# The Blasphemy Law of Pakistan and Christian Response: Some Reflections

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***Abstract***

*The blasphemy law of Pakistan Penal Code has long been debated inside the country and abroad saying it is discriminatory against religious minorities and violating the freedom of religion. This study begins with a brief introduction and a short history of enactment of blasphemy law of Pakistan, while proceeds to a critical analysis of the law regarding blasphemy against the Holy Prophet. The special emphasis is laid on the case of Christians of Pakistan, determining causes of their unrest and evaluating them.*

**Keywords:** Blasphemy, Pakistani Christians, Status of Minorities, Religious Freedom, Discrimination

Blasphemy ("to speak evil"[1], "to utter profane or impious words, talk profanely" and "to speak irreverently of, utter impiety against God or anything sacred"[2] ) is considered a heinous sin calling wrath of God in all the revealed religions. Judaism and Christianity both denounce blasphemy against God a capital crime punished by death. The instances of blasphemy and execution of punishment for it were rare in Hebrew history[3], yet the term expanded beyond the original meaning of abusive utterance against God in the Christian era. Infidelity is also meant to be a blasphemy according to preliminary Judeo-Christian tradition however heresy (a dissent from official church) had eclipsed it after the Church was enthroned with imperial power in the fourth century CE. The Church considered blasphemy the gravest sin incurring harsh penalties ranged from confiscation of property and disqualification for clerical office to banishment, deportation and execution (commonly by stoning or burning). Inquisition was set up as a judicial prosecution of blasphemy and heresy but these crimes had lost their severity as deadly crimes after the end of papal authority in Christian Europe[4]. The strong tides of the Enlightenment and fundamental human rights, which followed a broad tendency of liberalism and religious freedom, had forced Christianity to abandon the ruthless penalties associated with religious dissent. Death penalty was abrogated and blasphemy had become a crime against peace and good order of the society, punished under common law in few countries while many states had nullified it.

Unlike Christianity the concept of blasphemy in Islam does not denote infidelity or dissent against the religious authorities, rather it is the intentional ridiculous or malicious speech or action against the sacred. It is punished capitally if there is a deliberate contempt of the Prophet Muhammad SAW [5]either the offender is a Muslim or a non-Muslim[6].

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The insult (*sabb*), denigration (*istikhfāf*), contempt (*ihānā*), scorning (*haqāra*), scoffing (*istihzā*), mocking (*sukhriyah*), or abusing (*shatm*) of the Prophet SAW amounts to high treason against the Islamic state and the Muslim Community thus punished capitally in an Islamic state by a competent authority.

The Islamic Republic of Pakistan, the land of 181.629 million[7] people where 96.28% Muslims and 3.72% non-Muslims became a special test case with respect to Islamization of its laws and response of religious minorities to these attempts. Islam and Muslim nationalism have been inseparably connected with the independence movement of the country. The struggle for an independent homeland for the Muslims, and its subsequent success generated a yearning for revival of Islamic rule. The first bold attempt to formulate the nation's Islamic identity was the Objective Resolution passed by the Constituent Assembly of Pakistan on 12th March 1949. It spelled out aims and objectives of the state, carried forward as Islamic provisions of every forthcoming constitution; however the 1973 constitution went much farther than the previous two, in terms of Islamic provisions. The Blasphemy Law, which was part of the Indian Penal Code, was revised and death sentence had been made mandatory for blasphemy against the Prophet Muhammad SAW.

**The Enactment of Blasphemy Laws in Pakistan**:

The Pakistan Penal Code (PPC) includes an independent chapter (XV) dealing with offences relating to religion which consists of four sections; namely 295,296,297 and 298. The chapter XV deals with injuring or defiling places of worship with intent to insult the religion of any class, disturbing religious assembly, trespassing the burial places and uttering words with deliberate intent to injure religious feelings[8]. These laws were enforced in 1860 under the Indian Penal Code in British colonial regime. New sections were added to this chapter at various stages not only during the British days but also after independence in 1947 in order to cope with the situation resulting out of the growing religious sensitivities of various communities.[9] In 1927, an amendment about "deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religion and religious beliefs"[10] was enforced to widen the scope of the chapter. In 1982, PPC (Amendment) Ordinance I of 1982 Section 295-B was added in which life imprisonment was enacted for defiling, damaging or desecrating the Holy Quran willfully or with mal intention. The three sections were added in 1984 about use of derogatory remarks in respect of holy personages[11] and misuse of epithets, descriptions and titles reserved for certain holy personages or places[12]. The Qādiyanīs were prohibited to call themselves Muslims and to preach or to propagate their faith[13]. Finally *Majlis Al-shūra* (Parliament) unanimously enacted the Criminal Law (Amendment) Act III of 1986 which reads as following:

"295-C. Use of derogatory remarks, etc; in respect of the Holy Prophet: Whoever by words, either spoken or written, or by visible representation or by any imputation, innuendo, or insinuation, directly or indirectly defiles the sacred name of the Holy Prophet Muhammad (peace be upon him) shall be punished with death or imprisonment for life, and shall also be liable to fine."

The word "defile" occurring in this section means: "to corrupt purity or perfection of; to debase; to make ceremonially unclean; to pollute; to sully; to violate the sacredness or sanctity of; to desecrate; profane; to sully the honor of, and to dishonor"[14]

A group of senior lawyers and jurists challenged it in the Federal Sharī'at Court, who declared in 1990 that the alternative punishment of imprisonment for the crime of insulting the prophet and defiling his sacred name is violation of the injunctions of Islam and hence opposed to the *shari'ah*[15]. The Court mentioned in its judgment that the words uttered sounded contemptuous of the Prophet SAW is not an offence until it is based on malicious action or degration:

"The meaning and import of words differ from place to place. Again context may also suggest different meaning. The accused therefore, must be allowed an opportunity to explain lest an innocent person is punished.

Right of an accused to explain cannot be taken away. It is, therefore, only after the explanation that the Court can decide whether the words so said were intended to malign, were they used maliciously and contemptuously or were uttered innocently"[16].

The amendment bill was passed in 1992 to incorporate death sentence as the only punishment for the crime. According to Criminal Procedural Code of Pakistan (CrPC) the offence of using derogatory remarks, etc. in respect of the Holy Prophet is not bail able, not compoundable and triable by Court of Session presided by a Muslim. Police may arrest the offender without warrant.[17]The law is enacted for blasphemy against the Prophet Muhammad SAW but both Federal *Shariat* Court and Lahore High Court desired that provision be made more comprehensive so as to make blasphemy qua other Prophets, including the Holy Christ, punishable with the sentence of death[18].

**Responses towards the Blasphemy Law (295 C):**

There is no unanimity among Christians as well as Muslims on the issue of blasphemy laws. Some declare them necessary for keeping law and order in the society based on the Islamic injunctions whereas others think these laws outdated causing serious violations of basic human rights including freedom of conscience, liberty of speech and religion. Most of the Christian scholarship condemns the law since its enactment and want it to be abolished or amended at least. Naeem Shakir, a Christian lawyer and Human Right activist has written in his article:

"Discrimination against religious minorities has become a common feature in our social set up. But the wild wave of religious fanaticism unleashed with the beginning of this year against religious minorities caused general scare and insecurity amongst them. It has also exposed the democratic and secular forces to danger of persecution in the name of religion merely on account of their opposition to orthodoxy and fundamentalism. This situation still worsens when religious persecution is done to serve the vested interests and to settle personal scores. The religious minorities, particularly the Christians, are being trapped in false charges of blasphemy."[19]

He suggested that: "It is rather difficult, in the present situation, to urge for the repeal of all religious legislation. However, those concerned with justice and the welfare of minorities should demand the promulgation of laws providing deterrent punishment against all those who abuse these provisions of law relating to religion. Human Right activists and the democratic forums around the world have a challenge to express solidarity with those who are struggling to build a secular and democratic society in this country and in particular are fighting for the right of freedom to lead a life according to the acknowledged principles as enunciated in the Universal Human Rights Declaration."[20]

Dominic Mughal, the then director of Christian Study Centre, viewed that the provisions of sections 295 and 298 are providing a new instrument of religious persecution. They are used to charge innocent people for blasphemy because of personal scores and religious prejudice.[21]

The Catholic and Protestant bishops of Pakistan issued a statement about safeguarding rights of minorities, which says:

"A. Our rights as minorities in Pakistan have been eroded step by step ….. The assurance that the *Gustākh-i- Rasool* Law is not meant against Christians …… remain unfulfilled.

B. and considering that the primary function of any government is to maintain law and order and to protect the life and property of all the citizens, whereas the human rights of minorities are being violated as a result of revisions in the Pakistan Penal Code made between 1980 and 1985."[22]

Fr. Arnold Heredia, Executive Secretary *Idāra-i-Amn-o-Insāf* opined:

"The blasphemy law sections 295-B and 295-C are in conflict with the constitutional provisions [of rights to profess, practice and propagation of a religion subject to law, public order and morality]…….. In the name of giving protection to the people of one community, sections 295-B and 295-C are acting prejudicially towards citizens of other faiths and therefore advancing the causes of further conflicts…….. On the face of the record these provisions are discriminating to religious minorities."[23] He demanded the provisions 295 and 298 be scrapped off.

Another Christian writer blamed the law against *Gustākh-i-Rasūl* that it has deprived non-Muslims of religious freedom. They have to be the second class citizens of the state.[24]Iqbal Bismal declared the law a serious violation of United Nations Declaration of Human Rights which makes minorities to live in a ghetto.[25] Willem Jansen analyzed the case of Pakistan and mentioned his conclusion that:

"The religious rationale of blasphemy is the concept of 'awe'. Any blasphemy law should be directed towards protection against violation of this phenomenological concept. The recently issued Blasphemy law of 1991 (sections 295 and 298 PPC) does not meet this religious rationale because of its political abuse. Compared to the original meaning it has thus lost its primal aim, namely protecting the honor of God and His representatives. However, the abuse of this law reflects the very low literacy rate and social economic circumstances for which the alleged blasphemer is never solely to blame."[26]

The Christian members of legislation assembly often did not oppose the bill. The Minister of State for Minorities Affairs in 1994 Peter John Sahotra said that the bill was an important piece of legislation. However he expressed the fear that it could be exploited against the minorities by certain elements to settle their disputes. A Christian member of parliament Tariq C. Qaisar was also in favor of the bill but observed that the bill could be misused against the minorities even it could be used against Muslim sects.[27]

We can conclude the reasons of unrest of Christian community and human rights activists as they consider the mandatory life sentence accompanying the charge is excessive and disproportionate to the crime. According to them the wording of the blasphemy law is vague and open-ended. Moreover the law does not require proof of the actual state of mind of the accused and disregards the element of intention. Prosecutions often rely on the unsubstantiated oral testimony of the complainants where statements made by the accused are twisted out of context. Another repeatedly mentioned apprehension is the misuse of the Blasphemy law to intimidate religious minorities to settle personal scores since it is not uncommon for instigators to be motivated by religious bigotry, personal prejudice, selfish gain or professional rivalry. Some concerns are about the delay in judicial proceedings which results in innocent victims languishing in jails pending trial or appeal. A heavy criticism is the inconsistency of the Blasphemy law and human rights that the law encourages hostility towards minorities and violates freedom of speech and religion.

**Analysis and Evaluation of the Criticism on the Blasphemy Law:**

Christian unrest regarding the blasphemy law is bifacial; that is towards the Islamic stance of capital punishment to a blasphemer and secondly they criticize the blasphemy law enacted in Pakistan Penal Code.

According to the view of Muslim scholars blasphemy against the Prophet SAW is on the one hand an insult of most esteemed person considered in Islam, while on the other hand it is meant treason against supreme source of legislation in Islamic law[28]. Mahmood A. Ghazi while affirming the rationale, said:

"An insult of the Messenger amounts to the insult of the message and its sending authority_ more so, if the authority enjoys the ultimate religious sanctity and constitutes the final source of legitimacy for the whole system."[29]

Hence the penalty is severe because of the significance of prophet hood and the status of Prophet SAW which Islam holds. Muslims believe the teachings of Muhammad SAW have their source in divine revelation and embody the final truth, so insulting him is logically inconsistent. They also think that tolerance in such a matter is nothing but hypocrisy, inviting others to commit it and sheds doubts on the truth. This is not specified of Muslims but all the organized religions maintain blasphemy a taboo; as mentioned by Leonard W. Levy:

"What is deemed blasphemous varies from society to society and may differ with time and place, but whatever is condemned as blasphemy is always regarded as an abuse of liberty and reveals what a society cannot and will not tolerate." [30] He further said that blasphemy constitutes a litmus test of the standards

a society feels it must enforce to preserve its religious place, order, morality and above all, salvation. Since the criticism on the Islamic stance regarding penalty of a blasphemer is not being discussed here so I shall now analyze the criticism faces primarily towards the law enacted in Pakistan.

The charge mentioned in 295-C; that is "use of derogatory remarks, etc." and "defiles the sacred name of the Holy Prophet Muhammad (peace be upon him)" has been repeatedly censured for being ambiguous and undefined. Although this is meant for clarification and not annulment of the law but many people called for abolition of the law on this ground. Whereas these expressions have been on the statutes book for more than a century with hundreds of cases decided under them. The basic concepts embodied in these sections discussed at length, analyzed and interpreted minutely by different courts at different levels not only in Pakistan but in British Indian courts and Privy Council. So it is on the court to decide whether a word or act is defiling and insulting.[31] Another apprehension is that the Blasphemy law disregards "intention" of the accused. The Federal Shariat Court, while deciding the mandatory death punishment discussed this issue in detail and has written in its judgment: "The mere fact that the words uttered sounded contemptuous of the Prophet (peace be upon him) is not an offence until it is based on malicious action or degration… It is, therefore, only after the explanation that the court can decide whether the words so said were intended to malign, were they used maliciously and contemptuously or were uttered innocently."[32]

Since intention or criminal liability is very part of the crime to be convicted, it seems a misgiving to void the law.

The serious grievance against the law is that it is being misused to settle personal scores because religious bigotry, personal prejudice, selfish gain or professional rivalry exists behind reports of blasphemy. A big number of suits acquitted (26.4 %)[33] show that the law is being violated. Not all but many cases demonstrate that economic and social constrains on local level have triggered national and even international political turmoil. The drop in the law enforcement and problems with judiciary really makes trouble; however this fact does not help in nullifying the blasphemy law instead it requires procedural rectification. If this argument is accepted then all laws should be scraped because the law –and-order situation has never been perfect in the world.

The Christians continuously have the stance that the blasphemy law is a critical violation of religious freedom assured in basic human rights guaranteed by the state through the constitution.[34] Though there is no official data available of the suits filed under the blasphemy laws; however, many reports have been compiled by different Non-Government and Human Rights Organizations based largely on news reporting.

The reports manifest that 51.28% cases have been filed under blasphemy laws[35] against Muslims, whereas 22.65% suits were against Christians, 23.93% were against Qadiyānīs and 2.14% cases were against Hindus since 1986.[36]The

ratio slightly varies according to data of different monitoring groups. A big number of offenders (25.31%)[37] were acquitted either by lower courts, in first investigation by police or higher courts, while 5.31% were convicted of blasphemy yet no report of them being punished is known. Many of the cases (19.18%) are still under procedure, mostly lodged in higher appeal courts.[38]

However, most of the cases (65.31%) were filed under the offence of using derogatory remarks in respect of the Prophet Muhammad SAW (295-C of PPC), whilst the offence is wider in many cases than 295-C and registered under other sections of the PPC also. Many reports exhibited that the number of Muslims accused of blasphemy exceeded the Christians. [39]

There is quite noticeable that the status of accused people in both religions is different, where 1.875% Muslims and 2.5% Christians were acquitted respectively. Four Christians[40] (2.5%) had been murdered before court's verdict during the trial going on. In all the cases delay in judgment and prolonged court's procedure caused public outrage which worsened the situation. An exclusive example of leaving the country (self-exile) is found among Christians.[41] Three of them were convicted of death penalty by lower courts but afterwards acquitted and flew away to Germany and Austria. The review of their cases depicts foreign interruption let the court to change its conviction and resulted in self-imposed exile of these people.[42] Another worth noticing fact is that, no one has yet executed under this law.

Moreover the facts reveal that the blasphemy cases are much lower than other criminal offences and most of the accused are Muslims. In spite of the criticism that the blasphemy law is being misused no one has yet punished under this offence. Not confined to blasphemy laws but any law can be misused and the degree to which they are altered depends more on the law enforcement agencies than the particular phrase of law. Judicial apparatus is always there to decide between innocent and culprit. The close examination denies the supposition that the blasphemy law is meant to violate the rights of minorities or is discriminatory against them. The large number of cases against Muslims (51.28%) [43]negates that blasphemy laws are there for persecution of minorities. There is a difference between blasphemy and dissent. Opposing a viewpoint is a legitimate activity but using abusive language against the religious sacred is considered blasphemous. The law of *Tawhīn-i-Risālat* (295-C) is not meant against any particular section of the society, neither is a law of blasphemy found in different Western countries, nor is comparable with the laws governing heresy and blasphemy against religious people in medieval Europe, nor has it anything to do with the kind of inquisition in post-Muslim Spain. The law is in fact aims to ensure legal protection of the very source of guidance on which the entire legal, constitutional, social and cultural edifice of Islam rests. The capital punishment is thus enacted on insult of the legal and constitutional principle of the state, not exercised on denial of the prophet hood of Muhammad or dissenting from the religion. Furthermore it is significantly observed while analyzing the cases of blasphemy that the law is heavily criticized by a specific circle and not by various community groups. The arguments and even

the language of its critics remained identical since 1991.[44] The issue has been raised high than its actual existence like the case of separate electorate, which has been repeatedly called for abolition in spite of 83.8% Christian population, was in favour of separate electorate.[45]

The interruption of other states in exploiting the issue of Blasphemy Law of Pakistan is another sad fact. Bishop John Joseph[46]has mentioned his correspondence with the state officials of Germany, Austria and United Kingdom demanding to pressurize government of Pakistan to demolish the Law.[47] Asma Jehangir and Lydia Haines , human right activists called on the European Union to urge Pakistan government to release those imprisoned under the section 295-C ( the Blasphemy Law) and to bring its law and practice into time with international standards.[48] United States Commission on International Religious Freedom[49] reported that blasphemy laws are most often used against reformists Muslims and Qadiyānīs and are discriminatory against religious minorities. It then said:"The US Government discussed religious freedom with the Government in the context of its overall dialogue and policy of promoting human rights…… Embassy officers closely monitored the status of religious freedom and acted when appropriate. Embassy officials attended the trials of several individuals charged with blasphemy, including the trial of Dr. Younis Sheikh. In addition, senior embassy officials expressed concern about the Ayub Masih and Younis Sheikh cases with senior Pakistani government officials. Embassy officials encouraged government officials to pursue aggressive investigations of incidents involving the bombing of churches. The Embassy also assisted local and international human rights organizations to follow up on specific cases involving religious minorities…..The Embassy sponsored several academics to travel to the United States with the International Visitors Program to take part in programs that focus on religious freedom and pluralism."[50]

The commission asked the US' State Department to designate Pakistan a "Country of Particular Concern" (CPC) for its denial of religious freedom. Asian Centre for the Progress of Peoples, a Hong Kong based organization demanded Pakistan to amend the law because "it is discriminatory against minorities".[51] These are few evidences showing foreign intervention and manipulating the case of Blasphemy Laws.

Religious bigotry and prejudices weighs very little in exploitation of the blasphemy laws. Another quite noticeable fact is that the status of Christians if poor does not due to the religious discrimination but because of overall low socio-economic level of common people. The differences of castes and clans, urban and rural, rich and poor are agents of inequity in the society irrespective of religious identity as observed by Fraiedrich Brawn and Linda S. Walbridge in their study on Catholic Church describing that religious bigotry and prejudices are not the only cause of low social-economic level of Christians but "the deep routed caste mentality of the majority of the population" results in riots.[52] A report analyzing the assumed discrimination and vulnerable situation of minorities said:

"One can definitely say that discrimination does exist – particularly in the political arena. But often this discrimination has a caste or class basis, and is common to poor Muslims also. And the discrimination is *experienced* far less than it is commonly assumed to exist or the way it is used to justify the community's in ability to participate in the overall socio-economic and political life of the country. Even at the village level our data shows that the Christians have good relations with their Muslim neighbours (including sharing water sources in drought situation), but the Christian villagers assume that urban Christians have much more problems. On the other hand the urban Christians report that *they* don't have problems, but that in the villages Christians cannot even drink from the same tap as Muslims"[53]

This shows that religious difference is not the sole agent of exploitation and discrimination among various communities.

Blasphemy is no doubt against morality and disturbs public order severely; hence Blasphemy law is considered a tool of maintaining law and order in the society. The history of Muslims and particularly of Sub-Continent reveals that Muslim volunteers killed the Prophet's defilers themselves and the British Government executed the killers under the Indian Penal Code. Significantly they were titled as *Ghāzī*(warriors) and *Shahīd* (martyrs) and Muslim masses ranked all these "killers" as their national heroes.[54]Abandonment of a law leads people taking the issue in their own hands and to execute the accused themselves without any judicial trial; which will eventually create a law and order situation amounts to a denial of the right of legal defense to the accused.

The frequently repeated aggression against Blasphemy Law is its being inconsistent to religious freedom assured by the Constitution of Pakistan as promulgated in the United Nation's Declaration of Human Rights. Here denying Muhammad's prophet hood should not be muddled with his insult. While a non-Muslim may opt to disclaim him as God's prophet or to negate his prophet hood, he is not allowed to insult him or to use derogatory remarks against him. Simultaneously the concept of human rights is not universal rather it is culture oriented and every nation state who has its own particular world view formulates its high ideals , subject to which rights and duties of its citizens are described. Having an independent world view, Muslims are not bound to interpret the values of democracy, freedom or tolerance after the European secular tradition neither are subjugated to other cultures and theoretical frameworks. The United Nations Declaration of Human Rights is not an encompassing document but it is to be interpreted and implemented in the framework of member country's own constitution. The fact has been acknowledged by Alvin Robert Cornelius[55] who critically analyzed the United Nations Declaration of Human Rights, concluding:

"The expression *human rights* sound homely and comforting, but its formulation has ensured that it becomes a powerful and ready instrument in the dangerous game of international politics…… this Universal Declaration is founded too exclusively on the concept of the secular state."[56] He declared religion, the sounder and safer endorsement that guarantees human rights as it holds the

authority to influence the lives of individuals as well as the societies, saying : "Organized and established religion, such as we are familiar with, still remains the most powerful safeguard against man's inhumanity to man."[57] According to the Constitution of the Islamic Republic of Pakistan, the state is committed to uphold the principles of democracy, freedom, equality, tolerance and social justice as enunciated in Islam and to guarantee full rights to the non-Muslim minorities subject to law, public order and morality.[58]Defamation of a person is violation of fundamental human rights and when it is against the prophet it does not merely defiling a sacred person but means to defame the primary source of lslamic *Sharīah* as well as a violation of the Constitution of Pakistan, which declares the *Sunnah* as one of its fundamental principles.

In conclusion it appears that the Law of Blasphemy does not inconsistent with the Islamic or Christian stance on blasphemy neither opposed to the religious freedom nor against the rights of religious minorities. The law declares insult or defiling the person of Muhammad a crime, decanting or denying his prophet hood is not an offence. The core issue is not whether there should be blasphemy law or not, rather it is needed to be discussed how it can be rationalized to make its misuse impossible.

**References:**

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[1] Leonard W. Levy, "Blasphemy: Juedo-Christian Concept". In *The Encyclopedia of Religion* edited by Mircea Eliade(New York: Macmillan Publishing Company, 1987), 2: p.238

[2]*The Oxford English Dictionary,* (Oxford: The University Press, 1970)

[3]The Old Testament mentions many instances of national and individual apostasy of Jews. The Israelite prophets denounced apostasy and faithlessness which itself was considered a blasphemous act. See for instance: Jos 22:22, Jer 2:19, Ezk 8:5 ff

[4] For details see: Williston Walker, *A History of the Christian Church* (New York: Charles Scribner's Sons, 1959), 231-235 and Karl Bihlmeyer, *Church History* (Westminster: The Newman Press, 1966), 1: 150-155, p.166-167

[5]The evidence is mentioned amply in the *hadīth* books. For instance: *Sahīh Bukhārī, Kitāb al Maghāzī*.

[6] There is a unanimous opinion of *fuqahā* that a Muslim blasphemer be punished with death. However there is a slight difference about punishment of a non-Muslim blasphemer, who according to the view of majority of scholars is also be killed. See : Muhammad bin Alī bin Muhammad, *Naylul Awtār min Ahādith saiyyidul Ahbār* (Beirut: Dārul Jīl,1973), 7: 380-381, Abu Abdullah Muhammad bin Ahmad Al-Qurtubī, *AlJami' liAhkām al-Qura'n,* first edition(Beirut: Dārul Fikr,1987),8:82

[7]www.census.gov.pk on 13th Dec, 2012

[8]*Pakistan Penal Code* XLV of 1860 with New Islamic Laws 1979 (Lahore: Mansoor Book House, 2003). It will be further abbreviated as PPC.

[9] The enactment of these laws in British rule reveals that religious offences were acknowledged as criminal acts by the British author of the Penal Code. It also seems that they were basically Law and Order instruments developed by the

colonial secular regime to ensure peace in the empire rather than the protection of any religious ideology.

[10] PPC 295 A

[11] PPC 298 A

[12] PPC 298 B

[13] PPC 298 C the Article 298 is titled as the "Anti-Islamic Activities of the Qādiyānī Group, Lāhori Group and Ahmadīs (Prohibition and Punishment) Ordinance, XX of 1984"

[14] PLD 1994 Lah. 485 (1)

[15] See: PLD 1991 Federal Shari'at Court 10 Muhammad Ismaīl Qureshi v. Pakistan.

[16] PLD 1991 FSC 33 (I&J)

[17] *Code of Criminal Procedure* (V of 1898) (Lahore: Mansoor Book House, 2003) Schedule II Ch: 15

[18] PLD 1991 FSC 35 (L) and PLD 1994 Lah. 485

[19] Naeem Shakir Chaudhry, "Fundamentalism, Enforcement of *Sharia'h* Law on Blasphemy in Pakistan", *Al-Mushir* 34: 4 (1992), p.113-129

[20] Shakir, "Enforcement of *Sharia'h* Law" 123

[21] Dominic Moghal M., "Mu'amla Gustakh-i- Rasul aur Hamārī Zimmidārī," *Al-Mushīr* 34:4 (1992), p.54-74

[22] "Human Rights and Situations of Christians in Pakistan", *Focus Supplement* 1 (1993) p.57-62

[23] Fr. Arnold Heredia, "In Pakistan Non-Muslims are Most Vulnerable," *Focus Supplement* 1 (1997), p.13-17

[24] Naurīn Nazīr, "Mīthāq-i-Madīnah Mein Ummat Ka Tasawwur Aur Pakistanī Ghair Muslimon par is kā itlāq," *Al- Mushīr* 41:4 (1999).

[25] Iqbal Bismal, *Zarbe Shalāq* (Karachi: Idāra-i-Amn-o-Insāf, 1995), 23-26.

[26] Willem Jansen, "Divine Injunction or Man Made Law," *Al-Mushīr* 41:1(1999), p.13-32

[27] Jansen, "Divine Injunction," 23

[28] It is quite noticeable that all the Islamic circles (including *Shias*) are unanimous on the mandatory death punishment for scoffer of Muhammad SAW.

[29] Mahmood A. Ghazi, "The Law of Tohīn-i-Risālat: A Social, Political and Historical Perspective", Tarik Jan et al (Ed.) *Pakistan between Secularism and Islam* (Islamabad: Institute of Policy Studies, 2003), 232-233.

[30] Leonard W. Levy, "Blasphemy Judeo-Christian Concept," *The Encyclopedia of Religion,* edited by Mircea Eliade (New York: Macmillan Publishing Company, 1987), 2:238.

[31] The Federal Shariat Court clearly elaborated this issue in its judgment. See: PLD 1991 FSC 33- I&J.

[32] PLD 1991 FSC 31-33.

[33] Based on a survey conducted by the author in 2004. See: Taimia Sabiha, *Apostasy, Blasphemy and Religious Freedom in Islam and Christianity: A Case*

*Study of Pakistan* (MA Thesis: International Islamic University Islamabad, 2004), 117.

[34] The Constitution of Pakistan Article 2-A.

[35] That is offences relating to religion are trialed under sections 295-298 of PPC.

[36] Sabiha, *Blasphemy and Religious Freedom,* 119

[37] Sabiha, *Blasphemy and Religious Freedom,* 119

[38] Sabiha, *Blasphemy and Religious Freedom,* 119

[39] For details please refer to: *Human Rights Monitor 2004* (Lahore: National Commission for Justice and Peace Catholic Bishops Conference of Pakistan, 2004)

[40] They were Tahir Iqbal- a Muslim convert (Lahore 1990), Niamat Ahmar (Faisalabad 1992), Baba Banto Masih (Lahore 1992) and Manzoor Masih (Gujranwala, 1992)

[41] They were Emmanual Luther (Lahore 1989), Gul Masih (Sargodha 1991), Salamat Masih, Rehmat Masih (Gujranwala 1992) and Anwar Masih (Sammandri 1993)

[42] Many Christians themselves mentioned the moral, political and financial assistance which they got from different people, churches, NGOs and even other states throughout the globe in raising and exploiting the cases being sued. See: Linda S. Walbridge, *The Christians of Pakistan* (London: Routledge Curzon, 2003)177-182, 191-195 and Bismal, *Zarbe Shalāq*, 39-40, 60

[43] As surveyed by the author. See: Sabiha, *Blasphemy and Religious Freedom,* 144

[44] It was the year when Federal Shariat Court decided mandatory capital punishment for defiler of the Prophet SAW.

[45] Caritas Survey conducted in Lahore Diocese, 1989

[46] He had committed suicide in 1992 in front of Sahiwal district Jail to register his protest against blasphemy laws.

[47] John Joseph, *A Peaceful Struggle* (Faisalabad: National Commission for Justice and Peace, 1994), 67, 87, 120

[48] Asma Jehangir, Lydia Haines, *Briefing on the Blasphemy Law in Pakistan* (http:// www.csw.org.uk/ 13th March, 2004)

[49] The Commission was created by the International Religious Freedom Act of 1998 to make recommendation on issue of religious freedom to the President, the Secretary of State and the Congress.

[50] *International Religious Freedom Report for 2003* (http:// www.uscirf.gov/reports/final report. php3/ 12th May 2004

[51] Aftab Alexander Mughal, *From the Ashes of Shantinagar* (Lahore: Justice and Peace Commission), p.13

[52] Fraiedrich Brawn, *The Contribution of the Catholic Church Towards the Future of the People in Pakistan* (Diploma thesis: University of Bamburg, 1982) and Walbridge, *Christians of Pakistan, p.*192

[53] Charles Amjad-Ali et al, *Changing Realities in Pakistan and the Church's Response* (Rawalpindi: Christian Study Centre, 1991), p.59

[54] For instance Ilmuddin (executed by British Government in 1929 in Lahore), Abdul Qayyum (executed in 1935 in Karachi), Aamir Cheema (killed in 2006 in Berlin) and Mumtaz Qadri (executed in 2016 in Rawalpindi)

[55] Alvin Robert Cornelius (1903-1991) was the fourth Chief Justice of Pakistan from 1960 until 1968. He was a Christian Chief Justice of a Muslim state renowned for his active role in the Supreme Court of Pakistan, an influential figure who set up the court system and an advocate of freedom of religion, fought against the religious extremism.

[56] Ralph Braibanti, *Chief Justice Cornelius of Pakistan- An Analysis with Letters and Speeches* (Karachi: Oxford University Press, 2000), p.285

[57] Braibanti, *Chief Justice Cornelius, p.*294

[58] Article 2-A