



**RESEARCH PAPER**

**Minorities of Pakistan: An Analytical Analysis of the 1973  
Constitution of Islamic Republic of Pakistan**

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PAPER INFO	ABSTRACT
<b>Received:</b> April 21, 2020 <b>Accepted:</b> June 15, 2020 <b>Online:</b> June 30, 2020	Pakistan came into being on the 14 <sup>th</sup> of August 1947 and become the Islamic Republic of Pakistan in 1956 in her first constitution. Pakistan also consists of many groups of people but Muslims are a dominant community with 96% of the whole population. 4% minority of Pakistan belongs to different creed, culture, caste, ethnicity, and religion. The teaching of Islam and the ideology of the Quaid-e-Azam Mohammad Ali Jinnah focus on giving equal treatment to religious minorities. All three constitutions gave equal rights and freedom to the minorities of the state and also make Islam, the religion of the state. But the process of legislation for the rights and rise of a marginalized group is very slow, and radicalization is also taking place in the state. This paper examines that although Constitutions make justice with minorities in maximum ways in actual things are getting worse, when and how the constitution getting failed and the majority become the senseless mob. The minorities of Pakistan suffering from forced conversion to torching the minority colonies are emerging. In this article few articles of the constitution regarding the right of minorities are discussed.
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**Introduction**

Pakistan came into being in 1947 after a long liberation movement head by Quaid-e-Azam Muhammad Ali Jinnah who was also the first Governor-General of the newly born state. But the "Islamic Republic of Pakistan" came into being in 1956 under the leadership of Mr. Iskander Mirza as the first President of the state. So Quaid's secular or liberal Pakistan which was the land of equal rights and duties for every citizen regardless of his ethnicity and religion become an Islamic state " a state of Muslim majority" (Yousaf, 2016).

Before freedom Pakistan was a part of the Indian Sub-continent which was ruled by the British Government at that time. Before the East India Company and English Monarch, Muslim Monarch ruled the sub-continent. And before Muslims, this land governed Hindu and Buddhist kings and queens. So later on India or the Indian Sub-continent became a resident of multi-ethnicity as well as religion. That's why when Allama Iqbal saw the dream of Pakistan or land for Muslim he focused on Muslim majority regions such as Punjab, Baluchistan, Sindh, Bengal, and NWFP and other Muslim majority states such as Bahawalpur, Hyderabad, Kashmir, etc. But these regions were never solely belonged to Islam or Muslims, because many other religions were also living in these areas and have strong emotional ties with the land such as Hinduism, Christianity, Buddhism, Sikhism, Judaism, and many others. So after liberation, Pakistan had many religious minorities which were few in numbers but still exist in the state.

Quaid-e-Azam Muhammad Ali Jinnah was aware of this situation. Besides the slogan of "two-nation theory", Quaid always in his speeches consider Muslim and non-Muslims equal citizen of Pakistan. In his famous speech in Constituent Assembly, he stated that citizens of Pakistan may belong to different caste, creed, culture but all of the citizens are equal for the state.

Tragically, the founder of the state, Jinnah died very soon after the independence. After his death, many changes were made in the ideology of Pakistan which disturbed the future of Pakistan and make it the Islamic Republic of Pakistan. After Quaid many Governor Generals, Prime Ministers, and President came, three constitutions were made but none of them solve the issues but they made it complex and hard to solve.

Islamization of Pakistan after the Objective Resolution of 1949, Constitution of 1956, 1962, and 1973, was also done by General Zia in his dictatorship. The relationship between majority and minority become more complex and difficult, And it did more harm to minorities of the state rather than the majority. Although Objective Resolution, all three constitutions give equal rights to all citizens of the state and don't show any type of discrimination between majority and minorities, they also said that non-Muslim will never get the highest designation of the state such as President and Prime Minister (Malik, 2002). Non-Muslims are free to worship in temples and churches and perform their customs and rituals, they are also allowed to do businesses, get education and job from any institution they want. But law-making for their rights and liberty is not a priority of the state and government. In Pakistan, many acts and laws regarding minorities belong to British Raj. There are only a few amendments in all these laws such as family laws of minorities.

Pakistan is the fifth populated state of the world with 212.2 million people living in it, whereas almost 96% population belongs to the religion of Islam, and the remaining 4% population belongs to different religions such as Christianity, Hinduism, Sikhism, and many others (Yousaf, 2016).

All constitutions of Pakistan gave its minorities equal rights and freedom to live but now it seems that in actuality there are some difficulties in their freedom. So in this article focus is that when and how constitutional rights and duties become a myth for the small group of people of the state. For this purpose secondary data was used and focused on the news, articles, and work of different NGOs and minority leaders.

### **Minorities of Pakistan**

Islam or Islamists are very commonly used terms to characterize Pakistani society in the reference to the negligence of religious minorities. But to enlighten the real issues and problems of marginalized people, it's important to avoid those terms. Pakistan is a pluralistic and theologizes state where people of different diversity live and the state's sovereignty belongs to Allah Almighty. Pakistan is also a republic where majority rules and religious minorities are only 4% of the whole population, and also consist of different religions. So, the worth of only 4% of minorities of different creeds and caste in a pluralistic, theological, and democratic state becomes very minimum. That's why many Hindus fled to neighbouring Hindu majority country for better economy and rights even after the partition of the Sub-continent. A span of radicalization also comes into Pakistan with the war against terrorism and Shia-Sunni conflicts. So, in different regions of the state targeting the marginalized people increase such as in Baluchistan:

*"Their economy has been decreasing day by day and due to that, large numbers of minorities migrated to other places of Pakistan, some of them abroad....In the current era dozens of minorities and their spiritual leaders are kidnapped for ransom ... as well as so many minority communities ... killed across Baluchistan. Due to that, thousands of minority [members] migrated from Pakistan to India due to feeling insecure in all aspects of life."*

Social activist, Khyber Pakhtunkhwa, July 2014(Dilawri, Salim, Saleem, & Ishfaq, 2014)

The fact is that not only a religious minority of the state such as Sikh, Hindu, and Christian feel abandon but "Muslims" also feel that. Islam is the name of believing in God (Allah) and one prophet as the Last Prophet but after that Islam becomes very diverse and complex. These complexity and diversity divide Islam into many sects and minor sects living in Pakistan also do not feel acknowledged. It's not that Islam is divided into two sects Shia and Sunni; these two sects are now further divided into too many groups. So they are making the state more complex and diverse, and this another reason for the difficulties of Pakistani minorities as well as the majority (Malik, 2002).

As a result, in many aspects, the Muslim minority also have the common experience of "discrimination, persecution, and violence "with other side-lined religious groups in the republic. Furthermore, although there are other smaller religious groups in Pakistan, such as "Ahmedi, Parsis, Zikris, Bahá'í, Buddhists and Kalasha", the largest and most prominent minority religious groups are Hindus, Sikh,

and Christians This article will focus particularly on these groups. The following is a brief overview of the situation faced by each of these groups.

### **Christians**

After the partition in 1947 many Hindu and Sikhs left Pakistan for India but Christians were mostly lived in the same land because they would bathe minority in both states and also they have some asset and legacy here too. According to the "1998 Census", Christians make up approximately 1.59% of Pakistan's total population. The exact number is unknown and estimates range from less than 2 million to as many as 3 million (Majid, 2014).

In the Pakistan Christian community live all over the state, but the majority of them live in Punjab, KPK. In all the major cities of the country, Christians live in bulk and having old churches and also built new ones. Even in the newly developed capital of the state (after the independence) Christian churches and community are located. In the capital, very beautiful churches were built, and the remaining old city has a Christian population as well as churches before partition. Peshawar, Karachi, Lahore, Faisalabad, Gujranwala are famous for the Christian population who do basic and low-level jobs in these cities such as cleaner, labourers, farmhands. Although Christians were a significant part of the society and have contributed to the well-being of the state, they made hospitals, education centres. Their schools are till day are the main source of making cream of Pakistan. Their hospitals and health facilities are till now working for the well-being of the people of the state.

But in 1971-7 Zulfiqar Ali Bhutto nationalize the Christian properties and institution was the main stage where the Christian minority felt discrimination and victimization along with other minorities of the state. Because of this the Christian legacy of Pakistan such as hospitals, schools, and churches got out from the hands of the Christians.

With the war on terror and Islamic radicalization of Pakistani society due to the war in Afghanistan, the Christian community also suffered a lot. A wave of attacking churches and other worship places came in the state, maybe because of the Christian community (USA and NATO forces) were killing the Muslim community in Afghanistan, so the revenge takes on Christians of Pakistan. Multiple attacks on churches took place in 2013 in different cities of the country. In which hundreds of people killed and many saints were killed because those attacks took place on the time of service on Sunday. There were also events of attacking the Christian colonies in Punjab with the allegation of blasphemy. In these attacks, many homes and businesses were vandalized and torched that killed many people physically and emotionally. Many Christian people living in jails because of 295-C which was the gift of General Zia to Pakistan, "Blasphemy Law" (USCIRF, 2015).

## **Hindus**

“According to the 1998 Census, Hindus in Pakistan account for approximately 1.85% of the state’s population– amounting to less than 2.5 million people. However, as with other minority groups, these figures are regarded by community organizations as unreliable and out of date. The Pakistan Hindu Council, for instance, has estimated that the total Hindu population now exceeds 1.5million. Of this group, approximately 94% inhabit the province of Sindh, with more than half of Sindhi Hindus, belongs in the south-east district of Tharparkar, bordering India. The remainder of Pakistan’s Hindu population resides in small pockets of Punjab, as well as Baluchistan and KPK provinces” (PHC, 2014).

After the independence of India and Pakistan, many people migrated from one state to another mainly because of religion. India is the Hindu majority state and Pakistan is Muslim, these titles were given to both states from their births. Tragically, the migration of a hundred thousand people was not peaceful at both states. On both sides, people killed people and damaged their property and legacy. So in the beginning people damaged the property of Hindus and Hindu’s temples and heritage out of revenge. That’s why very few Hindu Temples in Pakistan are in the right condition. Pakistani Hindus also targeted by the people as they are agents of India (the same way Muslim minority treated in India). Many temples were vandalized, women were raped, children were killed and men were assassin after the Pak-Indian war of 1965 and 1971. The same thing again happened when in India Barbari Mosque demolished in 1992(Dilawri, Salim, Saleem, & Ishfaq, 2014).

So, on the other hand, Pakistan has also examples of Hindu people working on high ranks. The major example of this Justice Bhagwan Das who was prestige and well-reputed judge of Pakistan. Sumon Bodani was also appointed as a civil judge in the country. In the world of sports, the name of Danish Kaneria is well known.

In the last two decades, issues of the Hindu community are emerging. The main issue is facing by the Hindus living in rural Sindh is force convergence of Islam in teenage girls and then marrying a Muslim man. Hindu marriages are also not registered and recognized under Pakistan Penal Code because Pakistan adopted the British law of the subcontinent and did not amend it in the favour of minorities. Government officials are involving adultery, kidnapping, and raping Hindu women (Dilawri, Salim, Saleem, & Ishfaq, 2014). There are also many events of torching Hindu colonies, homes, and temples in 2013 and 2014, there was also news of digging Hindu graves in Badin district for disinterred the bodies (USCIRF, 2015). In Tharparker Hindu families living below the poverty line in seek of water. Economically Hindu communities are also not so strong. They lived in the rural and underdeveloped areas and cities, they do very minimal jobs. So in recent years many Hindu families left Pakistan and moved to India for a better life concerning security and economy.

## Sikh

“Since the independence of Pakistan in 1947, the Sikh community is living with comfort and ease, Sikh had long played an important role in village life across undivided Punjab playing an important role as businessmen and traders. Many towns of Pakistan, such as the town of **Nankana Sahib**, the birthplace of Sikhism’s founder Guru Nanak Dev. Each of Nankana Sahib’s nine temples is associated with different events in Guru Nanak Dev’s life. The major places associated with the Sikh Guru are Nankana Sahib, **Kartarpura** or Manzoorpura in Narowal, **Chooarrkana** or Feroqabad, the maternal village of Dear Chahi, **Punja Sahib** in Hasanabdal, Rohats Fort, Aimanabad near Gujranwala; Pakpattan **Chawali Mashaekh**, Vehari; and Makhdoompur Pahurran in Multan district” are situated in Pakistan. So Sikh has very tight ties with Pakistan and Pakistan also helps their cause across the border (Majid, 2014).

Sikhism has its belonging in the state so thousands of Sikh pilgrims come to Pakistan to visit holy places of their religion so they are a major part of the tourism economy. Recently Prime Minister of Pakistan Mr. Imran Khan focused on the building of the Kartarpura Corridor for the Sikh community. So they can easily come to visit. In Pakistan, the Sikh community prominently doing jobs as a politician, policemen, army cadets, lawyers, businessmen, and also work in a governmental and non-governmental organization. Senior Sikh citizens also receive a pension and senior citizenship allowance for the government of Pakistan.

Nowadays, Sikh traders and businessmen also facing issues of kidnapping for ransom. They are also paying money for enjoying the communal services, education, health, and business. According to the Constitution of Pakistan 1973, minorities will not pay any extra taxes but now different groups are collecting money from them because they are living here (HRCP, 2014).

In September 2014 a delegation come to Pakistan from the united kingdom regarding monitoring the religious minorities’ issues (Rehman, Johns, & Hussain, 2018). In their investigation and during the mission the delegation found the following issues of concern:

*“1. Absence of National Commission for Minorities 2. Difficulties in Reforming Blasphemy Laws and Misuse of Existing Laws 3. Non-Implementation of 5% Jobs Quota for Minorities 4. Discrimination in the Education System and Lack of Access to Advanced Education and Training 5. Minority Underrepresentation in Politics 6. Forced Conversions and Forced Marriages 7. Lack of Training for Law Enforcement Agencies 8. Children in Conflict with the Law and on Death Row 9. Criminal Justice Matters 10. Slums for Religious Minorities 11. Persecution of Ahmadis”*

## **The Constitution of 1973 and the Rights of the Minorities**

In Pakistan constitution were written three times in 1956, 1962, and 1973, all of them had some differences but also have some common ground and the common ground was equal rights and freedom for every minority who live in Pakistan. Part II of the Constitution of Pakistan 1973 consists of two chapters, whereas chapter one named "Fundamental Rights" contains articles 8-28 of the basic rights of citizens in the country, which includes freedom of religion to the majority and all minorities. The main focuses of the 1973 Constitution to develop Fundamental Rights for human beings/ all citizens of the state in the lights of the "Quran and Sunnah" as well as Charter of UNO. The Fundamental Rights are given as under; *"All citizens are equal before law. No person should be deprived of life and liberty. There should be no discrimination on the ground of religion, caste, creed, sex or place of birth. All form of slavery and force labour are guaranteed. The freedom of speech, expression, association and cultural activities are guaranteed. The freedom of religious teaching of minorities within their institutions is granted. Safeguard against discrimination in government services and provided protection to the maintenance and development of the religious institutions of all communities are provided"* (The Constitution of Islamic Republic of Pakistan, 1973).

The Constitution of 1973 further emphasized that "state shall safeguard the legitimate rights and interests of minorities, including their due representation in the Federal and Provincial services". The state should give the following protections to the minorities:

*"Freedom of trade, business or profession, Freedom of speech, Right to information, Freedom to profess religion and to manage religious institutions, Safeguard against taxation for purposes of any particular religion, Safeguard as to educational institutions in respect of religion, Provision as to property, Protection of property rights, Equality of citizens, Right to education, Non-discrimination in respect of access to public places, Safeguard against discrimination in services, Preservation of language, script and culture"* (The Constitution of Islamic Republic of Pakistan, 1973)

### **Myth vs. Realities**

On 10<sup>th</sup> April 1973 National Assembly of Pakistan passed the third Constitution of the state and on 12<sup>th</sup> April 1973 President of Pakistan legitimated the Constitution of Pakistan for publication. This saves the fundamental rights and state protection for all of its minorities both (ethnic and religious) such as Hindu, Christian, Sikh, Hazara, Bara'hi, etc.

### **The preamble of the Constitution of 1973**

The rights for the marginalized community also reserved in Preamble of the Constitution:

*"Wherein adequate provisions shall be made for the minorities freely to profess and practice their religions and develop their cultures; Wherein adequate provision shall be made to*

*safeguard the legitimate interests of minorities and backward and depressed classes”*(The Constitution of Islamic Republic of Pakistan, 1973).

The 1973 Constitution Preamble is the part of the Objective Resolution which was passed by the Constituent assembly in 1949 and gave sovereignty to Allah Almighty and makes the state Islamic Republic, this was also part of 156 and 1962 constitutions. According to this Preamble, all religious minorities are safeguarded and protected under the constitution and also in the light of the Quran and Sunnah. It also helps in nation-building and makes minorities part of the mainstream.

But now things are changing, many attacks on mosques, imam bargah, churches, and temples were seen. In those attacks, hundreds of non-Muslims were killed and women were raped (Yousaf, 2016). The failure of the Constitution shows the failure of the government. The government failed to capture the attackers and promoting tolerance in society (Pakistan, 2019). On the other hand, the legislation process was also very slow and low of its level for minorities' rights. Constitution gave them right but laws are not developed in their favour. For instance, Christian, Hindu, and Sikh family laws are not up-to-date. Their divorce law is based on the allegation of adultery and prostitution which are not respected terms for divorce for women. 295-C Blasphemy laws also create problems for religious minorities, the case of Asia Bibi and the assassination of Salman Taseer Governor of Lahore is the core example of discriminatory laws against minorities and the failure of the government to give protection and safeguard the rights of the marginalized community.

### **Articles of Constitution, 1973, related to the Rights of the**

Following are the Articles of Constitution, 1973 which provide constitutional fundamental safeguards to the Hindu, Christian, and Sikh communities in Pakistan:

#### **The Objectives Resolution and Minority Rights**

Article 2 and 2-A of the Constitution is written in Part I of the Constitution which name as “Introductory” and contain article 1 to 6. The following mention articles belong to the Objective Resolution of 1949.

#### ***“2. Islam to be State religion***

*Islam shall be the State religion of Pakistan.*

#### ***2A. The Objective Resolution to form part of substantive provisions.***

*The principles and provisions set out in the Objectives Resolution reproduced in the Annex are hereby made substantive part of the Constitution and shall have effect accordingly”*(The Constitution of Islamic Republic of Pakistan, 1973).

Above mentioned article defines that now the state has a religion and that is Islam so every decision and law will be made in the light of “Quran and Sunnah”.



Islam is a peaceful religion and the life of Prophet Muhammad Peace is Upon Him gives of lots of examples to maintain livelihood with other religions. So it was the good fortune for the minorities that the decision will be made under the orders of “Quran and Sunnah”.

But religious minorities didn't feel it; they felt threatened by it because there are clashes between the teachings of all religions. For example, alcohol is “haram” in Islam but other religion especially Christianity give importance to alcohol as it was the last drink of Jesus (Bonem, 2019). All religions are different in procedures of prays, worship places, rituals, and customs. So, with the dominant Muslim majority and state religion is Islam, minorities felt abandoned and suspected for their future in the state. A religious state also differed from the idea of building a new state for the Muslim minority of India. This state was built to give equal rights and opportunities to the marginalized people of the state. So, this article of the constitution gives the base for distrust among the population of the state.

### **Religious Freedom**

Article 20 of the Constitution of Pakistan 1973 is from Part II name as Fundamental rights and contains articles from 8 to 28. This article deals with the religious freedom of non-Muslims in Pakistan.

*“Freedom to profess religion and to manage religious institutions.*

*Subject to law, public order and morality: -*

*(a) every citizen shall have the right to profess, practise and propagate his religion; and*

*(b) every religious denomination and every sect thereof shall have the right to establish, maintain and manage its religious institutions”* (The Constitution of Islamic Republic of Pakistan, 1973).

This article is a part of the chapter of Fundamental Rights, so according to every citizen of Pakistan have the right to profess his/ her religion in every term such as religious duties, rituals, customs, and marriages, etc. this article is like the charter of freedom to pursue any religion as a minority in the state and no one can intimidate the follower of any religion. This article also shows how Islam treats the follower of other religion, with equality.

But in reality, Pakistani society is radicalizing, frustration and hate are becoming part of the society, which is faced by religious minorities. In the rural Sind, force conversion of teenage girls is now very common. Hindu marriages are not recognized and protected under the law of the state. For Christian, it is compulsory to change religion for a second marriage. Divorce laws of minorities are not maintained timely as well as their marriages. Constitution gives them freedom and protection but the government failed to do it. Illegal sale of “Gurdawara's land” is also taking place, vandalizing the churches, temples, torching non-Muslims colonies and businesses are

also happening. The militant group of the state Jundullah and Tehrik e Taliban Pakistan involved in executing Hazara group and Christians in major cities.

Many members of minority communities particularly Hindus, are leaving the state for better life and security. "Between January 2013 and June 2014, 3,753 Pakistanis from minority groups, especially Hindus, surrendered their passports and obtained long-term visas for India" (Yousaf, 2016).

### **Safeguards against Taxation**

Article 21 of the Constitution of Pakistan 1973 is also from Part II name as Fundamental Rights and contains articles from 8 to 28. This article gives security to religious and other minorities from paying against any extra and special taxation:

*"Safeguard against taxation for purposes of any particular religion.*

*No person shall be compelled to pay any special tax the proceeds of which are to be spent on the propagation or maintenance of any religion other than his own"*(The Constitution of Islamic Republic of Pakistan, 1973).

Article 21 deals with taxation for the minorities. According to the Constitution of the Islamic Republic of Pakistan, minorities will not pay any extra or special taxes which can be spent on other religions. In short, Christians will not pay any type of taxes that will spend on Jews, Hindus, Sikhs, or Muslims. On the other hand, Islam focuses on "Jizya" which is a special kind of tax that pays by religious minorities to the government and the government protection of their worship places and livelihood. so, this article against the orders of Islam.

According to the Human Rights Commission Report of Pakistan 2014, the Sikh community is forced to pay the extra taxes for practices their religion in the state. These taxes are forced by the local groups only on the Sikh community. If the person resists paying this fee many reports are filed of killing them in public places. The Sikh community does businesses in KPK so if they want to move freely in the region so they have to pay these additional taxes to the Fazal Ullah group and Mangal Bagh. These taxes worth twenty-five thousand rupees (HRCP, 2014). This also describes the failure of the government to protect its constitution and marginalized community.

### **Safeguards as to Religious Educational Institutions**

Article 22 of the Constitution of Pakistan 1973 is also from Part II name as Fundamental Rights and contains articles from 8 to 28. According to this article, religious educational institutions are safe in Pakistan:

*"Safeguards as to educational institutions in respect of religion, etc.*

(1) No person attending any educational institution shall be required to receive religious instruction, or take part in any religious ceremony, or attend religious worship, if such instruction, ceremony or worship relates to a religion other than his own.

(2) In respect of any religious institution, there shall be no discrimination against any community in the granting of exemption or concession in relation to taxation.

(3) Subject to law:

(a) no religious community or denomination shall be prevented from providing religious instruction for pupils of that community or denomination in any educational institution maintained wholly by that community or denomination; and

(b) no citizen shall be denied admission to any educational institution receiving aid from public revenues on the ground only of race, religion, caste or place of birth.

(4) Nothing in this Article shall prevent any public authority from making provision for the advancement of any socially or educationally backward class of citizens" (The Constitution of Islamic Republic of Pakistan, 1973).

Pakistani religious minorities have a constitutional right to build their schools and educational institutions to provide their community the religious education and instructions. These schools solely belong to the single community and pupils. Other religious communities cannot be part (forcefully) of their religious customs. So following many churches and temples run religious educational institutes.

In this regard, the government did not accomplish any achievement. Attack on worship places and colonies represents the demolishing of religious institutions, and the government way behind in promoting religious tolerance, equality, and freedom.

### **Safeguard against Discrimination in Services**

Article 27 of the Constitution of Pakistan 1973 is also from Part II name as Fundamental Rights and contains articles from 8 to 28. This article saves religious minorities against discrimination services:

*"Safeguard against discrimination in services.*

(1) No citizen otherwise qualified for appointment in the service of Pakistan shall be discriminated against in respect of any such appointment on the ground only of race, religion, caste, sex, residence or place of birth.

Provided that, for a period not exceeding [16] [forty] years from the commencing day, posts may be reserved for persons belonging to any class or area to secure their adequate representation in the service of Pakistan:

*Provided further that, in the interest of the said service, specified posts or services may be reserved for members of either sex if such posts or services entail the performance of duties and functions which cannot be adequately performed by members of the other sex.*

*(2) Nothing in clause (1) shall prevent any Provincial Government, or any local or other authority in a Province, from prescribing, in relation to any post or class of service under that Government or authority, conditions as to residence in the Province. for a period not exceeding three years, prior to appointment under that Government or authority” (The Constitution of Islamic Republic of Pakistan, 1973).*

Above mention article forbidden the population and government to show any type of discrimination against the religious group. This article also pursues the saying of “Quran and Sunnah”. It focuses that no one superior in the eye of law and government based on their religion, creed, and culture. The quota system was launched for the well-being of minorities in education and jobs. Minorities of the state have the right to apply on quota-based seats as well as on general seats.

In actual marginalized communities face discrimination at every stage of life. In Punjab, mostly minimal jobs are given to illiterate non-Muslims. Mostly non-Muslim people live under the poverty line, they cannot feed, educate, and healthier their children. So they are a force to wander in the streets and do the lowest job as cleaner, labour, and farmhand. Although the government promised some quotas for them but fail to make the law (HRCP, 2014).

### **Preservation of Language, Script, and Culture**

Article 28 of the Constitution of Pakistan 1973 is also from Part II name as Fundamental Rights and contains articles from 8 to 28. This article safeguards the ethnicity, culture, rituals, and books of minorities:

### **Preservation of Language, Script and Culture**

*Subject to Article 251 any section of citizens having a distinct language, script or culture shall have the right to preserve and promote the same and subject to law, establish institutions for that purpose” (The Constitution of Islamic Republic of Pakistan, 1973).*

In this article, the constitution protected the language of minorities. Although in Article 251, Constitution made Urdu the national language of the country but also protect the other languages of the state:

### **National Language**

*(1) The National language of Pakistan is Urdu, and arrangements shall be made for its being used for official and other purposes within fifteen years from the commencing day.*

*(2) Subject to clause (1), the English language may be used for official purposes until arrangements are made for its replacement by Urdu.*

(3) *Without prejudice to the status of the National language, a Provincial Assembly may by law prescribe measures for the leaching, promotion and use of a Provincial language in addition to the National language*”(The Constitution of Islamic Republic of Pakistan, 1973).

So, the constitution tries to safeguard all the local and religious languages, and everyone has the right to represent his/her ethnicity.

### **Protection of Minorities**

Article 36 of the Constitution of Pakistan 1973 is from Part II's chapter two named Principal Policy contain articles from 29 to 40. This article deals with the protection of minorities.

### **Protection of Minorities**

*The State shall safeguard the legitimate rights and interests of minorities, including their due representation in the Federal and Provincial services*” (The Constitution of Islamic Republic of Pakistan, 1973).

Once again the constitution of Pakistan makes the government legitimate rights and interests of minorities in every field of life. But in the last two decades, many events happened that represent that non-Muslim of Pakistan are no more secure in the country. They are the target of many radicalized militant groups and the government is not giving proper protection to minorities. They are facing insecurity in their state.

Article 25 of the constitution focuses on *“that all citizens are equal before law and are entitled to equal protection of law”* (The Constitution of Islamic Republic of Pakistan, 1973). But the government didn't focus on legitimate Christian, Hindu Sikh family laws, recognize their marriages, and develop easy methods for their divorce and especially law against the forceful conversion of religious minorities in Islam. If the Hindus, Christian, and Sikhs are citizens of Pakistan then why their Family / Personal Law was not made when laws for the Muslims were being made? How may they be entitled to equal protection of the law when the law has not been formulated for them since the birth of Pakistan? Because of the lack of laws minorities of the state become a marginalized community. They have every right but not legitimate right to live freely in the state.

### **Conclusion**

The Constitution of the Islamic Republic of Pakistan of 1973 has a chapter of the fundamental right in which every citizen of the state has equal rights and freedom. The constitution is not discriminatory against any minorities. The constitution also follows the UNO charter of human rights and the Quran and Sunnah for developing the basic rights of the people of the state. But a gap of law-making and failure of governments in this regard is the main issue. Since the independence of Pakistan, in seventy years many governments took place, all of them fought for their survival, the rights of

minorities were not their priority. Pakistan is a pluralistic country but only has 4% of minorities. So the government always focused on 96% of the majority of the state and 4% minority left behind. So now the government should take some steps to strengthen the 4% of its people.

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