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Minority Rights: Examining The Constitutional Safeguards And Their Practical Implications And The Way Pakistan's Constitution Has Historically Evolved To Protect The Minority Rights

ABSTRACT

The protection of minority rights has been a pressing issue in Pakistan, deeply intertwined with its historical and legal development. When Pakistan emerged as an independent nation in 1947, its founding vision promised equal rights and opportunities for all citizens, regardless of their religious beliefs. However, as the country transitioned into an Islamic Republic, the status and freedoms of religious and ethnic minorities underwent significant changes, shaping their place in society over the decades. This paper delves into the progression of minority rights in Pakistan, analyzing constitutional provisions, legal structures, and policy measures designed to safeguard non-Muslim communities. It sheds light on the challenges these groups continue to face, such as religious discrimination, political and social marginalization, forced conversions, and restrictions on religious expression and practices. Additionally, the study examines the role of the judiciary, governmental policies, and Pakistan's commitments to international human rights conventions in influencing the legal and social landscape for minorities. By exploring key case studies and legislative developments, this research highlights the disparity between constitutional promises and their practical enforcement. The findings stress the urgent need for stronger legal protections, policy reforms, and greater societal inclusion to ensure that Pakistan remains committed to upholding the fundamental rights of all its citizens in accordance with global human rights standards.

Keywords: Minority Rights, Pakistan, Religious Minorities, Ethnic Minorities, Islamic Republic, Constitutional Provisions, Legal Structures, Policy Measures

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Introduction:

Pakistan emerged as an independent nation in 1947 following a long and determined freedom movement spearheaded by Quad-e-Azam Muhammad Ali Jinnah, who also served as its inaugural Governor-General. In 1956, the country adopted the official title of the 'Islamic Republic of Pakistan,' with Iskander Mirza becoming its first president. Over time, the original concept of a secular or liberal state evolved into an Islamic system governed by Muslim leadership. This shift marked a departure from the early ideals of equal rights and responsibilities for all citizens, irrespective of religious or ethnic background.

Pakistan was a British-ruled territory on the Indian Subcontinent before gaining independence. Muslim monarchs ruled the area prior to British colonization, and they were succeeded by Hindu and Buddhist kings. Over time, the subcontinent became a melting pot of different ethnic and religious backgrounds.

Allama Iqbal viewed Pakistan as a Muslim homeland, emphasizing Muslim-majority areas such as Bengal, Sindh, Punjab, Baluchistan, NWFP, and other Muslim-majority states such as Hyderabad, Kashmir, and Bahawalpur. But in addition to Muslims, there were also adherents of Buddhism, Christianity, Sikhism, Judaism, and Hinduism in these regions. After independence, Pakistan accepted religious minorities in spite of their diversity and smaller numbers.

Quaid-e-Azam Muhammad Ali Jinnah, Recognizing this diversity, he went beyond the "two-nation theory" in his speeches and stressed equality between Muslim and non-Muslim citizens. He declared in a major speech to the Constituent Assembly that all citizens were equal in the eyes of the state, regardless of caste, creed, or culture.

Unfortunately, Jinnah's untimely death was a turning point. The nation's path was complicated by later shifts in Pakistan's ideology brought about by the 1949 Objective Resolution and the 1956, 1962, and 1973 constitutions. Under General Zia, there was a greater Islamization of society, which made relations between the majority and minority groups more complex and ultimately detrimental to the latter.

The actual application of constitutional provisions that guarantee equal rights to all citizens, including minorities, has been deficient. Non-Muslims are free to practice their religion, engage in business, and follow customs and education. However, with many laws originating from the British Raj era, the legislative focus on minority rights and liberties is still insufficient.

Pakistan is the fifth most populous state in the world, home to 241.49 million people, of whom 96.28% identify as Muslims. Different religious groups, such as Sikhism, Buddhism, and Christianity, comprise the remaining 3.72%. Despite this diversity, it can be challenging to reconcile the letter and the spirit of the law, particularly when it comes to the liberties and rights of minority religious groups.

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¹ https://www.pbs.gov.pk/sites/default/files/population/2023/Press%20Release.pdf

WHAT IS MINIORITY?

Definition: Despite this diversity, it can be challenging to reconcile the letter and the spirit of the law, particularly when it comes to the liberties and rights of minority religious groups.²

A minority, broadly speaking, is a group of individuals or objects that make up a smaller percentage of a larger whole. A minority in the context of people usually refers to a subset of a population, community, or society that is smaller in size than the majority. This can be predicated on a number of factors, such as cultural identity, gender, sexual orientation, language, ethnicity, or religion, among others.

Minorities under Islam:

According to Ali (1980), minorities experience discrimination and neglect in all facets of life even in the majority of global states that have extensive educational systems, enlightenment, and constitutional protections. Although it is assumed that secular states will safeguard minorities, this is not always the case in practice. Minorities are often regarded as second-class citizens, even in the United States and other developed nations.³

Hamidullah (1987), on the other hand, emphasizes Islam's sympathetic position toward minorities living in an Islamic state. Islamic law guarantees and protects, without distinction, the rights of all citizens, Muslim or not, to life, property, honor, and freedom of conscience and religion.⁴

The West actively disseminates misleading information about how Islam treats non-Muslims, arguing that discrimination is based on one's religion or faith. Nevertheless, a detailed analysis of Islam's teachings on minority rights exposes the errors in this misinformation propagated by the West. Islam forbids discrimination against anyone on the basis of race, color, nationality, language, or caste. It brings people together purely for humanitarian purposes while enabling people to practice any religion they choose.⁵

The Quran explicitly states, 'There shall be no coercion in matters of faith.' It further instructs the Prophet of Islam to declare to those who reject the message.

Unto you your religion, and unto me my religion⁶

According to Singh (2007), the Prophet (PBUH) founded the first Islamic state in Madina, where all minorities were given full religious freedom. He made sure minorities had an equal chance at leading fulfilling lives. Non-Muslims were allowed to assimilate into Madina at their own free will. Political rights were awarded to them, including the equal right to cast a ballot

² https://dictionary.cambridge.org/dictionary/english/minority

³ Rasool, P. C. G. Islam Ka Siasi Nizam. Lahore: Ilm-o- Irfan Publishers, 2004

⁴ Hamidullah DM Muslim Conduct of State Iabore: Noor sons Publishers 1987

⁵ Chaudhry, M. S. Human Rights in Islam. Lahore: H.Y. Printers, 1993.

⁶ Holy Quran, 109:6

for the nation's leader. The Prophet gave his followers instructions to provide total security for non-Muslims even as he lay dying.⁷

Non-Muslims are not only tolerated to a great extent in the Islamic state, but they can also hold the highest administrative positions and thus play a role in the development of the state. They are allowed to build places of worship, carry out their religious obligations, practice their religion, and create educational institutions so that their kids can be educated in accordance with their beliefs or creeds⁸.

Minorities in Pakistan

Pakistan is a predominantly Muslim nation founded on Islamic principles; non-Muslim communities are formally acknowledged as minorities by the state. These consist of Ahmadiyya, Kalash, Parsis, Sikhs, Christians, Jews, Buddhists, and Hindus. These groups are granted certain legal and constitutional protections as well as the state's recognition as religious minorities.

Elaboration:

- **1. Hindus:** One of the biggest religious minority groups in Pakistan is made up of Hindus, who are mostly found in Sindh and Punjab. They add to the country's cultural legacy and diversity.
- **2**. **Christians:** A sizable minority that is spread out across the nation, Christians are essential to many fields, such as social services and education.
- **3**. **Jews, Buddhists, and Parsis:** Though they are fewer in number, Jews, Buddhists, and Parsis are important religious communities in Pakistan. The nation's pluralistic ethos is enhanced by their historical and cultural significance.
- **4**. **Sikhs**: Sikhs have sacred sites and communities in Pakistan, where they have historical and religious ties, especially in Punjab.
- **5. Kalash:** Known for their unique cultural customs and beliefs, the Kalash community in Pakistan's Chitral district contributes to the country's rich cultural diversity.
- **6. Ahmadiyya:** The Ahmadiyya community is acknowledged as a minority group in Pakistan, despite encountering social and legal obstacles as a result of their religious convictions.

⁷ Singh, S. K. Human Rights in Pakistan. New Delhi: Pentagon Press, 2007.

⁸ Ali, P. S. Human Rights in Islam. Lahore: Aziz Publishers, 1980.



Even though these groups are recognized by law as religious minorities, social inclusion, resource access, and rights protection may present unique difficulties for each community. In Pakistan's socio-political environment, efforts to protect these communities' rights and advance inclusivity are still a source of concern.

QUAID-E-AZAM'S VISION:

After being elected as the Constituent Assembly's first president, Jinnah gave an amazing inaugural speech on August 11, 1947. This speech, which summarizes Pakistan's vision and essence, its constitutional framework, and the aspirations of its people, is considered to be among his most important. He also clearly outlined the Constituent Assembly's two main responsibilities: writing Pakistan's future constitution and serving as the country's independent federal legislature.

He maintained that maintaining law and order was the government's primary duty in order to protect people's lives, property, and religious beliefs. He named nepotism, jobbery, black marketing, corruption (which he called "a poison"), and bribery as the most pervasive social ills that needed to be eradicated. He called on Pakistan's Muslim majority and non-Muslim minority communities to work together, put their differences behind them, and prioritize the well-being of the country's poor and disadvantaged citizens. He declared that all people in Pakistan would have equal rights, privileges, and responsibilities regardless of their race, caste, or creed.

I can't stress this enough. We should start working in that spirit because eventually all of these divisions between the majority and minority groups, the Hindu and Muslim communities—among Muslims, there are Pathans, Punjabis, Sunnis, Shias, and so forth—will disappear. Similarly, among Hindus, there are Brahmans, Vashnavas, Khatris, Bengalees, Madrasis, and

so forth. Indeed, in my opinion, this has been the largest obstacle preventing India from achieving independence and freedom; if it weren't for it, we would have achieved freedom long ago. No force could have subjugated another country, much less a nation with 400 million people; no force could have taken you over and, even if it had, no force could have maintained its hold over you for very long if not for this. We therefore need to take this as a lesson.⁹

He continued by stating that everyone has the right to practice their religion freely.

In this state of Pakistan, you have complete freedom to visit any place of worship you choose, including mosques and temples. You are free to follow any religion, caste, or creed as long as it has no bearing on state affairs. ¹⁰

Now, I believe that should be our goal, and you will discover that eventually, Muslims will stop being Muslims and Hindus will stop being Hindus—not in the religious sense, as that is each person's personal belief—but in the political sense as state citizens. ¹¹

In his speech, Jinnah outlined his ideas for the Pakistani Constitution. First and foremost, it was about the freedom to practice any religion one pleases; second, it was about equality for all Pakistani citizens, regardless of caste, beliefs, or creed; third, it was about putting national progress ahead of political divisions based on language, ethnicity, religion, or sectarianism; and fourth, it was about making Pakistan a non-theocratic state where people's religious practices are private and personal.

OBJECTIVE RESOLUTION 1949:

The Constituent Assembly passed the Objectives Resolution, which addressed the "Aims and Objects of the Constitution," in March 1949, marking the first and most important step toward the creation of a constitution. This established the basic contours of the constitution and signaled the beginning of its framework. It was considered, by many, to be the most significant event in Pakistan's history, second only to the country's independence. The resolution and the discussions that followed are notable because they shed light on the political philosophy of the Pakistani government at the time and its main critics.

Certain aspects pertaining to minority rights are covered by the Objectives Resolution:

- 1. whereby the people's chosen representatives will wield the state's powers and authority;
- 2. Wherein the Islamic values of social justice, democracy, freedom, equality, and tolerance will all be strictly adhered to.

⁹ Quaid-e-Azam Mohammad Ali Jinnah, Speeches and Statements as Governor-General of Pakistan, 1947-48. Published by Government of Pakistan, Ministry of Information and Broadcasting, Directorate of Films & Publications, Islamabad, 1989, pp. 42 to 47.

¹⁰ Tahir, Huma, and Iffat Tahira. "Freedom of Religion and Status of Religious Minorities in Pakistan." *International Journal of Management Sciences and Business Research* 5.12 (2016).

¹¹ https://na.gov.pk/en/content.php?id=74

- 3. Under this framework, essential rights—including equal status, fair opportunities, and legal protection—are assured, alongside social, economic, and political equity. Additionally, freedoms such as speech, conscience, religion, and assembly are protected, within the boundaries of legal provisions and societal ethical standards.
- 4. Wherein sufficient measures will be taken to protect the rights of marginalized groups and the downtrodden and underprivileged classes.
- 5. Where the judiciary's independence is completely guaranteed.
- 6. In order for Pakistan's people to prosper, to achieve their just and respected place among the world's nations, and to fully contribute to global peace, advancement, and human happiness.¹² This document stresses that the people of Pakistan will choose the representative or head of state or government, upholding democratic principles; minorities will have equal rights in all spheres of life; adequate steps will be taken to safeguard their legitimate interests; and they will have the freedom to contribute to the advancement of their country.

Minority rights have evolved in accordance with Pakistani constitutions:

Pakistan's first constitution was adopted in 1956 and guaranteed basic rights to all of its citizens, irrespective of their faith. This constitution guaranteed the fundamental rights of all minorities living in Pakistan. Unfortunately, the constitution was repealed in 1958, which prompted the creation of a new one in 1962 that initially did not include fundamental rights. Nevertheless, subsequent constitutional amendments incorporated these rights. Regretfully, the existence of this constitution was brief. In 1973, a new constitution was drafted by the Assembly, which was chosen by the Pakistani people. All Pakistani citizens were given explicit guarantees of their fundamental rights under this constitution.

Nature of rights	Constitution of 1956 ¹³	Constitution of	Constitution of
		1962 ¹⁴	1973 ¹⁵
	(a) E1	41 41	a) Equitable access to
	(a) Equal protection under	a precedence over the	c) Equitable access to
(1) Fauglity rights	the law	law.	opportunities and
(1) Equality rights	(b) and equality before the		legal protection.
	law	B Parity with regard to	b) Equiparity
		places that are open to	concerning public
	c) Any lawfully qualified	the public.	area accessibility.
	citizen could be appointed		
	to a state position,		
	regardless of their place of		c)Equitable access to
	birth, gender, race, caste, or		chances
	religion.		

¹² Objective Resolution 23rd march 1949

¹³ Constitution of Pakistan 1956

¹⁴ Constitution of 1962

¹⁵ Constitution of Pakistan 1973

(1) Life and personal	a) The right to freedom and	The rights to individual	A) Personal safety.
freedom rights	life.	freedom and life and	B) Safety precautions
	b) There is no punishment	liberty (a)	for arrest and
	for the offense, which was	•	detention.
	lawful when it was	(b) Independence: i)	
	committed.	Protection against	C) The entitlement to
		backwards-applied	a fair trial.
	c) The capacity to submit	sanctions.	d) Protection from
	an application for a writ of	ii) The theory of arrest	retroactive fines.
	habeas corpus.	and detention.	e) Protection against
	r	iii) The idea of	double jeopardy and
		preventive detention.	self-incrimination.
		P	f) Human dignity's
			inviolability, etc.
			•
(1) Rights of	a) Freedom of	Freedom of expression,	a) The ability
Freedom.	expression,	meeting, organization,	to travel,
	association, and	movement, and religion	assemble,
	speech Occupation	Business, occupation,	associate,
	and nonviolent	etc.	trade,
	assembly.		
	b) The freedom of		Speech, and
	movement		business or
	all over Pakistan		profession.
	and to live		b)Expression
	anywhere in the		of freedom
	nation.		Religion and to
	c) Individuals		oversee places of
	possess the liberty		worship.
	of belief, along with		
	the entitlement to		Protection against
	follow, observe,		being taxed for any
	and share their		specific religion's
	religious		purposes.
	convictions,		c) Protection of
	provided these		educational
	actions align with		institutions with
	ethical standards		regard to religion,
	and community		etc.
	welfare.		

(2) Rights to property	d) The ability to attend any educational institution and the exemption from all taxes that could be used to further a religion other than one's own. a) The ability to freely acquire and discard property. b) No one could have their property taken away from them without receiving a suitable payout.	a) The ability to purchase property. b) Correct not to be Taken over. c) Compensation rights.	a) The ability to purchase, possess, and sell property in any area of Pakistan. b) A person's property cannot be taken from them forcibly unless
(3) Rights to culture		Cultural rights, etc.	the right to maintain one's culture, language, and script
(4) Social rights	a) Freedom from forced labour, slavery, servitude, torture, or inhumane, harsh treatment or penalty. Additionally, it was decided that the untouchability practice was illegal. b) Discrimination is prohibited on the grounds of sex, religion, caste, race, or place of birth.	Freedom from forced labor, slavery, and	

(5) Protection of fundamental rights		Right to Constitutional Remedies to protect Fundamental rights.	a) Freedom from forced labor and slavery.
safeguarding minorities	Safeguarding minorities The State is required to protect minorities' lawful rights and interests, including ensuring that they are fairly represented in the Federal and Provincial Services.		b) Access to schooling.

Minority protections under the Constitution:

Religious minority safeguards are important policies that preserve the liberties and rights of people who practice minority religions within the context of a broader society. Fundamental human rights include the assurance that religious minorities can freely practice their faith without fear of discrimination or persecution, equal opportunity, full participation in the social, political, and economic spheres of a society as well as protection from discrimination. Protections are necessary for the advancement of a society that respects and upholds a variety of religious views because religious minorities may experience difficulties such as social exclusion or limitations on their places of worship.

Article 9: Security of Person: Except as permitted by law, no one may be deprived of their life or liberty. 16

An important legal protection principle is emphasized in this article: no one's freedom or right to life should be violated unless doing so would be compliant with the law and legal processes. Essentially, it emphasizes the necessity of abiding by the law and due process, in cases where individuals face potential loss of freedom or life itself, society must uphold its duty to safeguard these essential rights through fair and lawful processes.

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¹⁶ Article 9 of Pakistan's Constitution 1973

¹⁷ Ouran surah Al- Maidah verse no 32

It is as if the person who takes a life for any reason other than a soul or for earthly corruption has taken the lives of all people.

Implementation:

The state's obligation to protect minorities' rights to life and security is emphasized in Article 9 of the Pakistani Constitution. Unfortunately, there hasn't been much movement toward implementing this provision to address issues that minorities confront. Wright reported on the recent incident that occurred in Jaranwala, 2023 ('Pakistan: Mob burns churches over blasphemy claims', August 17, 2023). August 17, 2023. Reached via the BBC.] Wherein a whole Christian community was destroyed by fire in Faisalabad. Regrettably, there have been occasions in the past when underprivileged communities have not received enough protection from our security systems. Such instances have occurred in the past, including the 2009 Jogra riots, ¹⁸ where chaos was caused by a few zealots. On September 16, 2019, Dr. Nimrita Kumari, a student at the Bibi Aseefa Dental College of the Shaheed Mohtarma Benazir Bhutto Medical University (SMBBMU) in Larkana city, and a member of the Hindu community, became involved in another tragic incident. When she died in her dorm room, it was initially assumed that she had taken her own life. But later, the autopsy report disclosed evidence of rape, and DNA from male sperm was found in her body ¹⁹.

Article 20 Freedom to profess religion and to manage religious institutions:

- a) Every citizen, subject to the law, public order, and morality, has the right to freely declare, practice, and propagate their religion.
- b) In addition, every religious denomination and all of its sub-denominations have the right to found, maintain, and run their own places of worship²⁰.

Religious liberty is one of the following: It says in the Quran, "May there be no coercion in matters of faith." The Sacred Book goes on to say, "See! Followers of the Jewish, Christian, and Sabean faiths as well as those who believe (in what is revealed to Muhammad) can be certain that their reward is with their Almighty Being and that they will never experience fear or grief if they behave morally and believe in Allah and the Last Day. ²¹"As necessary to a free society as life and liberty is the right of every individual to practice any religion in accordance with their own conscience, free from external interference or imposition. Nevertheless, there are three primary statutes that limit this entitlement.

Moral values and social harmony. If a religion is thought to be immoral—for example, if it promotes dirty behavior or causes social unrest—the legislature has the power to step in and

¹⁸ Christians killed in Pakistan riots, Al Jazeera English, 2009-08-01

¹⁹ "Pakistani Hindu medical student Nimrita was raped and killed, says the new post-mortem report". gulfnews.com. Retrieved 9 November 2019.

²⁰ Article 20 of Pakistan's Constitution 1973

²¹ The Holy Quran 2:62

control its expression, practice, and dissemination. The freedom of religion guarantees not only beliefs but also religious practices and customs, including worship styles and rituals²².

The claim that non-Muslims are not allowed to build mosque-like places of worship, call them mosques or Masjids, or recite the Izan or prayers in a way that is similar to that of Muslims is unsupported by any Quranic injunction, custom, or opinion held by religious authorities. Islam is a religion of tolerance and enlightenment, so Muslims and non-Muslims alike are free to freely embrace and practice their respective religions. The Holy Prophet's teachings on worshiping God are legitimate, and the Constitution safeguards religious freedom²³.

Implementation:

Security agencies' incapacity to apprehend the criminals is proof of their incompetence. Since Pakistan's founding, minorities have faced ongoing attacks on religious institutions and houses of worship, making it challenging for them to oversee these establishments and carry out their religious practices. An instructive example is the attack on the Ahmadiya group in Lahore in 2010. In two distinct residential neighborhoods, mosques belonging to the Ahmadi Muslim minority were targeted by gunmen who opened fire and threw grenades ["Deaths in Pakistan mosques raids". May 28, 2010, Al Jazeera English. Obtained on May 28, 2010. Nearly simultaneously, there were attacks on Darul Zikr in Garhi Shahu and Bait-al Noor. Because there was no security, the attackers had no trouble entering the mosques in Garhi Shahu and Lahore Model Town, which were 15 km apart²⁴.

The attackers in Garhi Shahu—among them, two possible suicide bombers—broke into the mosque with no resistance. Then they opened fire and threw grenades as they broke into the prayer halls. Two attackers used hand grenades and opened fire on worshippers during the assault in Model Town. The assailants killed without considering who they would kill or take hostages²⁵. The attackers had already entered the mosques when the Elite Police arrived, but they did not immediately begin an operation. After four hours of fighting, the two attackers in Garhi Shahu set themselves on fire. Every attack involved two militants.

Worshippers, including young Ahmadiyya Jammat (Khuddam) members, overpowered both attackers in Model Town, and they were taken prisoner alive. The second attacker was neutralized in the main hall of the ground floor by a worshipping ex-army officer, and the first attacker was taken prisoner on the first floor. Up to three thousand people were reportedly inside the mosque at the height of the attack. According to reports, this is the deadliest assault on Ahmadi Muslims in history.²⁶

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²² AIR 1962 S.C. 853.

²³ PLD 1978 Lah. 113

²⁴ "Lahore attacks leave over 80 dead". geo.tv. 28 May 2010. Archived from the original on 2010-05-31. Retrieved 2010-05-29.

²⁵ Waraich, Omar (May 29, 2010). "Worshippers slaughtered in deadly 'final warning". The Independent. Archived from the original on 31 May 2010. Retrieved 31 May 2010.

²⁶ Walsh, Declan. "Lahore mosque attacks leave 70 dead". The Guardian. Retrieved 7 October 2013

Article 21 protection against taxes imposed for religious reasons:

It is forbidden for anyone to be forced to pay a special tax whose proceeds are used to support or propagate a religion other than their own²⁷.

Defense against Religious-Specific Taxation: This defense only covers levies imposed expressly to promote a specific religion, and it prohibits the collection of such levies from members of other religious communities. Protection from taxes imposed for religious reasons under Article 21.

Implementation:

As per a report released by the Interior Ministry as a component of the National Action Plan (NAP), the government of Pakistan Muslim League Nawaz (PML-N) allocated Rs. 49.33 million on a yearly basis in 2014 to compensate the staff members of the 89 mosques under its jurisdiction. An additional Rs. 10.97 million was set aside to pay for their upkeep and utilities. This demonstrates how tax dollars supporting a particular religion could be seen as a violation of someone's fundamental rights by the government²⁸.

Article 22: Religious and other safety precautions for educational institutions

- (1) If religious ceremonies, religious instruction, or religious worship are associated with a religion other than the student's own, no student in any educational institution may be forced to take part in those activities.
- (2) When it comes to tax breaks or other concessions related to religious institutions, no community may be subjected to discrimination.
- (3) In accordance with the law
- (a) No citizen may be denied admission to any government-funded educational institution on the basis of their ethnicity, religion, caste, or place of birth.
- (b) It is not illegal for any religious group or denomination to prohibit its adherents from providing religious education to pupils in any school that is fully controlled by that group or denomination.
- (4)This article does not preclude any public authority from providing assistance to citizens from underprivileged social or educational backgrounds in their endeavors for advancement.29

The safety of religion in educational institutions is covered by the Constitution. Every religious community has a constitutional right to offer its members religious instruction inside its educational institutions under two conditions:

1. The community in question provides all of the institution's funding.

²⁷ Article 21 of Pakistan's Constitution 1973

²⁸ Report by Khawar Ghumman published in Dawn on december 7,2015

2. Students from various communities enrolled in the institution are not required to follow religious teachings, take part in religious rituals, or attend religious services associated with a religion other than their own.

Implementation:

For instance, Christian students may receive religious instruction in Christianity if the school receives all of its funding from the Christian community. Muslim students, however, cannot be forced to attend these kinds of classes. However, the school is allowed to teach Muslim students about their own faith. An educational institution cannot deny admission to a student on the basis of that student's race, religion, caste, or place of birth if the institution receives financial aid from public funds. On the other hand, it might limit admission based on additional requirements like merit or residency²⁹.

Christian students are permitted to receive religious instruction in Christianity if the school receives all of its funding from the Christian community. Muslims, however, cannot be made to attend these classes against their will. Nonetheless, the school is allowed to teach Muslim students about their own faith. An educational institution cannot deny admission to a student on the basis of that student's race, religion, caste, or place of birth if the institution receives financial aid from public funds. But it might also put limitations on admission because of other things, like merit or place of residence³⁰.

Regretfully, this article occasionally breaks as well. For instance, it is reported that four Ahmadi students in the Attock district of Punjab were expelled from their school for revealing their religious beliefs. One student's relative, Tahir Khan, claimed that the students' expulsion was only because they were Ahmadiyya members. Khan claimed that one of the students had endured years of harassment from a fellow student. Khan claims that the school's principal, Kulsoom Awan, made the decision to take action as a result of some parents' persistent demands for the students' expulsion. Khan also produced a document about the expulsion in which it was stated that the students' affiliation with the Qadianiat Religion was the reason they were kicked out of the institute.

According to the document, the university decided it would be unfeasible for them to finish their education.³¹

25 Citizenship equality:

- (1)Every citizen is equal before the law and has a right to equal protection under it.
- (2) Prejudice based on a person's gender is forbidden.
- (3) Nothing in this Article prohibits the State from enacting unique legislation to safeguard women and children.34

30 PLD 1990 S.C. 295.

²⁹PLD 1965 Lah. 275

³¹ The Friday Times published news September 23, 2022

The Holy Quran emphasizes the importance of fairness in judgment, stating: 'When deciding matters among people, do so with complete justice."

"Acting with fairness in all matters aligns most closely with one's moral obligations". 32

"Humanity stands equal before God, like identical bristles on a hairbrush. Divine eyes make no distinction between skin tones or ethnic backgrounds ³³"

The principle of equal legal protection requires that all persons in similar situations receive identical treatment under the law, whether in granting rights or assigning responsibilities ³⁴ yet when putting these concepts into practice, courts have repeatedly recognized that categorizing individuals necessarily requires consideration of fundamentally different characteristics.

It was determined that the admission policy, which governed admission to educational institutions, did not violate the Pakistani Constitution's Articles 22(4) and 25 and was not arbitrary or capricious. The policy acknowledges that the constitutionally mandated principles of "equality of citizens" and "equal protection of law" do not necessitate that every subject have the same rights and obligations or that all laws be applied consistently to every subject. This interpretation holds that an individual's rights as a human being are unaffected by factors such as race, religion, social or official status, economic status, place of birth, or place of residence. It also emphasizes how equally the country's general laws govern each and every citizen. "Equal protection of law" ensures that no person or group of people should be denied access to the same legal protections that people in similar circumstances enjoy. This point of view was brought to light in the case of 35.

Implementation:

Despite the fact that minorities are guaranteed certain rights by the constitution, some state governments have actually placed minorities in lower positions within specific services, thereby establishing an unofficial class system. Government job postings on major news outlets give the impression that only minorities are qualified for jobs like gutter cleaners, sanitary workers, and sweepers—positions that involve dangerous situations³⁶.

By clearly stating that only a Muslim can be president, Article 41 appears to undermine the equality of citizens. This is not in line with Quaid's plan to make Pakistan a secular state. He said in his speech that the country would adopt a secular ethic. "You may belong to any religion or caste or creed-that has nothing to do with the business of the state" He insisted time and again that the state would have no affiliation with any one religion. The Objective Resolution

³²Quran Pak Surah Al-Nisa verse. 4:58

³³ Hadith of Holy Prophet (P.B.U.H.)

³⁴PLD 1965 (W.P) Lah. 272.

³⁵ PLD 1989 Quetta 8

³⁶ NCHR fact finding Report published in May 2022

³⁷ https://na.gov.pk/en/content.php?id

is now a part of the constitution, and many legislators use it as evidence to claim that it defines the religious identity of the state. They must, however, take into consideration the fact that Quaid's vision came before the Objective Resolution.

Ser	Name of Post		energetic candidates for the College:-		
a.	Lecturer English (CPS-17)	Age Limit 25 to 35 years	a.MA / M.Sc (at least 1st Division) in relevan		
b.	Lecturer Urdu (CPS-17)	subject from recognized universit			
C.	Lecturer Chemistry (CPS-17)	1	least 3 years of relevant experience. b.B.Ed, M.Ed		
d.	Lecturer Physics (CPS-17)	1	D.D.Ed, M.Ed		
e.	Lecturer Biology (CPS-17)				
1.	Lecturer Maths (CPS-17)	1			
g.	Lecturer Pak Study (CPS-17)	1			
h.	Lecturer Islamiyat (CPS-17)	1			
i.	Lecturer Computer Cum IT Incharge (CPS-17)	25 to 35 years	a.Master's Degree in IT, Computer Sci Software Engineering, Information Technolo b. Technical Qualification / Experience. (1) GCNA (Cisco Certificate). (2) MCSE (Microsoft Certificate). (3) Software development tools.		
j.	Bursar (CPS-17)	30 to 45 years	M.Com/MBA (Finance) from a recognize University with at least 7 years of relevence.		
k.	Psychologist (Male / Female) CPS-17	25 to 35 years	M.Sc / Higher degree in psychology fr recognized university with at least 3 years relevant experience.		
I.	Drill and PT Instructors (CPS-12)	25 to 45 years	Retired Armed Forces Personnel with requisit qualifications / Course from PMA / ASP1 Regimental Centers.		
m.	Lab Assistant (Phy, Bio & Chem) CPS-7	25 to 35 years	Intermediate from a recognized board.		
n.	Nursing Assistant (CPS-6)	35 to 50 years	Retired Armed Forces Personnel of Arm Medical Corps with requisite experience.		
0.	Mess Assistant Supervisor (CPS-5)	35 to 50 years	Retired JCO/NCO from Armed Forces wit requisite experience.		
p.	Drivers (CPS-5)	21 to 40 years	 a. Retired from Pakistan Army. b. Must have LTV / HTV license with at leafive years relevant experience. 		
q.	Mess Cook (CPS-3)	25 to 35 years	Literate with five years of relevant experience		
r.	Security Supervisor (CPS-5)	45 to 50 years	Retired JCO from Fighting Army		
s.	Security Guard (CPS-2)	35 to 45 years	Retired Army Personnel (Fighting Army only)		
t.	Sweeper (CPS - 2)	21 to 30 years	Non Muslim		

- Principal reserves the right to reject any application without assigning reasons.
 Applicants should forward their CV's along with attested copies of degrees / certificates and a passport size photograph on the under mentioned address or e-mail at KSKCCS@gmail.com
- Applications along with CV must reach latest by 31 August 2021.
 Only serious applicants should apply for the posts.

Principal karnal Sher Khan Cadet College, Ismaila Swabi Tel: 0938-430535, Email. kskccs@gmail.com, website: www.kskccs.edu.pk

³⁸ DAWN Aug15,2021

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³⁹ Daily Express June 01,2020



27: Protection against discrimination in services:

No citizen who is otherwise eligible for employment in Pakistani government services will face discrimination in that regard based solely on factors such as race, religion, caste, sex, place of residence, or place of birth.⁴¹

Implementation:

There have been numerous cases of constitutional rights being restricted in Pakistan. Dr. Atif Mian's expulsion from the Economic Advisory Council (EAC) is one prominent example. The

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⁴⁰ DAWN News January 01,2019

⁴¹ Article 27 of Pakistan's constitution 1973

only reason he had to withdraw his nomination, despite being a globally recognized economist, was because he was an Ahmadi.

Pakistan's atmosphere has changed over time from praising the achievements of minority communities to subjecting people to targeted discrimination because of their beliefs, which frequently results in horrific acts of vigilantism. This harmful trend has not only crept into the mainstream of politics but also into the religious community. A case in point involves sixteen senators who endorsed the legislative notice challenging Dr. Mian's nomination, most of whom represent secular political affiliations ⁴².

This move might generously be interpreted as appealing to popular sentiment, while a more critical view might interpret it as symptomatic of increasing resistance to minority representation in leadership roles. To its credit, the administration has consistently emphasized that individual convictions should not influence policy-making or bureaucratic processes.

In a nation whose founding document explicitly protects freedom of belief, any form of bias toward religious minorities should be unacceptable. Upholding these fundamental rights and safeguarding every individual's dignity—irrespective of faith—is essential to building a fair and unified society.

Article 35: Family protection, etc.

The state is required to defend marriage, families, mothers, and children.⁴³

Implementation:

Minorities' representation in state services and the percentage of minority populations are expected to decline as a result of the coercive practice of forcing them into conversion.

For instances:

A terrifying ordeal ensued when a 15-year-old Hindu girl was abducted from her home in the Benazirabad district of Sindh. The perpetrators, who included her tutor, are accused of forcing her to marry a Muslim and to convert to Islam.

The horrifying incident happened as the mother of the victim witnessed her tutor and accomplices grabbing her at gunpoint. In the police report that her father filed, it is stated that nine armed men abducted Kumari, an eighth-grade student, and took cash and gold jewelry worth RS 1lac from her home.

After the Sindh police acted quickly and managed to save Kumari, she was taken before the judge and declared that she wanted to be with her family again. Her family was therefore duly granted custody, guaranteeing that she would be going back to a safe and nurturing environment.

Article 36: Minority Protection

The State is required to protect minorities' lawful rights and interests, including ensuring that they are fairly represented in federal and provincial services.⁴⁴

⁴² Dawn editorial published on September 06,2018

⁴³ Article 35 of Pakistan's Constitution 1973

⁴⁴ Article 36 of Pakistan's constitution 1973

Non-Muslims face deep-rooted insecurities in many societies that have a negative impact on many facets of their lives. In addition to the fundamental right to freely profess their religion, these challenges include defending their religious institutions, leading the lifestyle they have chosen, and preserving their faith. Members of minority religious communities face a complex web of difficulties that force them to balance expressing their beliefs with preserving their way of life, all the while feeling exposed to the forces of society.

Ensuring that everyone can live happy and safe lives, regardless of their religious affiliations, and fostering a more accepting and tolerant society require addressing and reducing these fears.

For example:

1 Dacoits are said to have used rocket launchers in a violent attack on a Hindu place of worship in Kashmore, Sindh. The aggressors escalated their violence to the Hindu community's surrounding homes under the Ghouspur police station's jurisdiction. After a spate of random gunshots, Local authorities rapidly deployed a specialized police team led by SSP Irfan Sammo of Kashmore-Kandhkot district in response to the event. According to law enforcement reports, armed assailants employed anti-tank weapons in their assault on the religious building. By chance, the structure was unoccupied at the time of the offensive as it was not in use⁴⁵.

For example, 2:

The police official revealed that during the attack, the dacoits used rocket launchers to target the house of worship. Luckily, the house of worship was closed at the time of the attack. A string of unfounded accusations of blasphemy served as the impetus for this violent outburst, which clouded the innocent victims in unfairness. It is noteworthy that the incident originated in Sweden, but its consequences were unsettling and spread throughout Pakistan. This made it clear how urgent it is to address the issues surrounding religious sensitivities and the need for harmony in diverse communities.⁴⁶

The Pakistani Constitution protects minorities' rights and interests in all areas of life and designates the government as the guardian of their welfare. But during the previous 20 years, a number of things have happened that have painted a very different picture of the situation for non-Muslims in Pakistan. Unfortunately, the government has failed to adequately protect the minority communities, and they have become the target of attacks by radicalized militant groups. This has cast doubt on non-Muslims' safety inside the state and created a tangible sense of insecurity among them.

Conclusion:

To sum up, it is critical to emphasize that the protection and advancement of minority rights in Pakistan is a moral imperative that goes beyond legal requirements and is essential to establishing a society that is both truly inclusive and harmonious. Pakistan's social fabric is rich because of the variety of social, religious, and cultural identities that coexist within its

⁴⁵ DAWN news report by Imtiaz Ali published July ,17,2023

⁴⁶ DAWN news report by Kalbe Ali published August, 17, 2023

boundaries. It is not only a sign of justice to acknowledge and celebrate this diversity; it is also essential to maintaining the values of equality and justice.

In order to guarantee the actual welfare of minorities, a strong dedication to strong legal frameworks is essential. These kinds of frameworks need to be actively put into practice and upheld, not just exist on paper. In order to close the gap between the legal framework and the day-to-day experiences of minority communities, it is necessary to establish mechanisms that ensure the protection of minority rights. In the absence of efficient execution, legal protections might just end up being empty words.

It is crucial to promote a culture of tolerance, understanding, and open communication in addition to taking legal action. It is easier to create an atmosphere where differences are not just accepted but celebrated in a society that celebrates diversity and actively promotes dialogue between various communities. Efforts to raise awareness and educate the public can be crucial in eradicating myths and stereotypes and promoting respect for one another among the various facets of society.

Essentially, Pakistan can create a more prosperous, equitable, and united future for all of its citizens by actively recognizing, defending, and upholding the rights of minorities. By utilizing the combined strength of its diverse communities, Celebrating pluralism strengthens both fundamental principles of fairness and a nation's progress. For Pakistan's continued growth, protecting vulnerable communities' rights transforms from being merely an ethical obligation into a strategic foundation for national resilience.