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Research Article

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THE PROTECTION OF HUMAN LIFE ACCORDING TO THE QURAN AND SUNNAH AND ROLE OF STATE TO PROTECT MINORITY RIGHTS IN PAKISTAN

Shabana Kausar

PhD Scholar and Lecturer at Institute of Law university of Sindh Jamshoro Pakistan ORCID ID.NO.0000-0002-4611-026X

Ali Raza Laghari

PhD Scholar and Assistant Professor at Institute of Law University of Sindh Jamshoro Pakistan ORCID ID.NO.0009-0003-2980-415X

Abdul Salam Soomro

LL.M Lecturer at Department of Law Shaheed Zulfiqar Ali Bhutto University of Law Karachi Pakistan ORCID ID.NO. 0009-0003-9426-6845

ABSTRACT

Present study highlights the importance of providing protection to human life in the light of Shariah. There is a dire need of Ijtihad in present time to address new day by day emerging problems. Objective of present study is to learn about objectives of shariah law. The methodology used by researcher is descriptive and qualitative. Researcher believes that if Muslims understand the basic principles of Islamic law, they automatically realize the basic aim and objective of shariah. All Islamic Laws need to be renewed and rewritten by Mujtahids of Muslim ummah. Quran and Sunnah provide clear guidelines about protection of human life, it prohibits from killings, forbids from retaliation from pregnant, forbidden from fighting, exceeding bounds, transgression, abortion, suicide and direct to keep public health, peace, fast etc. Researcher recommend to revisit and renew Islamic laws and also focus on implementation of laws. The definition of minority is the group of peoples less in numbers then those who are in majority by religious believe, race or any other basis in any particular country or area. In Pakistan now a day's religious Minorities are facing violence and they are feeling very much insecure themselves. During previous 5 years hundreds of minorities has been killed by TTP(Tahreek-e-taliban Pakistan). If we realize the factual position of persecution of minorities will be observed we realized that religious tolerance is decreasing day by day. In this contest Retired Chief Justice of Pakistan Mr.Tassaduque Hussain jelani passed a land mark Judgment of 32 pages on 19-6-2014 in that judgment he has directed the Government to establish a National council for the rights of Minorities and set up a task force for the protection of their temples and worship places and so also make sure that rights of religious minorities should not be usurped by anyone.

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1. INTRODUCTION

Definition: Meaning of minority is “the group of human beings/people less in numbers than majority or in other words different by religion, race. Numerically less by numbers in particular area or in country or province then majority/controlling numbers of votes by race or religious believes”.

The Quran and Sunnah, as the primary sources of Islamic teachings, provide comprehensive guidance on various aspects of human life. One of the core principles emphasized by these sources is the sanctity and

protection of human life. This research aims to explore the Quranic teachings and the teachings of the Prophet Muhammad (peace be upon him) as found in the Sunnah regarding the protection of human life.

Quranic Teachings on the Protection of Human Life: The Quran, as the word of Allah, places great emphasis on the value and sanctity of human life. It presents numerous verses that highlight the significance of preserving human life. For instance, in Surah Al-Ma'idah (5:32), Allah says, "Whoever kills a soul unless for a soul or for corruption [done] in the land - it is as if he had slain mankind entirely. And whoever saves one - it is as if he had saved mankind entirely." This verse emphasizes the sanctity of human life and categorically forbids the killing of innocent individuals. Furthermore, the Quran also prohibits suicide, stating that self-destruction is a grave sin. It emphasizes the need to find help and solace in Allah during times of distress rather than resorting to extreme measures. Thus, the Quran promotes mental well-being and emphasizes seeking support from Allah and the community.

Sunnah Teachings on the Protection of Human Life: The Sunnah of Prophet Muhammad (peace be upon him) sheds further light on the importance of protecting human life. The Prophet Muhammad (peace be upon him) repeatedly emphasized the sanctity of human life and outlined various guidelines to ensure its protection. Firstly, the Prophet Muhammad (peace be upon him) explicitly forbade the killing of innocent individuals, reiterating the Quranic message of non-violence. He stated, "Four are the killers who will be condemned to Hell: the one who kills someone under a covenant with Allah, the one who kills a man who returned to his family, the one who kills a man belonging to the people living in peace, and the one who throws away his life by suicide." Moreover, the Prophet Muhammad (peace be upon him) emphasized the obligation to preserve and save lives. He encouraged Muslims to engage in acts of charity, help those in need, and provide assistance during times of calamity and distress. He advised, "Whoever alleviates the needs of a needy person, Allah will alleviate his needs in this world and the Hereafter."

The Prophet Muhammad (peace be upon him) also elevated the status of medical practitioners and highlighted the importance of seeking medical treatment. He said, "Allah has not sent down any disease except that He has also sent down its cure." Importance and Implications: The protection of human life, as emphasized in the Quran and Sunnah, carries immense significance for Muslims. It establishes the foundation for a just and compassionate society, where peace, justice, and respect for human rights prevail. By prohibiting the taking of innocent lives, Islam promotes a harmonious coexistence among individuals of different faiths and backgrounds. Additionally, these teachings highlight the importance of mental health and seeking support during times of distress rather than resorting to self-harm. This promotes a caring society that values the emotional well-being of its members.

Conclusion: The Quran and Sunnah provide clear and unequivocal teachings on the protection of human life. Islam values the sanctity of human life and prohibits any act that threatens it. By adhering to these teachings, Muslims strive to create a just, peaceful, and compassionate society where the preservation of life is of paramount importance. It is incumbent upon Muslims to advocate for the protection of human life and work towards establishing a world that upholds these noble principles.

Objective: Researcher has objective to highlight the importance of object of Shariah law and also need of Ijtihad in present times. Researcher also worked to find out rules of shariah about protection of human life. Researcher focused on present situation of minority rights with connection of Jaranwala incident.

Methodology: Research in hand is conducted by using descriptive and Qualitative method and interviews of respondent are conducted in detail and results are also presented by bar graph.

2. MINORITY RIGHTS

Literally means that rights of people in minority in numbers in any particular area or country. Researcher is talking about Pakistan and rights of minorities in Pakistan. Therefore, following rights of minorities groups should be protected/ safeguarded by the state:

- Right of Education, Govt. Jobs, keeping property etc.
- Right of security of life and property.
- Right of safety for worship places.
- Right to security from sectarian violence against their community residential area.
- Right of freedom of speech, freedom of movement, freedom to obtain health facilities.

3. DIFFERENT TYPES OF MINORITIES IN PAKISTAN

Pakistan is maintaining its name and brand as Islamic Republic of Pakistan and all other religions than Islam come in orbit of minorities. Having following religions and faith are come in the orbit of minorities:

- **CHRISTIANS:** Christians are those who believe in Prophet Hood of Hazrat ESSA (P.B.UH) and their divine book is Bible (Injeel). Their festivals are EASTER AND CHRISTMAS. The people having faith in Christianity are according to demography of Pakistan are 2700,000 in number and in percentage approximately 1.8 % of total population of Pakistan.
- **HINDUS:** Hindus are believers of Hindu mythology and their religious book name is GEETA and many others. Their main religious festivals are HOLI and DEEVALI. Having this belief according to demography are 1800,000 in numbers and the percentage is approximately 1.6% of total population and they are 5% in SINDH AND 2% IN PUNJAB.
- **AHMADIES/QADYANIS:** This group is basically called Qadiani because Mirza Ghulam Ahmed belongs to village Qadian therefore this group is called as Qadiani. The Ahmadiyahs group or community is a minority which is unreported and they present themselves as Muslims. But in year 1974 Government of Pakistan amended the constitution of Pakistan and give the definition of Muslims as “A person who believes in finality of Prophet hood of Muhammad (P.B.U.H)” . But Ahmadiys believe in Muhammad (P.B.U.H) as last law giver not as last prophet and believe that Mirza Ghulam Ahmed is prophet . They move to Pakistan in 1947 from India to Lahore. This group was banned by President Zia in 1990 because they were in those days busy to spreading their faith amongst uneducated persons. However according to media report Ahmadian are approximately are 2 to 5 million in number in Pakistan.
- **BUDHISTS:** They are part of old GANDHARA Empire and they are about 106,989 in numbers. These are very less in number and commonly not having big contacts.
- **SIKHS:** They believe on preaching's of Baba GRU Nanak. Most of them are lived in Punjab. They are / PARSIS about 30000 in numbers.
- **ZOROSTARIANS:** They use to worship the fire and scattered in all over Pakistan. They are about 25000 in number.
- **KALASH:** This is Pagan religion of kalash. These people are living in remote area of chitral. Adherent of kalash religion their number is about 3000 and dwell in three distant valleys in Chitral, Bomboret, Rumbur and Barir. This is distinctive religion but those resembled in some due to common ground with Greek Macedonian pagan, Vedic, Pre Zoroastrian religion.
- **JEWS:** They are only 200 in numbers and are present in Karachi and Peshawar.

4. SECTARIAN VIOLENCE AGAINST MINORITIES IN PAKISTAN:

Report was published in year 2012-13 reports United States Commission on international religious freedom¹ according to annual report,” the Pakistan Government is tolerated the extremism which systematic, ongoing and sectarian violation of religion or faith”. The UNCRIF has declared Pakistan as “country of particular concern” since 2002². The report argues that “the country’s anti-blasphemy laws used most of times in Punjab but also nationwide, target members of religious minority communities and dissenting Muslims and this frequently results in imprisonment. The UNICRIF is aware of at least 16 persons are convicted the sentence to death and 20 more serving life sentences. Minority members have suffered from the atmosphere of violence and too many Hindus have shifted from Pakistan to India³. Some incident of violence against minorities are as under

1. **Gojra Riots (2009):** As mentioned earlier, violent riots erupted in Gojra, Punjab, following allegations of blasphemy against a Christian community, resulting in multiple deaths and injuries.
2. **Joseph Colony Attack (2013):** A Christian neighborhood in Lahore was attacked and set on fire by a mob after allegations of blasphemy. Many homes were destroyed in the incident.

¹ <http://www.unhcr.org>

² http://en.wikipedia.org/wiki/Minorities_in_Pakistan

³ <http://www.minorityrights.org/?lid=5615&tmpl=printpage>

3. **Quetta Church Attack (2017):** A suicide bomber targeted a Methodist church in Quetta, Balochistan, killing several worshippers and injuring many others.
4. **Mastung Massacre (2018):** A suicide bombing attack at an election rally in Mastung, Balochistan, targeted a predominantly Hazara Shia community gathering, resulting in numerous casualties.
5. **Kohistan Video Case (2012):** Several individuals from the minority Kohistani community were killed for their involvement in a video showing women singing and clapping, which was deemed "immoral" by local conservative elements.
6. **Shikarpur Mosque Attack (2015):** A suicide bomber attacked an Imambargah (Shia place of worship) in Shikarpur, Sindh, killing and injuring dozens of Shia Muslims.
7. **Ghotki Riots (2019):** Tensions erupted in Ghotki, Sindh, after allegations of blasphemy against a Hindu school principal. Hindu temples and properties were attacked during the violence.
8. **Blast at Peshawar Church (2013):** A suicide bombing targeted a Christian church in Peshawar, Khyber Pakhtunkhwa, killing and injuring several worshippers.
9. **Targeted Killings of Hazara Shia Community (ongoing):** The Hazara Shia community in Quetta, Balochistan, has been subjected to numerous targeted killings by sectarian militant groups, resulting in a significant loss of life.
10. **Forced Conversions (ongoing):** Incidents of forced conversions of religious minority girls and women, particularly Hindus and Christians, have been reported in various parts of Pakistan. These cases often involve allegations of abduction and coercion.
11. Incident of Jaranwala: On August 16, 2023, dozens of Christian families had to flee violent Muslim mobs that were after the blood of two young Christian brothers⁴. Some locals had alleged that several desecrated pages of the Holy Quran had been found near a house at Cinema Chowk in Jaranwala, Punjab⁵.

Discrimination also is big factor against religious minorities even in Pakistan there is no proper system for the registration of their marriages and dead's and keeping record. This resulted in difficulties for them in inheritance of properties. They also face difficulties in getting admission in educational institutions. On 20.2.2014 there was a news item and article published in Daily Dawn wherein it was averred that the Kalash tribe and Ismailies in Chitral were being coerced to convert to a different sect within Islam or to face death.

Former Chief justice of Pakistan Mr.Tassadduq Hussain Jillani takes suo motu action on 19-6-2014 and passed a Landmark judgment of 32 pages⁶. Justice Jillani® takes tough stand against "hate speech and abuses perpetrated on citizens based on their faith". In that judgment honorable Chief Justice ordered the Government to establish a national council for the rights of Minorities and set up a task force for the protection of their temples and worship places and so also make sure that rights of religious minorities should not be usurped by anyone. In that verdict directions were also issued to government for taking prompt measures for lodging criminal cases (F.I.R) against those culprits who prepare such material which is appropriate and religious type unbiased data used in schools, madrasas and colleges in all over Pakistan. Importance of the verdict is the formation of National Council to safeguard the right of religious minorities which should be an independent state body that will duly monitor the status of ethnic and religious minorities in Pakistan along with cases of violence and discrimination against them.

In compliance of order of honorable Chief Justice of that time, Prime Minister Nawaz Sharif initiated the process for framing a council with name National council for the rights of minorities which comprising of 10 members including 4 Muslim members. But on other hand all opposition parliamentarians deem it undemocratic including minorities members because on constituting such council no consensus was obtained by Prime Minister from any stake holder of minorities and other parliamentarians.

⁴ <https://thefridaytimes.com/17-Aug-2023/the-jaranwala-incident-another-month-another-blasphemy-mob>

⁵ <https://thefridaytimes.com/17-Aug-2023/the-jaranwala-incident-another-month-another-blasphemy-mob#:~:text=On August 16%2C 2023%2C dozens,Cinema Chowk in Jaranwala%2C Punjab.>

⁶ S.M.C.NO 1/2014, C.M.A.NO.217/2014 AND C.P.NO.98/2011, REPORTED IN DAWN 20-6-2014

5. LAWS PROTECTING MINORITIES CONSTITUTION OF PAKISTAN GUARANTEED THE RIGHTS OF MINORITIES

It is provided under Art.20 that minorities have freedom to profess religion and to manage religious Institutions, Subject to law public order and morality. Further under sub clauses that every citizen shall have the right to profess, practice and propagate his religion, and every religious denomination and every sect thereof shall have the right to establish, maintain and manage its religious institution.”⁷

Under Art.21 It is clearly Safeguarded 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 propagation or maintenance of any religion other than his own.”⁸

Under Art. 22” It is safeguarded as to educational institutions in respect of religion etc.

(1) No person attends 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 religion other than his own.

(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 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.”⁹ Under Art.28 It is provided that 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 their religious places.

Under Art 36 It is provided that Protection of minorities.

The State shall safeguard the legitimate rights and interest of minorities, including their due representation in the Federal and Provincial services.”(Constitution of Pakistan 1973)¹⁰.

6. QUAID-E-AZAM MOHAMMAD ALI JINNAH ALWAYS CARES FOR MINORITIES AFTER CREATION OF PAKISTAN

During the struggle of creation of independent country the role of Quid-e-Aazam Muhammad Ali Jinnah was very much clear and during that period he was rightly known as Ambassador of Hindu-Muslim unity, as strategist.

M.A.Jinnah adopted the policy of tolerance during his tenure as Governor-general of Pakistan. Because he know that peoples left in both countries India and Pakistan are considerable minorities.

On 11 August 1947 during his address as President of Constituent Assembly of Pakistan he said that Minorities in State of Pakistan will enjoy equal rights, privileges and obligations like majority (Muslims). while addressing the Minorities, Mr.Jinnah stated regarding their religious freedom. “You are free; you are free to go to your temples, you are free to go your mosque or to any other place of worship in this state of Pakistan. You may Belong to any religion or caste or creed that has nothing to do with the business of states”¹¹.

In a public conference at Dacca in March 1948, Mr.Jinnah was telling about the acts of retaliation in Pakistan he said that if Any impartial observer observe then he will agree with me that throughout these troubles the minorities were looked after and protected in Pakisan better than anywhere else in India...the minorities not

⁷ Constitution of Pakistan 1973

⁸ Constitution of Pakistan 1973

⁹ Constitution of Pakistan 1973

¹⁰

<http://berkeleycenter.georgetown.edu/resources/countries/pakistan>(<http://www.pakistanchristianpost.com/morenewsviews.php>

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¹¹ <http://m-a-jinnah.blogspot.com>

only here in Dacca but throughout Pakistan and more secure, more safe than anywhere else”¹².

Mr.M.A Jinnah not only by giving statements verbally made promises to minorities about their protection but he also practically make hard work to give them a sense of protection in Pakistan. Mr.Jinnah tried all best efforts to stop them from shifting to India. In a broadcast speech from Radio Pakistan, Mr.Jinnah said:

“I find that the provincial Governments have repeatedly given assurances and have at times taken whatever steps were possible for the protection and well-being of the minority community and have done their best to dissuade them from leaving their ancestral homes in East Bengal for an unknown fate in the Indian Union”¹³.

That was proven one of the last speeches of Jinnah in this he pointed out the problems of minorities and again assured them about secure future in the State of Pakistan.

Mr. Jinnah always remained concerned with minorities security and their rights. After his death upcoming governments had taken no remarkable action in this contest.

7. IMPLEMENTATION OF LAWS

In the light of ongoing situation, it is very much clear that implementation on constitution of Pakistan in only up to the extent of willingness of political parties is confined. Every citizen of Pakistani minorities feel himself unsafe or as alien enemy. State is basically responsible to protect minorities and on behalf of state if we study it critically, we find that no new laws are made by state no rehabilitation is going in process.

Day and night Taliban’s and other lobbies are working to make insecure the Pakistani citizens. If I am not wrong then not only religious minorities but political affiliations also make Pakistanis as minorities. Pakistani media is crying every second Pakistani is become victim of those mind set who only want to make Pakistan as Afghanistan and these peoples are doing that all on the name of religion. My question from those Mulla/religious scholars is where our Prophet (S.A.W) teaches you that kill the human beings and forcibly convert the people to Islam?

It is very necessary to mention here that a particular mind set is working here in Pakistan and Mullah’s are spreading hate amongst peoples on the name of religion.

Implementation on laws is not clear and even not visible only statements of Government officials are visible to every citizen of Pakistan. The minorities members are playing very remarkable role in development of our country they are paying all taxes comparatively than other citizens of Pakistan and they are more law abiding and cool and calm citizens.

On other hand if we analyze in minority group, we found very senior and renowned doctors, engineers, socialists, business man and Advocates.

All these important and valuable persons should be given security on priority basis. Only the establishment of National Council for the Rights of Minorities is not sufficient for protection of minorities and law enforcement agency should be given special powers and they should be properly equipped for such purpose. Only celebrating 11 august as minority day is not satisfactory for their protection.

8. REMDIES AVAILABLE TO MINORITIES

The question arises that what remedies are available to minorities according to Pakistani laws?

Remedies are available to minorities as citizens of Pakistan are available in case of any crime committed against them but if they are victimized by miss using blasphemy laws then there is no separate law is available for their protection and to give them opportunity to clarify their actual position. Lake tolerance and extremism in Pakistan made life of every citizen miserable.

Member of minorities can file Constitutional petition in matter of forced conversion to Islam and no other remedy is available to investigate the matter independently.

¹² <http://m-a-jinnah.blogspot.com>

¹³ <http://www.nazariap.info/quid/resdocs/JINNAH-A.asp>

9. ONE SIGHT ON HISTORY OF DISCRIMINATION WITH MINORITIES:

The first-time free elections in Pakistan were held in December 1970. Two parties come on surface after election, leader of PPP (Pakistan people's party) Zulfikar Ali Bhutto get majority in West Pakistan, while Leader of Awami League Mujeeb-ur-Rehman clearly swept other parties in Bangladesh (East Pakistan). Sheikh Mujibur Rehman calls for making Government which was extremely opposed by Mr. Yahya and Zulfikar Ali Bhutto, which leads to civil disobedience/war in December 1971 and East Pakistan was separated as independent country Bangladesh. After the separation East Pakistan of Pakistan, Mr. Yahya shifted the Government to the elected government headed by Bhutto.

General Zia-ul-Haq he was chief of army staff at that relevant time, he confined Zulfikar Ali Bhutto in July 1977. After that he was prosecuted for the murder case conspiracy of an opponent politician, then he was awarded death sentence and sentence was executed in April 1979 (HUDOOD LAW ORDINANCE 1979)

Now discrimination planning started. General Zia ruled over the country until his death. His death was caused by crash of air craft in August 1988. General Zia by his policies Pakistan was moved towards fundamentalism and he imposed his policies on the name of Sharia (Islamic law). Islamic law was not enforced with its real soul but he established Talibanization.

After the death of President Zia, the democracy revived in Pakistan and, elections were held in November 1988, again PPP came as winning party in the leadership of Benazir daughter of Zulfikar Ali Bhutto. The government of Benazir Bhutto was suspended by President Ghulam Ishaq Khan in 1990 and elections were held and by which a government which was coalition led by Nawaz Sharif was established. Mr. Nawaz again suspended in April 1993 with the allegations of corrupt practices and persecute of opponents. The Nawaz rule was though restored by the Supreme Court of Pakistan. But Nawaz Sharif's government was again annulled by President Ishaq Khan after that he resigned, and again after election PPP returned to power in October 1993. Benazir Bhutto, however, was remained unsuccessful to enjoy full tenure of her office as Prime minister. The PPP's rule again over and Benazir was dismissed again and Parliament was resolved by President Farooq Laghari in November 1996 on grounds, of corruption and the continued failure to prevent ethnic problems and public violence.

In the elections of 1997 again Mr. Nawaz Sharif comes in power in office (1997-9) Sharif brought 15th Amendment (1998) before Parliament. This change in the constitution intended, to sanction the administration to take every steps essential to put into operation the Islamic law (Sharia). Nawaz's goal of promoting Islamizing Pakistan came in the direction of an end when he is removed by the armed forces coup in October 1999 led by General Pervez Musharraf. After coming to power, immediately the armed forces leader General Pervez Musharraf promise to safeguard the constitutional rights of religious minorities and finish the traditions of extremism and ethnic violence politics. A member of minority community, namely Derrick Cyprian (Christian), was selected as a federal minister and the Musharraf's administration undertake to remove all prejudiced laws and repeal those laws. Pakistan's religious minorities shows more concern from several sources, like implementation of the 'anti-blasphemy laws' and the Qisas and diyat Ordinances. Throughout the Islamization era of, General Mohammad Zia-ul-Haq (military dictator), a number of blasphemy sections and offences included in Chapter XV of the Pakistan Penal Code 1857. According to those sections if any citizen found to be against about the Prophet of Islam or his companion might face a sentence to imprisonment for a term. Another amendment subsequently added the penalty of death compulsory to that person, who defiles the name of the Prophet Mohammed (S.A.W). The insertion of those sections in PPC opens the means for discrimination of religious minorities under the excuse of anti-blasphemy laws. In my opinion due to subjective nature of these anti-blasphemy provisions made its misuse easy by religious extremist groups and seriously dangerous punishments easily invite attention of worldwide community condemnation on Pakistan. This issue is very sensitive in nature that even a reconsideration of the existence of these laws has risks to evoking serious violent environment in country; therefore, any proposal to repeal these laws appears greatly opposed by religious groups. Despite of serious efforts, Ms. Benazir Bhutto, throughout her next tenure as prime minister (1993-6), remained unsuccessful to carry any practical changes to the anti-blasphemy provisions. In the same way, the earlier government of President Pervez Musharraf be incapable to amend the anti-blasphemy provisions, it shows not its disinclination but failure to make safe minorities.

10. Imposition of Islamic code on religious Minorities:

Islamic law bring into existence by Zia-ul-Haq with the name of Haddoo law ordinance enforces criminal laws for offences of Zinabil jabr having sexual relation without marriage, false allegation of Zina and moveable property-related offences (theft, robbery and dacoity). The executions of the Islamic provisions have severe cost on whole segments of Pakistani culture. Women and religious minorities, in particular, have been under attack and persecuted as a consequence of Islamic provisions.

The imposing of an exclusively Islamic code with the name of Hudood Law Ordinance, on religious minorities is not justice in the mode of its function. If any person who is non-Muslim commits robbery or theft then Hadd will not impose on him. As an important condition for the appliance of the punishments of Hadd, harsh evidential requirements must be fulfilled. According to these conditions a fixed number of adult Muslim male/two female for one male witness are required. According to these evidentiary requirements, although Muslims can give statement against non-Muslims, non-Muslims are disqualified from giving statement before court against any accused who is a Muslim in Hadd cases. But a part of that's all Hadd could not be imposed on non-Muslims.

Further operation of Qisas and Diyat ordinance becomes instrumental to exploitation and discrimination against religious minorities. The criminal procedure code section 345 Cr.P.C that all sections of Pakistan penal code related to murder and human body injury case, are compoundable and only the certain relative members' family of the victim and victim himself in injury cases, and government has no right to pardon the convicted person, in return for monetary compensation. Non-Muslim minorities pointed out, though, that under these provisions, if Muslim commits murder of non-Muslim, he is qualified to pay compensation to the victim's family, although not in the case of if a Muslim murdered by non-Muslim accused; a non-Muslim is not allowed to pay compensation and have got to face either life imprisonment sentence or the death penalty. Islamic society has been the subject of strong disagreement and discuss about any women cases. As we can give example through the arbitrary nature of Islamization process has resulted in serious discrimination against women. The 'honors killings' cases are increasing day by day and justice is not properly provided to the victims of cases of gang-rape as happened in the high-profile Mukhtaran Mai case in 2002 – that woman was raped on order of their local panchayat/jirga¹⁴.

Now Talibanization is become very much painful not only for minorities but also for every citizen of Pakistan. Military operation with the name Zarbe Azb is initiated against Taliban's in area Wana Waziristan and in the reaction recent attack on Army Public School on 16 December 2014 which left more than 150 innocent children's dead and more than 50 injured. After this incident crackdown is started against Taliban and Military courts for the period of 2 years are established. If we analyze this position critically then we observe that military courts are not constitutional and fair trial is the right of every citizen of Pakistan which is taken away by the use of these military courts.

11. EFFECT OF INTERNATIONAL HUMANTARIAN LAWS ON PAKISTANI MINORITIES

Pakistan is ongoing scenario is facing humanitarian complex emergency. when Pakistan is not only fighting with domestic instability and US-led Pakistan in war against terror. Pakistan brought in such type of emergency due to sectarian, political and ethical violence and also due to weak infrastructure natural disasters.

Internally Pakistani armed forces are engaged against counter-insurgency created by national separatist and nationalist groups. Tribal areas are the main station for those groups even thickly populated cities of Pakistan are made center for political violence which crack down the economy of Pakistan. Armed forces and security departments are engaged internally against these violent groups and whole the country is due to corruption is not coming out from these disaster situation.

Pakistani forces are not only fighting TTP domestic affiliated network and Haqqani network which is supported by Iran but also at Karachi in after early days of independence a large influx of mohajir's(indian Muslims) was soon absorbed but new wave of immigration by Pathans(pashtuns) and Afghani refugees are added to already existing competition of armed conflict and most of Karachi remains divided in ethic and political groups which resulted 1000 killings in year 2011 and more than 1500 in 2013. Several outside countries are involved in creating this situation in Pakistan. Saudi Arabia and Iran is supporting financially and logistically

¹⁴ <http://www.minorityrights.org/?lid=5615&tmpl=printpage>

to sunni and shia groups in Pakistan.

Afghanistan and India are officially not in war against Pakistan but political instability and violence by TTP is supported by them and they are involved in serious attacks on Pakistani military posts and officers.

Internationally after independence Pakistan remained in conflict over Pashtun area division with Afghanistan and over Kashmir dispute with India. These neighboring countries created ever problems with Pakistan and created a violent atmosphere.

This all scenario made difficult to work for medical staff and technical assistance which are made target for kidnapping for ransom and killings for creating terror.

Application of International humanitarian law:

Pakistan was party in Geneva convention 1949 protocol I (IHL) but it was not party in protocol II. Pakistan was party in covenant on civil and political rights 1966 (IHRL). Pakistan is not party to International Criminal Court (ICC). Therefore International court cannot exercise its jurisdiction unless matter referred to it.

Disputes are at domestic level and no connection of International community and laws is made. (Case study ii- Pakistan challenges of humanitarian action in protracted conflicts and complex emergency. Atha)

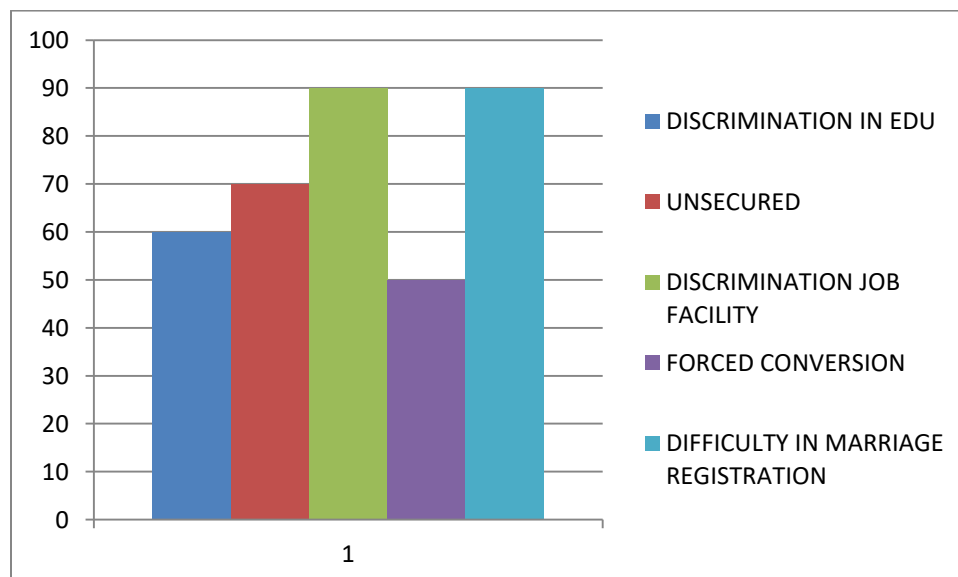
RESEARCH REPORT:

During my research I made survey and ask questions from minority peoples and then I realized that sense of insecurity and discrimination with minority members is increasing after present scenario and Government should take solid steps to reduce the same.

12. CONCLUSION

After research and interviews of minority peoples researcher reached at this conclusion that minority members of our country are facing too many problems in various fields such as they are facing problem in registration of their marriages, dead and new born children. They are also facing problems in jobs. Minority members stated that their children's are facing problems in getting admission educational institutions. On conducting survey it is observed that Government is sleeping over the rights of minorities. In shape of Islamic laws and persecution on the name of blasphemy laws there is a hanging sword on the heads of minorities.

Table of result of survey



13. RECOMMENDATIONS/ SUGGESTIONS

There is a very wide ground is present for improvements and new legislation in this contest:

1. Till today from the creation of Pakistan law about the registration of minorities is not made.
2. Minorities members are also facing problems in getting admissions in educational institutions.
3. There should be proper protection against forced conversion of religion, and a secure procedure should be establish for conversion as forced conversion should be stopped.
4. No separate law is present for Minorities protection on which implementation should be made sure in addition to Constitutional articles.
5. Adding a section in PPC that makes sure for religious minorities to get Protection in the umbrella of laws.
6. clarify and resolve the status of statutory bodies, such as Federal Shariat court and Council of Islamic Ideology, that have been misused by extremist within the Pakistani state system to provide legal cover to discrimination and abuse.
7. The word minority should be defined properly and called for an end to discrimination in the name of caste, class, creed and sect.
8. This is very high times to highlight the important need of time to improve strengthen the relationship with our minorities.
9. There should be no Discrimination for admission in educational institutions.
10. Some rules should be made for getting jobs in public sector.
11. A major part of minorities population is poor, illiterate and untrained thus society should play its role to improve their economical and educational conditions.
11. Minorities are not allowed to join PAKIISTAN ARMY and Police Department on the contest of security, this type of discrimination should be removed.
12. It should be seriously observed that ever state remain failed to give justice to Minorities in Pakistan.

14. TO SAFEGUARD MINORITY RIGHTS IN PAKISTAN, A MULTIFACETED AND COMPREHENSIVE APPROACH IS ESSENTIAL

1. Legal Reforms:

Strengthen and rigorously enforce existing laws protecting minority rights.

Ensure alignment of the legal framework with international human rights standards.

Develop and implement anti-discrimination laws specifically addressing issues faced by minority communities.

2. Educational Initiatives:

Integrate human rights and diversity education into the national curriculum to foster understanding and tolerance from an early age.

Conduct widespread awareness campaigns to educate the public about the rights and contributions of minority communities.

3. Enhanced Representation:

Ensure fair representation of minorities in political, administrative, and judicial institutions.

Encourage political parties to include minority members in leadership roles.

4. Preservation of Cultural and Religious Freedom:

Safeguard individuals' rights to practice their religion and preserve their cultural identity.

Take proactive measures to protect religious minorities from discrimination and violence, prosecuting those responsible for such acts.

5. Socio-Economic Programs:

Implement affirmative action programs addressing socio-economic disparities faced by minority communities.

Provide improved access to healthcare, education, and employment opportunities to promote equal participation in society.

6. Law Enforcement and Judicial Reforms:

Conduct training programs for law enforcement and judicial officials to enhance sensitivity to the needs of minority communities.

Ensure swift and impartial investigation and prosecution of crimes against minorities.

7. Promotion of Interfaith Dialogue:

Encourage and facilitate interfaith dialogue to foster understanding and tolerance among diverse religious groups.

Support initiatives bringing together members of different communities for constructive conversations.

8. NGO and Civil Society Involvement:

Encourage and support the active participation of non-governmental organizations (NGOs) and civil society in advocating for minority rights.

Facilitate collaboration between government agencies and NGOs to address the specific needs of minority communities.

9. Media Responsibility:

Promote responsible reporting on minority issues, avoiding perpetuation of stereotypes or discriminatory narratives.

Encourage positive portrayals of minority communities in the media.

10. International Collaboration:

Collaborate with international organizations and human rights bodies to share best practices and seek assistance in implementing and monitoring minority rights.