

Perspective of the Rights of Non-Muslims in Islam and their Status in Pakistan

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Abstract

Pakistan is an Islamic Republic according to its constitution of 1973. It has about 96% Muslim population and rest of 4% are non-Muslims, including Hindus, Christians, Sikhs, Ahmadis (Qadianies & Lahories), Parsis, Bihais and others. Islam as a religion provides full protection to non-Muslims living in an Islamic state. Allah Almighty says in the Holy Quran that there is no compulsion in the religion. The Holy Prophet provided fundamental rights to all the non-Muslims in the state of Madina. In the reign of Khulfa-e-Rashidin all the non-Muslims enjoyed all the basic rights including the freedom to practice their religions and cultures. The Constitution of Pakistan also provides guaranty to protect and provide equal rights to the non-Muslim citizens; but in practice there are some gaps that need to be addressed. Non-Muslims are subjected to attacks frequently; they are deprived from good jobs, higher education, better health facilities and other social amenities. Sometimes, their girls are kidnapped and forced to change their religions and to marry with a Muslim man. Limitation of freedom for religious practices to minority people in the country is the major issue for the non-Muslims. There is a dire need to remove the social discrimination and religious biases in Islamic Republic of Pakistan.

Key Words: *Rights, Non-Muslims, Discriminatory, Attacks, Forced, Laws, Marriages.*

Introduction:

Pakistan is one of the developing countries of South Asia. According to the constitution, Pakistan is an Islamic State.¹ About 96 percent of population is Muslim and the other 4 percent including Hindus, Sikhs, Christians, Ahmadies, Bihais and Parsis are the well-known minority groups.² Their role in the development of the country is remarkable but their contribution in the progress of the homeland was sometimes neglected by the nation. Perspective of the Rights of Non-Muslims in Islam and their Status in Pakistan is being discussed in this study.

Role in Freedom Movement:

Almost all the non-Muslim communities had played a vital role during the freedom movement. These were Christian politicians who rejected the proposal of separate Christian state offered by the British. They decided to support Quaid-I-Azam Muhammad Ali Jinnah and made their every possible effort for the establishment of Pakistan. Pakistani Christians are proud to be Pakistani because they had neglected the anti-Jinnah and anti-Pakistan movement. They supported Jinnah at that time when most of the Muslims were opposed to him.³

The Akali movement of Sikhs had a remarkable role in the freedom movement of India. It was started for the protection of Gurdwaras and reformation of Gurus but at last, it converted into the powerful movement of Indian freedom fighters.⁴ More than four hundred Sikhs of Akali movement sacrificed their lives and almost two thousand injured within five years. Moreover, thirty thousand Sikhs were sent to jail in the meanwhile.⁵

Ahmadies had also played a distinctive role in the freedom movement. They contributed to organize the Muslims at the platform of Muslim League before the election of 1945. Jinnah admitted their efforts and appointed Sir Zafar Ullah Khan as Pakistan's first foreign minister.⁶ The appointment of Jogandar Nath Mandil (an untouchable leader); as the first law minister of Pakistan, was the best example of Jinnah's trust on Pakistan's Hindu minority. However, after the death of Jinnah, the efforts and sacrifices of non-Muslim citizens had not only been neglected but they

were blamed also. Their loyalty was challenged during the indo-Pakistan war of 1965 and later on.

Jinnah and non-Muslim Citizens:

Quaid-I-Azam Muhammad Ali Jinnah, the founder of Pakistan; had promised to those non-Muslims who adopted Pakistan as their homeland, he made it as clear as crystal saying that the state will equally treat to all her citizens without the religious discrimination. Many times, long before the establishment of Pakistan; Jinnah assured non-Muslims that they will enjoy their rights in the new state. In 1941, Jinnah addressed:

*“Islam stands for justice, equality, fair-play, toleration and even generosity to non-Muslims who may be under our protection”*⁷

His speech on 11 August 1947 is as importance for the non-Muslim citizens of Pakistan as Magna Carta. He said:

*“You are free; you are free to go to your temples. You are free to go to your mosques or to any other place of worship in the State of Pakistan. You may belong to any region or caste or creed - this has nothing to do with the business of the State.....”*⁸

Rights of non-Muslims:

These minority groups had a great contribution in the development of Pakistan particularly in the field of education, economic and industry.⁹ However, the non-Muslim citizens of Pakistan cannot enjoy their lives in the country due to various reasons. The Rights of non-Muslims in Islamic State and the situation of the minority groups are being discussed in this research.

International Perspective of Human Rights:

All the world has recognized human and minorities rights; Universal Declaration of Human Rights and Declaration of Minority Rights are accepted by most of the countries in the world including Pakistan.

Universal Declaration of Human Rights:

All over the world the minorities had been accepted as a part of whole population. The world had recognized the equality of all the people without any discrimination. Article 1 of the universal Declaration of Human Rights says that all the human beings are free because they were born free so they have the equal dignity and rights.¹⁰ However, in Pakistan the majority group also has to face the un-equality and un-justice as they don't have the equal rights in the country.

Declaration of the Minority Rights:

The General Assembly of United Nations has passed a Universal Declaration for the Rights of Minorities in 1992. Article 1 of the Universal Declaration of Minority Rights said that the state is responsible for the protection of minority rights and the existence of minority groups, these minority groups may have religious, ethnic, cultural and linguistic identity.¹¹

Perspective of the Rights of Non-Muslims' in Islam:

Islam is the most favorite *din* of Allah. Islam provides the equal rights to non-Muslim citizens in the Islamic state. Allah Almighty has made it clear that

*"There is no compulsion in religion..."*¹²

In the light of above verse the Islamic state permits to all non-Muslim citizens to act on the teachings of their own faith. Moreover; neither can they be bound to change their religion nor they can be prevented to act upon the teachings of their faith. Islam provides the socio-religious liberty, equality and economic security to all citizens. Islam teaches the religious co-operation like secular states. Today most of the Islamic states have the secular legal system where all the religious groups enjoy their freedom.¹³

If we look the concept of Islamic state of Medina given by Hazrat Muhammad, the Holy Prophet established the first Islamic state at Medina; and in the meantime made an agreement with the non-Muslim tribes of Medina which called Meesaq-I-medina. According to Meesaq-I-medina all the non-Muslim tribes of Medina had completely religious freedom like Muslims. The Holy Prophet granted the guarantee of religious freedom to non-Muslim tribes like Muslims. The Holy Prophet also guaranteed to the

Jews; that the tribes of Jews who get include in the state not only provided fully security, but they will follow their own religion as freely as Muslims.¹⁴

After conquer of Mecca, the Holly Prophet announced the common forgiveness for all enemies having the authority of taking revenge. He forgave not only to great enemy of Islam Abu Suffyan but also his wife Hind; who had cut open the body of Hazrat Hamza (the beloved uncle of Hazrat Muhammad) and she took out his liver and chewed it after the war of Uhud.¹⁵ The act of this co-cooperation with the non-Muslims can be seen in the reign of Khulfa-I-Rashidin.

Muhammad Asad, an Islamic Scholar has described the following values of the establishment of the Islamic state.

1. The implementation of Islamic Constitution and to provide the justice to everyone.
2. The provision of socio-economic equality to everyone.
3. To provide the chances to the public due to which they can get the ethical aims.
4. To provide the social, religious, cultural and economic security and social freedom to all non-Muslims.

According to Asad, the Islamic state has the duty to save the life and wealth of non-Muslims, to save their homes, to educate them, to provide them jobs, economic security, social justice and health facilities. However, any non-Muslim cannot be appointed on any key-post in any case.¹⁶

There was no concept of the rights of minorities before Islam. But the rights of non-Muslims as the minorities were saved by Islam, and Islam provided them the rights equal to Muslims. In the reign of Hazrat Muhammad and Khulfa-I-Rashidin; Muslims and non-Muslims had equal status in the civil laws. Islam has made it compulsory for the state to protect the wealth and honour of the non-Muslims. Islam has also given the relaxation to the non-Muslims in respect of protection of the boundaries of the state. The blood of Muslims and non-Muslims is declared equally in the Islamic state. A large number of examples are present in the reign of Khulfa-I-Rashidin, in which; the punishments for the Muslims who killed any non-Muslim remained equal to the punishment of non-Muslims who killed any Muslim.¹⁷ Here are

various examples of the sympathetic attitude of Muslims toward non-Muslims in Islamic state. In this context Dr. Hamid Ullah said that the followers of all religion not only had the freedom to worship according to the teachings of their own religions in Islamic state but they had the option to get decision of their cases from the judges of their own religions. If the Islamic state has to fight any war against other state, then the non-Muslims had the exemption to took part in the war and they cannot be bound to fight the war for the protection of Islam. If the child of any Jew was ill in the reign of Holy Prophet; the prophet himself go for the asking of the patient. In the reign of Hazrat Umar the Christian citizens were treated very well not only but they were also provided financial help for their Churches.¹⁸ This action of tolerance and help shows the mercy of Prophet and his followers toward the non-Muslims as Allah Almighty says in the Holy Quran '*And we have not sent you but as a mercy to all the worlds*'.¹⁹

The last Prophet of Allah stated that: "Beware, the person whoever is cruel and hard to the non-Muslims, curtails their rights, burdens them with more than they can bear, or takes anything from them against their wish; I will complain against the person on the Day of Judgment".²⁰ Karen-Armstrong said that the process of conversion was not encouraged by the Arabs till 8th century and they did not force to the ahl al-kitab to convert them in Islam.²¹

Constitution of Pakistan and Minority Rights:

Quaid-e-Azam Muhammad Ali Jinnah made it clear in his famous speech that Pakistan is the state of non-Muslims as of Muslims. He wished to make Pakistan raise and strong on '*sure foundations of social justice and Islamic socialism which emphasized equality and brotherhood of man*'.²²

The Constitution of Pakistan of 1973 has granted the protection to the religious minorities. The constitution says in the chapter of fundamental rights that '*the state shall safeguard the legitimate rights and interests of minorities, including their due representation in the Federal and Provincial services*'.²³ It is clear without any doubt that in the constitution, minorities of Pakistan have the equal rights and there is no discrimination of any type in written; but practically the situation is quite different in the country.²⁴

In October 1947, Ghulam Muhammad, the finance minister of that time; assured to the Hindus of Sindh during a meeting that Pakistan is not a religious state but secular and they have been granted the rights in Pakistan equal to Quaid-I-Azam Muhammad Ali Jinnah, the founder of Pakistan.

At the death of Jinnah, his companion S. P. Bahadur Singha, claimed to be orphan and this was soon proved exact when Jogandar Nath Mandal had to left Pakistan due to his insult in the country, he settled in India who remained with Jinnah in the tough time during the Pakistan movement.²⁵ The non-Muslim parliamentarians tried to play positive role during the constitutional process but were neglected.²⁶ They criticized on the Objectives Resolution while it was being discussed in the assembly with the argument that after its implementation the non-Muslims will get second class status in the country.²⁷ The first report of Basic Principles' Committee was targeted as it had the secular ideology.²⁸ However, its second report opposed to elect any non-Muslim as the head of the state.²⁹ In the light of the Constitution of 1956, 1662 and 1973; non-Muslims were granted freedom in all social and religious aspects but practically they remained unable to enjoy their freedom. According to a well-known Pakistani scholar, religious minorities are granted their equal rights in the constitution of 1973 while some clauses of the same constitution limit the rights of non-Muslim citizens in the country.³⁰

It is no doubt that non-Muslims have the equal rights in the Islamic state. The constitution of Pakistan also provided the rights to every one without any type of discrimination, but the ground situation in Pakistan in this context is quite different. There is a classification of the people in the country on the bases of language, ethnicity, education and economy but strongest factor of discrimination is on the base of religion. The non-Muslim citizens were granted equality in the country in all respects in the very beginning; when Jinnah said in the famous speech of 11th August 1947 that everyone had the right to worship their own religion and all the citizens were equally treated in the state.³¹ After the death of Jinnah the minorities of Pakistan have been converted into second class citizens of Pakistan. At the time of death of Jinnah, his close friend Dewan Bahadur S.P Singha was saying that the minorities have been orphaned.³²

The first discrimination is present in the constitution of the country by which any non-Muslim cannot become the president of the country. The second discrimination can be seen in the laws of the country. This discrimination is used against the religious minorities in Pakistan.³³ In Pakistan, laws were developed on religious grounds. Due to implementation of these laws, religious minorities of Pakistan have been separated from the majority group.³⁴

Due to presence of discrimination in law, the non-Muslim citizens have to face a large number of socio-political issues in the society, particularly the minority groups that are under-privileged and don't have strong economic conditions. The non-Muslims have been losing their identity rapidly. Due to religious bias, the Hindus names of streets, roads and highways have been replaced with the Muslim ones. The temples are secluded and the Hindus worship in their homes.³⁵ There is a strong role of religious bias in the society.³⁶ The presence of Christian colonies outside from the city areas indicates that they are placed with social discrimination. Most of the citizens who live in colonies become the victim of mental retardation and inferiority complex because other people avoid keeping relationships with them.³⁷

Secondly, non-Muslim citizens in Pakistan have been victims of intolerance, extremism and violence. Due to this, now the situation has changed and even the Muslims are also falling prey to attacks.³⁸ Another factor is that non-Muslims are generally assigned works related to sanitary but these sanitary workers have to perform their duties in hard seasons and without any security measures. It is the cause of concern that more than 70 percent of labors at brick kilns are non-Muslims.³⁹

Non-Muslim women also suffer due to their poverty. Among these, those are particularly exploited who work at homes with their employers being male. They are sometimes sexually harassed and raped but there is no light of hope for them.⁴⁰

The Christians of Pakistan suffered a serious blow when the educational institutions of non-Muslims were nationalized in the reign of Z.A Bhutto. The Christians' institutions had been working with the enthusiasm of service of the nation but after the process of nationalization, the non-Muslim citizens of Pakistan became deprived of education.⁴¹

The cases of forced conversion cannot be neglected in the country. Federal and Provincial governments should strictly adhere to family laws of the non-Muslims because any Muslim man can convert the religion of any girl or woman after kidnapping her. He can also dissolve the previous marriage of the non-Muslim married woman and get himself marriage with her. There are a number of short cut methods through which the marriages of Christian women are annulled.⁴² Hindu girls are usually kidnapped almost in all over Pakistan but at very large number in Sindh. Such cases have frequently been reported that a school or college going Hindu girl never returned to home. Her family reports in the police station with police assuring that their daughter would be recovered very soon; however, after a few days, police informs the abducted girl's parents that their daughter had married a Muslim man after embracing Islam and the girl had also recorded the same testimony in the court.⁴³

The reports published by Human Rights Commission of Pakistan and various newspapers show that Christian and Hindus girls were kidnapped, physically tortured, raped and finally married after enforced conversion to Islam. 90 Hindus were kidnapped for ransom in January 1991 from District Dadu of Sind whereas several Hindu women were raped including 12 years old 'Marwari' in Ghotki district. The FIR could not be registered as the officials of law enforcement agencies were involved in the cases.⁴⁴ A very important incident at Taisar Town of Karachi is noteworthy: some slogans in favour of Taliban were written by some extremists on the wall of a church and Christians were threatened to accept Islam or pay Jizya. When the Christians protested, the extremists attacked and killed a 4-year innocent boy Irfan Masih.⁴⁵ Sikh community of Karachi was mentally tortured when their old Gurdwara '*RattanTala*' was demolished.⁴⁶

In the holy Islamic month of *Muharram* in 2014, a Christian couple has been beaten to death by an extremist crowd and their bodies were burned in the brick kiln by a Muslim mob at Kot Radha Kishan near Lahore. The deaths of Shahzad Masih and his pregnant wife Shama Bibi caused outrage in Pakistan.⁴⁷

The system of separate electorate had been imposed on religious minorities of Pakistan. Consequently, it expanded the helplessness of non-Muslim citizens of Pakistan excluding them from the mainstream.⁴⁸ Hindus, Sikhs and Behaies are

deprived of the rights of their family laws as the marriage certificate is not issued to them, the spouses have no written evidence of their marriage.⁴⁹

Conclusion:

The above discussion shows that non-Muslim citizens have been awarded complete freedom in the constitution of Pakistan; however, some discriminatory laws have curtailed this freedom. The minority groups are exploited in the society due to their poverty and illiteracy as they are considered reserved for sanitary jobs. The cases of conversion and forced marriages are common practices all over the country, especially in Sind. A large number of kidnapping cases are reported every year. The non-Muslim citizens who work as laborers are exploited in the country. The abandoned properties of non-Muslims are occupied. Many non-Muslim citizens have lost their lives due to increasing intolerance in the country. In Pakistani society, non-Muslim citizens cannot enjoy their rights awarded them by Islam in any Islamic State.

Recommendations:

In the light of above facts, the following suggestions are recommended for the advancement of non-Muslims citizens of Pakistan.

1. Parliament should try to eliminate the discriminatory clauses from the constitution of Pakistan.
2. Federal and provincial assemblies need to control the use of bigoted laws.
3. Media, civil society and government are equally responsible to promote the atmosphere of harmony in the country.
4. The religious ulema should play their role for the promotion of inter-faith and inter-religious harmony.

5. The laws must be implemented through which the non-Muslim citizens may be protected.

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