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RESEARCH PAPER

Constitutional Rights of Minorities in Pakistan: An Analysis

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ABSTRACT

This study examines the constitutional rights and political representation of religious minorities in Pakistan, with particular attention to the development of constitutional arrangements and electoral systems from independence to the period of General Pervez Musharraf. It explores the relationship between constitutional guarantees, state policies, and the practical experiences of minority communities, especially Christians. The study discusses the constitutions of 1956, 1962, and 1973, focusing on religious freedom, citizenship, political participation, and the limitations placed on minorities in accessing the highest offices of the state. It also examines the effects of successive electoral systems, including joint and separate electorates, reserved seats, and proportional representation, on minority political participation. Particular attention is given to the policies of General Zia-ul-Haq, the introduction of Islamisation measures, and their implications for religious freedom and minority representation. The study further highlights the political contributions of Christian leaders during the Pakistan Movement and their participation in legislative and political institutions after independence. Using a qualitative, desk-based approach, it draws on historical and documentary material to analyse the gap between constitutional promises and their implementation. The discussion indicates that although Pakistan's constitutions have included provisions for fundamental rights and minority protection, political and institutional arrangements have often limited minorities' ability to choose their representatives and participate equally in public life. The study concludes that meaningful minority protection requires effective implementation of constitutional guarantees, equal political participation, and institutional arrangements that recognise minority communities as full and equal citizens.

Introduction

The Human Rights are the most debatable issue of the recent age. People living around the globe demand their rights being human beings i.e. the rights or facilities without which human beings cannot live a decent and peaceful life. The concept of human rights was given by Islam during the 7th century A.D. while in the West it is related to the Magna Carta which was signed in England in 1215. Western scholars claim that the concept of human rights was given by the West but the fact is that the last sermon of the Holy Prophet is the first charter of Human Rights. In the West complete charter of human rights i.e. Universal Declaration of Human Rights was passed by the United Nations General Assembly in December 1966. In recent times constitutions of almost all the democratic states guarantee human rights but unfortunately, minority rights have not been mentioned clearly. Pakistan is a democratic state where all the citizens have been guaranteed all the

fundamental rights irrespective of their caste, color, creed, or religion. This research elaborates and analyzes the Western concept of human rights, the Islamic concept of human rights, minority rights in Islam as well as rights of minorities under the constitution of Pakistan (Iram Khalid & Maqbool Anwar, 2018).

Since the creation of Pakistan in 1947, religious minorities in the country have faced systematic marginalization through various constitutional amendments. The state has not only failed to protect the rights of its minorities, but has also done little to ensure equal rights and freedom of speech, religion, and life for the small minority population of the country. It was during Bhutto's rule and General Zia's regime that the space for minorities became limited in the country with the onset of religious extremism leading to extremist attacks on minorities and their places of worship. Soon after Zia's policies of Islamisation, the narrative and discourse in Pakistan started leaning towards the right making life difficult for the minority communities in the country. Over the years' minorities, such as Ahmadis, Christians and Hindus, have been subject to frequent threats and attacks by religious fundamentalist groups. If this phenomenon is not checked by the state, the country will soon be dominated by a common narrative of extremism that would only allow space for Sunnis to live while limiting the boundaries for minorities to practice their religion and live as free citizens. (Yousaf, 2018)

Pakistan, being an Islamic Republic, has a dominantly overwhelming Muslim majority. Minorities in Pakistan make up a very small proportion of the overall population. Out of the total 190,000 million (approx.) population, about 96% of people practice Islam, whereas around 4% practice other religions, with Hinduism and Christianity being the prominent minority religions (Central Intelligence Agency, 2015). These figures are self-reflective of the fact that minorities would naturally have a limited say in social and state affairs. Moreover, the constitution of Pakistan also prohibits any minority member from holding the highest state positions of President and Prime Minister (Khan, 2014). In 2012, Freedom House termed Pakistan as partially free in terms of religious independence, whereas Pakistan ranked the third worst state, according to Foreign Policy magazine, in terms of group grievance (Raina, 2014). Among other issues, the major dilemmas currently faced by Pakistani minorities are threats of persecution, forced conversions along religious violence. On May 13, 2015, a group of six unnamed assailants targeted a bus carrying Pakistanis belonging to the minority sect. The attack resulted in the deaths of 43 civilians, whereas the assailants escaped unscathed (Hassan, 2015). This was not an anomaly or an exception, but rather the rule. Attacks of such nature have been frequent in the past few years where extremist right-wing militant groups have targeted members of the minority communities, including Shias, Hazaras, Christians, Hindus, Ahmadis, and now the Ismailia community. The responsibility for the attack was accepted by Jundullah, a sectarian group, threatening further attacks in the future against groups whom they considered Kefirs (Non-Muslims) (Hassan, 2015). The state has drastically failed to protect minority groups in a Muslim-dominated country leading to mass exodus and forced migration of these communities from the country. In February 2015, a Shia mosque was attacked in Peshawar killing more than 20 people (Hashim, 2015). In March 2015, similar attacks targeted a Church in Lahore, killing 12, and a Bohra mosque in Karachi wounding 12 (BBC News, 2015; Khan & Raza, 2015; Kausar, et,. al., 2019). The situation regarding minority rights and their protection has worsened over the past few years with right-wing Islamist groups succeeding in mobilizing angry rural youth and encouraging them to attack minority communities. This situation does not only stem from the narrative built by radical groups but is also compounded by the state constitution which is responsible for structural prejudice against the minority groups. This Research seeks to discuss the aforementioned challenges faced by the minorities in Pakistan, along with discussing the recommendations that need to be implemented for the protection of this marginalized group in the country.

This study employs a qualitative research design based on secondary sources to examine the constitutional rights and political representation of religious minorities in Pakistan, particularly Christians. It uses a historical and documentary approach to trace developments from independence onwards, with a focus on the constitutions of 1956, 1962, and 1973, changes in electoral arrangements, minority representation, and relevant state policies. Data are drawn from published books, scholarly journal articles, research reports, historical accounts, and relevant constitutional and electoral documents.

The collected material is analysed through qualitative thematic analysis. The analysis is organised around key themes, including constitutional guarantees, electoral representation, Christian political participation, the effects of Islamisation and religious laws, and the gap between legal provisions and their implementation. A comparative review of different constitutional and political periods is used to identify changes and continuities in minority rights and representation. The study is limited to available documentary evidence and does not include interviews, surveys, or other primary field research.

The Constitution of Pakistan

The Exclusion of Minorities in the 1973 Constitution

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

The original document offered a parliamentary form of government within a federation, which would be headed by a President who, like their Indian counterpart, would have ceremonial powers. The elected Prime Minister would enjoy the confidence of the majority in the National Assembly and would head the government. The provinces were given more rights as the federating units, although the federation would appoint the governors. The chief ministers in all four provinces would be elected based on a majority in the Assembly. Institutional arrangements were made to resolve inter-provincial disputes regarding finance, the sharing of natural resources such as water, and the power tariff. The Constitution did not offer decentralization or a stronger form of provincial autonomy, yet it went a long way in respecting provincial aspirations. It proved a good starting point after many turbulent years of Constitution-making and unilateral takeovers but soon suffered from the authoritarianism of successive rulers, including Bhutto himself. (However, it must be remembered that this Constitution was prepared during the post-East Pakistan trauma when worries over further disintegration of the country were considerable.

Despite its various consensual points, it tried to present itself as a reflection of the Muslim majority. The Objectives Resolution, once again, became the Preamble of the Constitution. The occupants of the two highest offices in the country – the President and Prime Minister were required to be Muslim. This was a reiteration of Pakistan being a

Muslim-led state with minorities having no chance of assuming leading roles. However, this was not specified for similar offices in the provinces (the governor and the chief minister).

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

Article 2 of the Constitution states: ‗Islam shall be the state religion of Pakistan, and Article 2-A stipulates: ‗wherein the principles of democracy, freedom, equality, tolerance and social justice, as enunciated by Islam, shall be fully observed'. In addition, Article 227 ordains that no law repugnant to Islamic injunctions can be enforced in Pakistan, Article 41 (2) states that the head of the state will be a Muslim, and Article 91 (3) stipulates that the Prime Minister shall also be a Muslim believing in the finality of the Prophethood. Such articles gave weight to the Muslim clergy's demands, allowing them an interpretive role. Article 228 established the Council of Islamic Ideology in an institutionalized role to oversee the legislation. The Federal Sharia Court, established by Zia under Article 203 (A–J) enjoys additional powers similar to those of the Council. Under Article 203–D, the Sharia Court can declare any law defunct if it is assumed to be against Islamic injunctions. Later, Nawaz Sharif's Sharia Act (1991) made Sharia Pakistan's supreme law. Article 31 calls on the government to promote an Islamic way of life, although Article 20 ensures each citizen's right and ‗freedom to profess religion and to manage religious institutions'.

Article 22 (1) ensures freedom in the religious institutions by not requiring any individual: ‗to receive religious instruction, take part in any religious ceremony, or attend religious worship if such instruction, ceremony or worship relates to a religion other than his own'.

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

Some people attribute Bhutto's anti-Ahmadis legislation to his personality, egotism and insecurity, while others see Bhutto's effort to woo the clerical groups. However, when the movement against the Ahmadis began, Bhutto was already securely ensconced in power and did not need any such ploy.44 By assuming this arbitrary role, the National Assembly not only inhibited an equal role for plural groups but also converted the Assembly – a political institution – into a forum that defined a community's creed and religious profile. This conflicted with several human rights Conventions and the Jinnah's vision for Pakistan (Muzaffar, et., al., 2017).

In terms of religious freedom and practice, Pakistan's history concerning religious minorities is somewhat tainted. Although Pakistan was established on the principles of

secularism by Muhammad Ali Jinnah, promising freedom of religion to everyone, the revisions and constitutional changes, motivated by right-wing religious groups, in the 1960s and 1970s marginalized the minorities in the country (United Nations High Commissioner for Refugees, 2012). This is where two schools of thought exist in Pakistan; the liberal and the conservative. The liberal school believes that Pakistan was founded on identity agonistic principles with equal citizenship for all, whereas the conservative narrative says that the country was founded only to protect and practice Islam (Raina, 2014). Rashid (2011) argues that the first blow to Jinnah's version of secular Pakistan came when in 1962 the Pakistan Advisory Council for Islamic Ideology added a repugnancy clause to the constitution stating that all the laws should be brought in conformity with the Holy Quran and Sunnah. Pakistan's official name did not include the Islamic Republic until the 1956 constitution was formed, and Islam was not officially designated a state religion until it was stated in the constitution of 1973 (Titus, 2015). The constitution of Pakistan, on the other hand, also tried to ensure religious freedom for everyone, as per Jinnah's vision. Article 20 of the Pakistani constitution states that every Pakistani citizen must have the liberty to practice his religion and establish religious institutions (Khan, 2014). Yet, on the other hand, the same constitution forbids any minority citizen from holding the offices of President and Prime Minister in the country (Khan, 2014). Furthermore, the constitution explicitly states that all laws shall be formed in light of Islamic principles (Khan, 2014). It was General Zia, who during his authoritarian regime, followed Islamisation policies to attract alliances from religious parties and groups, and thus introduced strict penalties and punishments for blasphemy offenses through articles 295-298 of the Pakistan Penal Code (Rais, 2007; BBC, 2014). Article 295 A, B and C encapsulate the clauses that are meant to protect Islam (Munshey, 2015). Without going into the details of the pros and cons and justifications of Pakistan's blasphemy law, it can easily be discussed that the law has been misused in several cases. In one such case, a Christian Pakistani woman, Asia Bibi, was sentenced to death after being convicted of committing blasphemy. Munshey (2015) sums up the plight of minorities and their lack of protection in the Pakistani constitution through the example of Asia Bibi. Asia was charged under the Blasphemy Act for merely trying to defend her religious sanctity, and in the process, her right to life, in Article 3 of the Pakistani constitution, freedom to practice her religion, in Article 18, and freedom of expression, Article 19, were violated in this single occurrence (Munshey, 2015). Salman Taseer, the then governor of Punjab province, was shot dead by his bodyguard on January 11, 2011, for supporting Asia and criticizing how the Blasphemy law was practiced in the country (Gregory, 2012). Blasphemy is considered a serious offense in Pakistan, especially when it is allegedly committed by the non-Muslim community. In 2010, a whole block of Christian community, comprising of 50 houses, was set on fire killing 7 and injuring 18, when the victims were accused of blasphemy. In a similar instance, According to section 295 of the Pakistan Penal Code, any act of defiling or damaging a place of worship, or insulting Islam and the Prophets, comes under blasphemy and is punishable by a fine or a death sentence. During the pre-partition British era, the blasphemy laws were only exercised for exceptional circumstances to execute clerics and preachers who were responsible for communal violence. It was after this introduction that the space for religious minorities became further restricted and several Pakistanis were booked under blasphemy offences. Furthermore, Farahnaz Ispahani (2013) also believes that it was Zia's policies post-1979, including mandatory payment of Zakat (a percentage of income prescribed by Islam for social well-being), trying to Centre the country around one version of Islam, which not only marginalized the Shia community but also lead to the creation of Shia and Sunni militant groups. To date, there have been more than 700 cases registered against minorities about blasphemy offenses, making up half of the total blasphemy-related cases (Munshey, 2015). Pakistan is among the many United Nations member states to have signed the International Covenant on Civil and Political Rights (ICCPR) (Rashid, 2011). But even having signed and ratified the ICCPR, the country has failed to ensure the political and civil rights of the

minorities. Moreover, it is also argued that most of the persecution and violence against minorities is implicitly state-sanctioned and thus goes unchecked (Rashid, 2011).

As originally conceived, Pakistan was at the very least not intended to discriminate among various Muslim denominations, and non-Muslim minorities too were assured of equal rights as citizens. However, things have changed over the last several decades. Although Pakistan's founding fathers were modern and liberal in their personal views, Islamism still took hold. The use of Islamic slogans and Islam during the 1946 elections preceding independence and in defining Pakistani nationhood immediately after independence resulted in a situation where slowly they conceded space to the Islamists.

The debates in Pakistan's Constituent Assembly during the 1950s, before the finalizing of the country's first Constitution of 1956, focused a great deal on the demand by the Islamists in the Assembly to pronounce Pakistan an Islamic state. There were ulema (Islamic scholars or clerics) both within and outside the government who championed this demand. Within the government, the clamor for an Islamic state was led by Maulana Shabbir Ahmad Usmani, President of the Jamiat Ulema Islam (JUI) and pir of Manki Sharif from the North West Frontier Province (now Khyber Pakhtunkhwa), and Maulana Akram Khan, President of the East Pakistan Provincial Muslim League. The blueprint and arguments for the steps required to transform Pakistan into an Islamic State came from Abul Ala Maududi, founder of the Jamaat-e-Islami (JI), the South Asian analog of the Arab Muslim Brotherhood. According to Maududi, the future constitution of Pakistan had to be based on the underlying assumption that sovereignty rested with Allah and that the state's function was solely to administer the country. According to him, Sharia was the law of the land and no man-made law could contravene the Sharia. The extent of Maududi's influence became visible as early as 1949, when the Objectives Resolution, defining the foundational principle for Pakistan's Constitution was passed by the Constituent Assembly. The resolution stated:

- Sovereignty belongs to Allah alone but He has delegated it to the State of Pakistan through its people for being exercised within the limits prescribed by Him as a sacred trust.
- The State shall exercise its powers and authority through the chosen representatives of the people.
- The principles of democracy, freedom, equality, tolerance and social justice, as enunciated by Islam, shall be fully observed.
- Muslims shall be enabled to order their lives in the individual and collective spheres under the teachings of Islam as set out in the Quran and Sunnah.
- Adequate provision shall be made for the minorities to freely profess and practice their religions and develop their cultures.
- Pakistan shall be a federation.
- Fundamental rights shall be guaranteed.
- The judiciary shall be independent.

Non-Muslim politicians objected to the notion of making state policy subservient to the teachings and requirements of Islam, which they rightly pointed out were subject to debate and variation. Bhupendra Kumar Dutta, a Hindu politician from East Bengal, warned that the resolution would lead to discrimination against non-Muslims and internecine

battles among Muslims. Politics, Dutta argued, comes within the sphere of reason while religion is within that of faith. If religion and politics are intermingled then there is a risk of subjecting religion to criticism, which will rightly be presented as sacrilegious and it would also cripple reason and curb criticism as far as the state policies are concerned. In response to objections, Liaquat Ali Khan, the mover of the resolution and Prime Minister, stated that Pakistan was founded because Muslims of this subcontinent wanted to build up their lives following the teachings and traditions of Islam.3 The Prime Minister, a secular individual, described the passing of the resolution, as the most important occasion in the life of this country, next in importance only to the achievement of independence. Once Pakistan's raison d'être had been defined in religious terms, the Islamist demands could not be held at bay. Maududi and his fellow Islamists said that citizenship in an Islamic state was open to any Muslim, born anywhere in the world, even if he was not born in the country. However, non-Muslims had to enter into a covenant with the Islamic state.

From Maududi's point of view, non-Muslim culture had negative impacts on Muslim life. It destroys its inner vitality, blurs its vision, befogs its critical faculties, breeds inferiority complexes, and gradually but assuredly saps all the springs of culture and sounds its death knell, he wrote. According to him, the Holy Prophet has positively and forcefully forbidden the Muslims to assume the culture and mode of life of the non-Muslims.4 Over the years, the Islamist rejection of non-Muslim culture took the form of attempts to define a limited Muslim culture and limit the freedom of non-Muslims and Muslims alike to embrace diversity. While non-Muslims were easily defined as the other, a struggle also started to determine who among Muslims were pure Muslims and who had allowed Persian or Indian culture and practices to taint their faith.

Similarly, Pakistan's constitution has been amended to designate Ahmadis as non-Muslims. A similar drive, influenced by Salafi ideology from Saudi Arabia, has been undertaken by Deobandi groups against the Shias. A terrorist offshoot of the Deobandi movement (Takfiris—those who declare some Muslims as kafirs or unbelievers) has been escalating atrocities against Shias to drive them out of the country or to force them to accept a lowered status in an Islamized Pakistan. Their targets have included men, women and children. Today, Shias form around twenty percent and Ahmadis around 0.22 percent of Pakistan's population. Pakistan's non-Muslim minorities, particularly Sikhs and Hindus, were cleansed during the partition riots at the time of independence. Attacks against Muslim minorities started as early as the 1950s when anti-Ahmadi demonstrations and riots took place. They culminated in the 1974 amendment of Pakistan's Constitution according to which Ahmadis were no longer to be treated as Muslims. The rise of contemporary sectarianism, however, dates back to the 1980s.

According to Muhammad Qasim Zaman, sectarianism in Pakistan started as an urban phenomenon.5 However, over the years it has transformed into much more than that. A combination of socio-economic factors, state-led Islamisation and international events (like the Islamic Revolution in Iran) have played their role in the rise of Shia-Sunni tensions. General Zia ul Haq, Pakistan's third military ruler who ruled from 1977-88, imposed a policy of state-led Islamisation. Till the time of Zia, most Islamists believed, like Maududi, that given the opportunity any good Muslim would vote an Islamist party into power and set up an Islamic state. By the 1970s it was evident that given the choice Pakistanis, like others, voted for political parties which promised them roti, kapra, and makan (food, clothing, and housing). This led to what Vali Nasr refers to as the phenomenon of top-down Islamisation in countries like Malaysia and Pakistan (Yaseen, et. al., 2021). As part of this Islamisation process, General Zia brought in rules and regulations that were supposed to bring Pakistani law more into tune with the Sharia, or at least the Sharia as interpreted by him and his cohorts. These laws, which included the infamous blasphemy law, had a long-term impact on Pakistan's minorities.

In an attempt to organize the country around one version of Islam, General Zia's policies targeted the Shias. In 1979 General Zia attempted to impose a policy under which zakat (charity) would be collected directly by the state from each Muslim citizen. Under protests from Shia groups, Zia changed the policy so that only Sunnis would pay it. This led to the rise of Sunni radical organizations and their militant offshoots and, in response, Shia militant outfits. Pakistan's Shias belong to different ethnic and linguistic groups and different tribes. They are spread all over the country. Some leading Pakistani political figures, professionals, academics and media personalities are from the Shia community. Yet this community not only has faced discrimination but has been targeted and attacked by radical Islamist groups of all hues. The one thing that unifies them in the eyes of the anti-Shia Sunni-led militant groups is their religious belief.

In a nutshell, there has been a steady decline in religious tolerance in Pakistan over the last 65 years. At the time of Pakistan's birth and the partition of India in 1947, non-Muslim minorities comprised twenty-five percent of the new country's population, whereas today they only comprise five percent. According to the last census in Pakistan which collected such data, conducted in 1998, Christians constitute 1.59 percent and Hindus 1.60 percent of Pakistan's population. While much of the cleansing of the population took place in major events (partition, around the 1965 and 1971 wars), there has also been a steady rise in incidents involving attacks on both Christians and Hindus in the last decade.

Constitutions of Pakistan and Minority

Constitution of 1956

In 1956 the first-ever constitution of Pakistan was formulated in the capital of Pakistan Karachi duly passed by the National Parliament of Pakistan. In the 2nd constituent Assembly, 80 members belonged to Both East and West Pakistan, 40 members from Each respectively: whereas, 09 seats were reserved for minorities and 07 members were selected from East Pakistan and 02 from West Pakistan. Amongst them, one was from Sindh and One from Punjab representing minorities. The 1956 constitution gave full freedom to every citizen to vote whose age was 21 years or older having a healthy physique. Hence, the Constitution was indiscriminately free from any kind of religious prejudice. However, debate over the electoral system continued for a long, minorities with passage of time were denied their legal rights and they were slowly and gradually segregated from the social, religious and cultural mainstream. Thus, the circumstances kept on beyond the recognized principles of the Constitution over time.

The most recognized principle and clause of the 1956 constitution was that no law would passed that would stand in conflict with the Islamic principles i.e. Quran and Sunnah. Thus, all such practices that stand in conflict with Islamic principles were banned such as gambling, prostitution and the use of alcohol. Such principles were introduced to provide sufficient opportunity for Muslims to live according to Islamic teachings and principles independently. However, it was identified that such principles will have nothing to do with the business of Non-Muslims and they would have the right to live according to their own free will as citizens of Pakistan having the full right to enjoy freedom and citizenship of the state.

However, most of the expressions were recorded in a way that gave the impression that Pakistan is only the state of Muslims utterly representing the Muslim population. The authors and composers, every time, seemed heedless toward the minorities such as Hindus, Christians, Parsees, Bahais, Sikhs and Buddhists who were living in Pakistan eligible for equal rights. In a nutshell, the Constitution of Pakistan had to make undertakings to resolve

their problems intently but all in vain if the was talk of its execution in practice. Thus, Pakistan started to be recognized as a predominantly Muslim state all across the world.

Constitution of 1962

In the case of minute observation of the constitution of 1962 constitution, it can be observed that secrets were kept hidden from the eyes of the public technically and all the powers were assigned to a single person i.e. the head of the state was accepted as the top-most authority of the state. The word Islamic Republic of Pakistan was remitted and instead, it was written the Republic of Pakistan; thus, the term consequently became the bone of conflict and violent criticism was raised. As a result, General Ayub Khan Was forced to retain the older term. Furthermore, the constitution banned the preaching of religious grouping, sections and parties and restricted them from publicizing their beliefs.

Constitution of 1973

The commencing sentence of Pakistan‘s constitution has declared Islam as the Official religion of the state. Hereafter, the constitution has ensured religious freedom, organization of religion and Islamic teachings being the Political principles and fundamental rights of the citizens. Not only these, but the constitution of 1973, thoroughly ensures the fundamental rights of every citizen belonging to any race, caste, or creed; thus, states that all citizens are equal in right to admission in any educational institute receiving aid from public revenue solely based on race, religion, caste or creed.

Hence, it can be assessed that the election of any non-Muslim as president or prime minister does not exist as the expression of the oath for holding these two top-level offices creates ambiguity to allow non-Muslims for these posts. Similarly, the constitution of Pakistan from 1973-1999 did not allow any non-Muslim to be elected as a member of the senate contrary to the Muslim who could become a member of the senate without any irritation. Not only these but the clauses specified for the protection and security of the minority had never been implemented in true spirit if observed critically.

i. Hence, the clauses introduced for the safeguarding the rights of minorities worked contrary to the actual purpose and target specified in the constitution; and the religious minorities were deprived of their already established institutions instead of giving them freedom to establish their new educational, social and cultural institutions related to their faiths and religions. Most of the academic institutions working under the supervision of minorities were converted into state-run public sectors.

ii. Even though the major communities do not know how their paid taxes are used by the state which they have paid from educational institutions: then, how can the feeble minor communities know where their hard-earned money and paid taxes go and used by the state?

iii. Students belonging to minor religious communities are indulged in reading those subject which does not suit their nature, faith and religion or are even not related to their religion.

iv. Evident Discrimination can be seen against religious minorities at various places, such as hotels, restaurants, schools, colleges, and hospitals even at very small dealing places such as juice-making and selling carts and cabins. Although it is purely a public attitude, it is due to the government's overlooking attitude and discriminatory policies of the state that encourage public hatred.

v. Apart from this, Minorities are not employed in dignified positions in government jobs except to keep them as sweepers generously.

vi. Although seats are specified and quotas are reserved for minorities in government both in federal and provincial jobs, they are not employed in those positions practically.

vii. During Bhutto's regime, from 1972-77, a quota in jobs was reserved for minorities; however, sufficient fund was not provided to their representatives to improve the welfare of the minorities.

The utmost aim of the study was to identify the fact that instead of frequent promises and assertions of the political incumbents that they are working in favor of public welfare in general and minorities in specific, the ground realities are different. Their promises are only decorated with glossy finely and a wrap-up of fake proclamations. Due to such practices, Bhutto was finally overthrown; however, the scenario didn't change so far.

Zia's Regime and Minorities Political Struggle

General Zia's martial law did not only target to overthrow the elected prime minister but he meant to snatch his life as well. Both aims were fulfilled on 4th April 1979; however, a lot of primary variations took place during this era both in the nature and character of the state power. Minorities, specifically the Christian representatives felt the enormity of the circumstances. Meanwhile, the incident of belligerent of Khanna Kaaba also took place and some of the anti-Saudi elements tried to capture this sacred place of worship of Muslims which gave rise to violent reaction in the state, and the public raised to harm churches and schools situated in Pakistan that caused a lot of devastation in Pakistan13. On the protest of the Christian community, General Zia apologized on TV and Radio to honor the protest of the Minorities living in Pakistan14.

For the establishment of the Islamic legal system and the introduction of related punishments to it, numerous drafts had been prepared since Feb 1979. In addition to this, the Islamic Ideology Council was restored and established granting it eminent powers to work effectively in favor of the state and Islamic Ideology. Moulana Yousaf Banuri was selected as a member of the council and was the key Founder of Jamia Arabiya Islamiyah Karachi directly by General Zia-ul-Haq. Initially, the Council of Islamic Ideology introduced a set of four laws of punishment known as Hadud Laws in Islam and recommended for implementation which were recorded in the Book of Law. These rules were:

i. Prohibition of Alcoholic Beverages and the use of any Other Drugs

ii. Theft and its Punishment Hadud

iii. Prohibition of Illicit Sex

iv. Qazaf; i.e. giving False Evidence of Sexual Relation to the High Court and the Appellate Chamber of the Supreme Court as the government must have respect and honour the Decisions of these Courts.

With the proclamations of general elections, General Zia-ul-Haq went on to introduce such criminal laws from time to time; thus, General Elections were called for in October 1979 after the executions of Zulfiqar Ali Bhutto; However, he knew the fact that once again civilian party would come into power, therefore, general elections were deferred and the drama of local government elections was acted. The 1973 constitution

introduced a collaborative election system both for the majority and minority; however, Zia engendered a chasm between majority and minority, and hereafter, no limitation of constituencies was done for minorities. In addition to this, Islamization and economic processes were merged into one another. Thus, the collection of Zakat and usher collection was determined obligatory through the official system and the foundation of this process was laid down. The basic purpose of this process was to improve the life standard of feeble masses and minimize the differences in the living standards of different classes and people. In a nutshell, he immensely encouraged extremism and the countdown of Madrassas (Schools of Islamic Thought & Ideology) was immensely increased which inversely affected the society. The practice not only engendered a rift between the Minority and Majority but it also encouraged extremism and sectarianism within the Muslims.

According to the 1988 census, the population of Karachi was comprised of 238, 572 Christians and 84, 768 Hindus, belonging to two different communities i.e. 81, 598 belonged to Hindu Jaati and 3,170 Hindus belonged to Scheduled caste. Before this census, the census of 1981 revealed that the total population of Christians was 1,310,000, the population of 1,280,000, Ahmadis 100,000, the population of Parsees was 7,007, and the population of the Buddhists was 2, 639. Thus, the data indicated that census held in 1981, the count-down of non-Muslims was intentionally lower as compared to the Muslim population to deprive the minorities of their due legitimate rights and representation. The laws of the state had rapidly been reshaped in line with the Islamic ideology. The fact remains that General Zia-ul-Haq wanted to exploit Islam for their axis to grind and to achieve his political targets. Elections for non-Muslims were held separately on the reserved seats; thus, the fact remains that the Muslim population was thought of as the most significant, whereas, minorities and women population were treated as 2nd class citizens far beyond the suitability to the polling. In addition to this, as soon as the Islamic Ideology was restored, Pakistan‘s Penal Code also made some necessary amendments immediately in legal terms. Out of those, the punishment of persecution of one the most significant terms introduced in general and for non-Muslims in particular. For instance, section 295 of the Pakistan penal code states:

i. Legal Punishment from 02 to 05 years would be given to those who would cause any damage to a place worship or desecrating it with terror of degradation of religious group or community.

ii. Similarly, the Pakistan Penal Code, Section 295-A states that 02 years‘ punishment of prison along with fine would be given to anyone who would purposely harm religion or having a bad intention for religious belief by insulting any group and thereby incite and ferment their religious sentiments.

iii. 01 imprisonments along with fine or fine laid would be laid down on person if causes any disturbance during a religious gathering.

iv. Section 298 states that the above-mentioned punishment is also liable to those who would intentionally utter heartbreaking regarding one‘s religion or faith.

v. Later on, the range of these penalties was widened while adding sections 295-B,295-C, 298-A, 298-B and 298-C.

Thus, the arguments regarding segregated and collaborative elections went on for 20 years: however, General Ayub Khan did not opt for a collaborative elections process nor this process was adopted during the 1970s general election. Similarly, the election of 1977 was conducted under the constitution of 1973 adopting a collaborative electoral system; however, the elections for local government of 1979 were held under the martial law

system introduced by General Zia-ul-Haq. Thus, it was the first time that a segregated election method was used during the local government elections. A similar method for election was repeated during the local government elections in 1983. This method was imposed in the 1985 elections as well; however, the joint election system method was used by General Zia-ul-Haq during the 1984 elections probably scared that would not have secured enough votes and this election was conducted on a non-party basis in September 1983. During this electoral process; 3,472 minority representatives were elected although it was urged immensely that minorities were against the segregated elections system. However, some of the minority representatives such as Joshua Fazal-ud-Din were obviously in favor of a segregated election system and was ardent supporter of the Pakistan movement and companion of Quaid-e-Azam. The founder of Pakistan went to the Lahore meeting with Chaudhry Chandu Lal, a representative of the Christian community and Sikh representative Gianni Kirtar Singh, who requested the support of the Pakistan campaign which they unconditionally accepted and declared alliance with Pakistan.

In addition to this, during the general elections during the assembly regarding the decision on whether the whole of Punjab would be unified with Pakistan or India on 23rd June, 1947; the Unionist Party got the evident lead in the Punjab assembly, thus, the Muslim League was badly needed votes to minorities. In such circumstances, Dewan Bahadur, and SP Singh fully assured Quaid-e-Azam regarding the provision of Christian members of the assembly. Hence, religious minorities fully supported the freedom movement and Pakistan independence movement as well. However, historians have not recorded the efforts of the minorities that they played for the creation of Pakistan and the facts regarding the contribution of minorities during the Pakistan movement have been eliminated.

A commendable role has been played by the Christian political Leaders during the Pakistan independence specifically by the Punjab Assembly Members such as S.P. Singh. CE. Gibbon and Master Fazal-Elahi. Therefore, their role in the independence movement of Pakistan can‘t be overlooked. Not only these but constantly had been visiting the camps of refugees and providing medical relief and materials to the victimized masses. Singh also made enough effort to engender mutual harmony amongst different religions through the establishment of Counsel for Peace; his effort failed. Both the Christian community and Parsis community contributed enough to settle the refugees during those days of plights and troubles. Thus, the Christian community played an overwhelming role in the establishment of Pakistan. During the partition, SP. Singh, CE. Gibbon and Joshua Fazal-Din appeared before the Durand Line Commission and assured that the Christian community would surely like a coalition with Pakistan; thus, the Gurdas Pur region should be assigned to Pakistan. Although the population of the Christian community was immensely small before the partition of the sub-continent in 1945, it was well-disciplined and well-organized. That population was comprised of British, Anglo-Indian and native Christians; however, after 1945, the British began to move back to their native land and most of the Anglo-Indians migrated to England. However, a considerable number of Anglo-Indian and Native Indians remained on duty due to their civil services in India having key positions such as security forces, banking, police railway, telegraph department, post-offices, education, medical and press. Thomas who was working as Editor in Dawn Newspaper in Delhi was an eminent Christian, who came to Karachi at the request of Quaid-E-Azam after the partition of Hindustan and served Pakistan for years as an editor of Dawn. Thus, during the shortage of manpower, the Christians worked for the welfare of Pakistan very much devotedly and faithfully17. In the last moment, 03 of the elected Christian representatives voted in favor of Pakistan on the day of polling, thus, India got 88 votes and Pakistan secured 91 votes, thus these votes gave Pakistan the winning position against India. Alkali Dal, a leader of Tara sing on the doorsteps of the Punjab Assembly and raised an enticing slogan; whoever would demand Pakistan would get a Kabristan that was responded by Dewan Bahadar SP Singh saying that Seeny pay Goli Khayingay lakin Banyaingy Pakistan which means that We will die for the establishment Pakistan. Quaid-e-Azam declared in

obvious words saying that Pakistan would not be a theoretical state.19 The India Act of 1935 was amended in 1951 and the election in 1951 was conducted based on the 1935 Act of India. This election Chaudhary Chandu Lal, Ralia Ram, Fazal Elahi, SP Singh and CE Gibbon were elected in this election. Later on, Chandu Lal was elected as the deputy Speaker of the Punjab Assembly. Similarly, CE Gibbon was elected as Deputy Speaker of the 1st constituent Assembly of Pakistan. However, in East Pakistan, the Pakistan Muslim League was defeated badly even though the Chief Minister of the League lost his seat and United Front got eminent Victory securing 223 seats overall. West Pakistan Act was finally propagated on October 14th, 1955 to establish a single-unit system. This, promulgated act of 1956, divided the territory of Pakistan into two sections known as East and West Pakistan. As a result, a new party known Republican emerged as an eminent political party in West Pakistan and the Muslim League lost its popularity and control over the circumstances. The Christian representative Joshua Fazal Din fused with the Republican Party and he was selected as the Deputy Minister for Law and Parliamentary Affairs and Finance in the West Pakistan Cabinet. Since then, the activities of the Christian Association became faint as a result of Dewan Bahadur, SP Singh and Alfred Parshad to maintain the party's efficiency. Resultantly, Christian members merged themselves with the Muslim League as Associate members: hence, hereafter no Christian political platform emerged. The breakup of the Christian representative is given below:

Christian Representatives (1946-1969)

Election 1946 – Punjab Assembly

1. Dewan Bahadur S. P. Singha

2. C. E. Gibbon

3. Fazal Elahi

4. B. L. Ralia Ram

Election 1951 – Punjab Assembly

(i) C. E. Gibbon

(ii) Chaudhry Chandu Lal

(i) Joshua Fazal-ud-Din

(ii) C. E. Gibbon

(iii) S. P. Singha

(iv) Fazal Elahi

Election 1962 – National Assembly No Christian representation

Election 1970 – National Assembly No Christian representation

The Representation of Minorities in the era of Ayub Khan

On 27 October 1958, the chief of army group of workers well-known Muhammad Ayub Khan declared martial law and overthrew the government of Sikander Mirza. Popular Ayub Khan banned political activities within the use of a Leaving apart the draft charter of

1962, he added the gadget of fundamental democracies (B. D gadget). Under this device, a member from every avenue (segment) changed into to be immediately elected utilizing the voters of the Mohallah (segment). And after the Mohallah was elected, those B.D. individuals became "Electoral university" electorate to in a roundabout way opt for a member of the national and Provincial Assemblies. In one of these machines, the Christian contributors of the B. D. are elected from scattered areas of no sizable price in big constituencies that might be extensively scattered. Moreover, in BDS indirect constituencies, no Muslim BD member voted for any Christian candidate for country-wide or provincial assemblies. Even the Christian leader Joshua Fazal-ud-Din who dared to contest the election ought to get votes together. Well-known Ayub Khan ended the 5% minority quota allocated to them with the aid of Quaid-e-Azam Muhammad Ali Jinnah in government offerings, instructional establishments and so on. As a result, Christian becomes deprived of all of the concessions given with the aid of Quaid-e-Azam as a token. The energetic function is performed by way of the Christian motion in Pakistan. For this reason, a feeling of lack spread in the Christian network. Although, G. Ayub Khan changed into a close buddy of Bishop Hetinga, the bishop of the Diocese of Rawalpindi.

In such political phenomena, a few Christians woke up individuals known as a conference at project Compound Khokharke, Gujranwala to form a form of political plate. And unanimously create Pakistan Masihi League Ch. Punjab Deputy Speaker Chandu Lal Ex became elected as the first president of the Pakistan Misihi League. Within the 1965 conflict, the fee of espionage against the Christian community gave the Christian network an impetus to create unity inside its ranks and, if feasible, to create a political shape. although the Christian Jawans in the military i.e. Air pressure, navy, and Infantry fought bravely and achieved a historical victory in opposition to Indian aggression. Pakistani peoples. Many Christians had been imprisoned without trial. This situation created a feeling of lack of confidence as a whole in the Christian community, To end this anti-nation atmosphere, a protest rally turned into organized in Lahore. This collection was together addressed by using Joshua Fazal-ud-Din and Allama Allah-ud-Din Siddiqui (former Deputy Minister for Parliamentary Affairs of West Pakistan and Vice-Chancellor of Punjab College respectively). While the then overseas minister Zulfiqar Ali Bhutto resigned from popular Ayub Khan's cupboard in 1968 and concurrently started a protest movement against Ayub's regime, renowned Christian political and social people like Gulzar Chohan, Stephen Siraj-ud-Din, Isaac Sosheel, Yousif Pervez and Umar Hayat Umar joined the Misihi Majlis-e-Amal (Christian action Committee) under the leadership of Emmanuel Zafar. The Christian Movement Committee commenced its war for the recuperation of the same political, social, and religious rights for minorities. It was the first time within the records of Pakistan that a Christian below the leadership of Emmanuel Zafar began protest rallies and public conferences for their political rights. The Christian Action Committee movement soon unfolded its motion in numerous towns of Punjab and Emmanuel Zafar led processions throughout Punjab. Even though the "Pakistan Misihi League" was founded in 1964, Tajamal Hussain of Karachi formed the celebration throughout Ayub's regime and named it conference Christian League affiliated to fashionable Ayub Khan's Muslim League conference, which automatically ended with the autumn of Ayub's regime. D. P. Singha, N. Patras, Elvin Fiaz Gill, and Isaac Jimmy Dean founded another Christian celebration the "Christian Democratic Party". Leftist country-wide Awami celebration (Mullana Bahashani organization) Christian political people M. Stephen, Ch Naeem Shakir propose, and Yousaf Jalal Din additionally announced "countrywide Christian Council", United Christian front headed through Captain (R) Sana Ullah and Pakistan at the political scene David John's Council for the Welfare of Minorities appeared.

James Subay Khan's "Pakistan country-wide Christian League" committed itself to issue anti-Church statements and couldn't penetrate the ranks of the Christian community. standard Yahya Khan, who after coming to power on March 25, 1969, introduced popular elections in this us of a. He promised to hand over electricity to an elected government and

create a brand new charter for Pakistan. He fashioned an intervening time cabinet in which he protected Christian jurist A. R. Cornelius, former Chief Justice of Pakistan, as Federal Minister for Regulation and Parliamentary Affairs and entrusted him with the project of drafting a constitution. When Justice AR Cornelius organized the draft constitution, Jamiat-a-Islami chief Moulana Muhammad Tufail welcomed the draft and termed it the mild of the standards of Islam. On the opposite, Zulfiqar Ali Bhutto, Chairman of the Pakistan People's Birthday Party, immediately rejected the draft charter prepared through Justice AR Cornelius and criticized that he might not accept a charter prepared by a Zimi (a non-Muslim).

The Masihi Majlis-e-Amal voluntarily merged into the Pakistan Masihi League in the interest of Christian cohesion. Emmanuel Zafar and Gulzar Chohan have performed a substantial role in making the Pakistan Masihi League a dynamic and consultant facet. In the early Nineteen Seventies, the Pakistan Masihi League emerged as the handiest representative celebration of Christians, leaving behind all Christian splinter businesses.

Election 1970 and Christians under Joint Electorate System

General Yahya Khan promulgated his "Legal Framework Order (CFO)" 1970 and announced general elections, 1970 to the National and Provincial Assemblies to be held on 7 December 1970. Under his LFO, he introduced a common electoral system with an adult franchise. On the principle of "one man one vote". While the Pakistan Masihi League was a representative party of Christians at the time, according to its manifesto it advocated a separate electorate for genuine representation of minorities.

The Pakistan Masihi League mobilized public opinion and vehemently raised the slogan that separate electorates would be introduced for genuine representation of the minority communities and chanted the slogan that if separate electorates were not introduced, the PMC would have no option but to boycott. General election. The Supreme Council of the Pakistan Masihi League (PMC) split into two groups on this issue. One group wanted to participate in joint elections as a protest. Another group led by Emmanuel Zafar protested against the proposal to participate in the elections. That is, because of the undemocratic attitude of some Christian leadership. The Masihi Masihi League split into three factions PML (Hayat Group), PML (Grancis X-Lobo Group) and later another PML Col. (R) J. Abel Group.

When the Pakistan Masihi League split into groups, the Pakistan Masihi League (H.L. Hayat) fielded 33 Christian candidates for national and provincial assemblies across the country on the PML platform under the election symbol of "spectacle" under the joint electoral system. Francis, X. Lobo contested the election for the National Assembly seat in the Karachi constituency and secretly signed an exchange agreement with the Awami League of Shiekh Mujibur Rehman. In one Lahore constituency, C. Ayub contested a seat in the National Assembly against Zulfiqar Ali Bhutto (PPP) and Justice ® Javid Iqbal, the Pakistan Muslim League candidate. Alfred Peter contested the election in one NA constituency in Peshawar against Khan Abdul Qayyum Khan (President of Pakistan Muslim League Qayyum Group). As a result, all the 33 candidates of the Pakistan Misihi League were miserably defeated and even their securities collapsed. On the other hand, the Pakistan Masihi League under the leadership of Emmanuel Zafar, Gulzar and Iqbal Chauri formed the Azad Masihi League and boycotted the joint electoral system. Later Joshua Fazal-ud-Din joined the Azad Masihi League and was elected its president and started a collective campaign of the Christian community and boycotted the elections. On 20 December 1971, General Muhammad Yahya Khan handed over powers to Zulfiqar Ali Bhutto, who called himself the country's first civilian Chief Martial Law Administrator and the acting CMLA announced the nationalization of private and Christian educational

institutions under the Education Policy, 1972 as amended by Martial Law Ordinance 118. To save his institutions, the Christians started a peace agitation under the auspices of the Pakistan Masihi League. Then the United Christian Alliance was formed.

Constitution of the Islamic Republic of Pakistan 1973 and Minority

On 10 April 1973, Zulfiqar Ali Bhutto was approved by a unanimous constitution of Pakistan. Instead of a republican constitution, he created the constitution of the "Islamic Republic of Pakistan" and inserted Article 2, which states: "Islam will be the state religion of Pakistan" ignoring the secular vision of Pakistan. To reinforce this Islamization in Article 106 of the original constitution, in 1973 he reserved minority seats only at the provincial level through a single election of the ruling party. The system of selecting members of minorities thus became the exclusive prerogative of the majority party. In this system, PPP nominees in particular were selected by the PPP over and above the consent and will of the minority communities. The Pakistan People's Party (PPP) selected D.P. Singha (Lahore) Samson Manoha (Lahore), Ch. Paul (Rawalpindi), Professor S. Stephen (Rawalpindi) and C. Ayub (Sargodha) for the Punjab Assembly, Bashir Masihi for the Balochistan Assembly, Francis X Lobo for the Sindh Assembly and John Jacob for the NWFP Assembly.

The Azad Masihi League, headed by Emmanuel Zafar, opposed such incomplete minority representation limited only to the provincial level through selection and demanded representation in all legislatures, i.e. the Senate and the National Assembly. At the constant demand of the PPP, the government amended Art. 51 to 5th Amendment of 1975, in which 6 (six) seats in the National Assembly were allocated to minorities.

In 1975, the PPP selected R. M. Andrews, Barrister (Peshawar) Father Denko Misqit (Multan), H. S. Bedi (Bahawalpur), Julian C. Dean (Sialkot), Stephen P. Lal (Peshawar) and Bashir Masihi (Quetta) because of their affiliations. with the PPP as workers, there After the death of R. M. Andrews, his wife Najma Andrews was chosen as MNA. In the disputed 1977 general election, D. P. Singha was also elected as an MNA.

The Pakistan National Alliance (PNA) launched a nationwide movement alleging rigging of the 1977 elections by the PPP government. The leadership of the Pakistan Misihi Leagues assured the PNA of its support to join the movement with the PNA but backed down. Two PML workers Daniel Tasneem and Rashid Patras represented PML of their own volition **whereas** Azad Masihi League chief actively participated in PNA Movement. On 20 May 1977, a Christian youth, Irfan Aziz, son of Aziz Humdam, was martyred in a procession of the Pakistan National Alliance and Sialkot during the agitation. As a result of such bloody incidents, General Zia-ul-Haq (Chief Martial Law Administrator) overthrew the government of Z. A. Bhutto on July 5, 1977. He imposed martial law and promised to hold free and fair elections.

The Representation of Minorities in the Local Bodies Elections

During the regime of Zulfiqar Ali Bhutto (1972-1977), local body elections were not held. In 1979, General Zia-ul-Haq called for "local body" elections across the country. Minorities were granted the right to representation on a separate electoral basis with a multi-member district for representative candidates an entire city multi-member district and an entire district multi-member district for council members.

In 1983 this pattern was maintained, but in 1987 the constituencies for minorities were delineated to some extent. Elections to local bodies were not held during the Benazir Bhutto period (1988-1990). In 1998, the Mian Nawaz Sharif government doubled the seats in local body elections.

When General Pervaiz Musharraf took control of Pakistan as Chief Executive on 12 October 1999, he declared that separate electorates were good for the genuine representation of minorities. In the 2000 local body elections, he introduced a new system that he said would provide representation at the grassroots levels and introduced a new electoral system. Under this system, a scheme of small constituencies was introduced, through which municipal councilors were directly elected in streets or small areas. However municipal councilors and district councilors were indirectly elected by the vote of the general councilor in the 2000 election.

In the second local body elections in 2005, the system of minority representation was completely changed. The right to elect a minority candidate by the minorities was usurped and the representation of the minorities was left entirely at the mercy of the Muslim political parties, who by their proportional representation were entitled to nominate any Tom, Dick, or Harry from the minorities without consulting them.

In 1982, General Zia-ul-Haq of his own volition introduced the non-representative Majlis-e-Shoora system as a replacement for Parliament i.e. Senate, National Assembly and Provincial Assemblies. Six Christians namely, H. L. Hayat (Sialkot), Professor Tresslar (Sialkot), Captain Sanaullah (Rawalpindi), Colonel (R) W. Herber (Lahore), Stephen P. Lal (Peshawar) and Francis X Lobo (Karachi) nominated for Majlis -e-Shoora. Using the Majlis-e-Shoora for its Islamization process, it incorporated an Islamic provision in the Secular Evidence Act of 1872 and replaced it with the Islamic Qanun-e-Shahadat of 1984, where the evidence of four minority‘s male witnesses‘ equals one Muslim. Witness and the testimony of two Muslim witnesses is equal to one Muslim male witness. Such a discriminatory law caused panic among women and minorities.

Meanwhile, General Zia-ul-Haq won approval for the Islamic Hudud Ordinance, which he promulgated as early as 1979. As such, the punishments of Islamic Hudud applied to minorities with different faiths and their laws separately. He also added Section 295-B and Section 295-C to Chapter XVI "Offences relating to Religion" and made blasphemy against the Holy Prophet (P.B.U.H) punishable with ten years' imprisonment with a fine.

General Zia-ul-Haq, through Presidential Order 16 of 1985, announced general elections in 1985 on a non-partisan basis and reserved 10 seats for minorities in the National Assembly. Then superseded by Legal Framework Regulation 2002 and Director General Regulation No. 24 of 2002). Whose schedule is as follows?

The above seats were based on separate electors 44 direct votes under the law. However through the Legal Framework Order (LFO) in 2002, a separate electorate was changed and minority representation was chosen as majority parties based on their proportional representation in parliament.22 neither did Zulfiqar Ali Bhutto reserve seats for minorities in the 1973 constitution nor did Zia-ul-Haq in his Presidential Order No. 16 by any means. Although minorities have constantly demanded their representation in the Senate, especially after the acquisition of separate electorates. Similarly, neither (2) governments of Benazir Bhutto nor (2) governments of Mian Nawaz Sharif and General Pervez Musharraf paid any attention to the minority demand. However, the minorities got their representation from the local bodies up to the level of the National Assembly (Fareed, et. al., 2019).

General Election of 1985 – Christian Representation

Christian participated in the non-party elections of 1985. In the National Assembly, Nasir Mahmood Khokhar, Emmanuel Zafar, Captain Sanaullah and Colonel W. Herberd were elected at No. 1, 2, 3, and 4 respectively from all Pakistan multi-member

constituencies, Colonel W. Herbert was accepted as Parliamentary Secretary for Defence. On August 14, 1984, at the St. Francis in Anarkali, Lahore a meeting was held and it was unanimously concluded that a single party called Masihi Awami Party (MAP) was formed. Emmanuel Zafar was elected its president. In the 1985 elections, Emmanuel Zafar was elected as a member of the National Assembly of Pakistan based on separate electorates (All Pakistan Multi-Membership Constituency). Iqbal Ghauri from Gujranwala contested elections in 1985, 1988, 1990, 1993 and 1997 under the symbol of "GOOD". Raj Hamid Gill continuously represented MAP in the Punjab Assembly from 1985-1999. J. Salik appeared on the political horizon in the local body elections of 1979. He contested the elections under the separate electoral system in the council seat in the multi-member constituency of Lahore Municipal Corporation, Lahore. He was elected as a counselor after resigning in protest against the Kashmiri Muslims and the Iran war. In 1988, he founded the 'Pakistan Masihi Party' and contested the general elections held under a separate electoral system. Although he was declared unsuccessful, he filed an election petition in the Lahore High Court. He was declared successful by the Lahore High Court but could not appear. Because President Ishaq Khan dissolved the assembly. He ran again in the 1990 general election and won a record number of votes and was inducted as Federal Minister for Planning and Population in Benazir Bhutto's cabinet. He was narrowly elected in the 1993 election but was defeated in the 1997 election due to his unpopularity. Now he has created the World Alliance of Minorities.

After the 1985 General Elections Martyr Bishop John Joseph decided to support his brother Lazar Joseph to contest as MNA in the 1988 General Elections. Shahbaz Clement Bhatti supported by Fr Bonnie Mandis of Diocese of Faisalabad initially formed the Christian Liberation Front party (CLF). Later, CLF was changed and renamed as All Pakistan Minorities Alliance (APMA). Pakistan People's Party workers Joseph Francis, Isaac Jimmy, Dean Saleem Sylvester and Younis Bhatti founded the PNCP in 1987. The party contested the 1988 elections and fielded Isaac Jimmy Dean as the MNA candidate and Younis Bhatti as the MPA candidate to assist Punjab under a separate electoral system. But both candidates could not succeed. In the 1993 general elections, PNCP again fielded two candidates namely Joseph Francis and Younis Bhatti as MNA and MPA Punjab, instead of supporting PPP, both were defeated. Now Isaac Jimmy Dean, Saleem Sylvester and Younis Bhatti have left the party.

Michael Javid founded the Pakistan Minority Front on 14 August 1984. He contested the 1985 National Assembly elections based on separate electorates but was unsuccessful. But after that, he was elected MPA of the Sindh Assembly four times in 1988, 1990, 1993 and 1997. He also served as Deputy Speaker of the Sindh Assembly for some time in 1992. In 2002, he joined the All Pakistan Minorities Alliance headed by Shahbaz Clement. Bhatti, Stephen from Peshawar is the founder and president of the Christian Rabita Council (CRC). The organizational network of this party is limited to the city of Peshawar. Stephen took part in all elections from 1985-2002, within the separate electorate, but could not succeed.

The Law of Blasphemy and Minorities

According to the Christian, this blasphemy law was incorporated through the 1986 Penal Amendment to the Pakistan Penal Code of 1860. According to them, the law was widely misused to persecute non-Muslim citizens of Pakistan based on religion. It has been urged that section 295-B and 295-C of PPC has continuously proved to be a "hanging sword" on the head of minorities, especially Christians. It has been said that since 1990 after the death sentences for the blasphemy law came into force, the law has been increasingly freely abused to prove his innocence in court. It was outrageous that it has now become common practice for Muslim prosecutors and witnesses to extra-judicially murder non-Muslims, rightly or wrongly accused or involved in blasphemy cases.

On 6 May 1998, Bishop John Joseph of Faisalabad sacrificed himself to change the blasphemy law. He shot himself and said, "Ayub Masih the first sacrifice I make for you" before the court of Rana Abdul Jabbar Dogar, District and Sessions Judge, Sahiwala, who awarded the death penalty, a fine of Rs. 100,000/- to Christian Ayub Masih of a village in Tehsil Arifwala district Pakpattan under the Blasphemy Act dated 27th April 1998.

Surprisingly, no case of blasphemy was registered under this law until another amendment in 1990 through a Sharia petition in the Federal Sharia Court by Ismail Qurashi: A lawyer who urged the court to impose a penalty of life imprisonment to death for blasphemy. Suddenly, after this amendment, blasphemy cases became a decisive tool for religious minorities. Since the amendment in 1990, more than 327 blasphemy cases have been registered in courts across the country.

Bishop John Joseph became a prominent leader in the fight against the Blasphemy Act and other laws deemed discriminatory against minorities. Bishop John Joseph, Bishop of Lahore Alexander John Malik on 12 May 1998 said that the blasphemy law is constantly misused against religious minorities. The law has been used to persecute, threaten and victimize minorities. On an equal and false charge, Christian colonies and villages were attacked and burned. In the future, he stated that if the government does not provide protection then we will have no other alternative to establish "Sipa-e-Masihah" for our protection.

Representation of Christian under Pervez Musharraf's Legal Framework Order 2002

On 12th October 1999 General (R) Pervez Musharraf toppled the elected government of Mian Muhammad Nawaz Sharif and declared himself the Chief Executive. In his interim cabinet, he appointed some ministers to run the civil administration. He selected an old student of F.C. College, Lahore Derrick Cyprian, totally unfamiliar and unknown to the Christian Community as Federal Minister for Minorities Affairs, Sports and Tourism. Due to his unpopularity among the Christians was soon removed from the office. Col. (R) S. K. Tressler replaced the outgoing Derick Cyprian as Federal Minister of the Minorities, Sports and Tourism. Col. (R) Tressler was supported by the protestant churches especially the Church of Pakistan. He remained Federal Minister till the election of 2002.

Afterward, General (R) Pervez Musharraf became the president through the most controversial referendum, in 2000. And assuming the office of the president he announced the General Election, 2002. When he promulgated his Legal Framework Order (LFO) 2002, he ignored his first speech and propounded a new electorate system for minorities. In the Legal Framework Order, of 2002, he introduced a system of proportionate representation. Through this, the minorities' representation had been left at the mercy of the majority parties. According to this ‗proportionate representation' formula, the Muslim majority parties were given the inherent unfettered right to select any Tom, Dick, or Harry amongst the minorities, even highly undesirable characters among minorities' circles merely based on their strength in the parliament. In this way, the minorities had been deprived of the right to elect their genuine representatives.

In the Election of 2002 almost five Muslim parties emerged as bigger parties namely Pakistan Muslim League (Q), Pakistan People Party (Parliamentarians), Muthahida Majlis-e-Amal (MMA), Pakistan Muslim League (N) and Mutihida Quami Movement (MQM). These majority parties under the principle of proportionate representation were entitled to select the minorities' persons on the names of the minorities' representatives solely on their own will and volition excluding the concern of the minorities' voters' altogether.

In the strength of these elected members of the parliament, the Muslim political parties select the following members in the National and Provincial Assemblies.

National Assembly		
(i) Mushtaq Victor	PML-Q	Faisalabad
(ii) Akram Gill	PML-Q	Lahore
(iii)Haroon C. Qaiser	PML-Q	Sargodha
(iv) Pervez Masih	MMA	Peshawar
(v) Asia Nasir	MMA	Quetta

Conclusion

This study examined the constitutional rights and political representation of religious minorities in Pakistan, focusing on the relationship between constitutional provisions, electoral arrangements, and the practical position of minority communities. The discussion shows that the protection of minority rights has remained an important constitutional and political issue since the creation of Pakistan. Although successive constitutions have recognised fundamental rights and included provisions concerning religious freedom and minority protection, the implementation of these guarantees has often remained limited.

The constitutions of 1956, 1962, and 1973 reflected different approaches to the relationship between religion, citizenship, and political participation. The 1973 Constitution established a parliamentary and federal system and included provisions concerning equality and the protection of minorities. At the same time, constitutional requirements reserving the offices of President and Prime Minister for Muslims placed limits on the political opportunities available to non-Muslim citizens. This demonstrates the tension between general guarantees of citizenship rights and specific constitutional restrictions.

The study also highlights the changing nature of minority representation under different electoral systems. Joint electorates provided a common voting arrangement, while separate electorates created distinct channels for minority representation. However, neither arrangement automatically ensured effective political participation. Under systems based on reserved seats and proportional representation, minority representatives could be selected through political parties rather than directly chosen by minority voters. This raised concerns about the independence of minority representatives and their ability to express the political priorities of their communities.

The historical experiences of Christian political leaders also demonstrate that religious minorities contributed to the Pakistan Movement and participated in the political development of the country after independence. Their involvement in legislative institutions, political organisations, and public services forms an important part of Pakistan's political history. However, the study suggests that these contributions have not always received adequate recognition. The changing electoral arrangements and the weakening of independent minority political platforms further affected their opportunities for collective political participation.

The discussion of General Zia-ul-Haq's regime shows how Islamisation policies and changes in electoral arrangements affected minority rights and representation. The introduction and expansion of religious laws, together with the use of separate electorates, contributed to concerns about religious freedom, equal citizenship, and political inclusion. The study also identifies challenges associated with discrimination, limited access to public employment, and the protection of minority educational and religious institutions.

Overall, the central finding is that constitutional recognition alone cannot ensure the effective protection of religious minorities. The gap between legal guarantees and their practical implementation remains a major concern. The protection of minority rights requires consistent enforcement of constitutional provisions, equal access to public institutions, and political arrangements that allow minority communities to participate meaningfully in decision-making.

The study therefore concludes that minorities should be recognised not merely as groups requiring protection, but as equal citizens with legitimate rights to political representation, religious freedom, and participation in public life. Greater attention to these principles can help strengthen democratic inclusion and promote a more equal relationship between the state and its religious communities.

References

Ali, I. (2015, May 13). 43 killed in attack on bus carrying Ismailis in Karachi. *Dawn.* Retrieved from https://www.dawn.com/news/amp/1181698

Amnesty International. (2014, October 24). *Pakistan: Woman sentenced to death for blasphemy: Asia Bib*i. Retrieved from https://www.amnesty.org/en/documents/asa33/015/2014/en/

Amnesty International. (2015, May 13). *Pakistan: Karachi Shi'a murders show extremists kill with complete impunity.* Retrieved from https://www.amnesty.org.uk/knowledge-hub/all-resources/pakistan-karachi-shia-murders-show-extremists-kill-complete-impunity/

Bokhari, F. (2015, May 13). Gunmen massacre minorities on Pakistan bus. *CBS News*. Retrieved from https://www.cbsnews.com/news/gunmen-massacre-minorities-on-pakistan-bus/

Central Intelligence Agency. (2015). *The World Factbook: Pakistan*. Retrieved from https://www.cia.gov/library/publications/the-world-factbook/

Constitute Project. (2018). *Pakistan 1973* (reinst. 2002, rev. 2018) Constitution. Retrieved from https://www.constituteproject.org/constitution/Pakistan_2018

Deutsche Welle. (2015, May 13). Gunmen kill 40 in Pakistan bus attack. *DW*. Retrieved from https://amp.dw.com/en/gunmen-attack-bus-kill-over-40-shiites-in-pakistans-karachi/a-18447443

Fareed, G., Muzaffar, M., & Riaz, A. (2019). Enigma of Political Parties in Political Socialization of Pakistan: A Case Study of Muslim League, *Pakistan Social Sciences Review, 3*(II), 268-281

Government of Pakistan, Council of Islamic Ideology. (n.d.). *Background of the Hudood Ordinance, 1979*. Retrieved from https://cii.gov.pk/publications/h.report.pdf

Government of Pakistan. (1949). *The Objectives Resolution*. Karachi, Pakistan: Constituent Assembly of Pakistan.

Government of Pakistan. (1973). *The Constitution of the Islamic Republic of Pakistan*. Retrieved from https://cci.gov.pk/SiteImage/Misc/files/Constitutions%20of%20Pakistan/Constitution%20of%20Pakistan%201973.pdf

Government of Pakistan. (1973). *The Constitution of the Islamic Republic of Pakistan*. Islamabad, Pakistan: Government of Pakistan.

Government of Pakistan. (1973). T*he Constitution of the Islamic Republic of Pakistan*. Islamabad, Pakistan: Government of Pakistan. Retrieved from https://www.na.gov.pk/en/content.php?id=75

Government of Pakistan. (1974). *The Constitution (Second Amendment) Act, 1974 (Act XLIX of 1974)*. Islamabad, Pakistan: Government of Pakistan.

Government of Pakistan. (1977). *Proclamation of emergency and martial law*. Islamabad, Pakistan: Government of Pakistan.

Government of Pakistan. (1979*). Execution of the Punishment of Whipping Ordinance, 1979 (Ordinance IX of 1979)*. Islamabad, Pakistan: Government of Pakistan.

Government of Pakistan. (1979). *Introduction of Islamic laws: Address to the nation, Islamabad, February 10, 1979*. Islamabad, Pakistan: Ministry of Information and Broadcasting, Directorate of Films & Publications.

Government of Pakistan. (1979). *Offence of Qazf (Enforcement of Hadd) Ordinance, 1979 (Ordinance VIII of 1979)*. Islamabad, Pakistan: Government of Pakistan.

Government of Pakistan. (1979). *Offence of Zina (Enforcement of Hudood) Ordinance, 1979 (Ordinance VII of 1979)*. Islamabad, Pakistan: Government of Pakistan. Retrieved from https://www.pakistani.org/pakistan/legislation/zia_po_1979/ord7_1979.html

Government of Pakistan. (1979). *Offences Against Property (Enforcement of Hudood) Ordinance, 1979 (Ordinance VI of 1979).* Islamabad, Pakistan: Government of Pakistan. Retrieved from https://en.wikisource.org/wiki/Offences_Against_Property_(Enforcement_of_Hudood)_Ordinance,_1979

Gregory, Shaun. (2012). Under the shadow of Islam: The plight of the Christian minority in Pakistan. *Contemporary South Asia* 20: 195–212.

Hashim, A. (2015, May 13). Pakistan's Ismaili community hit by deadly attack. *Al Jazeera*. Retrieved from https://www.aljazeera.com/amp/news/2015/5/13/pakistans-ismaili-community-hit-by-deadly-attack

Ispahani, F. (2013). P*urifying the land of the pure: Pakistan's religious minorities*. New Delhi, India: HarperCollins Publishers.

Kausar, R. Muzaffar, M. & Saqib, N. U. (2019). Political Parties and Democracy in Malaysia: A Case of United Malay National Organization (UMNO), *Pakistan Languages and Humanities Review, 3*(2),1-11

Khalid, I., &Anwar, M. (2018). Minorities under constitution (s) of Pakistan. *Journal of Research Society of Pakistan , 55*(2), 51-62.

Maududi, A. A. (1960). *Islamic law and constitution (K. Ahmad, Trans.).* Lahore, Pakistan: Islamic Publications.

Maududi, A. A. (1984). *The Islamic way of life*. Lahore, Pakistan: Islamic Publications.

Mehmood, Z. u.-I., Mirza, M. S., Khan, K., Shabbir, M., & Iqbal, S. (2014).Discrimination and problems of Religious Minority Students in Public Schools of Pakistan. *Journal of Education Research and Behavioral Sciences, 3*(8), 237-239.

Munshey, M. S. (2015, April 16). *Blasphemy laws and human rights in Pakistan. Oxford Human Rights Hub*. Retrieved from https://ohrh.law.ox.ac.uk/blasphemy-laws-and-human-rights-in-pakistan/

Muzaffar, M., Khan, I., & Karamat, S. (2017). The Politics of Religious Legislation: A Case Study of Pakistan 1979-2000*, Pakistan Social Sciences Review 1*(2), 76-90

Nabi, S. (2015, February 13). *At least 20 killed in attack on Shiite gathering in Pakistan. PBS NewsHour*. Retrieved from https://www.pbs.org/newshour/world/least-20-killed-attack-shia-gathering-pakistan

Nasr, S. V. R. (2001). *Islamic leviathan: Islam and the making of state power*. New York, NY: Oxford University Press.

National Commission on the Status of Women. (2003). *Report on Hudood Ordinances 1979*. Islamabad, Pakistan: Government of Pakistan.

Rais, R. B. (1992). Methodology of Islamization. *Pakistan Journal of History and Culture, 13*(2).

Statutes of Pakistan. (n.d.). *Article 22: Safeguards as to educational institutions in respect of religion, etc*. Retrieved from https://statutes.pk/constitution/22

Statutes of Pakistan. (n.d.). *Constitution of the Islamic Republic of Pakistan, 1973*. Retrieved from https://statutes.pk/constitution

Thayer, D. (2015). Mst Asia Bibi v The State: Capital Sentence Reference no 614/2010 / Criminal Appeal no 2509/2010. *Oxford Journal of Law and Religion, 4*(1), 147–149. https://doi.org/10.1093/ojlr/rwu047

United Nations. (1966). *International Covenant on Civil and Political Rights*. Retrieved from https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights

United Nations. (1966). *International Covenant on Civil and Political* Rights. New York.

United States Department of State. (2022). *2021 report on international religious freedom: Pakistan*. Retrieved from https://www.state.gov/reports/2021-report-on-international-religious-freedom/pakistan/

United States Department of State. (2024). *2023 report on international religious freedom: Pakistan*. Retrieved from https://www.state.gov/reports/2023-report-on-international-religious-freedom/pakistan/

WIPO. (n.d.). *Constitution of Pakistan.* Retrieved from https://www.wipo.int/wipolex/en/text/497260

Yaseen, Z., Jathol, I., & Muzaffar, M. (2021). Political Parties and their Participation in Pakistan's Democratic System, *Journal of Arts and Social Sciences 8* (1), 65-71

Yousafzai, Arshad (29 April 2018). "Two decades from now, Pakistan will have no Parsis". The News International. Karachi.

Zaman, M. Q. (1998). Sectarianism in Pakistan: The radicalization of Shi'i and Sunni identities. *Modern Asian Studies, 32*(3), 689–716.