

RELIGIOUS MINORITIES RIGHTS: MYTH AND REALITIES

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Abstract

The Constitution of Islamic Republic of Pakistan 1973 defines the state of Pakistan as an “Islamic State”. It is a Muslim majority State where living several religious minorities as the equal citizens of Pakistan. Constitution of Pakistan 1973 gives equal opportunities to all citizens irrespective of their casts, creeds, beliefs, status, religion, language, tribe and gender. This constitution also gives the equal respect and tolerance for all religious communities of Pakistan. This paper examines the constitutional status of religious minorities in Pakistan according to the constitution of 1973. This constitution not only provides a general picture of major religious Minorities of Pakistan the Christians, Hindus and the Sikhs. The paper also explains the constitutional challenges and hurdles which religious minorities of Pakistan are facing.

1.Introduction

Islam is a divine religion and state of Pakistan was created on the name of Islam. The state of Pakistan is given the name as Islamic Republic of Pakistan (Pakistan of constitution 1973, Article 1) In this state not only Muslims are living but non-Muslims are living as well. These non-Muslims are called minorities. They are living

here according to their own customs and norms. Although it is very clearly mentioned in the Article 2 of constitution of Pakistan that Islam shall be the state religion of Pakistan. Being a divine religion Islam gave rights to minorities as well in all the walks of life.

As it is described in article 3 of the constitution of Pakistan.

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As Islam give stress on fortification of the religious subgroups, consequently the Constitution of Pakistan 1973, like the Constitution of Pakistan 1956 and 1962, offers not only the fundamental rights as a citizen to the non-Muslims in Pakistan but also guarantees minorities' rights. In this way, the religious minorities, in the Constitution of Pakistan have dual rights. Founder of Pakistan Muhammad Ali Jinnah laid a great stress on the rights of minorities. Mr. Jinnah himself gave the guarantee to minorities to live in the state according to their norms. He assured all of the non-Muslims to live in Pakistan liberally according to their own beliefs. He, along with all other safeguards, also assured to the Hindus to go to the place of worship without restrictions to worship as per their customs. But it is important to mention that it is the basic obligation of every citizen to follow the law of the state (Constitution of Pakistan 1973, Article 5).

2. Rights of Religious Minorities in Islam

2.1. The Holy Prophet (Peace Be Upon Him) said that he would sponsor the minority members at the Day of Judgment if someone (any Muslim) terrorized them or seized their rights or hurt them. The saying of Prophet Muhammad Peace be Upon him that how much minorities rights have protection in an Islamic state. This is not mere threat but was principal as a law in the Islamic state throughout the Holy Prophet's (Peace Be Upon Him) life. This practice remained in progress even after

His (PBUH) and because Pakistan was established on the basis of Islam so it has been said in the constitution of Pakistan that all the minorities have all the rights to live in a Islamic state keeping in mind the boundaries of the state in which they are living. History of Islam is full with the examples when justice was carried out in favor of non-Muslim against a Muslim. It is narrated in a famous hadith book named Ibn-e-Abi Haatim that once a Muslim killed a non-Muslim the Holy Prophet (PBUH) gave the order to kill the Muslim for the sake of justice. This shows that minorities have equal rights in an Islamic state. Because in Islam everyone is equal and this spirit also depicts in the constitution of Pakistan (constitution of Pakistan 1973, Article 4). Being an Islamic state security of a person is guaranteed in the constitution (constitution of Pakistan 1973, Article 9). once Holy Prophet Muhammad Peace Be Upon Him in his address in which he (PBUH) was telling about the rights of minorities which is narrated in a famous Hadith book that in an Islamic state, the murderer of a person belonging to religious minority will never be able to smell fragrance of the heaven, while fragrance of the heaven is smelt at a travelling distance of forty years. So the Day of Judgment a person who have killed someone who belongs to minorities that murderer will never go to paradise. Holy Prophet said that it is not only a murder but a great sin as well. Such a murderer will be kept far away from the heaven and the Holy Prophet (Peace Be upon Him) will deal the case himself at the Day of

Judgment before Allah Almighty.

Whenever any group of non-Muslims comes to meet Prophet Muhammad (PBUH) he (PBUH) himself tries to serve them. One a delegation of Christians came from Habsha, Holy Prophet (PBUH) make an arrangement of their stay in Masjid-e-Nabvi and he (Peace Be Upon Him) took charge of their house-keeping himself. Once a delegation of 14 members of the Christians of Nijran, came to Medina. They also were quartered in Masjid-e-Nabvi and the Christians of the delegation were allowed to perform prayer according to their faith. So those Christians used to perform prayers at a side in Masjid-e-Nabvi in the direction of the East (Tabqaat ul Kubra, 1:35).

Imam Abu Yousef*, in his famous book "*Kitab al Khiraj*" (187) writes that during period of the Prophet and Khilafat e Rashida, Penal and Civil both Laws provided equal status to the Muslims and the non-Muslim minorities. Hazrat Ali said that the non-Muslims' blood amongst his subjects is equal to the Muslims (Al Kubra, 8:34). He laid stress that their property must be protected as of the Muslims' property (Almughani, 9:289). In an Islamic state, a non-Muslim is fully authorized to lead his private life freely. It is mentioned that nobody is allowed to enter others' homes without permission (Surah Al-Noor, 24:27-28). Same right is given to a non-Muslim in the Islamic society (Constitution of Pakistan , Article 9).

Minorities cannot be forced to accept

Islam. In the Holy Quran, Allah Almighty strictly forbids the force conversion. The Holy Prophet (Peace Be Upon Him) is directed by Allah to preach the people with wise and nice pieces of advice so that they may adopt right direction to God (Al-Nuhal, 16:125). The dogmatic policy of Islam is to let the non-Muslims free to profess their religion. An Islamic state should not interfere in their faith and religious activities rather it is duty of the state to set their personal laws according to their faith and religion. Islamic law will not be implemented on the non-Muslims. It is also duty of the state to render respect and protection to their religious places. They are free to perform their religious activities within their boundaries. They are bound to respect the Islamic customs and supposed not to interfere in the Islamic rule.

In respect of the occupation, the non-Muslims in an Islamic state are free to adopt any type of occupation like that of the Muslims (Constitution of Pakistan 1973, Article 18). The Muslims are neither forbidden to employ them on wages nor to be employee to them. Not even a single indication is found in Islam to keep away the non-Muslims on the basis of the profession. In business they are bound to pay taxes as the Muslims pay. But they will not pay any special Tax (Constitution of Pakistan 1973, Article 21). As the Islamic Bait tul Maal is responsible to pledge a distressed, disabled, old aged poor citizen, similarly it is also responsible to pledge a non-Muslim distressed, disabled, old aged poor citizen. Such deeds

of kindness by the Muslims water the plants of love in the hearts of the Non-Muslims; these conducts make a man great in front of Allah because all of His creatures are dear to Him. The deeds of virtue never go unrewarded. The Holy Quran, the Holy Prophet (Peace Be Upon Him) and the four Caliphs, all threw light on rights of the religious minorities. They left teachings and set examples to provide respect and protection to the minorities' rights. This is the reason that after passing hundreds of years, the non-Muslims in an Islamic state are loved and cared. They are considered part and parcel of the state. Their rights are safeguarded by including in the constitutions as well. Since the birth of Pakistan, her religious minorities are being rendered rights. Whenever the Constitution of Pakistan is framed, religious minorities are not ignored. Being a citizen, they are made part and parcel of every policy. The Fundamental Rights, as adopted by the first Constituent Assembly, included familiar liberties such as equality of status, of opportunity and before law; social, economic and political justice; and freedom of thought, expression, belief, faith, worship and association. Fundamental Rights were guaranteed to Muslim as well as to non-Muslim citizens, without any discrimination or distinction. No concept of 'second class citizens' could be found in the list of these rights which were to be enforced by the law courts.

3. The Quaid and Minorities' Rights

Beneficent of the nation, Muhammad Ali

Jinnah is guardian of the minorities in Pakistan. He always laid stress on rights of the minorities. He was a lot conscious for their protection. He focused on the point that the religious minorities should not be considered a separate entity rather they should be treated as equal citizens and Pakistani only. They are detachable part of the nation. He assured the minorities that they are fully protected in Pakistan for their faith, religion, property, life, culture etc.

He further assured that they are equal citizens of Pakistan without any discrimination on the basis of religion or caste. On February, 1948 through broadcast talk to the masses of the America on Pakistan, Mr. Jinnah addressed:

"In any case Pakistan is not going to be a theocratic State to be ruled by priests with a divine mission. We have many non-Muslims --Hindus, Christians, and Parsis --but they are all Pakistanis. They will enjoy the same rights and privileges as any other citizens and will play their rightful part in the affairs of Pakistan."

The Quaid, Muhammad Ali Jinnah rendered freedom of worship to the Hindus and all other religious minorities in Pakistan. They may attend their worship places freely according to their respective religions. On August 11, 1947 during his Presidential address to the Constituent Assembly of Pakistan, Mr. 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 this State of Pakistan. You may belong to any religion, caste or creed --that has nothing to do with the business of the State”

4. The Constitution of Pakistan, 1973

The Constitution of Pakistan, 1973 was passed by the National Assembly on April 10, 1973. This Constitution was authenticated for publication by the President of Assembly on April 12, 1973. It reserves fundamental rights of the religious minorities. Hindus are the largest religious minority in Pakistan. Their rights are safeguarded by the Constitution. In Preamble, it is added:

“Wherein adequate provisions shall be made for the minorities freely to profess and practice their religions and develop their cultures;”

“Wherein adequate provision shall be made to safeguard the legitimate interests of minorities and backward and depressed classes;”

Analysis

The Preamble of 1973 Constitution is actually an Objectives Resolution passed by the first Constitutional Assembly of Pakistan in 1949 which was inserted as preamble of the Constitution 1956 and 1962. It provides safeguards regarding religion and the law to the Hindus in Pakistan. Their legal interests are fully protected Under the Objectives Resolution.

This is done to render an honorable position to the Hindus and all other religious minorities in Pakistan. This enables them to promote national integrity. Thus they can attain prosperous and independent lives in their homeland. Such type of elements props up minorities’ spirit to lend their hands in the progress and development of their own Pakistan. It up holds their fortitude to be a Pakistani and part and parcel of Pakistan.

4.1. Articles of Constitution, 1973, related to the Rights of the Hindu Community in Pakistan:

Following are the Articles of Constitution, 1973 which provide constitutional fundamental safeguards to the Hindu Community in Pakistan:

4.1.1. The Objectives Resolution and Minority Rights

Article 2-A of the Constitution of Pakistan 1973 deals with minorities’ rights and religious freedom (Constitution of Pakistan 1973, Article 2-A). First Constituent Assembly of Pakistan passed a Resolution in March 1949 called Objectives Resolution. The same was made preamble of 1956 Constitution. This was also adopted by the Constitution of Pakistan 1962. It was again added in the interim Constitution 1972 and the present Constitution 1973. On several occasions in the superior Courts of Pakistan, the Objectives Resolution has been discussed. According to Article 2-A, the Hindu citizens of Pakistan are free to live in as

per their religion. They can worship in the temples freely and celebrate their festivals in Pakistan. This is why Government of Pakistan provides them fool proof security at their special religious occasions. They celebrate their festivals openly. The police personnel are deputed for their security during the functions and celebrations. Even official high ups of the administration also participate in their celebrations to share their pleasures. They also wish and encourage them on occasion of their happiness. Media of Pakistan also broadcast the coverage of the festivals. Whole of the nation enjoy Hindu festivals by watching on Television or in the newspapers. The Muslims, Christians and all other Pakistani communities also wish the events to their Hindu friends and colleagues when they watch or read news of the event. This is a good sign of the national integrity.

4.1.2. Religious Freedom

Article 20 of the Constitution of Pakistan 1973 deals with religious freedom of the non-Muslims in Pakistan (Constitution of Pakistan 1973, Article 20).

Analysis:

According to this Article, every citizen belonging to the Hindu community in Pakistan has his constitutional right to declare himself a Hindu anywhere. He is free to confess his religion. There is no any restriction for any Hindu to worship in the temples or at their homes. They are free to perform their religious activities according to their rituals. They are also free to preach

and educate their community, religiously. No one is authorized to prevent them to propagate their religion. But they are bound to observe three important restrictions namely Laws, 'Public Order' and Morality. Although, no religion in the world preaches immorality yet any activity in the name of religion is found immoral, as, for instance, where it allows indecent exposures of human body or its practice leads to public disorder, the Legislature may step to regulate its profession, practice and propagation. They have right to establish their religious institutions like temples, Gurukuls, Path-Shalaas, Aashrams etc. Mostly, temples are constructed in a specific style having hexagonal or octagonal domes. In Lahore, the Hindu community celebrates its religious festival freely. The government of the Punjab provides them security. Official high ups also participate in their functions on their invitation. The community is also facilitated by Evacuee Trust Property Board at Krishna Mandir on the occasion of the festivals. On bank of the Ravi River, even till 1980s, the Hindus have been celebrating their festivals like Basant Panchamai, Besakhi mela etc. They also had a Shamsan Ghaat there at Gao-Shala. They had been cremating the dead bodies there independently.

4.1.3. Safeguards against taxation

Article 21 of the Constitution of Pakistan 1973 deals with safeguards against taxation for purposes of any particular religion and says,

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

4.1.4. Safeguards as to religious educational institutions

Article 22 of the Constitution of Pakistan 1973 deals with safeguards as to religious educational institutions (Constitution of Pakistan 1973, Article 22).

Analysis:

Pakistani Hindu Community has a Constitutional right to establish its educational institutions and provide for its members religious instructions in these institutions, provided:

- the Institution is wholly maintained by the Community; and
- no pupil belonging to different Community and attending such an Institution is required to receive religious instructions or take part in religious ceremony or attend any religious worship (*Puja-Paath*).

If, for instance, an Institution is wholly maintained by the Hindu Community, it may provide religious education in Hinduism for its own education. The Institution may, however, make provision for education of Muslim pupils in their own religion i.e. Islam. If an educational Institution receives aid from public revenues, it cannot refuse admission to a student merely on the ground of his race, religion, caste or place of birth. It may, however, regulate the admission on the

ground of other factors, for instance, merits or residence. In some areas of Pakistan, the Hindus have to face problem in admissions especially in remote and backward areas. For example, in the year 2012, in District Layyah (Punjab), Bakhtu Ram and family faced problem for their children’s education in context to socio-religion aspects. The teachers’ behavior with the Hindu students at school was peculiar. At Government School Chak No. 162/TDA, District Layyah the teacher forced them to change names of their children from Hindi to Islamic names. When the Hindu leaders approached EDO (Education), he took steps and said to the school teacher to stop such malpractice. Members of the said Hindu family were so depressed and scared by the behavior that they discontinued education of their children.

4.1.5. Safeguard against discrimination in services

Article 27 of the Constitution of Pakistan 1973 deals with Safeguard against discrimination in services. (Constitution of Pakistan 1973, Article 27).

Analysis:

This Article of Constitution of Pakistan 1973 provides protection in services to a Pakistani citizen belonging to Hindu Community. If a citizen is otherwise qualified for appointment in the service of Pakistan, he / she cannot be refused appointment merely on the ground of his race, religion, caste, sex, residence, or place of birth. But it is necessary for the

appointing authority to specify qualifications and all other criteria prescribed by the service rules for recruitment to the Government service and formulate conditions for recruitment. It is generally observed that the Hindus in Pakistan compete the other candidates either on open merit or minority quota i.e. 5%. They are selected for services. There are many examples in Pakistan which show that the Hindu candidates are working in Government services as officials or officers. They have not only been selected in minority quota but also on open merit. For example, in the year 2016, during recruitment of the Pharmacists (BS-17) in health department, Government of the Punjab, a resident of Rahim Yar Khan Mr. Punu Ram s/o Moda Ram has been selected through Punjab Public Service Commission on open merit and Mr. Imran Akhtar s/o Pervez Akhtar from Bahawalpur on minority quota. Both of the officers have been selected in the same list. They are Pakistani Hindus and performing their assignments respectfully at their places of posting. Mr. Ameet Kumar, a local Hindu of Lahore was selected as Junior Executive in September, 2015 in National Database & Registration Authority (NDRA). The official was selected against the minority quota.

41.6. Preservation of language, script and culture

Article 28 of the Constitution of Pakistan 1973 deals with preservation of language, script and culture (Constitution of Pakistan, Article 28).

Analysis:

As per article 251 (1), although the national language is Urdu yet every citizen in the country is free to use any language. No one makes others bound only to Urdu or some other language. The constitution of Pakistan 1973 also provides protection to the Hindus to adopt Hindi, Sindhi, Punjabi, Gujrati or any other language. They can speak in any language according to their culture. Even they have right to promote their culture too. They are fully authorized to establish their own institutions to promote their language, script or culture. Presently, in Pakistan the Hindus residing in different areas have different mother tongues and cultures. In Lahore, the local Hindus speak in Punjabi, people migrated from Sind speak in Sindhi and people settled herein from South Punjab use Urdu or Siraiki. Similarly, citizens migrated from Balochistan and other parts of the country use their own languages and live in according to their cultures. In spite of this diversity, they all render importance, respect and regard to their national language Urdu and national culture. They always perform all of their activities while keeping the Islamic values in mind. For example, when Azaan rings, they stop their musical instruments even being played during the *Puja* (prayer). They consider it their moral duty to do so.

4.1.7. Protection of minorities

Article 36 of the Constitution of Pakistan 1973 deals with protection of minorities (Constitution of Pakistan 1973, Article

36).

Analysis:

This article of the constitution provides protection to the legitimate rights and interests of the minorities regarding their representation and participation in different aspects of life in their homeland Pakistan. Those are mainly:

Administration of Social, Economic and Political Justice

Local Council Elections---Protection to minorities

General Elections--- Protection to minorities

The main focus of the objectives of Fundamental Rights given in the Constitution is on administration of Social, Economic and Political Justice. Article 36 has made duty of the state to protect legitimate rights of the Hindus by ensuring their representation in the Federal and Provincial Services. Their representation in the said services is necessary for the national integration.

Qualification prescribed for candidates for the Local Council Elections are not restricted to the Muslims alone and those are general and while requiring adequate knowledge of Islam from the Muslim candidates the same has created exception for non-Muslim as in S. 14(d) of Punjab Local Government elections Ordinance, 2000, which is to the effect that provided that these qualifications shall not apply to a person who is a non-Muslim, but such a person shall have a good reputation.

Provision primarily is aimed at safeguarding the interests of minorities in a Muslim majority country, because otherwise they might not get a chance to be selected. Such provision of law did not mean that a non-Muslim could not contest for other seats which had not been specified in law as Muslim seats. Such being measure cannot be interpreted the disadvantage of the non-Muslims. Legislative intent is reflective of the constitutional safeguards provided to the minorities in Article 36 of the Constitution.

These days, in local and general elections, minority members are not elected, rather they are selected. This practice causes deprivation of the religious minorities. Influential people are selected without consent of the general masses or citizens belonging to the religious minority in Pakistan. As they are not selected as MPA, MNA or members in the Local Government bodies, they do not have coordination with the community for votes during the election campaign. Therefore, after selection, they have neither proper communication with the community nor bother to pay full attention to interests of their community. Though minority members have representation in National Assemblies and Local Governments but the mode of their entrance in the government is not suitable. They must be elected through voting system and the religious minorities must have right of dual vote i.e. right to cast vote to the Muslim candidates too. The right of dual vote provides them to be facilitated by the

nearby elected members. As there is only one Hindu MPA in the Punjab Assembly, so it is difficult for the Hindus of the whole Punjab to have coordination with him. Therefore they may approach member of their locality easily. It is also generally observed that they are refused by the Muslim members and asked to approach their minority members. In observation of such circumstances, it is necessary to provide dual right of the vote to the minorities.

4.1.8. Promotion of social justice and eradication of social evils

Article 37 of the Constitution of Pakistan 1973 deals with Promotion of social justice and eradication of social evils and says,

“The State shall:

- h) Prevent the consumption of alcoholic liquor otherwise than for medicinal and, in the case of non-Muslims, religious purposes;”**

Analysis:

The constitution of Pakistan permits the non-Muslims to use alcoholic liquors if they are advised by a physician in case of the life threat. All kinds of narcotics and alcoholic liquors are strictly prohibited in Hinduism. It is considered a great sin which drags the humans towards hell. In Bhagwatam Puran (Canto-1, Chapter 17, text 38 & 41), it is commanded to avoid from the use of alcoholic liquor.

“Suut Goswami said: Maharaja Prikshit, thus being petitioned by the personality of

Kal Yug (Age of sinful activities), gave him permission to reside in places where gambling, drinking, prostitution and animal slaughter were performed.” Shrimad Bhagvatam (Canto-1, Chapter 17, text 38).

Abhay Charan Bhaktivedant Swami Prabhupada, a great scholar and spiritual master writes in purport of the above said text “it is duty of the all executive heads of states to see that the principles of religion, namely austerity, cleanliness, mercy and truthfulness, are established in the state, and that the principles of irreligion, namely pride, illicit female association or prostitution, intoxication and falsity, are checked by all means.” “Intoxication of all description—even smoking cigarettes, chewing tobacco or the drinking of tea—must be prohibited.”

“Therefore, whoever desires progressive well-being, especially kings, religionists, public leaders, Brahmans and sanyasis, should never come in contact with the four above-mentioned irreligious principles.” Shrimad Bhagvatam (Canto-1, Chapter 17, text 41). Bhaktivedant Swami Prabhupada in the purport of the text says “If the king and the public leader are unnecessarily proud or habituated to drinking and smoking, certainly they become disqualified to discharge public welfare activities. In his book “Maha Paap Se Bacho”, Swami Ram Sukh Das writes that vine is the filthiest thing. In “Mano Dharm Shastr”, Chapter 4 text 84, Chapter 5 text 123 and Chapter 7 text 50, Manu Ji says that use of Alcoholic liquor is a great sin

and dangerous evil which leads to the hell. The above said Vedic literature shows that use of alcohol liquor is prohibited in Hinduism. That must not be allowed at any cost.

4.1.9. Promotion of social justice and eradication of social evils

Article 227 of the Constitution of Pakistan 1973 deals with provisions relating to the Holy Quran and Sunnah and says,

(3) “Nothing in this part shall affect the personal laws of non-Muslim citizens or their status as citizens. (Constitution of Pakistan 1973 , Article 227(3)).”

Analysis:

According to Article 227 (1), “All existing laws shall be brought in conformity with the Injunctions of Islam as laid down in the Holy Quran and Sunnah, in this part referred to as the Injunctions of Islam, and no law shall be enacted which is repugnant to such injunctions”.

As all of the human beings are creature of Allah therefore, the Constitution of Pakistan never lets its non-Muslim communities ignored. This article 227 (1) is basically for implementation to the Muslims only and the article 227 (3) provides sustainability and security to the personal laws of the non-Muslim citizens. Although laws made in the light of the Holy Quran and Sunnah are universal yet the non-Muslim citizens in Pakistan have no need to be worried regarding their personal laws. There is no compulsion in the religion. (Surah Al-Baqarah). Their personal laws are guaranteed by the

Constitution of Pakistan 1973. Thus Hindu community in Pakistan have right to live in as per their religion. They can survive and settle their disputes in the light of Bhagvad Gita, Ramayan, Sumartis and all other Vedic literature. They are not bound to the Islamic laws. But it is their moral duty to respect the Islamic values.

Hindu marriages in Pakistan are not being registered because there is no Family / Personal law existing in Pakistan for the Hindus. There is no any Hindu Marriage Act or family law in Pakistan. Article 25 of the Constitution of Pakistan 1973 says that ‘*all citizens are equal before law and are entitled to equal protection of law*’. Muslims and Christians have their Family Laws but Hindus are still suffering due to missing of the laws. The Hindus in Pakistan raise the questions---Are the Hindus not citizens of Pakistan? Why their Family / Personal Law were not made when laws for the Muslims and Christians were being made? How may they be entitled to equal protection of law when the law has not been formulated for them since the birth of Pakistan?

4.2. Due to this legitimate gap in Pakistan, the Hindu community is facing great problems in registration of their marriages, issuance of national identity card, passport, and matters related to courts, property, divorce, other official affairs etc. The concerned laws must have been formulated in the beginning. It is their fundamental right that being citizens of a free state, such type of their problems should be solved at once.

5. Dimensions of Hindu Marriage Act

Hindu Sudhar Sabha--an organization working for welfare of Hindu Community at Lahore, on Sunday, February 07, 2016, arranged a seminar on "Proposed Principles of Family / Personal Law for the Hindu Community". This seminar was conducted with collaboration of *Catholic Commission for Justice and Peace (CCJP)* and *Pakistan Hindu Council*. Representatives of the Community from all over the Punjab and other provinces of the homeland gathered at Hotel Ambassador, 7-Davis Road Lahore to participate in the seminar. The number of participants was 51, including 09 Muslims and 04 Christians.

The event started with Prarthna (prayer) by Guru Sukhdev Ji. Arifa Shakeel, Coordinator CCJP spoke why Personal Laws are necessary for religious minorities. She told that Hindu Marriage Act Bill 2014 is still tabled. Amar Nath Randhawa, President Hindu Sudhar Sabha laid stress to pass the bill at its earliest to redress the effective persons of the Hindu Community. Ramesh Kumar Gupta, Advocate Sindh High Court and Chairman Pakistan Hindu Council said that Hindu Marriage Act might have been made part of the Law in 1947. In force conversion of religion, no Hindu can produce document to prove spouse of anybody. Arth Shaster and Manu Sumrati are the books that provide legal guidance. He further added that Hindu women have right of divorce. He quoted different bases of divorce. He

told that Widow Act is also present in Act of India. A widow has legal right of remarriage. He proposed that if any Hindu converts to some other religion then he/she must be preached for at least 10 to 15 days by the religious scholars of the both religions to give a chance to get full awareness of both of the religions. Then that person may be left free to convert or otherwise. Force conversion must be condemned, as it is prohibited by Islam too. Arun Kumar, Focal Person Pakistan Hindu Council told the participant that laws of the state represent ambitions or will of the nation. These laws are made according to ambitions of the individuals of the state. He said that Hindus are migrated due to legal insecurity and kidnapping of the girls. Only Constitutional protection is not sufficient rather practical legal protection is also needed. He requested Mr. Kanji Ram, Member Provincial Assembly, Punjab to resolve the matter as early as possible. It is not only a problem related to the Hindu Community but also a national issue which relates to each and every family of the nation. The MPA informed that the matter is under consideration and delayed due to some religious adversatives.

.Professor Ashok Kumar Khatri, Punjab University Lahore said that the Hindu Community in Pakistan is lacking their religious education. The promulgated syllabus of education in the country set the minds that the Hindu is enemy of the Muslims. This concept affects the Pakistani Hindus. They should be educated

that all people belonging to different religious minorities living in Pakistan are one nation. The main objectives for approval of the Bill for Marriage and Family laws of the Hindus in Pakistan are:

- Formulation of the Marriage Laws / Family Laws
- Formulation of laws for of divorce
- Registration of the Hindu marriages
- Issuance of the Marriage Certificate
- Age of the bride and groom be at least 18 years
- Free consent of the bride and groom
- Protection of women and their children after divorce
- Formulation of laws of Inheritance

5.1. one of the Hindu politician in Punjab made a promise with Hindus that he will try his level best to approve the bill. But yet it did not happened.

5.2. Hindu community still has no legal rights as others. Even their marriage bill is still under process in Punjab Assembly. After the process of 18th amendment in the constitution of Pakistan, matters of minorities have become a provincial issue not of Federal government. A resolution about marriage law is still pending in assembly of Punjab.

Conclusion

1973 Constitution is akin to Magna Carta and, indeed a chapter of responsible

liberties which enshrines in itself respect and dignity for all citizens of Pakistan irrespective of cast, creed and race. Indubitably, it is a sacred document constituting legal and fundamental guarantees of rights and privileges for the Muslims and non-Muslims alike. It was framed based on objective resolution passed by the first legislative assembly of Pakistan which was initially placed in the preambles of 1956, 1962 and 1973 constitutions. In 1985, it was made an operative part of 1973 constitution. The commandments of Allah, sayings of prophet Muhammad (PBUH) and objective resolution have been become light for legislators while making the constitution and especially laying down the rights of minorities because of which they can leads their lives freely in accordance their religion and beliefs. They are at liberty to visit their respective places of worship and remain constantly at work to improve upon legislative deficiencies wherever observed. Certainly, owing to constitutional safeguards assurances minorities in Pakistan are leading respectable and happy life more than most of the countries of the world in general and all the countries of the region, in particular.

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1. Article 5 (1) *Constitution of Pakistan 1973*, Loyalty to the State is the basic duty of every citizen.
2. Article 5(2) *Constitution of Pakistan 1973*, Obedience to the Constitution and law is the [inviolable] obligation of every citizen wherever he may be and of every other person for the time

Maj (R) Nazir Hussain Shah, Tahira Parveen, Tayyaba Syed & Ayesha Kanwal
being within Pakistan.

3. Article 4 (1) Constitution of *Pakistan 1973*, To enjoy the protection of law and to be treated in accordance with law is the inalienable right of every citizen. Wherever he may be, and of every other person for the time being within Pakistan.
4. Article 9 Constitution of *Pakistan 1973*, No person shall be deprived of life or liberty save in accordance with law.
5. Ibn-e-Saad, *Al-Tabqaat ul Kubra* 1:357.
6. Abu Yousaf was a student of great Islamic scholar Imam Abu Hanifa. Who was a prominent scholar of his time and was admired all over the Islamic world.
7. Behaqi, *Al-Sunnan Al Kubra*. 8:34.
8. Ibn-e-Qadama, *Almughani* 9:289.
9. *The Holy Quran*, Surah Al-Noor (24:27-28)
10. Article 9 Constitution of *Pakistan 1973*, person shall be deprived of life or liberty save in accordance with law.
11. *Holy Quran*, Surah Al-Nuhul 16:125.
12. Article 18 Constitution of *Pakistan 1973*, subject to such qualifications, if any, as may be prescribed by law, every citizen shall have the right to enter upon any lawful profession or occupation, and to conduct any lawful trade or business: Provided that nothing in this Article shall prevent—
13. (a) the regulation of any trade or profession by a licensing system; or
14. (b) the regulation of trade,
15. Article 21 Constitution of *Pakistan 1973*, No person shall be compelled to pay any special tax the proceeds of which are to be spent on the propagation or maintenance of any religion other than his own.
16. Article 2-A^(c) Constitution of *Pakistan 1973*, The Objectives Resolution to form part of substantive provisions: The principles and provisions set out in the Objectives Resolution reproduces in the Annex are hereby made substantive part of the Constitution and shall have effect accordingly”.
17. Article 20 Constitution of *Pakistan 1973*, “Freedom to profess religion and to manage religious institutions: subject to law, public order and be no compulsion in morality— every citizen shall have the right to profess, practice and propagate his religion; and every religious denomination and every sect thereof shall have the right to establish, maintain and manage its religious institutions.”
18. Article 27 Constitution of *Pakistan 1973*, “No citizen otherwise qualified for appointment in the service of Pakistan shall be discriminated against in respect of any such appointment on the ground only of race, religion, caste,

sex, residence or place of birth.”

19. Article 28 Constitution of *Pakistan 1973*, The constitution says that” Subject to Article 251 any section of citizens has a distinct language, script or culture shall have the right to preserve and promote the same and subject to law, establish institutions for that purpose.”
20. Article 36) Constitution of *Pakistan 1973*, “The State shall safeguard the legitimate rights and interests of minorities, including their due representation in the Federal and Provincial services.”
21. Article 227(3), Constitution of *Pakistan 1973*.