

Pakistan Blasphemy Laws: A Fact Sheet

BACKGROUND

- The Blasphemy Laws in the Pakistan Penal Code are rooted in the Indian Penal Code of 1860. The Blasphemy Laws were introduced through Sections 295-B and 295-C of the Pakistan Penal Code during the dictatorial regime of General Mohammad Zia-ul-Haq.
- Between 1927 (year in which Britishers introduced section 295-A) and 1986 there had been only seven reported cases of blasphemy. However, 1986 onwards as many as 4,000 cases have been reported. Between 1988 and 2005, Pakistani authorities charged 647 people with offences under the Blasphemy Laws. Fifty percent of the people charged were non-Muslims. More than 20 people have been murdered for alleged blasphemy. Two third of all the cases are in the Punjab Province of Pakistan.
- The province of Punjab is home to 81 percent Christians. A little more than half of Pakistani Christians lives in six districts -- Lahore, Faisalabad, Kasur, Sheikhupura, Gujranwala and Salikot – of central Punjab. According to the 1998 Census, a majority of Christians in the Punjab live in rural areas. Moreover, as many as 40 percent of all Christians in Pakistan live in Lahore, Karachi and Faisalabad districts, with a significant majority in urban dwellings.
- In addition to the promulgation of the much-criticized and controversial Hudood Ordinances, a number of sections were added to Chapter XV of the Pakistan Penal Code. These included Section 298-A (use of derogatory remarks in respect of holy personages), Section 295-B (defiling a copy of the Holy Quran), and Section 298-B (misuse of epithets, descriptions and title, etc. reserved for certain holy personages or places). The newly-introduced sections aimed to protect holy personages of only one religion, ie Islam, which is the state religion.
- Section 295-C which was added by an act of the parliament in 1986, and made it a criminal offence to use derogatory remarks in respect of the Holy Prophet, Mohammad (PBUH). Under Section 295-C, the offence was punishable with life imprisonment or death.

- According to 1998 Census, the population of religious minorities, in Pakistan, is around six million or 3.7 percent of the total population. The Hindus and Christians constitute 83 percent of the religious minorities in Pakistan, with Hindus outnumbering Christians by a small margin. While 93 percent of Hindus live in Sindh.
- The seven districts that have contributed most to the blasphemy cases are Lahore, Faisalabad, Sialkot, Kasur, Sheikhupura, Gujranwala and Toba Tek Singh. The total population of these districts is 25 million, of which five percent are Christian; 50 percent of total Christian population of 2.0 million lives in these seven districts.

BLASPHEMY CASES

- An analysis of 361 cases of blasphemy offences registered by the police between 1986 and 2007 shows that as many as 49 percent cases were registered against non-Muslims. The cases against non-Muslims should be contrasted with the population of religious minorities which is not more than four percent of Pakistan's population. Moreover, 26 percent cases against Ahmadis and 21 percent cases against Christians are not in line with their ratio in total population, which is 0.22 and 1.58 percent of the total population respectively.
- The number of persons nominated in 361 cases was 761, which suggests that the average number of accused per case is two.
- Out of 361 total cases, more than two-thirds cases were found to be from the Punjab, followed by 15 percent from Sindh and five percent from the NWFP. Sixty nine percent of the accused were from the Punjab, compared to 25 percent from Sindh and only four percent from the NWFP. The number of cases and accused (77 and 69 percent respectively) is disproportionately higher in the Punjab.
- Out of 35 districts in the Punjab, police in seven districts – all in central Punjab – had registered 10 or more cases during 1986 and 2007. Thus the districts of Lahore, Faisalabad, Sialkot, Kasur, Sheikhupura, Gujranwala and Toba Tek Singh contributed.
- Forty one percent of all cases in terms of religion were registered. Nearly 65 percent of cases registered were against Christians, and Muslims were nominated in 43 percent cases.

- A total of 104 cases reached the higher courts between 1960 and 2007, out of which 91 cases were heard by the High Courts in Pakistan and the AJK and the rest by the apex courts (Supreme Court and Shariat Court). In as many as 41 cases, section 295-C was invoked. In 11 out of 12 cases that involved a decision on the merits of the case, the accused were acquitted because the judgment pointed out weaknesses and inconsistencies in prosecution's case. In eight of the 11 acquittals, the court noted *mala fide* intention in the implication of the accused.
- A study of data and cases study, suggest that there are three types of blasphemy cases:
 - i) cases which are mere accusations and are lodged to settle scores;
 - ii) cases which are based on expressing one's faith, and
 - iii) cases in which the accused are known to be suffering from some kind of mental illness.A majority of the cases fall into the first type and were lodged on *mala fide* intentions.

BLASPHEMY LAWS

- It is important to note that the laws introduced by General Zia-ul Haq, which were discriminatory against women and non-Muslims, were largely opposed by women rights organizations. The role of minority leadership was not that prominent. General Zia-ul Haq also introduced separate electorate for the religious minorities, a move that was opposed by various human rights and non-Muslims organizations. However, the minority elite availed the opportunity and ignored the plea of an alliance of Christian organizations for revival of joint electorate. (In 2002, the joint electorate system was revived.) It is unfortunate that some Christian political leadership continued to adjust their positions and sometimes came to defend these laws publicly. The people responsible for the plight of non-Muslims are not only mainstream secular politicians who, in order to appease the right-wing do not advocate an end to religious discrimination, but are also the elite minority leaders who are as class conscious and expedient as their Muslim counterparts.
- Factors that paved way for the acceptance of The Blasphemy Laws and their endorsement (by a particular segment of the society) are rooted in the evolution of the state of Pakistan and the constitutional development, in a certain manner. Due to the limitation of space only few are narrated here:
 - In 1949, Mr. Liaquat Ali Khan, the then Prime Minister of Pakistan, despite the opposition of minority members, passed The Objectives Resolution. The resolution

was a mixture of religion with politics and during the process of its adoption it established the division along communal lines.

- The issue of Separate Electorate de-politicized the Christians in the same manner as did the 1985 non-party polls for the Muslim electorate.
- It is also a reality that M. A. Jinnah's secular instances were made debatable by the Islamists.
- The Constitution of 1973 had discriminatory elements when Islam was established as the state religion. Later, General Zia-ul-Haq amended the Constitution to make The Objective Resolution a substantive part instead of a mere preamble, as was the case with earlier constitutions of 1956 and 1962.
- On another level Maulana Maududi (the founder of Jammat-e-Islami) was exerting pressure through his right wing ideological stance on the Ahmadis and at the same time eyeing the state apparatus.
- In the decade of 80s, as a result of state policies and proxy war between the US and the USSR on Pakistani soil, the role of *deeni madaris* (religious seminaries) was transformed and instead of education they were furnishing militancy. Students of these *madaris* were simultaneously being trained to fight against the Soviet army. This enhanced the polarization and further radicalized the society.
- School curriculum has been used to further the state ideology whereby resulting in the construction of 'us' and 'them' syndrome by posing Muslims as superior beings in comparison to other religions.
- A different type of urbanization in the Punjab province (home to 80 percent of the total Christian population of Pakistan) is observed; urban centers are approaching rural hinterland, instead of people migrating from rural areas to urban centers. This created an aspiring middle class with relative convenience and thus creating fault-lines between traditional power structures and the new emerging ambitious social group of yesteryear minions, in rural pockets.
- The Pakistan People's Party failed to comprehend the evolving new realities and thus lost fast in the electoral battle grounds of the Punjab. The impact of the PPP's losing electoral popularity was felt most by the minorities which housed its traditional vote bank; when the PPP lost to the PML (N) in the Punjab in the general elections of 2008, the minorities read it as a defeat of a relatively liberal party.

- The total repeal of the Blasphemy Laws is only possible through:
 - Media Campaign, through talk shows in electronic media and journalistic pieces in print media
 - Community mobilization by engaging grassroots organization
 - Galvanizing progressive religious leaders and developing their consensus
 - Putting pressure on state through international community and tied the monetary assistance to repeal of all such draconian laws.

This fact sheet is based on a research of data maintained by Human Rights organizations only, therefore it might not be representative of the overall situation as many cases go unreported.

This fact sheet has also been published at:

<http://www.dawn.com/wps/wcm/connect/dawn-content-library/dawn/the-newspaper/editorial/blasphemy-laws-a-fact-sheet-540>

