions of various Central Asian tribes until the Arabs, Iranians and Turks established a 1,000-year Muslim period in South Asia. During the fifteenth and sixteenth centuries, Sikhism – a religion proposing a kind of synthesis between Islamic Sufism and Hinduism – emerged in Punjab (in the heart of the Indus Valley) and established its holy places in Amritsar and Lahore. The advent of the European powers added a new dimension to the South Asian sub-continent with missionaries introducing various Christian denominations. The interaction between the Indian and European cultural groups, and the primacy of British power, led to serious soul-searching among the South Asian religious

communities.<sup>3</sup> Consequently, several reform movements emerged that led to new groups among the Hindu, Muslim, Sikh and other religions.

Ecologically, Pakistan is characterized both by diversity and unity. Within the Indus Valley–Himalayan ecosystem, there are various sub-systems: mountains in the extreme north, the tropical middle plains and the arid south-west. These different terrains – accounting for the Karakoram, Hindu Kush and Suleiman mountains; Punjab and upper Sindh's plains; and Balochistan's deserts – retain agrarian and pastoral communities, although demographically the alluvial plains account for more than 70 per cent of the country's population. The urban centres of Faisalabad, Karachi, Lahore, Peshawar and Quetta have ethnically mixed communities, but in the rural and tribal areas the local caste-based hierarchies dominate. The urban areas account for c. 40 per cent of Pakistan's population. The provinces of Punjab and Sindh are the most densely populous, due to their growing urban economies and long-established agricultural potential. The North-West Frontier Province (NWFP) and Balochistan remain sharply divided between tribal and urban communities.<sup>4</sup>

In addition to linguistic and regional diversities, there are demographic changes in Pakistan's recent history that make it harder to demarcate clear-cut ethnic boundaries. Since the late 1960s and early 1970s, following the Green Revolution,<sup>5</sup> and with greater social mobility and economic interdependence, the ethnic boundaries have become further blurred. Thus, despite the apparent homogeneity each of the four provinces of Pakistan – Balochistan, NWFP, Punjab and Sindh – their towns and cities have become immensely plural. Interestingly, the 'traditional' ethnic movements like those for 'Pushtoonistan' (a separate homeland for Pushtuns), and 'Greater Balochistan' (a separate state inclusive of Balochi regions in Afghanistan, Iran and Pakistan) have subsided, while new ethnic configurations have evolved, such as the Muhajir identity of Urdu-speakers<sup>6</sup> in urban Sindh, as espoused by the Muhajir Qaumi Movement (MQM).

## Partition and demographic changes

In 1947, Pakistan's independence led to c. 14 million people moving across the borders, with Pakistan receiving more than 8 million Muslims from all over India. Most came to West Pakistan (present-day Pakistan) with 1.2

million moving into East Pakistan (present-day Bangladesh). Most of West Pakistan's Hindus and Sikhs left for India, while several Hindu communities in East Bengal stayed until subsequent events forced their migration. Balochistan, East Bengal and Sindh were less affected by the communal riots accompanying partition and therefore there were fewer incentives for non-Muslim Pakistanis to migrate. The Indo-Pakistan discord over the former princely state of Kashmir not only brought Kashmiri refugees into Pakistan but also made it difficult for many non-Muslims to stay on in Pakistan. The emigrations of individual Hindu families from East Pakistan to India continued into the 1950s. By the late 1950s, some South Asians had begun to emigrate to the United Kingdom (UK), but this did not lead to any major decrease in the population.

Partition had left Muslims divided between India, and East and West Pakistan – although Hindus and Sikhs largely remained in India. Christians were also seriously affected. They were mainly concentrated in Punjab, in northern India, which, religiously, was the most plural of all the British provinces. Partition left Punjabis divided by the Indo-Pakistani border. Muslims had generally fled east Punjab after killings and mass expulsions; similarly Hindus and Sikhs fled killings in west Punjab. The migrations and the concurrent communal killings involving mainly Hindus, Muslims and Sikhs – especially in Punjab – have seriously impacted on the regional politics of Pakistan and India.

The smaller minority communities, such as Buddhists, Jains and Parsis – accounting for a few hundred or thousand people in each case – were far less affected by partition. Buddhists and Jains had traditionally been concentrated in the regions that became part of India and Parsis, despite a small presence in Karachi and Lahore, generally remained outside the main communal divide.

As far as the 565 princely states were concerned, their plural societies were initially protected, but with India and Pakistan's desire for their integration (they had had domestic autonomy under British rule), an enormous amount of voluntary as well as forced population transfers took place across the sub-continent. For example, many Muslims from the princely states of Jammu and Kashmir, Junagardh and Hyderabad moved to Pakistan, whereas Bahawalpur and other such

predominantly Muslim states saw an outflow of Hindus to India.

Following the civil war between East and West Pakistan, and India's intervention in 1971, East Pakistan became the new state of Bangladesh, which led to more trans-regional migration. While East Bengalis left West Pakistan for Bangladesh, Pakistan accepted the repatriation of several thousand Urdu-speaking East Pakistanis, also called Biharis. Most of these new immigrants settled in Karachi, increasing the number of Urdu-speakers in urban Sindh. Following friction over the language issue between Sindhis and Urdu-speakers in 1972 (both these communities wanted their language to become the official state language), Pakistan became reluctant to accept any more 'stranded Pakistanis' from Bangladesh. Informally, however, many Biharis and Bangladeshis entered Pakistan throughout the 1980s and mostly settled in Karachi adding to its plurality.<sup>7</sup>

Since the 1980s there has been tension in Karachi with the MQM, led by Altaf Hussain (now settled in London), demanding more jobs and urban amenities for Urdu-speakers. He also emerged as the champion of Muhajir ethnicity, challenged by the Sindhi nationalists as well as by the government in Islamabad. His intermittent calls for strikes led to clashes with the security forces. The MQM generally receives most of the Muhajir vote, making it the third largest party in Pakistan after Benazir Bhutto's Pakistan People's Party (PPP) and Nawaz Sharif's Pakistan Muslim League (PML).<sup>8</sup>

In 1979, following the Iranian Revolution led by Khomeini, and the Soviet invasion of Afghanistan, refugees from these two neighbouring countries added to Pakistan's population. While some Iranians moved to the West or elsewhere, more than 3 million Afghans lived in Pakistan throughout the 1980s (and beyond). This concentration of refugees has led to a variety of changes in Pakistan in addition to the country's greater involvement in Afghanistan, whether in the resistance movement, or as an ally of the West in its attacks on Afghanistan. Many Afghan refugees have stayed on in Pakistan.<sup>9</sup> In the 1990s, richer Pakistani youths (particularly young men) sought better prospects abroad.

In summary, therefore, Pakistan has had radical demographic changes over the few decades of its existence; their ramifications have fed into already highly competitive and volatile inter-community relationships.

# Jinnah's vision, and the basis for its undoing

## Jinnah's vision of a democratic Pakistan

In the 1930s and 1940s, the demand for a separate Muslim state evolved as a focal point for converging socio-economic forces, varying from economic improvement to cultural and intellectual renaissance. For the emerging Muslim elite in British India, Pakistan would offer a cohesive, binding force, enabling disparate Muslim communities to break free of permanent bondage to an overpowering majority.<sup>10</sup> To the landless peasants, it represented a utopia, and for others it held the promise of a trans-regional Muslim identity in a revivalist sense.<sup>11</sup>

Pakistan was envisioned as a progressive, democratic and tolerant society, which, while retaining a Muslim majority, would give equal rights to its non-Muslim citizens. Without calling it a secular state, Jinnah and his modernist Muslim colleagues believed that Pakistan would improve its people's socio-economic conditions, and that people of all faiths and practices would continue to live as equal citizens.<sup>12</sup> On 11 August 1947, in his oft-quoted speech to the first Constituent Assembly of Pakistan, Jinnah said:

*'... You are free; you are free to go to your temples, you are free to go to your mosques or to any other places of worship in the State of Pakistan. You may belong to any religion or caste or creed – that has nothing to do with the business of the State ... We are starting with this fundamental principle: that we are all citizens and equal citizens of one State. Now, I think 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 so in the religious sense because that is the personal faith of each individual, but in the political sense as citizens of the state.'*

This is considered to be the charter of Pakistan and summation of Jinnah's views on the role of religion and the state. Many of his colleagues shared his vision, unlike several Muslim religio-political parties in India who felt that the idea of Pakistan was an anathema because secular and 'Westernized' Muslims were fielding it. However, the Indian Muslim majority voted for the Jinnah-led Muslim League.<sup>13</sup> But, over the succeeding decades, especially in

the 1970s and 1980s, the Pakistani state, rather than guaranteeing equal rights and equal opportunities to its Muslim and non-Muslim citizens, began to encourage obscurantist forces. Why this major shift happened is of critical importance.

There are several scholarly opinions about this change in Pakistani official and societal attitudes. According to some, the demand for Pakistan hinged on Muslim majority provinces and used Islamic symbols, thus retaining a Muslim majoritarian bias. This is a powerful argument: despite the Muslim League's assurances to minorities, its Muslim credentials were pronounced both during the colonial and national periods. Another view considers the enduring contest between the religious and the liberal positions regarding nationalism. Like the Muslim League and other Islamic parties such as Jamaat-i-Islami (JI), the Indian National Congress was arrayed against the Hindu Mahasabah and other such fundamentalist groups. The weakening of modernist forces from inertia, exhaustion or disarray, allowed rival forces to seek power. As with the Hindu Bharatiya Janata Party (BJP) in India, the Islamicist forces in Pakistan have rewritten South Asian history to suit their religious views. Others see the rise of unilateralism over pluralism as being due to economic and political reasons. To such analysts, the masses' continued economic and political disempowerment has given the opposing forces a way in as they are proposing an alternative, however simplistic, to the 'Westernized' elements. A further opinion sees the roots of xenophobia as embedded in the nature and aspirations of South Asia's middle classes, for whom regional and sectarian identifications remain paramount. Others look to the role of individuals like Zulfikar Ali Bhutto and Zia ul-Haq, among others, who coopted and encouraged obscurantist forces – either to seek legitimacy or simply to generate a following. Finally, the globalists may see political Islam re-emerging as the rallying point to counter the overpowering forces of Westernism.

Pakistan's shift from a Jinnahist to a more *Jihadi* (Islamic fundamentalist) course has nothing inevitable about it, as most of its people still believe in tolerance and coexistence and would like to revert to the original dream.<sup>14</sup> Since 1947, the acrimonious Indo-Pakistani relationship has seriously affected inter-community relationships. While Muslim anger was directed against Hindus in Pakistan, in India, Muslims have been perceived as scapegoats by Hindu fundamentalists. In this exclusionary process of nationalism(s), other communities

have been deeply affected, including Christians in both countries, and Ahmadis and Shias in Pakistan (see pp.10, 12–13, 17–19). Yet the concept of majoritarianism is fallacious, as both Islam and Hinduism are not monolithic. In Pakistan, the growing emphasis on ‘Muslimness’ has not only caused justifiable concern among non-Muslims, but the intra-Muslim ideological divides have also become more apparent, finding ‘enemies from within’.

## Political economy of feudalism

Since Pakistan’s inception, the pace and variety of movements and upheavals have been enormous but, to many observers, administrative and economic structures have been static. In short, the state and society have failed to achieve interdependence.

The inertia and inefficiency of the state are well known, and it has shied away from reform. Pakistan inherited the tradition of cooption and patronage from the Raj, and this has largely continued. Further, much-needed land reforms are largely yet to materialize.

In the 1950s, land reforms were introduced in a partisan manner, as they were implemented in the eastern wing; whereas feudal West Pakistan remained untouched. Most of the politicians in Pakistan’s Assemblies come from feudal families and they have generally maintained their politico-economic interests. Zulfikar Ali Bhutto’s land reforms in 1972 were cosmetic as landowners were advised in advance to distribute their properties among their families. It is interesting to note that the religious *ulama* (important body of Muslim clerics), despite their lower middle-class or peasant origins, have not campaigned for the eradication of feudalism. The feudal families are, in most cases, well educated and have close links with the ruling elite. Some of these families follow outdated practices towards non-Muslims, women, tenants and rivals. Further, some of the heinous practices

such as ‘honour killings’ or marriages with Qur’an (mock marriages) are prevalent among the feudal families of rural Sindh. Feudalism in Pakistan has, over the decades, become well-entrenched.

The tribal system<sup>15</sup> seems to have been shaken up, especially in NWFP, due to migrations, socio-economic and regional developments; but within Balochistan, especially in the Bugti and Marri areas, it remains ascendant. The tribal system in NWFP is quite different from that in Balochistan. In the former, the landholding of the chieftains and their influence is less crucial, but in Balochistan the chieftains like the Sindhi *waderas* (big landowners) have full control. The clerics in Pushtun society have a higher status than those in Balochistan, although in rural Sindh, the Syeds (holy people) and the Sufi orders (*piri-muridi*), attached to the shrines of early Sufis command greater allegiance among the people, and a Syed or Pir *wadera* is more powerful than an ordinary *wadera*. Despite the chauvinist and power-based structures underlying these systems, they have generally offered protection to non-Muslim minorities. This is not to suggest that minorities – however affluent – enjoy equal social status.<sup>16</sup> The feudal families have vast trans-regional and trans-ethnic matrimonial links, which play a crucial role in their preservation. Their links with the professional classes further guarantee the protection of their class-based interests.

In contrast to the land-based elite and upper-class, urban professionals, the middle class remains divided on ethnic and sectarian lines. Academics, artists, human rights and political activists, journalists, lawyers, local non-governmental organizations (NGOs) and even *ulama* remain divided and region-specific due to limited resources and ideological differences. It is noteworthy that many remain largely dependent upon the state.<sup>17</sup> Similarly, the masses are divided and localized, adding to their disempowerment.

# Military and politics in Pakistan

From its inception, Pakistan inherited a strong bias for administration over governance and political development. The civil bureaucracy, emboldened by its unilateralist hold, coopted the military within the first few years of Pakistan's existence. This elite's contempt for politicians and constitutional primacy knew no bounds. In the colonial tradition, it offered noisy politicians a subordinate role or suppression.<sup>18</sup> The dented political culture was further damaged by the frequent military takeovers.

The early efforts (1949–56) to develop a consensus-based Constitution were either routinely thwarted or substituted with centralizing measures such as the One-Unit Scheme of 1955. Rather than accepting the principle of one person one vote, East Pakistan's majority was annulled. East Pakistanis, with their more homogeneous and larger population, were marginalized – economically, socially and politically. Under the One-Unit Scheme, West Pakistan's four provinces were amalgamated into a single unit 'West Pakistan' and parity between the two wings of the country was introduced. This not only antagonized the majority in East Pakistan but also angered Balochistan, NWFP and Sindh. Punjab, the second largest province of Pakistan after East Bengal, emerged as the power hub – fuelling fear of 'Punjabi domination'. The central government's declaration of Urdu as the national language soon after independence, without giving similar status to Bangla – the majority language – caused a stir in East Pakistan, where people felt ignored by the Punjabi- and Urdu-speaking ruling elite in the centre. These issues could have been resolved through constitutional consensus, democratic institutions and electoral politics, but there were no such arrangements in place, and soon the army began to intervene as a centralizing and depoliticizing force.

The first military takeover took place in October 1958, when General Ayub Khan seized absolute power. Later, he introduced the 1962 Constitution. His administration allowed only a limited space for pliant politicians. This was via indirect elections for the representatives to the Assemblies within the One-Unit Scheme, and interwing parity. The centralized system served Ayub Khan's interests. It did not allow universal participation of Pakistanis and, despite a liberal veneer, failed to reflect the country's plurality. The tensions between East and West Pakistan increased, and so did the ordinary citizen's marginalization. General Ayub Khan was overthrown through public protest in March 1969, and with him came the fall

of his political edifice.<sup>19</sup> After him came General Yahya Khan, who imposed the second era of martial law. Doing away with the One-Unit Scheme and restoring the universal franchise, he promised to hold party-based elections in 1970. When the results gave the Awami League of Shaikh Mujibur Rahman – who planned to introduce a decentralized system – an absolute majority, the military junta refused to transfer power. Instead, the regime pursued a brutal crackdown on East Pakistanis and a civil war ensued, leading to East Pakistan becoming the independent country of Bangladesh.<sup>20</sup>

Zulfikar Ali Bhutto, an Oxford-educated landowner from Sindh and a former minister in Ayub Khan's administration, emerged as the majority party leader in Punjab and Sindh. He had founded the Pakistan People's Party (PPP) in 1967 after being dismissed by Ayub Khan, and promised socialist reforms for the underprivileged. However, in Balochistan and NWFP, the PPP did not enjoy any major following and ethno-regional parties like the Awami National Party (ANP) of Khan Abdul Wali Khan and the religio-political parties such as the Jamiat-i-Ulama-i-Islam (JUI) carried the day, and eventually formed the provincial government. After the debacle in East Pakistan, Yahya Khan was compelled to resign in favour of Bhutto, who became the first civilian martial law administrator/President. He rose to power because his PPP held the majority of seats in West Pakistan and the generals wanted him to lead a dispirited nation.

He initiated Pakistan's nuclear programme and built closer relations with the Muslim world. Most of all, in 1973, he led the efforts to introduce a fully fledged parliamentary-style Constitution for the country. Promising a universal franchise, joint electorates for all and special seats for women, the document allowed a modicum of provincial autonomy and reflected a consensus across a spectrum of political parties. However, in 1974, in his pursuit of further popularity among the religious elements, Bhutto declared the Ahmadis to be a non-Muslim minority (see p. 17). Despite this, Bhutto still could not win over the religious lobbies who were waiting for an opportunity to topple him. His populist tendencies, nationalization of vital economic sectors and strengthening of the armed forces began to work against him. Following the contentious elections of 1977 a massive public protest ensued.<sup>21</sup> Bhutto was slow to reach agreement with the opposition and unwittingly allowed the army to move in. General Zia ul-Haq struck on the night

of 4 July 1977; he overthrew Bhutto's regime and imposed a third period of military rule on the country. In 1979, Bhutto was hanged in Rawalpindi. Zia consolidated his position in the country through sheer brutalization and a selective use of Islamic injunctions.

The policy of Islamicization received support from clerical groups such as the JI and other conservative elements; and, with the Soviet invasion of Afghanistan in late 1979, Zia found a range of foreign powers eager to support him.<sup>22</sup> Zia's strong hold on Pakistan, the muzzling of the press and political parties, the unilateral amendments to the 1973 Constitution, and the establishment of party-less Assemblies seriously dented democracy in Pakistan. The intelligence agencies were already running amok, forming and splitting political alliances, and in the process ignited a negative religious and ethnic backlash.

The suppression of the Movement for Restoration of Democracy (MRD) in 1983–4 led to serious resentment in rural Sindh, while the Urdu-speaking Sindhis organized themselves on the platform of the MQM. While Sindh became a battleground of divisive ethnic loyalties, the entire country suffered from centrifugal splits. Balochistan, NWFP and Sindh have always demanded greater economic and political rights from the largest province in Pakistan – Punjab. Both the MQM and Sindhis in Sindh, despite their conflict, have tended to mistrust Punjab. Punjab, by virtue of its size, population and resources, is accused of monopolizing political and economic power. (Punjabis have tended to dominate in the civil and military services too.) Further, the tensions between Baloch and Pushtuns in Balochistan, and between Hindko speakers and Pushtuns in NWFP have been over greater power-sharing. Also, as we shall see, Zia's introduction of the Blasphemy Law, separate electorates for non-Muslims, the primacy of the Islamic Sharia Court, and a selective Islamic penal code – all in the name of Islamicization – was very repressive, almost totally debilitating civil society. Courts, ordinances and specific legislation were imposed throughout the 1980s to further Islamicize the polity. The Assemblies ratified these restrictive measures in 1985, as the 8th Amendment to the Constitution.

Afghanistan-related foreign assistance and remittances from expatriate Pakistanis kept Pakistan afloat; otherwise – socially, politically and religiously – the country suffered serious schisms, with minorities and women suffering the most. The longest military rule in Pakistani history seriously rolled back the cherished progressive vision of its founders. After a semi-democratic interlude – 1988–99 – Pakistan is once again under military rule, following the

coup led by General Pervez Musharraf. His main focus has been to perpetuate his own rule and to further institutionalize the military's dominant role in vital national departments.

The military has been the most senior actor in the Pakistani power structure, with the bureaucrats and landowners holding the junior positions; its own priorities have always determined national policies. A major portion of Pakistan's expenditure has traditionally been devoted to the defence sector and, given its own economic limitations, the country has borrowed hugely to sustain it. The usual argument is that, because of the security threat from India, Pakistan needs to maintain at least one third of India's defence potential. The nuclear programme has been an unaudited and stupendously expensive venture for Pakistan. Pakistan's non-development sector – inclusive of defence, loan servicing and maintenance of a huge state structure – is several times larger than its feeble development sector; education, health and the eradication of poverty have been seriously affected.

Pakistan's financial sector suffers from mismanagement and, especially following the nationalization of banks, many influential families and individuals have defaulted on loan repayments. Apart from corruption, commissions on foreign deals and loan defaulting, Pakistan's woes have stemmed from its very small tax base. In a country of 142 million, only 500,000 pay taxes, mostly state employees. All the military-run organizations – and they account for billions of rupees – are exempt from tax. Tax evasion, loan defaults and the politics of patronage routinely add to the national deficit. Therefore, both internal and external debts have multiplied. In early 2002, Pakistan's external debt stood at US \$38 billion with only \$1.5 billion in national reserves. US assistance following Pakistan's frontline role in the attacks on Afghanistan had a symbolic value, yet the debts kept growing, along with the societal conflicts. Such a dysfunctional economy, along with Pakistan's political underdevelopment and the salience of local/feudal traditions, have prevented the evolution of an independent intermediate or middle class. Even some industrialists and urban, ethnic minority politicians have tried to emulate feudal patterns in their politics.

Further, the role of clerics has not always been helpful. Their sermons can be quite irresponsible, unleashing anger against non-Muslims. Sometimes the landowners, police and clerics have worked together for their own ends. Some people can be carried along in an emotional wave of solidarity with populist assertions.

# Minorities in Pakistan

Pakistan's population is generally estimated to be c. 142 million, although according to the official census reports it is c. 137 million. According to the census of 1981, out of a total of 84,253,644, Muslims accounted for 81,450,057; followed by 1,310,426 Christians; and 1,276,116 Hindus. Ahmadis accounted for 104,244; Parsis 7,007; Buddhists 2,639; Sikhs 2,146; and 'others' 101,009. Because of a de-emphasis on family planning, and the arrival of millions of Afghan and some Iranian refugees, population growth within the country has been immense. In 1990, it was estimated that the minorities were 3.1 per cent of the total population. According to these estimates, there were 1,769,582 Christians in Pakistan; 1,723,251 Hindus; 9,462 Parsis; 3,564 Buddhists; and 2,898 Sikhs, while the 'others' collectively were estimated to be 13,640. The total figure for the minority population was c. 3,663,167. Two years later, the aggregate figure stood at 4,267,463; with Christians and Hindus almost equal at 2,061,306 and 2,007,743, respectively. The Ahmadis, Parsis, Buddhists, Sikhs and others were estimated to be 163,982; 11,021; 4,150; 3,374; and 15,888, respectively. It is interesting to note that even the Parsis, despite some outward migration, had registered a slight increase.<sup>23</sup> The census of 1998 showed the minorities nearing 11–13 million. Ahmadis, Christians and Hindus claim to have a population of 4 million each.

It is crucial, however, to note that, given the disadvantages and stigmatization, communities do not like to be identified as minorities so the above-mentioned figures may be an under-estimate, as some people may not have chosen to identify their ethnic or religious background. There are generally no population figures available for Pakistan's smaller minority communities. Overall, minorities represent c. 8 per cent of the total population. Pakistani minorities consist of Ahmadis, Bahais, Buddhists, Christians, Hindus, Jains, Kalasha (of Chitral), Parsis and Sikhs. Except for the Ahmadis, they all agree on their being non-Muslim. Within these communities there are caste-based, class-based and denomination-based divisions; along with age, ethnic, gender, rural and urban distinctions. Any superficial categorization is open to dispute. For example, among the 4 per cent of the Pakistani population who are Christian, there is an almost 50-50 divide between the Catholic and the Protestant denominations. Cities like Peshawar, and areas of Bahawalpur, Hyderabad, Rawalpindi and Quetta, have always had a sizeable number of Christians engaged in

various professions in the service sector. The church organization is very similar to other South Asian countries with a definite Pakistani cultural and linguistic embodiment, and there are converts, descendants of converts, Anglo-Indians/-Pakistanis, and Western missionaries. Hindus are equivalent in number to the Christians, with almost 4 per cent of the population. There are several castes among the Hindus, besides ethnic diversity. Over 65 per cent of the minority population are young people, and the average literacy rate in a few cases is higher than the national average; however, the other facts are not so pleasing.

As already mentioned, for the smaller religious minority communities – including Buddhists and Jains – there are no statistics, and little reliable information. They are known to be tiny groups who prefer to remain out of the public eye.

Ahmadis have been the focus of attention due to the issue of their faith. Inter-marriage and open social interaction remain minimal. Many Ahmadis neither openly profess their identity nor congregate visibly, so as to avoid hostile attention.

The Ahmadis are divided into the Lahori and Qadiani groups. Both the leadership – London-based – and the elite of the movement are predominantly Punjabi, with smaller communities in other provinces. Most Ahmadis are from central Punjab but are scattered across towns and cities. After their designation as a non-Muslim minority, many moved to Europe and elsewhere, although their cultural, family and language links with the Punjab remain strong. Most of their propagation activities have shifted to the West. Their television programmes, largely beamed from London, in English, German, Urdu and other languages, generally centre on religious issues, with Urdu programmes on MTA (Muslim Television Ahmadiyya) focusing on the leader, Mirza Tahir Ahmad, and his teachings. Their publications view their designation as a minority as politically motivated. However, they do not dispute the claim of Mirza Ghulam Ahmad, the founder of the movement, to be the Messiah/Mahdi or *Mehdi-i-Mauood* (the promised prophet). Founded in 1889, the movement initially remained confined to the Punjab and some of its leaders, like Sir Zafrullah Khan, played a very important role in the freedom movement, but then the tables were turned on them with the demand to designate them as a minority.

The Sikhs are again mostly Punjabis with smaller traditional communities in Karachi and NWFP. There are a

few Sikhs in the tribal areas who are bilingual and have a close relationship with Sikhs in Afghanistan. During the Taliban's ascendancy, many Afghani Sikhs migrated abroad, with just a small number coming to Pakistan. The Sikhs remain reasonably secure compared with other religious communities, as most popular resentment is reserved for Christians and Hindus.

Parsis are strictly an urban and entrepreneurial community based in Karachi and Lahore, with a few families in other major cities. Due to their strong commercial links, the non-evangelical nature of their faith and a steady outward migration to North America, the Parsis remain 'less visible' in Pakistan, and there are no reports of harassment or anger specifically directed against them. Some Parsis, like Bahram Avari, Bapsi Sidhwa, the Dinshaws, the Markers and the well-known columnist, Ardeshir Cowasjee, are national role models.

The Bahais are, in general, converts and middle-class urbanites who publish magazines and books but keep a very low profile. The Bahai religion began in Iran (Persia) in the nineteenth century before spreading to South Asia. So far they have escaped any collective anger from other majority communities due to their small number and limited activities.

The Kalasha of Chitral are an old community, who have always held a romantic fascination for the British and Pakistani popular media, and also for present-day anthropologists. There are various myths about their origins, including some regarding Greek ancestry. In the past they ruled Chitral, although now they live in three small, land-locked hamlets and are extremely poor. Since the late nineteenth century, Kalasha (locally called 'Kafirs' as well), have been under great pressure to convert to Islam. Their division by the Durand Line – the Pakistan-Afghan border – did not help. In the 1890s, Amir Abdur Rahman, the religious King of Kabul, forcibly converted many of the Afghan Kalasha to Islam. Some of them sought protection on the Pakistani side of the Line.<sup>24</sup> Their isolated, mountainous region and way of life has protected them from outside influences. Their ever-dwindling number is around 3,000 and even national statistics tend to ignore them. However, the tourist attraction of their valleys in the Hindu Kush, their gender-based equality and a growing accent on Islamic activism since the 1970s have put these small communities under a spotlight. The uniform school syllabus, and emphasis on Urdu and Arabic in the official schools in the valleys are barriers to Kalasha maintaining their own religio-cultural identity. There have been reports of Kalasha women being kidnapped, and of forcible conversions.<sup>25</sup>

Christians and Sikhs live predominantly in Punjab – just under 50 per cent of Christians live in urban areas – and Hindus live mostly in rural Sindh, with smaller com-

munities elsewhere. Many of the other smaller groups live in Karachi and Makran, although the Zikris, for example, are predominantly in south-western Balochistan where their spiritual centre, Koh-i-Murad, is located. However, they are becoming less visible, fearing that they will also be designated a 'minority', against their will.

The Zikris of Balochistan – a predominantly Baloch ethnic group in Makran and the adjoining areas – fear they will suffer the fate of the Ahmadis, as there are demands from certain groups for their designation as a non-Muslim minority. The Zikris are an under-researched community. However, many Baloch nationalist leaders and writers have expressed solidarity with the Zikris, considering them the 'archetypal Baloch'.<sup>26</sup> The Zikris have generally subscribed to the idea of a revealed *imam* – *Mahdi* (promised Messiah) – and, while believing in all the basic tenets of Islam, they consider Syed Muhammad Jaunpuri, a contemporary of the Mughal Emperor Akbar in the sixteenth century, to be their *Mahdi*. According to them, the *imam* appeared on Koh-i-Murad, an arid hilltop near Turbat in Balochistan, where he performed religious and spiritual rites before disappearing in Afghanistan. Towards the end of Ramadhan (month of fasting), a huge assembly takes place at this hilltop to commemorate the occasion. This assembly is not a substitute for *Hajj* (Muslim pilgrimage to Arabia), and commercial and other activities are conducted in a traditional manner. They are called Zikris because they remember and constantly recite the names and attributes of God, either on an individual basis or collectively.<sup>27</sup> Most Zikris are poor peasants or nomads who enjoy coming to Koh-i-Murad as others elsewhere enjoy visiting shrines.

The number of Zikris is not known since they identify themselves as Muslims. It is estimated that there are several million living in Pakistan, India and Iran. (The 4 million-strong Mahdawis in India are also deemed members of the Zikri community.) In addition, there are huge Zikri communities in Karachi, Las Bela and Quetta.

There are more Zikri Baloch in Karachi than anywhere else, but many have recently migrated for economic reasons, while staying in touch with their native Makran. The cultural and commercial significance of the Zikri festivals is considerable.<sup>28</sup> Zikri intellectuals challenge Sunnis' and others' claims regarding their faith. However, their religious leaders – *Malais* – believe that the Zikri prayer is 'a bit different than the others'.<sup>29</sup> Abdul Ghani Baloch does not consider them to be heretically different from other Muslim orders and finds similarities with many other doctrinal interpretations.<sup>30</sup>

Their opponents, however, believe that the Zikris do not pray regularly; that they have added an extra phrase about Mahdi to the original *kalima* (an Islamic statement

reiterating the unity of Allah and the Prophet Muhammed), and have substituted pilgrimages to Makkah (Mecca) and Medina with a visit to Koh-i-Murad. They also reject their elevation of Syed Jaunpuri to the status of a *Mahdi*.<sup>31</sup> Their *zikh khanas* – they have few places of worship, unlike the growing number of mosques across Makran – are like mosques but do not have pulpits pointing towards Makkah. Instead, there are stones and mats on which they sit and do the *zikh*. However, on a visit to the prayer places at Koh-i-Murad, a few copies of the Qur'an were found on the shelves. The Sunni/Namazi Muslims, belonging to the JUI and JI have attacked Zikris for being a 'heretic sect' and campaigns have been mounted to stop Zikris from congregating at Koh-i-Murad. Recently, police protection has been provided to Zikri visitors. To many observers, the emphasis on reconversion or designation as a non-Muslim minority is linked with the growing accent on Islam in Pakistan since Zia and since Khomeini in neighbouring Iran. Zikris had traditionally been victimized in Iran and in Afghani Balochistan, and the recent emphasis on Sunni and scripturalist Islam encouraged the JUI to make inroads into Baloch regions. There are demands for Zikris to be declared a non-Muslim minority.<sup>32</sup> The Zikri status remains unchanged but they are scared and thus find solidarity with a secular version of Baloch ethnicity. NGOs, including the Human Rights Commission of Pakistan (HRCP), and local activists are creating a greater awareness of the Zikri predicament and aim to forestall a majoritarian backlash against this scattered and impoverished community. The efforts are largely directed to counter demands for their designation as 'a minority', and also to educate both Zikris and other groups on civic rights and tolerance.<sup>33</sup> However, there is an urgent need to undertake further serious research and publications to counter any anti-Zikri feeling.

Makranis in Balochistan, who are of African and mixed descent, often complain of social discrimination from Baloch families because of their colour and class. The Makrani Shidis (literally, 'black people', many centuries ago they were slaves) have been able to work as fishermen, and as workers in Karachi, Gwadar and the Gulf, which may have caused further resentment against them. Very few mixed marriages take place between Shidis and the Baloch tribes. These Shidis are Muslim but their ethnic origins and darker complexions have led to racism and social exclusion. Some have married Zikris.

Shia Muslims (most are called 'Twelvers'; other Shia communities include Bohras, Dawoodis, Ismailis and Khojas) are mostly settled in Punjab with a sizeable presence in Hyderabad, Karachi and Peshawar. In addition, in the tribal areas, Shias are a dominant majority among the Turis of the Kurram Agency region with a significant

number among the settled Bangash tribe. In Quetta there are Shias of Hazara (central Afghanistan) and Iranian background.

The post-partition changes in the economy along with the positing of Pakistani identity on Islamic uniformity have added to an anti-Christian sentiment. For example, many Christians in Punjab were originally farming communities but after independence a number of them became landless and had to work as sweepers which further stigmatized them.<sup>34</sup> Some hold the view that the Christians in particular, and other non-Muslim communities in general, had largely been responsible for the social betterment of the communities now living in Pakistan through their educational institutions established during the British era.<sup>35</sup> The nationalization under Bhutto not only removed these prized institutions but Pakistani society then forgot the Christian (and other) contributions to the country as a whole.

Other than via agriculture and educational institutions, Christians like many other non-Muslims, have fewer chances to move up the socio-economic ladder. As shown in various studies by human rights groups and especially by the Christian Study Centre (CSC) in Rawalpindi, Christians and other non-Muslims are routinely kept out of higher positions both in the civil and armed forces – which feeds into a greater sense of inequality. This is happening, despite these groups' role in the making, running and defending of Pakistan.<sup>36</sup> This lack of trust only further disempowers a vast section of competent Pakistanis.<sup>37</sup> Ironically, most Muslim Pakistanis know nothing of minorities' significant contributions towards the making and defending of Pakistan. Academics and journalists have largely failed to report this vital information.

## Sunnis and Shias: the politics of differentiation

While Muslims in north-western and eastern regions in British India constituted a numerical majority, on the whole within the sub-continent they represented c. 25 per cent of the total population. The nationalist struggle politicized these communities but, after 1947, the age-old diversities and differences within the Muslim communities became more apparent. Despite an obvious Sunni majority, their doctrinal differences became more visible and volatile. The differences between the purists (followers of seminaries like Deoband, demanding a purified version of Islam) contrasted with those of the Sufi-based *tariqas* (orders) who felt that their version of Islam was more genuine. Sufis believe in intercession through saints and, unlike scripturalists, value folk cultures. They have been the main propounders of Islam outside Arabia.

In the same way, party politics and issues of ethnicity further crisscrossed the Sunni Muslims, as in the relations between East and West Pakistan, or the Jamaat-i-Islami (JI) versus Jamiat-i-Ulama-i-Islam (JUI) or Jamiat-i-Ulama-i-Pakistan (JUP).<sup>38</sup> The JUI, especially the Maulana Fazlur Rahman group (JUI-F), demonstrated against the US military action against Afghanistan in 2001–2, and held demonstrations mostly in the Pushto-speaking areas of Balochistan and NWFP. A few of their demonstrations took place in Jacobabad (Sindh) as the airport had been given over to the US troops bombing Afghanistan. Maulana was put under house arrest by the military government, thereby increasing his following in Balochistan and NWFP. His political rival, Maulana Sami ul-Haq, the leader of a religious seminary at Akora Khat-tak, also tried to woo Pushtuns to his side.

The Sunnis are an overwhelming majority in Pakistan, whereas the Shia Muslims are estimated to be between 15 and 20 per cent. Due to a lack of any official statistics, both groups may tend to inflate their numbers. Academically, there are two views on the Shia–Sunni differences. According to one opinion, there are no major doctrinal differences, but the political issue of the succession of Prophet Muhammad, 14 centuries ago, with Shias supporting Ali, the Prophet's son-in-law, has been made into a huge divide. Many Muslim scholars, aggrieved over the chasm, desire a greater dialogue so as to bridge this fragmentation. The contrary view, shared by some Sunni and Shia extremists, along with a few foreign scholars, posits that the divide is real, multiple and unbridgeable. Apart from its political or doctrinal roots, Shia–Sunni differences, also called sectarian discord in Pakistan, are linked with the geo-politics of south-west Pakistan and the Middle Eastern regions. Shia–Sunni differences tend to be aired during the month of Muharram, the first month in the Muslim lunar calendar, when many Shias congregate to mourn the assassination of Ali's son and companions in Iraq. The processions and fiery speeches from both sides have often caused riots over the routes and symbolism adopted by both. During the British period, such riots were confined to specific cities such as Lucknow, but recently, in Pakistan, they have become more widespread, with Punjab becoming the hotbed for these tensions in 1979.

In the 1980s, groups such as the Anjuman-i-Sipah-i-Sahaba (ASSP) under the leadership of Maulana Haq Nawaz Jhangvi and Azeem Tariq, emerged from Jhang (Punjab) demanding that Pakistan be declared a Sunni

state. Soon NWFP emerged as the new battleground. The Kurram Agency region bordering Afghanistan is overwhelmingly Shia with most of the Turis and some Bangash – the two Pushtun tribes – subscribing to this doctrine. Surrounded by Sunni tribes on all sides, these Shias were inspired by the Iranian Revolution and began displaying Khomeini's posters, which angered their old tribal rivals. The influx of Afghan refugees and Mujahideen – nearly all Sunnis – raised concern among the local Shias of a radical shift in the demography of Parachinar (NWFP). The sectarian clashes took their toll when one Shia leader from Kurram with a nationwide following, Maulana Mousavi, was gunned down. The chain reaction was felt across Pakistan with frequent sectarian killings in Jhang, Karachi, Lahore and Peshawar. To counteract the ASSP, the Shias had established the Tehrik-i-Nifaz-i-Fiqh-i-Jaafria (TNFJ), which demanded the implementation of a Shia version of Islamic laws. Demonstrations in the early 1980s compelled the military regime to make special concessions for Shia jurisprudence. Such actions only further agitated the Sunni militants.

Both the ASSP and TNFJ have retained nationwide networks and have militant groups to undertake specific assassinations. These groups are totally male-dominated and aggressively militant. The murders of Haq Nawaz Jhangvi and Syed Mousavi were carried out by the secret, well-organized groups called the Sipah-i-Muhammad (SM), Shia, and Lashkar-i-Jhangvi (LJ), Sunni. The Sunni and Shia militant groups want to transform the Pakistani state according to their own sectarian vision.

In recent years, the LJ seems to have gained the upper hand. In 2000 there were 150 sectarian killings while in 2001, in the period up to late September, 120 professionals and scholars had been killed in sectarian murders and bomb blasts. Most were Shia.<sup>39</sup> It is important to note that the LJ's urban and small town-based attacks in Karachi and Punjab continued unabated even after the military takeover in 1999 and the international 'war against terrorism' in 2001.<sup>40</sup> In a speech on 12 January 2002, Musharraf strongly admonished these sectarian tendencies and has since banned both the LJ and SM. In February 2002, Sunni militants struck in Rawalpindi, and attacked a Shia mosque. They killed 12 worshippers and injured several others. Many Shias are extremely scared of Sunni unilateralism.<sup>41</sup> Letters appearing in the newspapers reveal a growing accent on sectarian fundamentalism especially after the bombing of Afghanistan in 2001.<sup>42</sup>

# Pakistan's Constitutions, minorities and exclusion

So how did this discord come about? Jinnah had envisioned Pakistan as a tolerant and egalitarian society. He exhorted the Pakistani leaders to rise above religion, caste and creed in granting equal rights, privileges and obligations to all Pakistanis. He hoped that people would, in time, forge stronger links across the various boundaries without necessarily relinquishing their religious views. That is where he demarcated the differences between being part of a religious community and part of the nation, where the former would not affect the latter. This separation of religion and state was to be based on tolerance and equity.

Jinnah's vision of constitutional politics was thwarted by a growing accent on administration rather than governance. The regional disparities between East and West Pakistan were used to delay the framing of a Constitution. In the meantime, the Indian Act of 1935 and the Independence Act of 1947 remained the constitutional guidelines for the regimes. These documents, dating from the Raj, despite their inherent communitarian definitions and the idea of separate electorates for Muslims, were generally secular. They stipulated a limited franchise, however, based on age, education, land holding and tax payment.

Thus, everyone wanted a new Constitution. Further, for Pakistan to have its own political identity, it was felt that it should have its own Constitution rather than continuing with imperial traditions and rules. Moreover, Pakistan wanted to look different from India, where there was a growing demand for a secular system. The Pakistani elite wanted to construct a pronounced Muslim identity. Subsequently, many regimes would use the Islamic factor, not only for nation-building purposes but also for legitimizing their policies. This interdependent relationship, especially during the 1980s, did not bode well for Pakistan and its minorities.

## The blurring of state and religion

In 1949, a year after Jinnah's death, Prime Minister Liaquat Ali Khan introduced the Objectives Resolution. This document tried to placate the Muslim clerics and equally tried to establish Pakistani nationhood on the principle of religious conformity. Accordingly, the rules and regulations were to be framed in consonance with

Islam, allowing a greater role for the *ulama*, who felt emboldened by this greater recognition. However, the *ulama's* sectarianism came into the open in 1953. Along with several disgruntled political sections, they started demonstrations against the Ahmadis. They wanted the regime to declare Ahmadis a non-Muslim minority and to remove Pakistan's first Foreign Minister, Sir Zafrullah Khan, an Ahmadi, from the cabinet. The violence led to the imposition of the first martial law in Lahore and the arrest of several religio-political leaders, including Syed Abul Ala Maudoodi, the founder of the JI. He was tried and sentenced to death, although subsequently the penalty was commuted. This was the first time that the religio-political parties had pressurized the regime in Karachi to play arbiter on religious affairs. The regime resisted but the *ulama* had found a common rallying point that they would use again 20 years later. However, the trial also exposed serious intra-Muslim differences within the *ulama* over the definition of a Muslim.<sup>43</sup> Despite the regime's strong resistance to the religious onslaught, the polarization between the moderates and the others grew.

Pakistan's difficulties could have been eased if democratic and constitutional politics had been allowed to flourish. The salience of the military and bureaucracy only added to centralist and discretionary tendencies where a few people made the decisions simply by shoring up the state rather than through nation-building. The Constitution of 1956, despite reflecting some religious concerns to appease the *ulama*, underlined the need for a parliamentary government. However, the military struck directly in 1958 and Pakistan entered a long era of military takeovers. In 1962, General Ayub Khan promulgated his own Constitution, which ended with his political demise in 1969. The next military regime held elections on mixed and universal voting rights but refused to transfer power to the elected party, pushing the Awami League to campaign for the secession of East Pakistan. In 1973, the Zulfikar Ali Bhutto-led civilian regime offered a parliamentary form of Constitution which, to date, remains the only consensus-based document. However, Bhutto fell to another coup, led by General Zia ul-Haq who made radical amendments to the Constitution, affecting the civil rights of Pakistanis (see pp.17–18). The decade-long return of democracy under Benazir Bhutto and Nawaz Sharif did not improve constitutional matters for minorities. The fourth military takeover, on 12 October 1999,

led by General Pervez Musharraf, despite raising hopes for a liberal system, has hesitated for more than two years over restraining the religious elements from further marginalizing the minorities. In addition, so as not to offend the religio-political parties, Musharraf has shied away from reversing the damaging policies of previous regimes.

## Pakistan's various Constitutions

Other than the interim legislation of 1947 and the Objectives Resolution of 1949, Pakistan has had four Constitutions since its independence. The first was implemented on 23 March 1956, an auspicious date in Pakistan's history as, 16 years earlier, the Muslim League in Lahore had passed a resolution demanding the establishment of a state predominantly for Muslims. The 1956 Constitution largely reflected the spirit of the Objectives Resolution and officially declared Pakistan an 'Islamic Republic'. It offered a parliamentary form of government with equal representation for both East and West Pakistan. (West Pakistan had already been amalgamated as one province with a unitary government.) The Constitution did not offer any equality or empowerment to women. It paid lip service to the imposition of Islamic injunctions, without compromising the rights of minorities. It was hailed as a great achievement since it had already taken almost a decade to frame it. However, before its practical promulgation, it was thrown out by Iskander Mirza, the self-designated President. Mirza feared the salience of political forces and the marginalization of his own army-bureaucracy axis. He dismissed the Assemblies and imposed martial law on 7 October 1958, but within three weeks he had to surrender all powers to General Ayub Khan, the Commander-in-Chief of the army. The Constitution was abrogated without ever being implemented; politicians were either persecuted or suppressed, and the generals ruled the country for the next six years through martial law regulations and executive orders.

In 1962, Ayub Khan, over and above the aspirations of civil society, offered his own Constitution (Pakistan's second). It retained the Objectives Resolution as the Preamble but dropped the word 'Islamic' from the country's title. It offered unitary government in both the wings and, instead of a parliamentary system, stipulated a presidential form of government. The president was to be indirectly elected from a franchise of c. 80,000 locally elected democrats or local councillors (male and female). Ayub Khan, through this Constitution, civilianized his rule, which remained largely liberal in its orientation despite being 'anti-politician'. The administration's centralist nature and the Assemblies' and executive's narrowly based franchise damaged Pakistan's plural prerogatives.

General Yahya Khan, who succeeded Ayub Khan, offered a legal framework order – an interim constitutional arrangement to meet broader political aspirations. The annulment of the One-Unit Scheme, the implementation of universal suffrage and promises of a new Constitution, allayed serious reservations as to Yahya Khan's real intentions. His legal framework order did not segregate minorities, nor did it coopt the religious groups. The elections of 1970 resulted in the prominence of liberal and left-wing parties such as the Awami League (AL), the National Awami Party (NAP – later known as the ANP) and the Pakistan People's Party (PPP). The voters mostly rejected the religious parties such as the JI, although the JUI was able to obtain some seats in Balochistan's and NWFP's Provincial Assemblies.

## The 1973 Constitution and exclusion

The separation of East Pakistan led to Zulfikar Ali Bhutto's meteoric rise in West Pakistan, while the left-leaning NAP and the rightist JUI established coalitions in Balochistan and NWFP. Bhutto, while assuming powers as the President and civilian martial law administrator, had promised the restoration of a fully fledged democracy. Despite his authoritarian tendencies, he presented the nation with the 1973 Constitution; which, in its original form, was a consensus document; however subsequent amendments, according to some observers, have radically changed its spirit and ethos. It is noteworthy that the 1973 Constitution was the first Pakistani Constitution agreed by representatives elected through a universal vote and thus largely reflected the opinions across the country. Since it remains the major reference point, and has been the cornerstone of several other codes and policies impacting on the status of minorities in Pakistan, it is important to study this Constitution.

The original document offered a parliamentary form of government within a federation, which would be headed by a President who, like their Indian counterpart, would have ceremonial powers. The elected Prime Minister would enjoy the confidence of the majority in the National Assembly and would head the government. The provinces were given more rights as the federating units, although the federation would appoint the governors. The chief ministers in all four provinces would be elected on the basis of a majority in the Assembly. Institutional arrangements were made to resolve inter-provincial disputes regarding finance, the sharing of natural resources such as water, and the power tariff. The Constitution did not offer decentralization or a stronger form of provincial autonomy, yet it went a long way in respecting provincial

aspirations. It proved a good starting point after many turbulent years of Constitution-making and unilateral takeovers, but soon suffered from the authoritarianism of successive rulers, including Bhutto himself. (However, it must be remembered that this Constitution was prepared during the post-East Pakistan trauma, when worries over further disintegration of the country were considerable.)

Despite its various consensual points, it tried to present itself as a reflection of the Muslim majority. The Objectives Resolution, once again, became the Preamble of the Constitution. The occupants of the two highest offices in the country – the President and Prime Minister – were required to be Muslim. This was a reiteration of Pakistan being a Muslim-led state with minorities having no chance of assuming leading roles. However, this was not specified for similar offices for the provinces (governor and the chief minister).

The Constitution defined Pakistan as an Islamic state although insufficient attention was given to this area, given the Jinnahist ideal of the separation of religion and politics. The framers of the Constitution were mostly lawyer-politicians who were concerned about threats to the country and found Islam, at a general level, to be a helpful binding factor. Moreover, the religio-political elements such as the JI and JUI called for more Islamic clauses to be inserted into the Constitution. However, this policy of harmless appeasement inadvertently opened a Pandora's box and greater demands for further Islamicization. Bhutto himself initiated the process of amendments to the Constitution, which was consolidated by Zia and led to the institutionalization of exclusion and segregation of minorities. In turn, this led to a wider socio-economic segregation of minorities and of other underprivileged groups such as women.

Article 2 of the Constitution states: 'Islam shall be the state religion of Pakistan ...', and Article 2-A stipulates: 'wherein the principles of democracy, freedom, equality, tolerance and social justice, as enunciated by Islam, shall be fully observed'. In addition, Article 227 ordains that no law repugnant to Islamic injunctions can be enforced in Pakistan, Article 41 (2) states that the head of the state will be a Muslim, and Article 91 (3) stipulates that the Prime Minister shall also be a Muslim believing in the finality of the Prophethood. Such articles gave weight to the Muslim clergy's demands, allowing them an interpre-

tive role. Article 228 established the Council of Islamic Ideology in an institutionalized role to oversee the legislation. The Federal Sharia Court, established by Zia under Article 203 (A–J) enjoys additional powers similar to those of the Council. Under Article 203–D, the Sharia Court can declare any law defunct if it is assumed to be against Islamic injunctions. Later, Nawaz Sharif's Sharia Act (1991) made Sharia Pakistan's supreme law. Article 31 calls on the government to promote an Islamic way of life, although Article 20 ensures each citizen's right and 'freedom to profess religion and to manage religious institutions'.

Article 22 (1) ensures freedom in the religious institutions by not requiring any individual:

*'to receive religious instruction, take part in any religious ceremony, or attend religious worship, if such instruction, ceremony or worship relates to a religion other than his [sic] own'.*

Article 33 makes the state responsible for safeguarding the legitimate rights and interests of minorities, including their representation in the national and provincial civil services, although the procedures are not clear. Article 36 further promises the protection of minorities, whereas Article 40 highlights the need to strengthen the relationship with the Muslim world and the promotion of international peace. But, the highest offices of the land being constitutionally closed to minorities suggests a second-class citizenship for them. Such a measure, as originally stipulated in the Objectives Resolution, further institutionalized their inequality.

Some people attribute Bhutto's anti-Ahmadi legislation to his own personality, egotism and insecurity, while others see in it Bhutto's effort to woo the clerical groups. However, when the movement against the Ahmadis began, Bhutto was already securely ensconced in power and did not need any such ploy.<sup>44</sup> By assuming this arbitrary role, the National Assembly not only inhibited an equal role for plural groups but also converted the Assembly – a political institution – into a forum which defined a community's creed and religious profile. This was in conflict with several human rights Conventions and the Jinnahist vision for Pakistan.

# The reversal of Jinnah's ideal

## Zia ul-Haq's constitutional amendments

The sweeping legislation, introduced by Zia and further incorporated into the Constitution through the Eighth Amendment – without the proper procedures as laid down in the Constitution – changed the entire spectrum of policies and attitudes towards minorities and women. Zia's own religiosity, his effort to woo religious parties like the JI and JUI, and his strategy to counter the revolutionary impact from neighbouring Iran all underwrote his amendments. Operating as the chief martial law administrator by virtue of his being chief of the army staff, his assumption of the presidency, the execution of Zulfikar Ali Bhutto in April 1979, and the Soviet invasion of Afghanistan in 1979, all allowed him to acquire maximum powers. For the first time, a military-clerical nexus was installed in Pakistan. Zia favoured Sunnis over Shias and scripturalists over the syncretists. Thus, the introduction of *ushr*, *zakat* and other Islamic taxes caused considerable uproar from Shia groups, eventually leading to an official concession to them. Zia harshly suppressed political parties like the PPP and other pro-democracy clusters, and tried to consolidate his own loyalists within the religio-political elements, offering himself as their head. He posed as the *Amir ul Momineen* (leader of the faithful), with the help of a pliant media controlled by his generals.

Zia set about redirecting the ideological direction of Pakistan. For example, while laying down the foundation of the Islamic courts, he introduced Chapter 3A on Sharia courts. Article 203 (D), states:

*'The court may, [either of its own accord or] on the petition of a citizen of Pakistan or the Federal Government or a Provincial Government, examine and decide the question whether or not any law or provision of law is repugnant to the Injunctions of Islam, as laid down in the Holy Quran and Sunnah of the Holy Prophet, hereinafter referred to as the Injunctions of Islam.'*

In other words, the Sharia Courts and their verdicts were superimposed on the country's elected institutions. Part IX of the 1973 Constitution focuses on further Islamic provisions. Article 227 calls for all existing laws to be brought in line with the 'Injunctions of Islam'. Clause 3,

however, explained: 'Nothing in this Part shall affect the personal laws of non-Muslim citizens or their status as citizens.' Article 228 (1–3) concentrates on the composition of the Council of Islamic Ideology, its total membership and their qualifications, including that of its woman member and others representing the various doctrinal sections.

The Zia-led amendment in Article 260 of the Constitution is crucial. It declares Ahmadis to be a non-Muslim minority. Its clause C observes:

*'In the Constitution and all enactments and other legal instruments, unless there is anything repugnant in the subject or context,*

*[a] "Muslim" means a person who believes in the unity and oneness of Almighty Allah, in the absolute and unqualified finality of the Prophethood of Muhammad (peace be upon him), the last of the prophets, and does not believe in, or recognize as a prophet, or religious reformer, any person who claimed or claims to be prophet, in any sense of the word or of any description whatsoever, after Muhammad (peace be upon him) and;*

*[b] "non-Muslim" means a person who is not a Muslim and includes a person belonging to the Christian, Hindu, Sikh, Buddhist or Parsi community, a person of the Qadiani group or Lahori group (who will call themselves "Ahmadis" or by any other name), or a Baha'i, and a person belonging to any of the scheduled castes.'*

In other words, the state had defined the religions of its citizens in addition to offering an exclusionary definition of Islam. Within a few decades of its formation, the Pakistani establishment had shifted from supporting equality to a front-line role in defining citizenship with reference to 'majoritarian' Islamic parameters. The second amendment (1974) declared the Ahmadis a non-Muslim minority, which they never accepted as they claim to be Muslims. However, they became the main focus of victimization at different levels and eventually many Ahmadis left Pakistan for Europe and North America. A few separate seats in the Assemblies had been allocated to Ahmadis, along with other non-Muslim minorities, but they have boycotted the elections. Other than one seat in the National Assembly, Ahmadis were allotted three seats in NWFP, Punjab and Sindh.

Zia's Ordinance XX of 1984 was promulgated and is now part of the Constitution – prohibiting any Ahmadi from identifying as a Muslim and making it a punishable offence. The ordinance further consolidated the Ahmadis' exclusion from the nation and from the entire *ummah*. As this report will document, many Ahmadis have been tried and convicted under this law for calling themselves Muslims or using the word 'mosque' for their place of worship. There followed various other ordinances on evidence, Sharia, *qisas* (revenge) and *zakat* through the Eighth Amendment (1985) when M.K. Junejo became Prime Minister. Only after getting a blanket validation for all his ordinances and martial law regulations, did Zia agree to end the longest period of martial law in Pakistan's history.

## Zia's anti-blasphemy code and legal exclusion

The Zia regime's various amendments and additions to the Penal Code resulted in severe socio-legal discrimination against minorities. The stringent rules meant to counter blasphemy against the Qur'an and the Prophet have established a unilateral system in which any male Muslim can institute litigation against an individual on allegation of blasphemy. (This law prohibited women and minorities from initiating blasphemy cases.) The Zia law of evidence (*Qanoon-i-Shibadah*) – equating the evidence of two women or two non-Muslims to that of a single male Muslim – further disempowers non-Muslims and women, while making it easier for Muslim men to pursue legal proceedings against the accused party. The original Blasphemy Laws were designed by the British and introduced in 1885 to outlaw the inflaming of religious hatred. These laws became part of the Pakistan Penal Code as Section 295 and, in its original incarnation, it had noted:

*'Whoever destroys, damages or defiles any place of worship, or any object held sacred by any class of persons with the intention of thereby insulting the religion of any class of persons or with the knowledge that that class of persons is likely to consider such destruction, damage or defilement as an insult to their religion, shall be punished with imprisonment of either description for a term which may extend to two years, or with a fine, or with both.'*

In 1927, when communal riots occurred in India, another clause was promulgated under the title Section 295-A. Accordingly:

*'Whoever, with deliberate and malicious intention of outraging the religious feelings of any class of the citi-*

*zens [...] by words, either spoken or written, or by visible representations, insults the religion or the religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to two years, or with a fine, or with both.'*

There were no further amendments or additions in the British era and subsequently Pakistan, until Zia added two new clauses – B and C – to Section 295. Clause B was added via Ordinance 1 of 1982 and stated:

*'Whoever wilfully defiles, damages or desecrates a copy of the Holy Qur'an or any extract thereof or uses it in any derogatory manner or for any unlawful purpose shall be punishable with imprisonment for life.'*

Again, Zia was trying to appease the Islamicists. The Penal Code Section 295-C was rushed through via the Criminal Law (Amendment) Act III of 1986, and stipulated:

*'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 Muhammad (peace be upon him) shall be punished with death, or imprisonment for life, and shall also be liable to a fine.'*

A lawyer challenged this section on the grounds that the only punishment for blaspheming against the Prophet must be the death penalty. The Federal Sharia Court, in October 1990, upheld the petition and gave a verdict in favour of the death penalty. Thus, any blasphemy case with reference to the Prophet, since 1990, may carry the death penalty. In 1994, on a private petition regarding the Penal Code 295-C, the Lahore High Court, found that it did not contravene the Constitution. Earlier, in February 1994, the Chief Justice-led Pakistan Law Commission found that this anti-blasphemy clause was being frequently misused by the police and felt that the clause could further inflame communal tensions. The Commission, led by the then Chief Justice, Nasim Hasan Shah, had recommended its review by the Islamic Ideology Council, and Benazir Bhutto's government agreed to amend its operation. However, following nationwide demonstrations, especially after official statements on the issue in July 1994, the PPP regime backtracked.

These three anti-blasphemy clauses have been used against both Muslims and non-Muslims. In many cases, people have been subjected to trials – although the reasons may be anything other than religious. The anti-

blasphemy codes and the law of evidence have caused outrage, but successive regimes, including Musharraf's, have been reluctant to remove them so as not to offend the fundamentalists. The number of cases against Ahmadis, Christians, Hindus and other religious groups is rising; however, according to some reports, there are more Muslims in jail accused of blasphemy than non-Muslims.<sup>45</sup> In August 2002, a woman, Rukhsana Bunayad, became the first ever Muslim woman to be arraigned on a charge of blaspheming against the Qur'an in a public meeting in Mianwali.

Zia's other vital amendments to the Penal Code – the Hudood and Zina Ordinances – legislation dealing with adultery, fornication and rape, are now part of the Criminal Law (although there is no distinction between rape and adultery). The two Commissions of Inquiry established in the early 1980s and in 1997, have demanded the repeal of this law.

The Qisas and Diyat Ordinance brought in by Zia – Sharia laws regarding murder and blood money – have been part of the Penal Code since 1990. *Qisas* and *diyat* are age-old tribal traditions, which allow revenge or payment of blood money, and were revived by Zia through these amendments. These ordinances have severely hampered minorities' and women's ability to obtain equal rights and due justice, especially in adverse situations.<sup>46</sup> First, it is hard to establish cases on the basis of witnesses, as both women and minorities are completely disadvantaged in this respect, and, second, the ordinances offer a parallel system of private justice where any kind of miscarriage of justice is possible. For example, the consumption of alcohol was banned in Pakistan under Zulfikar Ali Bhutto in 1976 but non-Muslims were allowed to consume, manufacture and purchase it via permits. However, this system has led to corruption and discrimination. While the Muslim religious elements denigrated non-Muslims for immoral practices, corrupt officials encouraged some non-Muslims to run illicit sales. This lowered minorities' self-esteem, especially among the Christians, as the prohibition law has led to a kind of 'moral degradation' in many people's view, and has undoubtedly criminalized certain sections of their communities.

## Separate electorates and political separatism

Pakistan has always been a politicized society where people have actively participated in electoral politics. Despite military rule, efforts at unitary government and the use of emergency laws, electoral politics have never been forsaken by the people. Significantly, except for a very small

percentage voting for religio-political parties, people have usually voted for the mainstream parties espousing policies on national issues and have therefore shown their preference for a system that addresses the economic and political wellbeing of all. It has mostly been the regimes, in contrast, who have led the call for *ad hoc* policies and religious populism. The regimes' sense of insecurity and partisan use of Islam have increased the strains on pluralism. Pakistanis, in general, have never sought separate electorates, yet Zia chose to divide Pakistanis into Muslim and non-Muslim voters. As discussed earlier, his Hudood Ordinance and the law of evidence had already critically disempowered minorities and women. Such legal discrimination on the basis of gender and religion was further consolidated through the introduction of constitutional amendments and exclusionary clauses in the Penal Code. These established the segregationist regime of separate electorates for minorities. An amendment (Clause 4A) was added into Article 51 of the Constitution stipulating that there be 'separate electorates'. Through Presidential Order No. 8 of 1984, the law on separate electorates and communal representation was further elaborated:

*'At an election to a Muslim seat or a non-Muslim seat in the National or a Provincial Assembly, only such persons shall be entitled to vote in a constituency as are enrolled on the electoral roll prepared in accordance with law on the principles of separate electorate for any electoral seat in that area.'*

In other words, non-Muslims would have their own constituencies and separate representatives. Despite living side by side with Muslims, they would not share the same voting rights and constituencies. Their constituency may be shared with people they have never met or who live hundreds of miles away. Similarly, their representative may be a total stranger to them. Moreover, the Muslim representatives, even if they live in the same town, would have no concern for them.

Before these critical amendments, elections to local, provincial and national bodies were held on the basis of joint electorates and common representation, and minorities were not discriminated against. There were reserved seats for minorities and for women, which further guaranteed participation in national politics, but the law on separate electorates changed all this. The separate electorates system was implemented in the party-less elections conducted by Zia in 1985 – although in 1983, local elections had been held using separate constituencies. (Interestingly, in his own referendum in 1984 to seek the presidency for five years, Zia used joint electorates as it served his own interests.)

Most minorities opposed separate electorates, but some minorities' leaders wholeheartedly supported them, believing that they would guarantee sizeable representation for religious minorities. Through his Presidential Order, Zia had specified 10 seats on the National Assembly for non-Muslims: four for Christians; four for Hindus; one for Sikhs and Parsis together; and one for Ahmadis. Similarly, he reserved certain seats for non-Muslims in the four Provincial Assemblies. For example, in Sindh, nine seats were reserved for non-Muslims; five for Hindus; two for Christians; one for Sikhs; and one for Ahmadis. In Balochistan, one seat was reserved for Christians, and one for Hindus, Sikhs and Parsis combined. Under the new system the constituencies became altogether separate on religious grounds; further, they were stretched across a vast and unmanageable area. The elected governments of Benazir Bhutto and Nawaz Sharif (1988–99) and the three interim governments in between the various dismissals (1990, 1993 and 1997) consistently shied away from annulling the separate electorates law. The system put the minority leadership in a dilemma. If they chose non-participation in the new set-up they would be totally disenfranchised, whereas by participating in it they would be seen to be supporting the enforced segregation. Before the elections of 1993, a minority candidate for the Punjab Assembly, Naeem Shakir, had contested the issue in a petition to the Supreme Court. The Court allowed Muslim and non-Muslim voters to cast their votes interchangeably across the religious boundaries. However, the verdict was confined to his constituency, PP 126, and, while this achievement could have been a major breakthrough, it proved temporary, as the Supreme Court reversed its earlier verdict on 4 October 1993. It disallowed Naeem Shakir from contesting elections from a Muslim constituency and thus maintained the religious division within a democratic set-up.

The second administration of Benazir Bhutto (1993–6), despite its apparent support for joint electorates, did not take any action. Fakharuddin Ibrahimji, Bhutto's Attorney General and a former senior judge, re-affirmed support for the Jinnahist vision of equal citizenship and joint electorates, but found it to be a constitutional matter, which could be rectified only by the National Assembly. Bhutto's supporters suggest that she could not annul the separate electorates and other discriminatory laws and amendments largely because she did not have an electoral majority, while the Muslim League never appeared interested in undoing Zia's legacy. This was partly because Sharif and many of his colleagues had been the personal beneficiaries of Zia and his regime, and partly because the Muslim League has, for a long time, been a party of predominantly conservative interests representing the capitalists and landowners who have never supported an egalitarian system.

The forced segregation resulted in representatives from the majority community ignoring development schemes in the areas inhabited by minorities since they did not fall within their constituencies. In the same way, most of the minorities, who were already poor, could not reach their representatives, either because they did not know them or had no means of contacting them. The minority communities were left in the wilderness and, in many cases, were overwhelmed by a sense of discrimination and loss.

Over the last two decades, many civic groups have demanded the annulment of this harmful and immensely discriminatory policy, but no government until 2002 tried to undo Zia's changes to the system. It should be remembered that minorities have always been resident in what is now Pakistan, like most other Pakistanis and, in some cases, were present before Islam was introduced to the region. They opted for Pakistan and in the process Bahais, Christians, Hindus, Parsis, Sikhs and others, all experienced partition and suffering, along with the Muslim community. Minorities have stood by other citizens in defence of Pakistan, their homeland, yet have received only insecurity and deprivation from successive governments and certain elements of the majority community. All the way from the Objectives Resolution to more recent times, regimes have opportunistically pandered to a policy of segregation between Muslims and non-Muslims and, sadly, this segregation has become multi-dimensional.<sup>47</sup>

Both Muslim and non-Muslim intellectuals and activists have campaigned against separate electorates. On 4 September 1993, the National Commission for Pakistan Justice and Peace Commission (Catholic Bishops Conference of Pakistan) offered the following vital objections:

- they (separate electorates) only incite religious prejudices;
- they create disorder within the nation;
- they segregate minorities from mainstream national politics;
- they downgrade minorities to third-class citizenship;
- the separate electorates promote only a few individuals instead of communities;
- they further divide and splinter minorities causing more feuds and strife.<sup>48</sup>

It is to the credit of Pakistan's civil society that the demands for the repeal of separate electorates and other discriminatory practices remained high on the agenda. It was only after the US action against the Taliban, and US pressure on the government for reforms, that Musharraf, in early January 2002, abolished the separate electorates, as well as the reserved seats for minorities. Musharraf also did away with the statement regarding reaffirmation of the finality of prophethood on the voter's registration form,

which seriously affected the Ahmadis. However, following pressure by the religious elements, the regime annulled its decision and restored the practice on 29 May 2002.

Many civic leaders felt that reserved seats for minorities should have been retained for a period of time at least, to ensure sufficient representation of minorities on the legislative bodies. While Musharraf has increased the overall number of seats in the National and Provincial Assemblies, and also those reserved for women and minorities, it may still be impossible for minority candidates to contest elections on their own due to their meagre economic resources and a lack of organizational means. Minority representation, in its entirety, is a delicate matter and has to be tackled in a holistic and supportive way, so as to generate a greater sense of participation and representation by avoiding the models of forced segregation and integration.

## The Sharia and a majoritarian Pakistan

The balance between the modernists and traditionalists appeared to tilt towards the latter, especially under the authoritarian Zia regime. The amendments to the Constitution and new clauses in the Penal Code were justified as steps towards Pakistan's systemic overhaul in accordance with Sharia. Without any consensus on Sharia, and in the absence of newer and scientific interpretive studies, this worked as a useful ploy to gain support among the orthodox sections of the population, but it created wide splits across Pakistan. It sparked off an unending array of divisive demands and expectations, which proved highly counterproductive. Even the interpretation of Pakistan as a sovereign country was declared an ideological construct, rooted in Islam, which simply added to prevalent ambiguities about its national identity. In addition to civic and social costs, Pakistan experienced an economic downturn because of a hostile attitude towards investments and some economic practices. Aside from regional instability, Pakistan's unclear stance on interest and 'promises' of its removal have been scaring off potential investors.

Politically, rulers have browbeaten their opponents using Sharia. For example, Sharif's supporters used Islam and Sharia to embarrass Benazir Bhutto. In their many efforts to destabilize her regimes, they sided with the religio-political parties, denouncing a woman's leadership of a predominantly Muslim country. They felt that a woman's domain was basically her home and that she was incapable of running a state. To them, her Western upbringing was a

further irritation. In addition, simply to obtain greater legitimacy and popularity they used Islamic populism by demanding the implementation of Sharia laws. Again, this ploy proved counterproductive and became an embarrassment for Sharif when he became Prime Minister in 1990. His coalition partners, much to his discomfort, demanded the imposition of Sharia laws in every sphere. For example, religious legislators demanded the end to *riba* (interest on loans and savings) and other radical changes, which deeply unnerved him. He countered them with his own version of the law – the Sharia Bill – to pre-empt the growing pressure. A watered-down version of the Sharia Bill was presented on 11 April 1991 and was soon allocated to an 11-member Senate Committee. The Committee was urged to present its recommendations within a month. The religious parties rejected this Bill on the grounds that it did not abolish interest, but Sharif's Muslim League government was intent upon getting it through the lower house. After only four days' discussion and with the incorporation of some minor amendments, the National Assembly ratified the Bill on 16 May 1991. Interestingly, out of a total house of 237 only 136 Members of the National Assembly (MNAs) were present when it received approval. Only 109 out of those present cast their vote in support of this legislation. The Pakistan Democratic Alliance and Pukhtoonkhawa Milli Party voted against it, and the JUI and JUP did not participate in the voting due to their displeasure over its 'mild' nature. The Senate was presented with the Bill on 25 May, and voted on it three days later.

The new legislation reinforced the Objectives Resolution and the other Islamic clauses in the 1973 Constitution, further Islamicizing Pakistan. It was stipulated that the government would undertake serious and effective efforts to teach Islamic studies and Sharia at different levels. To Islamicize the national educational and economic system, the government would establish separate commissions. Any material or activity deemed against the teachings of Sharia would be dealt with harshly by punishing the culprits. The government would undertake to overhaul the judicial system so as to convert Pakistan into an Islamic state. Such provisions simply ignored the plurality of Pakistan and displayed a disregard for non-Muslims' aspirations. Minorities' exclusion from socio-economic life, higher positions in the civil and military sectors, and other overt cases of discrimination and racism – to varying degrees – have been occurring across the country. Pakistan's officially institutionalized discrimination, alongside societal indifference or anger, has added another dimension to the marginalization of minorities and women.

# Minorities and institutional segregation

Some 10–13 million Pakistanis belong to minority communities, with Christians, Hindus and Sikhs among the most prominent. It should be remembered that this number does not include several Muslim denominations, which do not wish to be identified as minorities. These include Shias, among whom are Ismailis, and Zikris – Muslim communities that are deeply disturbed by Sunni demands that they be designated as minorities. Moreover, the Ahmadis – officially declared a ‘minority’ – refuse to be categorized as non-Muslims.

There are two ways of looking at the minority–majority relationship in Pakistan. The majority would like to assimilate minorities on its own terms, whereas the minorities would like to preserve their cultural, religious and ethnic identities. The country’s greater institutional emphasis on Islam – the religion of over 90 per cent of its 142 million inhabitants – underplays Pakistan’s pluralism. In addition, evangelical competition between Islam and Christianity is harmful. In recent years, Western policies in the Muslim world have been seen as inherently anti-Muslim and based on double standards. The tragic human sufferings in Afghanistan, Bosnia, Iraq and Palestine, and the denigration of Islam in some quarters following the attacks on the World Trade Center (September 2001), infuriated Muslims (and others). The bombing of a poor and war-ravaged country like Afghanistan, causing civilian deaths and massive human misery, only intensified the anger of some Muslims. The massacre of worshippers in Bahawalpur on 28 October 2001 and the grenade attacks on a church in Islamabad on 17 March 2002, followed by similar attacks in Murree and Taxila, were linked with the fury of some Muslims towards the West, with Pakistani Christians used as a scapegoat. Further, the frequent fissures and tensions in Indo-Pakistani relations add to anti-Hindu feeling in Pakistan, making the community feel increasingly insecure.

Physical attacks, social stigmatization, psychological insecurity, forced conversions and continued institutional degradation characterize the position of religious minorities in Pakistan. Recent anti-Shia attacks also show a growing sectarian intolerance towards Muslim ‘minorities’. Even after the banning of the LJ and LM, sporadic killings continued. On 20 February 2002, five members of a Shia family in Chichawatni, near Multan, were murdered by Sunni militants. Six days later, 12 Shia worshippers were gunned down in Rawalpindi in a mosque, while several others were critically injured.<sup>49</sup>

It is unfair to suggest, however, that Pakistani society on the whole is intolerant and intent upon eliminating pluralism; a small number of militants exploit the politico-economic frustrations of the rest, and these gather momentum within a non-democratic system. The politics of disempowerment and international or regional geo-political factors further fuel this backlash. It is augmented by prevailing prejudices stemming from ignorance about other religious traditions and by stereotypes of Christians, Hindus, Kalasha, Shias and others. The religious bigots inflame hatred through the mosques and on the streets, against non-Muslim minorities as well as against (Shia) Ismailis, Twelvers and Zikris. Pakistan is currently undergoing a process of fragmentation and exclusion – a phenomenon that deserves deeper analysis since religious feuds may not in fact be religious, and may be rooted in other factors.

## Issues and incidents

The emphasis on exclusionary nationhood as portrayed in the various forms of constitutional arrangements all the way from the Objectives Resolution to Zia’s amendments have increased minorities’ feelings of inequality. Even the wording of oaths for various offices hurt non-Muslims’ feelings. The addition of specific clauses and a flood of litigation on blasphemy have oppressed minorities and individual Muslims. Further, economic marginalization – such as minorities’ confinement to menial, low-paid and low-status work, especially for Christians and Hindus – has seriously diminished their self-esteem, besides consolidating ethno-religious stereotypes. With a few exceptions, most Christians (male and female) work as street sweepers and suffer from discrimination. The rural Hindus are mostly poor and lack organization, and are vulnerable to feudal and police oppression. There are inflammatory posters in the streets against minorities; for example, there are anti-Ahmadi statements outside mosques, and signs outside hair salons and water purification plants prohibiting non-Muslims’ entry.<sup>50</sup> Further, frequent graffiti betray the strong anti-minority prejudices of sections of society. In the Federal Ministry of Religious and Minorities Affairs – the only one among 40 ministries to deal specifically with minorities – there is an inscription in the main hall: ‘Of course, Islam is the best religion in the eyes of GOD’. To Muslims, this may be right given its Qur’anic context, but stating this in a national ministry dealing with non-Muslims, shows a misplaced emphasis on uni-

formity. And in the media, the mastheads of Pakistan's Urdu newspapers and magazines routinely carry a verse from the Qur'an, while the teachings or beliefs of other religions are not displayed at all. Some of the English press and some Urdu newspapers and magazines generally play a responsible role while reporting on plural issues, but communal elements popularize anti-minority myths, especially during a local or regional crisis. Radio and television offer programmes on Islam but make no organized effort to raise awareness of other religions or of the need for pluralism. Further, even the teaching in schools is heavily oriented towards Islamicizing pupils. For example, 20 extra marks are given to any candidate for admission into schools and higher institutions for memorizing the Qur'an. Even prison inmates receive a remission for learning or memorizing the Qur'an. The lack of a proper educational system and a holistic syllabus that takes Pakistan's plural traditions into account have only added to a great sense of loss.<sup>51</sup>

Based on the 1998 census, Pakistan's National Council for Justice and Peace (NCJP) – one of many well-respected human rights groups – has examined minorities' literacy rates. According to the NCJP's report for 2001, the average literacy rate among Christians in Punjab, is 34 per cent, compared to the national average of 46.56 per cent. Among minority women, the rate is abysmally low. The average literacy rate among the Jati (upper caste) Hindus, scheduled castes (Dalits) and others (including Parsis, Buddhists, Sikhs and nomads) is 34 per cent, 19 per cent and 17 per cent, respectively, whereas for Ahmadis, it is slightly higher than the national average of 51.67 per cent. Similarly, on the other socio-economic indicators, minorities were mostly found lagging behind.<sup>52</sup>

There have been instances when the incitement of religious hatred has been used to acquire properties belonging to minorities. Mob attacks have taken place and cases of blasphemy have been lodged against non-Muslims. In this regard, in the early 1990s, the case of Salamat Masih of Gujranwala, and others, made headlines. One of the accused had to seek exile, while two others were murdered on court premises. The policies of the Evacuee Property Trust, which has administered and allocated properties to immigrants since the early 1950s, have added to this land acquisition at the expense of non-Muslims. These properties belonged to non-Muslims who left for India during partition. Various landowning groups seek out prime properties housing temples and churches, and use religion as a ploy to dislodge the owners. The recent anti-Christian disturbances in Faisalabad, Gujranwala and Khanewal were linked with such 'land mafia' groups.

Aside from religious feuds and socio-cultural/economic deprivation, the official policies of appeasement and the emphasis on religious uniformity have allocated second-

or even third-class citizenship to millions of Pakistanis. Rather than redressing this problem, the policy of appeasement has continued, further marginalizing these communities. This has led to a rise in cases of socio-psychological depression among these communities. Suicide, abject poverty, immensely unhygienic living conditions and a high rate of unemployment are all linked to official policy. For example, the HRCP's report for 2000 recorded many young people having committed suicide in Pakistan, including 158 people in Karachi, 49 of them women. In rural Sindh, 1,167 attempts were made, of which 810 ended in death – a toll of 521 men and 289 women.<sup>53</sup> Further, the NCJP identified 25 cases of suicide by Christians in Punjab and Hindus in Sindh in 2000, mostly due to poverty and domestic violence.<sup>54</sup> Instead of seeking to overcome these problems, successive governments have sought to continue with their politico-religious agenda. For example, in 1992, coding religious affiliation on national identity cards was raised as a possible policy initiative, and was withdrawn only after strong protest from civic groups. However, the reiteration of the *khatam-i-nubawwat* (the finality of the Prophethood) is formally institutionalized on passport applications and voter registration forms. This reaffirmation is supplemented with the rejection of Mirza Ghulam Ahmad as a 'false claimant' to succession of the Prophet.

Pakistani Hindus, as discussed, suffer due to the communalization of Indo-Pakistani politics and their interstate rivalries. The kidnap and rape of Hindu women; the desecration of Hindu temples during the Indo-Pakistani wars of 1947–8, 1965, 1971, and again in December 1992, following the destruction of the Baburi Mosque in India – as recorded by the HRCP and other NGOs – are inextricably linked with the rise in communal hatred. And many see these acts as an organized strategy. The violent events of February–March 2002 in India, following Hindutva (Indian Hindu extremists) efforts to construct the Ram temple, however, did not set off any anti-Hindu reaction in Pakistan. While Christians may be disliked and discriminated against, there have been no serious anti-Christian riots in Pakistan. Yet, especially since the US-led campaign in Afghanistan, there has been a rise in attacks on Christian churches, schools and hospitals. These are often attributed to groups like the LJ, including the attacks on the Christian school in Murree and the chapel in Taxila Hospital in early August 2002.

As with Hindus, Christian women have been attacked occasionally. The rape of seven Christian women on a bus returning from their factory outside Lahore in the summer of 2000 was widely deplored in Pakistan.<sup>55</sup> Such individual cases happen now and again, especially in rural areas, and are under-reported due to the stigma involved. Yet Pakistani human rights NGOs include such cases in

their reports each year. Further, relatives sometimes kill poor women (often those who have been raped) in the name of 'honour', as well as some men – Muslims and non-Muslims. Again, human rights groups and the local press regularly report these 'honour killings'. For example, the HRCP reported 315 'honour killings' in Punjab alone in 2000, of which 35 were males.<sup>56</sup> However, the official law enforcement agencies often display nonchalance and laxity, largely to appease local people of influence, and are consequently rewarded with huge sums.

## Cases under the Blasphemy Law

In May 1998, a minister in Sharif's cabinet had hinted at a possible amendment of the Blasphemy Law. In September 1998, at a seminar, Justice Nazeer Akhtar of Lahore High Court, asserted that there was no need to amend the existing law, and admonished him. He suggested that blasphemers should be killed immediately. Due to a public uproar, the judge subsequently retracted his statement, but only after activating pro-Blasphemy Law religious lobbies. Maulana Shah Ahmed Noorani, the leader of the JUP, warned the government of dire consequences if it attempted to amend the Penal Code. The Action Committee of the Namoos-i-Mustafa (the honour of the Prophet), a cross-sectarian committee of *ulama* and Sufi individuals, organized a countrywide strike to forestall such a move. Consequently, the regime refrained from undertaking any initiative.

Musharraf's regime tried to regularize the registration of the blasphemy cases by amending the procedures in April 2001. Each case was to be initially investigated and verified by the District Commissioner (DC) before being submitted to the court. However, due to mounting agitation from fundamentalist Muslim groups, just a month later on 8 May, Musharraf rescinded the new order. The increased expectations of reform and the removal of the Penal Code were dashed with this announcement.

Electoral and legal segregation has only encouraged the societal backlash against minorities. As we have seen, the Pakistani state in the recent past had gradually assumed the role of a flagship for a (Sunni) Muslim majority. This growing dependence upon Islamic ideology (at least a branch of it), has opened a door for fundamentalist groups who see minorities as 'foreign agents'. Groups like the ASSP and LJ openly decry Shias and consider them apostates. Shias are also considered less patriotic and as linked to Iranian forces. The killings of middle-class Shias and of several Iranian diplomats in the mid-1990s only worsened the Shia–Sunni and Pakistan–Iran relationships. Further, the ASSP and LJ supported the Taliban and began a new wave of terror

against Pakistani Christians in late October 2001. While previously the attacks were isolated incidents, since Pakistan joined the anti-Taliban coalition, the targeting of Christians has increased.

Aside from individual blasphemy allegations, other major incidents against Christians in recent years include an attack in Khanewal, in 1997, when churches were invaded, and the twin towns of Shantinagar and Tibba Colony were demolished over a supposed case of blasphemy. Many observers believe that the police sided with those who had been incited to act against these Christian communities by the local *mullahs*. Earlier, a police party had gone to investigate a case of kidnap but, in the process, they had desecrated the Bible. When the residents demonstrated and registered a case against the raiding police party, local Muslims were incited to react. Torn pages of the Qur'an were strewn around, with the names of supposed desecrators. As a result, 13 churches, 700 households and a number of shops and other properties were razed to the ground by a 10,000-strong mob. Several people were killed, although the police tried to hush up the actual numbers. A one-man inquiry tribunal was established but the report was never published. Violence against Hindus and Dalits – mostly in Sindh – was even reported to the National Assembly by a Hindu MNA. His statement included details of young Hindu girls being kidnapped, forcible conversions and cases of land being taken. The HRCP recommended the repeal of Penal Code Section 295–B and C besides other urgent measures to restore citizenship and security to non-Muslim Pakistanis.<sup>57</sup>

Recent HRCP reports have highlighted the need to repeal discriminatory laws and practices by documenting various incidents of abuse, not only those against minorities and women but those against poor people in general. The 1999 report recorded the blasphemy cases registered against Christians and Ahmadis, especially that of Ayub Masih in Shantinagar who had been sentenced to death by the Multan High Court. He was released in August 2002 after the Supreme Court quashed the false case instituted against him. As well as five Christians, two Muslims had been accused of blasphemy. One of them, Munir Malang, was murdered in April 1999 by an activist of Minhajul Qur'an, a Muslim religio-political movement. Six Ahmadis were facing blasphemy trials and 13 were being tried for preaching Ahmadiyyat under the Penal Code Sections 298–B and C. A woman, Mubarak Begum, was killed on 9 May because of her Ahmadi beliefs.

Further, the ASSP and the *khatam-i-nubawwat* advocates demanded that an Ahmadi town in Punjab, Rabwah, change its name, and they incited hatred against the community.<sup>58</sup> The NCJP reported details of 11 non-Muslim Pakistanis – mostly from Punjab and Sindh –

who had been murdered during 1999. Six were Christian, five Hindu. The reasons for their murders included trivial offences or excuses such as 'refusal to sell on credit', 'shouting in the street', 'bribe', or 'a cracker [firework] hitting the bicycle'.<sup>59</sup>

In 2000, the NCJP provided details of 35 Muslims – 29 men and six women (including Benazir Bhutto) – who allegedly blasphemed against the Qur'an and the Prophet during 1992–9. The cases have been brought under the Penal Code 295–C and have been pending with the Lahore High Court since 1993. In some cases the accused are reported to have been murdered, or remain incarcerated waiting for the final verdict. Except for two from Sindh, two from NWFP and one from Balochistan, the rest of the documented cases are all from Punjab. The NCJP also details 52 cases of blasphemy, which have been brought against Muslims, as reported in the national press for the period 1992–9. The list of the accused Christians for 1987–99 includes both men and women. Another list includes two Sindhi Hindus – Ome Parkash and Dr Arib Bheel – booked under Section 295–B in 1997 but eventually released because of a lack of proof. The list for Ahmadis accused of blasphemy during 1987–9 consists of 32 people – including two women from Karachi – but most are men from Punjab and Sindh.

Ahmadis have been a particular focus of the Blasphemy Law. Most of the Ahmadis are booked under Section 295–C, dealing with the finality of the prophethood. In 1998, 106 cases were registered against Ahmadis, out of which 22 were referred to anti-terrorist courts, established by Sharif in 1997 for speedy verdicts. For printing the Ahmadiyya daily, *Al-Fazl*, its editor faced 40 charges, and the publisher faced 26. A total of 62 Ahmadi publications were proscribed and 400 issues of their periodicals were removed from circulation.<sup>60</sup>

In 2001, the NCJP details 38 cases of conversions to Islam; some of these conversions appear to be involuntary. Each case would mean several members of the same family had converted – including 16 members of a family in Chunian, Punjab and 16 members of two Ahmadi families in Sharqpur, Punjab.<sup>61</sup>

Further, a statistical report for 2000 shows 41 cases against minorities under the various clauses of Section 295 dealing with blasphemy. Most of the names on the list are of Muslims, including some followers of the Sufi Pir Gohar Shahi, plus several Ahmadis, Christians and Hindus. These cases are from all over Pakistan, although most are from Punjab.<sup>62</sup> By November 2000, 52 Muslims were facing trial or had been convicted under Section 295; there were 32 cases involving Christians and 36 involving Ahmadis.<sup>63</sup>

# Conclusion

While Christians may face anger for political and economic reasons, compounded by factors rooted in ‘land grabbing’ or racism, Hindus often suffer due to the Indo-Pakistani discord. They become scapegoats whenever tensions rise. Over the decades, they have been seen as ‘fifth columnists’. Hindu women suffer from kidnaps and forcible conversions, and the community is generally depressed, under-educated and under-employed. The feudal nature of Sindhi society and its collaborative relationship with the local administration precludes the possibility of any redress for Hindu grievances. The landless peasants, nomads and Dalits among the Hindus suffer from multiple deprivation.

Bahais are still a young and almost invisible community, which is confined to intellectuals who try to keep out of the limelight. Their magazines and books are available in Urdu but the fundamentalists, unlike their counterparts in Iran, have not yet seen them as a threat.

Nomads, especially nomadic women, occasionally fall victim to feudal attitudes, including rape and other forms of violence, although the religious elements tend to ignore them. They are seen as a class of harmless, landless and rootless people, yet sexual stereotypes about nomadic women abound. Cases of kidnap and rape are occasionally reported by investigating journalists from southern Punjab and rural Sindh.

Nomads’ affinity with local Muslim communities in rituals, their role as entertainers at different ceremonies or and their participation during Shias’ Muharram processions allow them to live on the fringes of the settled communities.

Ahmadis and Christians are the communities that have most regularly documented cases of discrimination and oppression, both at the official and societal levels. Shias have local information – mostly anecdotal – or taken from the press, but this is not yet in a documented form. Most Bahais, Buddhists, Ismailis and Parsis are highly educated, urban and commercial groups, with exceptional economic performance. Their general level of self-sufficiency and cosmopolitan contacts further ensure their security. These communities are comparatively less vulnerable to majoritarian backlashes. Sikhs, likewise, are not perceived to pose any social, religious or economic threat to others; and the common Muslim view of them as being ‘anti-Hindu’ allows them a bit more space. The small size of the Sikh community and its diversity equally allows them a sort of ‘invisibility’. It is the 4 million Hindus

who may be in need of most support in Pakistan, because they suffer from stigmatization and a lack of proper support networks.

Ahmadis have become the focus of overt attention over the issue of *khatam-i-nabuwat*. Their places of worship, and, in particular, the city of Rabwah, are frequently attacked. Zia’s ordinances amount to yet more persecution.<sup>64</sup> While Ahmadis consider their movement to be an effort for Islamic renaissance,<sup>65</sup> their opponents see them as ‘an enemy within’ who reject one of the five pillars of Islam and are also critical of *Jihad*. Ahmadis’ well-documented but not easily available reports, reveal a large number of Ahmadis suffering from persecution.<sup>66</sup> For example, one document devoted to the cases under Penal Code Section 295–C lists 201 cases of blasphemy registered between 15 June 1986 and 11 March 2001.<sup>67</sup> Another detailed statistical report covering the period April 1984–July 2001, lists 15 categories of persecution and the total number of cases under each one. For example, 753 cases were registered on displaying *kalima*, 37 were booked for giving *azan* (the call to prayer), 379 were booked for posing as Muslims and 130 for using Islamic epithets. According to the same document, 554 Ahmadis were booked for preaching; 93 for offering prayers; 148 for distributing their periodical, *Mubahala*, and the entire population of Rabwah had been charged with heresy under Penal Code Section 298–C. The document also claims that during the same period 56 Ahmadis were killed; 97 attempts were made on Ahmadis’ lives; 10 places of worship were set on fire, and 21 such places were sealed up. Even the sports and congregational meetings at Rabwah have been banned.<sup>68</sup> There are reports of individual cases, which are not easily available to any researcher as even contact between a Muslim and an Ahmadi can easily be distorted to the detriment of the latter. Zikris too, are fearful that they will suffer the same fate as Ahmadis.

Pakistan’s insecure and non-representative ruling elite, while seeking legitimacy, has used Islamic penal codes to establish discretionary punishments. These Hudood laws – however sanctioned under Sharia – have been imposed on society, and vulnerable minorities, women and Muslims have been falling victim. In the struggle against this malaise, the role of the various activist groups, human rights NGOs and think tanks representing the civil society of Pakistan takes centre stage. On the one hand, these groups try to restrain statist unilateralism, while trying to

create a greater awareness of the sanctity and inviolability of equal citizenship. At another crucial level, through documentation and active lobbying, they organize civic groups to play an effective role at the local level so as to safeguard the plural nature of Pakistani society. Such groups, many still in their infancy, emerged in the last decade or so and are struggling to survive. Annual reports like those of Amnesty International have raised these issues, but there was a need for Pakistani networks and pressure groups to investigate and document the human rights abuses of the underprivileged sections of society. These organizations face tough challenges and numerous pressures, but they have built up their credibility as effective channels of information and reform. However, the fundamentalist, official, societal pressures on these organizations and their personnel are immense.

Groups such as the HRCP are nationwide, non-sectarian and non-profit think tanks. While each community may have its own respective safety networks, the Christians in this sense seem to be better organized, with church-based and secular organizations emerging to focus on human rights. The rural nature of most of the Hindu communities has precluded such initiatives. On the other hand, Parsis and Ismailis (the latter not characterized as a minority) are the most organized and well-knit communities. The Ahmadis are well-organized and affluent, yet official and societal anger puts many restrictions on their social and religious mobility, and their organization.

One of Pakistan's civil society organizations – Centre for Legal Aid, Assistance and Settlement (CLAAS) – works to fight discrimination. In 1999 it stated:

*Laws are not only a reflection of society's attitudes to any given issue; they can change the prevailing attitudes. Good laws can help foster tolerance; bad laws can fire hate. Attitudes once set into motion are hard to bring to rest. The Blasphemy Law has very rapidly incited hate and its misuse continues with impunity.'*

## The way forward

Pakistan is a plural country where equal citizenship based on unfettered human rights could lead to many improve-

ments. This can only happen if the country's leaders and opinion-makers act more responsibly and avoid inciting hatred by preaching tolerance and coexistence. It is imperative for the Pakistani ruling elite to revisit Jinnah's vision of a tolerant, plural and democratic Pakistan, anchored on the principles of equal citizenship and other rights, irrespective of caste, creed or gender. Such an ideal was the original creed of the movement for Pakistan and forms a point of consensus for a vast majority of the population even today. The actions of non-representative regimes and the difficult inter-state relations have only worsened inter-community relationships in South Asia.

However, fundamentalist activities, among other factors, are encouraged by poverty and disillusion. As admitted by the government, every third Pakistani is living below the poverty line. It was officially revealed in mid-2001 that the proportion of those living in poverty had gone up from 17 to 34 per cent by the late 1990s.

Pakistan's overwhelming majority is tolerant and in favour of giving equal rights to minorities and women. According to a recent (1997) major national survey, most of the citizens wanted a tolerant and progressive Pakistan. Accordingly, 74 per cent of them supported a ban on sectarian groups; 81 per cent demanded a stop to hate-inciting *khutbas* (sermons) in mosques; 67 per cent rejected the Taliban-style restrictions on women; 59 per cent wanted to give women the right to divorce; 63 per cent believed in giving equal weight to evidence from men and women; 74 per cent favoured family planning; and 74 per cent – an overwhelming majority – supported joint electorates.<sup>69</sup> It appears that successive regimes have failed these people. The economic and political empowerment of the people on an equal basis through a system of joint electorates with some special incentives, seats and safeguards for minorities can help Pakistan to achieve lasting social cohesion. The initiatives have to come from the government in areas including: communication, the Constitution, education, electoral politics, employment and general law and order.

Further, a greater awareness of the obligations and attributes of pluralism is an urgent need. Pakistani nationalism must symbolize the plural realities of society rather than demanding or imposing a unitary nationhood.

# Recommendations

1. The authorities in Pakistan should institute independent inquiries into the recent cases of large-scale killings of religious groups, such as that of Christians in Bahawalpur in October 2001, and in Murree and Taxila in the summer of 2002, and that of Shias in Rawalpindi in February 2002. Those responsible for the killings should be brought to justice in accordance with internationally recognized guidelines for fair trial. The police and judiciary should take urgent steps to prosecute those responsible for any crimes motivated by ethnic or religious hatred, including harassment, murder or crimes of sexual violence.
2. Independent commissions for racial, religious and gender equality, or similar institutions, should be set up, to receive and investigate complaints, to offer advice to victims of discrimination and to undertake awareness-raising activities to promote the principles of non-discrimination and understanding between different communities. These commissions should have regional offices to cover remote rural areas. Their work should be linked to building the capacity of the judiciary and other legal institutions, including through human rights training and anti-discrimination programmes. The authorities should undertake other measures to promote awareness of the value of diversity, minority rights, and the contribution of various communities to the culture and history of Pakistan, for example, by introducing new elements into school curricula. Funds must be made available to implement these measures which should be devised with the full and effective participation of representatives of minority groups and, for example, local inter-faith committees.
3. The authorities should ensure that religious and other minorities can participate in all aspects of public life. They may consider a wide range of mechanisms for ensuring participation of minorities in decision-making, including reserved seats in government and Parliament, consultative bodies on the national and local level covering matters of concern to minorities, and forms of cultural or territorial autonomy. The bar on non-Muslims for the posts of President and Prime Minister and other high offices should be removed.
4. Laws and constitutional provisions, which demonstrably result in discrimination against minorities or women, such as the blasphemy, evidence and alcohol laws, the laws designating certain groups as non-Muslims, and the constitutional provisions regarding the compliance of law with Islamic injunctions, should be modified or revoked to ensure that the discrimination ceases. The affirmation of the finality of the Prophet-hood should be removed from passports and other official documents.
5. Measures should be undertaken to ensure that minorities can participate in economic and public life without discrimination, including monitoring of recruitment practices and punitive measures against those found to be discriminating against minority applicants. Laws should be passed and enforced, to criminalize the display of signs by shops or other businesses indicating that members of particular minority communities are unwelcome.
6. Pakistan should ensure that all laws, policy and practice comply with its obligations under the Convention on the Elimination of All Forms of Discrimination Against Women, the International Convention on the Elimination of All Forms of Racial Discrimination, and the Convention on the Rights of the Child. It should take immediate steps to ratify and implement all of the remaining major human rights instruments, in particular the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights.

# Relevant international instruments

## Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, 25 November 1981

### Article 1

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have a religion or whatever 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.
2. No one shall be subject to coercion which would impair his freedom to have a religion or belief of his choice.  
(...)

### Article 2

1. No one shall be subject to discrimination by any State, institution, group of persons, or person on the grounds of religion or other belief.  
(...)

### Article 4

1. All States shall take effective measures to prevent and eliminate discrimination on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, economic, political, social and cultural life.
2. All States shall make all efforts to enact or rescind legislation where necessary to prohibit any such discrimination, and to take all appropriate measures to combat intolerance on the grounds of religion or other beliefs in this matter.

### Article 5

1. The parents or, as the case may be, the legal guardians of the child have the right to organize the life within the family in accordance with their religion or belief and bearing in mind the moral education in which they believe the child should be brought up.
2. Every child shall enjoy the right to have access to education in the matter of religion or belief in accordance with the wishes of his parents or, as the case may be, legal guardians, and shall not be compelled to receive teaching on religion or belief against the wishes of his parents or legal guardians, the best interests of the child being the guiding principle.  
(...)
4. In the case of a child who is not under the care either of his parents or of legal guardians, due account shall be taken of their expressed wishes or of any other proof of their wishes in the matter of religion or belief, the best interests of the child being the guiding principle.
5. Practices of a religion or belief in which a child is brought up must not be injurious to his physical or mental health or to his full development, taking into account article 1, paragraph 3, of the present Declaration.

### Article 6

In accordance with article 1 of the present Declaration, and subject to the provisions of article 1, paragraph 3, the right to freedom of thought, conscience, religion or belief shall include, inter alia, the following freedoms:

- (a) To worship or assemble in connection with a religion or belief, and to establish and maintain places for these purposes;
- (b) To establish and maintain appropriate charitable or humanitarian institutions;
- (c) To make, acquire and use to an adequate extent the necessary articles and materials related to the rites or customs of a religion or belief;
- (d) To write, issue and disseminate relevant publications in these areas;
- (e) To teach a religion or belief in places suitable for these purposes;
- (f) To solicit and receive voluntary financial and other contributions from individuals and institutions;
- (g) To train, appoint, elect or designate by succession appropriate leaders called for by the requirements and standards of any religion or belief;
- (h) To observe days of rest and to celebrate holidays and ceremonies in accordance with the precepts of one's religion or belief;
- (i) To establish and maintain communications with individuals and communities in matters of religion and belief at the national and international levels.

### Article 7

The rights and freedoms set forth in the present Declaration shall be accorded in national legislation in such a manner that everyone shall be able to avail himself of such rights and freedoms in practice.

## Convention on the Rights of the Child, 20 November 1989

### Article 29

1. States Parties agree that the education of the child shall be directed to:  
(...)
- (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
- (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;

- (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;  
(...)

### Article 30

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

## Convention on the Elimination of All Forms of Discrimination Against Women, 18 December 1979

### Article 2

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

- (a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;
- (b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;
- (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;
- (d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;
- (e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;
- (f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;
- (g) To repeal all national penal provisions which constitute discrimination against women.

### Article 3

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

## International Convention on the Elimination of All Forms of Racial Discrimination 21 December 1965

### Article 2

1. States Parties condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races, and, to this end:  
(a) Each State Party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation;
  - (b) Each State Party undertakes not to sponsor, defend or support racial discrimination by any persons or organizations;
  - (c) Each State Party shall take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists;
  - (d) Each State Party shall prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization;
  - (e) Each State Party undertakes to encourage, where appropriate, integrationist multiracial organizations and movements and other means of eliminating barriers between races, and to discourage anything which tends to strengthen racial division.
2. States Parties shall, when the circumstances so warrant, take, in the social, economic, cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms. These measures shall in no case entail as a consequence the maintenance of unequal or separate rights for different racial groups after the objectives for which they were taken have been achieved.

# Notes

- 1 Figure given in a statement by Ministry for Religious Affairs, Government of Pakistan.
- 2 Sir John Marshall established much of the prehistory of the Indus Valley civilization in the 1920s. For further information, see Wheeler, R.E.M., *Five Thousand Years of Pakistan*, London, Christopher Johnson Publishers Ltd, 1950; and Kenoyer, J.M., *Ancient Cities of the Indus Valley Civilization*, Karachi, OUP, 1998.
- 3 On the role of missionaries and the emergence of Christian communities in the region of Pakistan, see Malik, I.H., *U.S.–South Asia Relations, 1783–1940: A Historical Perspective*, Islamabad, Area Study Centre, 1988, pp. 32–63.
- 4 The province of Balochistan accounts for 43 per cent of Pakistan's territory but is the smallest in terms of population. Around 7 million inhabitants live in Balochistan, divided into various Baloch and Pushtun tribes. Quetta is both a Baloch and Pushtun city with a sizeable number of Punjabis and Urdu-speakers. However, there are more Baloch in Karachi than in the entire province of Balochistan.
- 5 The Green Revolution entailed the mechanization of agriculture and the introduction of high-yield crops.
- 6 Muhajirs/Muhajireen are those Urdu-speakers who emigrated from India to Pakistan in 1947.
- 7 For more on Biharis, see Whitaker, B. et al., *The Biharis in Bangladesh*, London, MRG, 1982.
- 8 For conflictive pluralism in Sindh and the MQM, see Malik, I.H., *State and Civil Society in Pakistan: Politics of Authority, Ideology and Ethnicity*, Oxford, St Antony's-Macmillan, 1997, pp. 168–256.
- 9 The male children of these refugees, in most cases, ended up at the religious schools – *madrasahs* – in Pakistan and eventually emerged as the new political power in Afghanistan. These students – the Taliban – quickly captured Afghanistan and imposed their version of Islamic laws in addition to persecuting the non-Pushtun opposition, mostly marginalized in the north. This new phase in the civil war not only dissuaded Afghans from returning but also created a new refugee exodus.
- 10 See Malik, I.H., *Islam, Nationalism and the West: Issues of Identity in Pakistan*, Oxford, St Antony's-Macmillan, 1999, chs 2 and 3.
- 11 See Hashmi, T.I., *Pakistan as a Peasant Utopia*, Denver, Westview, 1992; Ahmad, A., *Islamic Modernism in India and Pakistan, 1857–1947*, Oxford, OUP, 1967; Shaikh, F., *Community and Consensus in Islam: Muslim Representation in Colonial India, 1860–1947*, Cambridge, CUP, 1989; Jalal, A., *The Sole Spokesman: Jinnah, the Muslim League and the Demand for Pakistan*, Cambridge, CUP, 1985.
- 12 This could be one reason other than the pace of events why the Indian leaders failed to fully predict the volatility and migrations during Partition. The British government, led by Mountbatten, in its cavalier haste, did not develop any mechanisms or safeguards for the would-be migrants and insecure minorities. This lapse led to mayhem. See, French, P., *Liberty or Death?* London, Flamingo, 1997, and Talbot, I., *Freedoms Cry*, Karachi, OUP, 1996.
- 13 The Muslim League was founded in 1906. It struggled for Pakistan in British India. Since 1947 it has splintered into factions.
- 14 This was borne out in a nationwide survey in 1997. See 'Fifty Years: Fifty Questions', *Herald*, Karachi, January 1997 and later in this report.
- 15 Pakistan's tribal peoples in NWFP tend to be settled rather than nomadic. They live in small rural settlements, generally in the border areas. They are ethnically Pushtuns, but are divided into different clans.
- 16 The sexist nature of feudal society is all too well known. See Durrani, T., *My Feudal Lord*, London, Corgi, 1995. For the politics of feudal elitism and the official reluctance to implement land reforms and agricultural tax, see Hussain, A., *Elite Politics in an Ideological State*, London, Dawson, 1979. For the evolution of these feudal families and their repression of landless peasants see Masud, M., *Hari Report: Note of Dissent*, Karachi, 1948.
- 17 During research in July–August 2001, many senior officials, especially from the army, boasted that most of the writers and journalists were, in 'our pockets'. Despite its crudity and exaggeration, it remains true that the intelligence agencies carry a massive influence both through temptation and harassment. See, Ahmed, M., *Pakistan Mein Intelligence Agencion Ka Siyasi Kirdar* (The political role of intelligence agencies in Pakistan), Lahore, Jahangir Book Depot 1993; also, Malik, *op. cit.*, 1997, pp. 94–115.
- 18 For a pertinent study on Pakistan's colonial heritage, see, Low, D.A. (ed.), *The Political Inheritance of Pakistan*, Basingstoke, Macmillan, 1991.
- 19 For a useful study by an insider, see Gauhar, A., *Ayub Khan: Pakistan's First Military Ruler*, Lahore, Sang-i-Meel, 1993; also Ziring, L., *The Ayub Khan Era: Politics in Pakistan, 1958–1969*, Syracuse, Syracuse University Press, 1971, and Talbot, I., *Pakistan: A Modern History*, London, Hurst and Co., 1998.
- 20 For further details see Sisson R. and Rose, L., *War and Secession. Pakistan, India, and the Creation of Bangladesh*, Berkeley, University of California Press, 1990.
- 21 For more on Bhutto's personality and political profile see Wolpert, S., *Zulfi Bhutto of Pakistan*, Karachi, OUP, 1994.
- 22 Baxter, C. et al., *Pakistan under the Military: Eleven Years of Zia-ul-Haq*, Boulder, CO, Westview, 1991.
- 23 Government of Pakistan, *Pakistan Year Book 1994–5*, Karachi, 1996, pp. 5–6.
- 24 For the earliest account on the Kalasha, see Robertson, G., *The Kafirs of the Hindu-Kush*, Karachi, OUP, 1986 (reprint); *The Siege of Chitral*, Karachi, OUP, 1977. Many people believe that Kipling's story, *The Man Who Would be King*, is about the Kalasha and their descent from Alexander's troops.
- 25 Whenever there is a conversion to Islam, the local *ulama* organize a celebratory procession. Kalasha's extreme poverty and lack of resources make it difficult for them to retain their collective identity. Based on a personal visit and interviews in Ayun, Berar, Bhamboriyat, Chitral and Rambir.
- 26 Based on interviews with several Baloch intellectuals and political leaders in Balochistan and Karachi in August 2001.
- 27 Baloch, A.G., *Zikri Firqa Ki Tarikh* (The history of Zikri sect), Urdu, Karachi, 1996, p. 51. Mr Baloch is the leader of the All-Pakistan Muslim Zikri Anjuman. He worked for different official departments before his retirement. A native of Turbat, he is a widely respected Zikri intellectual and author of several popular books. Recently, he has tried to challenge stereotypes about Zikris.
- 28 Baloch, A.G., *A Short History of Zikri Faith*, Karachi, n.d., p. 2.
- 29 Malai, S.N.A., *Asalathul Zakarin*, Turbat, Tehreek-i-Pairowan-i-Mahdi 1994, p. 1.
- 30 Based on interviews and also Baloch, A.G., *Zikri Mazhab Islam kay Aiynnah Mein* (Zikri faith through Islamic prisms),

- Karachi, Turbat, 1993, pp. 18–22. Also Baloch, I., 'Islam, the state, and identity: the Zikris of Balochistan', in P. Titus (ed.), *Marginality and Modernity: Ethnicity and Change in Post-colonial Balochistan*, Karachi, OUP, 1996, pp. 223–49.
- 31 Some of their opponents include the members of JUI and JI. They pinpoint a number of major doctrinal differences with Zikris. Sunni Baloch – called Namazi Baloch by Zikris – tend not to intermarry with Zikris. Some believe that it was not Syed Jaunpuri but a Mullah Attock who came down from the north and propagated his version of Islam, and persuaded the poor, uneducated people to follow him. But, Ghani Baloch, Shah-i-Haider and other Zikris reject the existence of Attock as the founder of the movement.
- 32 See Qasrqandi, M.A.M., *Zikri Mazhab aur Islam* (Zikri religion and Islam), Quetta, 1978. The pamphlet attributes quite a few controversial beliefs and practices to Zikris and *Malais* and advises Zikri youth to convert to Islam. Ghani Baloch and several other authors have written books to refute such claims, but are worried about communal violence due to a growing emphasis on fundamentalism.
- 33 For example, see Munir, A., *Zikris in the Light of History and Their Religious Beliefs*, Lahore, Azhar Munir 1998. Originally published as a series of sympathetic articles to educate Pakistanis on the Zikri beliefs and practices and to create a greater sensitivity to their rights, this book is the translated version.
- 34 Bishop Alexander Malik and several other Christian intellectuals and leaders frequently highlight this point.
- 35 The missionary schools and colleges like FC College, Lahore; Gordon College, Rawalpindi; and numerous other such institutions were taken over by the state in the early 1970s. Their quality seems to have gone down since the nationalization. In addition, at colleges like Kinnaid or schools such as St Anthony's, Muslim students outnumber their Christian counterparts. Interviews at Kinnaid College, Lahore, in July 2001.
- 36 Justice Dorab Patel and Justice Cornelius are two senior non-Muslim Pakistani judges who reached the highest civilian positions in Pakistan, but they are seen as exceptions. On the other hand, numerous cases are cited of clear discrimination where senior command jobs, diplomatic assignments and other higher positions were closed to non-Muslim Pakistanis. Based on interviews across Pakistan in July–August 2001 and July–August 2002.
- 37 For useful material on this very important subject almost unknown to many Pakistanis, see Akhtar, S., *Tehrik-i-Pakistan Kay Gumnam Kirdaar* (The unknown heroes of Pakistan Movement), Rawalpindi, Christian Study Centre, 1997. I am thankful to Cecil Choudhary for his helpful insights on this subject and Jennifer Bennett of the Christian Study Centre for her help.
- 38 The JUI has long been factionalized due to some inter-personality differences. Maulana Fazlur Rahman and Maulana Sami-ul Haq lead its present two factions. Both have a similar Pushtun background and believe in the Deobandi doctrine, yet have been competing to gain further ground in western Pakistan and Afghanistan. The JUP is largely representative of Brelvi Islam allocating greater status to saints and *pirs*. Like the Deobandi, the JUP traces its origin from Uttar Pradesh during the nineteenth century, where the reform and revivalist movements emerged in British India.
- 39 Many human rights groups have reported on these killings. For example, see the reports of the Human Rights Commission of Pakistan (HRCP) in recent years.
- 40 It is reported that Riaz Basra, Malik Ishaq and several other leaders of the LJ had been trained in Afghanistan. The Iranian connection is cited in the case of SM. In an interview for Pakistani television, Moin Haider, the Interior Minister, complained about the Taliban's continued resistance in handing these militants back to Pakistan. Prime TV, monitored in Oxford, 26 October 2001.
- 41 Interviews in Pakistan during the research conducted in 2000–1 amply supported that. Quite a few Shia professionals feel scared and have been seeking political asylum abroad. For more on Shia–Sunni discord, see Haydar, A., 'The politicisation of the Shias and the development of the Tehrik-e-Nifaz-e-Fiqh-e-Jafria in Pakistan', in C.H. Kennedy (ed.), *Pakistan 1992*, Boulder, CO, Westview, 1993, pp. 75–84.
- 42 For example, see a letter from Dublin from a Pakistani doctor in *Dawn*, 21 October 2001.
- 43 For details on constitutional developments and the religious riots in the early years, see Afzal, M.R., *Pakistan: History and Politics, 1947–1971*, Karachi, OUP, 2001; Binder, L., *Religion and Politics in Pakistan*, Los Angeles, 1961; Nasr, S.V.R., *Mawdudi and the Making of Islamic Revolution*, New York, OUP, 1996.
- 44 For more on Bhutto, see Wolpert, S., *Zulfi Bhutto of Pakistan*, Karachi, OUP, 1993, and Syed, M.A., *The Discourse and Politics of Zulfikar Ali Bhutto*, Basingstoke, Macmillan, 1992.
- 45 Interviews with Joseph Francis, a leading humanist and activist, in Lahore, July 2001.
- 46 For more details on the effects of these laws on women and other underprivileged groups, see Bennett, J., 'Religion and democracy in Pakistan: the rights of women and minorities', mimeo, Islamabad, SDPI Paper, n.d., pp. 1–23.
- 47 For more details, see Moghal, D., 'The status of non-Muslims in the Islamic Republic of Pakistan: a confused identity', in D. Moghal and J. Jivan (eds), *Religious Minorities in Pakistan: Struggle for Identity*, Rawalpindi, Christian Study Centre, 1996.
- 48 Quoted in Saleem, A., *Pakistan Aur Aqlieetain* (Pakistan and minorities), Karachi, 2000, p. 267. In several interviews with the author during 2000–1, Christian leaders, scholars and other human rights activists across Pakistan confirmed these views. Many Pakistani politicians like Abdul Wali Khan, Asghar Khan and Benazir Bhutto, and other secular and progressive elements strongly resent this politics of separatism and exclusion.
- 49 Reported in *Dawn*, 7–8 March 2002.
- 50 National Commission for Justice and Peace (NCJP), *Human Rights Monitor – 1999*, Lahore, NCJP, 2000, pp. 17 and 20.
- 51 When asked about a new educational curriculum to create a greater sense of respect and sharing of plural traditions, a senior official in the Ministry of Religious and Minority Affairs was indifferent. Instead, he asked the author to visit the Ministry of Education in each of the four provinces as 'it did not come within the purview of this Ministry'. Interview in Islamabad with M. Ashraf Khan, Joint Secretary, August 2001.
- 52 NCJP, *Human Rights Monitor – 2001*, Lahore, NCJP, 2001, p. 11.
- 53 HRCP, *State of Human Rights in 2000*, Lahore, HRCP, 2001, pp. 50–77.
- 54 NCJP, *Human Rights Monitor – 2000*, Lahore, NCJP, 2000.
- 55 See reports in *The Daily Din* (Karachi), 7 June 2000.
- 56 HRCP, 2000, *op. cit.*
- 57 HRCP, *State of Human Rights in 1997*, Lahore, NCJP, 1998, pp. 118–48.
- 58 HRCP, *State of Human Rights in 1999*, Lahore, HRCP, 2000, pp. 118–30.
- 59 NCJP, *Human Rights Monitor – 1999*, *op. cit.*, p. 15.
- 60 HRCP information, reproduced in *ibid.*, pp. 58–9.
- 61 According to Ahmadi watchdogs, 160 cases of blasphemy were registered against their community members between 1986 and 1998. Based on interviews with some Ahmadi leaders in Lahore, July 2001.
- 62 NCJP, *Human Rights Monitor – 2001*, *op. cit.*, pp. 45–50.
- 63 CLAAS, *Cases Against Minorities 2000*, Lahore, CLAAS, January 2001, pp. 1–6.
- 64 CLAAS, *Some Victims of Allegedly Defiling the Holy Quran 295B and the Holy Prophet (PBUH) 295C*, Lahore, CLAAS,

November 2000, pp. 1–6. (Each report accepts that its figures are inconclusive.)

- 65 Khan, M.Z., *Ahmaddiyyat: The Renaissance of Islam*, London, IILP, 1986; also Ahmad, M.T., *Revelation, Rationality, Knowledge and Truth*, Tilford (UK), IILP, 1998. M.T. Ahmad (b. 1928) is the current Head who left Pakistan in 1984 to settle in the UK
- 66 For details on the socio-legal persecution of the community, as documented by an Ahmadi lawyer, see Mujeeb-ur-Rahman, *Persecution of Ahmadis in Pakistan*, Maple (Canada), 1993.
- 67 *Details of Ahmadis Implicated Under PPC–295C*, mimeo. n.d., pp. 1–11. This lists the name of the accused as well as of the

complainant, police station, date of registration and the details of each case.

- 68 *Summary of the Cases Instituted against Ahmadis in Pakistan (from April 1981 to July 23, 2001)*, mimeo, pp. 1–3. The list is quite extensive and does not have any references as such nor does it carry the name of its publisher. Like the previous reference, it is definitely an Ahmadi publication and the source who gave it to the present author affirmed its authenticity.
- 69 For details, see ‘What do Pakistanis really want?’ *Herald* (Karachi), January 1997, pp. 151–92.

## Bibliography

Anon., *Summary of the Cases Instituted against Ahmadis in Pakistan (from April 1981 to July 23, 2001)*, mimeo, n.d.

Akhtar, S., *Tehreek-I-Pakistan Kay Gumnan Kirdaar*, Rawalpindi, Christian Study Centre, 1997.

Baloch, A.G., *A Short History of Zikri Faith*, Karachi, n.d.

Baloch, A.G., *Zikri Firqa Ki Tarikh*, Karachi, 1996,

Baloch, A.G., *Zikri Mazhab Islam Kay Aiyannah Mein*, Karachi/Turbat, 1993.

Centre for Legal Aid Assistance and Settlement (CLAAS), *Progress Report for the Year 2000*, Lahore, CLAAS, 2000.

CLAAS, *Cases Against Minorities 2000*, Lahore, CLAAS, 2001.

CLAAS, *Some Victims of Allegedly Defiling the Holy Quran 295B and the Holy Prophet (PBUH) 295C*, Lahore, CLAAS, 2000

Durrani, T., *My Feudal Lord*, London, Corgi, 1995.

French, P., *Liberty or Death?*, London, Flamingo, 1998.

Human Rights Commission of Pakistan (HRCP), *State of Human Rights in Pakistan, 2000*, Lahore, HRCP, 2001.

HRCP, *State of Human Rights in Pakistan, 1999*, Lahore, HRCP, 2000.

HRCP, *State of Human Rights in Pakistan, 1998*, Lahore, HRCP, 1999.

HRCP, *State of Human Rights in Pakistan, 1997*, Lahore, HRCP, 1998.

Jalal, A., *The Sole Spokesman: Jinnah, the Muslim League and the Demand for Pakistan*, Cambridge, Cambridge University Press, 1985.

Kenoyer, M., *Ancient Cities of the Indus Valley Civilization*, Karachi, Oxford University Press, 1998.

Mahbub ul-Haq Human Development Centre, *Human Development in South Asia*, 2001, Karachi, Oxford University Press, 2001.

Mahbub ul-Haq Human Development Centre, *Human Development in South Asia*, 2000, Karachi, Oxford University Press, 2000.

Malai, N.A., *Asalathul Zakarin*, Turbat, 1994.

Malik, I.H., *Islam Nationalism and the West: Issues of Identity in Pakistan*, Oxford, St Antony's-Macmillan, 1999.

Malik, I.H., *State and Civil Society in Pakistan: Politics of Authority, Ideology and Ethnicity*, Oxford, St Antony's-Macmillan, 1997.

Malik, I.H., *U.S.–South Asia Relations, 1784–1940: A Historical Perspective*, Islamabad, Area Study Centre, 1988.

Mughal, D. and Jivan, J. (eds), *Religious Minorities in Pakistan: Struggle for Identity*, Rawalpindi, Christian Study Centre, 1996.

Mujeeb-ur-Rahman, *Persecution of Ahmadis in Pakistan*, Maple, Islamic International Publications, 1993.

National Commission for Justice and Peace (NCJP), *Human Rights Monitor – 1998*, Lahore, NCJP, 1998.

NCJP, *Human Rights Monitor – 1999*, Lahore, NCJP, 1999.

NCJP, *Human Rights Monitor – 2000*, Lahore, NCJP, 2000.

NCJP, *Human Rights Monitor – 2001*, Lahore, NCJP, 2001.

Nazir-Ali, M., *Pakistani Christians*, mimeo, Rochester, Bishopscourt, 21 October 1991.

Qaisarqandi, A.M., *Zikri Mazhab Aur Islam*, Karachi, Khattam-I-Nabuwat, 1978.

Robertson, G.S., *The Kafirs of the Hindu-Kush*, Karachi, Oxford University Press, 1986 (reprint).

Robertson, G.S., *Chitral: The Story of a Minor Siege*, Karachi, Oxford University Press, 1977 (reprint).

Saleem, A., *Pakistan Aur Aqlietain*, Karachi, Daniyal, 2000.

Sisson, R. and Rose, L., *War and Secession: Pakistan, India, and the Creation of Bangladesh*, Berkeley, University of California Press, 1990.

Syed, A.H., *The Discourse and Politics of Zulfikar Ali Bhutto*, Basingstoke, Macmillan, 1992.

Talbot, I., *Pakistan: A Modern History*, London, Hurst and Co., 1998.

Talbot, I., *Freedom's Cry: The Popular Dimension in the Pakistan Movement and the Partition Experience in North-west India*, Karachi, Oxford University Press, 1996.

Titus, P. (ed.), *Marginality and Modernity: Ethnicity and Change in Post-Colonial Balochistan*, Karachi, Oxford University Press, 1996.

Wheeler, R.E.M., *Five Thousand Years: An Archaeological Outline*, London, Christopher Johnson (Publishers) Ltd, 1950.

Wolpert, S., *Zulfi Bhutto of Pakistan*, Karachi, Oxford University Press, 1994.

Ziring, L., *The Ayub Khan Era: Politics in Pakistan, 1958–1969*, Syracuse, Syracuse University Press, 1971.

See also: *Dawn*, *Din*, *Friday Times*, *Guardian*, *Herald*, *Jang*, *Jihd-i-Haq*, *Mirror*, *Nawa-i-Waqt*, *News*, *Newsline*, *Ux-o-Aeena*, and various reports by Amnesty International and Human Rights Watch.

## Getting involved

MRG relies on the generous support of institutions and individuals to further our work. All donations received contribute directly to our projects with minorities and indigenous peoples.

One valuable way to support us is to subscribe to our reports series. Subscribers receive regular MRG reports together with copies of our newsletter and annual review. We also have over 100 titles which can be purchased from our publications catalogue. In addition, MRG publications are available to minority and indigenous peoples' organizations through our library scheme.

MRG's unique publications provide well-researched, accurate and impartial information on minority and indigenous peoples' rights worldwide. We offer critical analysis and new perspectives on international issues. Our specialist training materials include essential guides for NGOs and others on international human rights instruments, and on accessing international bodies. Many MRG publications have been translated into several languages.

If you would like to know more about MRG, how to support us and how to work with us, please visit our website [www.minorityrights.org](http://www.minorityrights.org) or contact our London office.

## Further reading from MRG

*Afghanistan: Minorities, Conflict and the Search for Peace*  
Peter Marsden

Examines the complex political, social and ethnic factors behind Afghanistan's recent history and discusses prospects for the future.

2001 ISBN 1 897693 34 6, 36pp, £5.95/US\$10.95

*Indonesia: Regional Conflicts and State Terror*  
Mieke Kooistra

Focuses on the conflicts in Aceh and Moluku as a means of highlighting some of the factors that continue to provoke and prolong conflict in Indonesia.

2001 ISBN 1 897693 93 1, 32pp, £5.95/US\$10.95

*Muslim Women in India, Seema Kazi*

Considers the situation of Muslims and Muslim women in a climate of increasing Hindu nationalism and communalism in India, and calls for an end to the oppression of Muslim women.

1999 ISBN 1 897693 47 8, 40pp, £5.95/US\$10.95

*Public Participation and Minorities, Yash Ghai*

Describes the range of devices that can be used to provide for participation, and discusses experiences of constitutional and political provision for minorities and indigenous peoples.

2001 ISBN 1 897693 69 9, 28pp, £5.95/US\$10.95

# working to secure the rights of minorities and indigenous peoples

minority  
rights  
group  
international

## Religious Minorities in Pakistan

Recent massacres of religious groups in Pakistan have focused new attention on their predicament in a country that is generally perceived to be a homogeneous Muslim nation. In fact, besides five ethno-regional groups (Baloch, Muhajir, Pathan, Punjabi and Sindhi), there are the Ahmadi, Christian and Hindu religious groups, and a number of smaller Islamic groups.

Pakistan has been ruled by the military for much of its existence. The political use of religion by governments and a weak civil society pose enormous challenges for minorities in Pakistan. Non-Muslim communities and women in Pakistan are subject to harsh religious laws. Constitutional amendments and the Blasphemy Law have deprived

minorities of religious freedom and violated their rights as citizens. In addition, the decision of the current military regime to join the US-led coalition against terrorism has provoked popular resentment and an internal backlash by extremist groups with renewed violence against minorities.

This report aims to enhance understanding of religious minorities in Pakistan and increase awareness of the need for the protection of minority and gender-based rights across communities. With a general election due this year in Pakistan, this report is timely and of direct relevance to both the international community and agencies concerned with South Asia in general, and Pakistan in particular.