

**MUSLIM CHRISTIAN ATTITUDES TO THE
LAWS OF BLASPHEMY IN PAKISTAN (1982-2009)
AN ANALYTICAL SURVEY**



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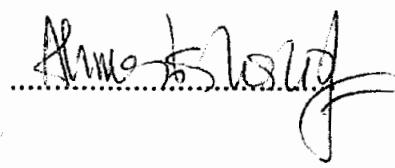
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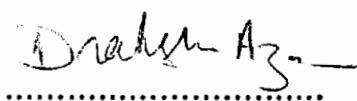


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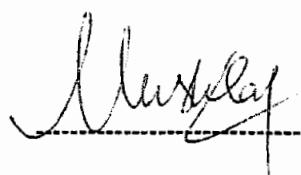


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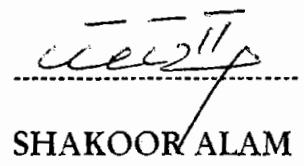
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DECLARATION

I hereby declare that this submission is my own work and that, to the best of my knowledge and belief. The material included in this dissertation, borrowed from other sources has been identified and no material is included which to a substantial extent has been award of any other degree or diploma of a university or other institution of higher learning.



Supervisor



SHAKOOR ALAM

DEDICATION

I sincerely dedicate this piece of work to my loving Parents

MAHER MUHAMMAD SHAREEF NAZ & MRS. SHAMIM AKHTAR

Whose Love and Prayers have always been a beaconlight in my life, with
a sincere prayer that ¹"رَبُّ ارْحَمْهُمَا كَمَا رَبَّيَانِي صَغِيرًا" O my Lord; have mercy on
these both as they both brought me up in my childhood.²

¹ اے سبھے رب تو ان دونوں پر تم فرم اجیسا کہ ان دونوں نے مجھے چھوٹی عمر میں پالا۔ سورہ الاسراء: 24

² Al-Qur'ān-ul-Karīm, English translation (of Kanzul Imān, by Rizā, Ahmad Khān: ----) Faridul Haq, Shah, Prof.

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- ◆ It is my pray to Allah the Almighty to accept this humble effort of mine, make it beneficial for the readers and guide me further to the path of knowledge, āmīn!.

TRANSLITERATION TABLE

Diphthones

<input checked="" type="checkbox"/>	ARABIC <i>(PERSIAN/URDU)</i> <i>(TURKISH)</i>	aw au es	<input type="checkbox"/>	<input type="checkbox"/>	www/www
<input type="checkbox"/>	ARABIC <i>(PERSIAN/URDU)</i> <i>(TURKISH)</i>	ay ai ey	<input type="checkbox"/>	<input type="checkbox"/>	yyy/yyy

Letter * is transliterated as elevated comma (՝) and is not expressed when at the beginning.

Letter **ȝ** is transliterated as elevated inverted comma (‘ ’).

ج as Arabic letter is transliterated as *g*, and as Persian/Turkish/Urdu letter as گ

ج as Arabic letter is transliterated as *je*, and as Persian/Turkish letter ج is transliterated as *je*.

א is transliterated as *ah* in pause form and as *at* in construct form.

Article **al-** is transliterated as *al-* (ل- in construct form) whether followed by a moon or a sun letter.

as a Persian/Urdu conjunction is transliterated as *-o*.

Short vowel ۲ in Persian/Urdu possessive or adjectival form is transliterated as -i-.

This table which I have used in this thesis has been taken from *Islamic Studies* which is published by Islamic Research Institute, International Islamic University Islamabad.

Abbreviations

AD	<i>Anno Domino</i> (in the year of Christ)
AIR	All India Reporter
BCE	Before Common Era
CE	Common Era
CII	Council of Islamic Ideology
CMS	Church Missionary Society
CoP	Constitution of Pakistan
CSC	Christian Study Centre
DPO	District Police Officer
DSP	Deputy Superintendent of Police
LHC	Lahore High Court
IPC	Indian Penal Code
FIR	First Information Report
HRCP	Human Rights Commission of Pakistan
NA	National Assembly
NGO	Non-government Organization
MNA	Member of National Assembly
NWFP	North West Frontier Province (KPK)
PLD	Pakistan Legal Decisions
PPC	Pakistan Penal Code
SCP	Supreme Court of Pakistan
UNO	United Nations Organization
UPSG	United Society for the Propagation of the Gospel

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نبذة الموضوع : قوانين الإهانة في باكستان و موقف المسلمين والمسيحيين :

إن باكستان هي أول دولة إسلامية التي أنسنت باسم الدين والإسلام أعلان كالدين الرسمى لها لأن قوانينها يجب أن تجعل في ضوء التعليمات الإسلامية. إن جمهورية باكستان دولة إسلامية التي أغلبية السكان أي 96.68% هي للمسلمين ومعهم يعيش هناك العديد من أتباع البيانات الأخرى أيضاً وإن المسيحيين في الأغلبية بين الأقليات بسبب 1.59% لجميع السكان في الدولة.

تجد الأقليات في باكستان حرية كاملة من تعبيرهم ومارساتهم الدينية طبقاً لدستور الجمهورية الإسلامية باكستان، لذا المسيحيون يدعون معاهم وذويهم وبنسائهم وكائنهم أيضاً في جميع أنحاء باكستان بدون أي صعوبة.

هناك فصل مستقل بخصوص قوانين الإهانة في رمز لجنة باكستان التي تدعى فصل الخامس عشر. هنا الفصل يشتمل أربعة أقسام 295,296,297,298. أساساً تعامل هذه الأقسام مع إهانة أي دين، بغضب مشاعر دينية لأي صنف إهانة دينية أو المعتقدات الدينية، وتدنيس القرآن الكريم، واستعمال الملاحظات الإنقاصية فيما يتعلق بالنبي الكريم صلى الله عليه وآله وسلم، وازعاج جمعية دينية، وتجاوز على مكان الدفن، وتلفظ الكلمات بالنية المعتقدة لحرج مشاعر دينية، واستعمال إنقاصية فيما يتعلق بالشخصيات البارزة المقدسة وسوء استعمال الصفات والأوصاف والعنوانيين حبراً لبعض الشخصيات البارزة أو الأماكن المقدسة، والجزء الأخير للقسم حول شخص قاديانى يدعى نفسه مسلاً أو يكابر إيمانه.

هذه القوانين المتعلقة بالإهانة تعامل مع القوانين الإسلامية بشكل محدد لكن النقطة المهمة بأن القوانين لا تفرق بين المسلمين وغير المسلمين. قد وصف نفس العقاب تحت هذه الأقسام جميع المتهكين المسلمين كانوا أو غير المسلمين.

يمكن لنا طبقاً لهذا القانون أن نعرف الإهانة بأنها يمكن أن تكون أي كلمة منطقية أو مكتوبة، أي عمل أو تصرف حتى أي فكر الذي يستهدف الإنقاذ بشكل محدد إهانة طبيعة الله أو الإخزاء للله أو وجوده المقدس والذي يعني نحو الشخصيات البارزة المقدسة، ومصنوعات يدوية دينية، وعادات واعتقادات. ويمكن أيضاً أن يشتمق نفس التعريف من القواميس المختلفة وموسوعات والشروط الدينية المتعلقة بالكفر.

أصبح قوانين الإهانة في باكستان في هذا العصر مصدراً لعدد من الخلافات، تجد هذه القوانين تحت النقد الكبير إذا نرى المسلمين نجد بعض الآراء المختلفة عن هذه القوانين. هناك الأغلبية التي تقبل هذه القوانين وتعتبرها كالقوانين المعقنة ومع ذلك هناك مجموعة بين المسلمين في باكستان التي نظرت لبعض الأجزاء بأنها يجب أن تغير. أما بالنسبة إلى جالية مسيحية، فهم ليسوا في حق حكم الموت المتعلق بالتوهين ضد النبي الكريم

صلى الله عليه وآله وسلم. ويعتقدون بأنه يجب أن تزال و تغير. العديد من منظمات الحقوق الإنسانية تقدم هذه القوانين أيضاً كقضية مروعة في العالم.

والغرب هو يكثر أن القوانين الإسلامية للإهانة تحدد الحقوق الأساسية الإنسانية المتعلقة بالحرية الدينية والتعبير.

هذه الدراسة ستحل المواقف المختلفة للمسلمين والمسيحيين الباقستانيين حول هذه القوانين. بالرغم من أنني سأحصل على مساعدة من المواد المتوفرة حول الموضوع لكن أغلب التحليلات ستكون مساعدة استطلاعات بين جاليات المسلمين والمسيحيين. السبب الرئيسي لإختيار الجالية المسيحية لهذا البحث أغلبهم بين الأقليات في باكستان وفي تاريخ سجل المقدمات للإهانة في باكستان ضد المسيحيين أكثر بين الأقليات.

منزلة القوانين لها أيضاً أهمية بخصوص حوار مسيحي إسلامي. في العلاقة هنا الموضوع نحن يمكن أن نراجع رمز لجنة باكستان بشكل نقدي. كتب العلماء المسيحيون في باكستان على القضايا المتعلقة بالإهانة مجزئين لاكتشاف الحل. فائي نوع من الأدب هم يزورون إلى المسيحيين في باكستان خلال فتوتهم؟ وبالمعيشة في دولة إسلامية ماذا يفكرون بشأن قوانين باكستان وما الذي عريدون أن عزل من القوانين الباقستانية؟ وما النوع من القوانين الإسلامية الذي يعتبرونه ضاراً لأقلائهم؟

Preface

In the name of Allah the most beneficent the most merciful!

We seek refuge in Allah (سبحانه وتعالى) from the evil of our souls and from the wickedness of our deeds. Whoever Allah (سبحانه وتعالى) guides cannot be led astray and whoever is led astray shall find none other to guide him. May the peace and blessings of Allah be upon the Righteous Prophet Muhammad (Allah's peace and blessings be on him), his Family, Companions and the followers of the guided path.

Pakistan is the first Islamic state which was founded in the name of a religion; Islam, and Islam was declared as the state religion. Its constitution says that no law could be made which is opposed to Islam. The Republic of Pakistan is an Islamic state with the majority of 96.68 % Muslim population in it. However there are many other religious followers also living in the country. The Christians are in the majority among the minorities with 1.59% of the total population of the country.

We find minorities in Pakistan, having full freedom of their expression and practices. In accordance with the Constitution of Islamic Republic of Pakistan, they enjoy freedom of living and religious practices. So the Christians are running their institutes, seminaries, missionaries and churches all over Pakistan without any difficulty and having all protection in their rights equal to Muslims.

There is an independent chapter regarding blasphemy laws in the Pakistan Penal Code which is called Chapter XV Offences against Religion. This chapter contains four sections 295,296,297 and 298. Basically these sections deal with the insult of any religion, outrage of religious feelings of any class by insulting its religion or

religious beliefs, defiling the Holy Qur'ān, use of derogatory remarks in respect of the Holy Prophet Allah's peace and blessings be on him, disturbing religious assembly, trespassing on burial place, uttering words with deliberate intent to wound religious feelings, use of derogatory words in respect of holy personages and misuse of epithets, descriptions and titles reserved for certain holy personages or places. And the last part of the section is about Quādiāni group calling themselves Muslims or preaching or propagating their faith.

These provisions specifically deal with the Islamic law related to blasphemy but the important point is that these provisions do not differentiate between Muslims and non-Muslims. The same punishment has been prescribed for all offenders liable under these sections whether Muslims or Non Muslims.

According to these laws we can define the blasphemy to be any spoken or written word, any deed or act which is specifically aimed at criticizing of God's nature insulting or dishonoring God or His sacred entity which means toward the holy personages, religious artifacts, customs, and beliefs. The same definition can also be derived from different dictionaries, encyclopedias and religious terms related to blasphemy.

The laws of Blasphemy in Pakistan have become the source of a number of controversies especially the article 295-C, blasphemy law against the Holy Prophet Muhammad (Allah's peace and blessings be on him). We find these laws under much criticism. If we see the Muslims side even then we find some different opinions

regarding this law. There is a majority who accepts these laws and considers them perfect laws; meanwhile there is a group of thought among Muslims in Pakistan which is of the view that some provisions should be changed. As far as Christian community is concerned, they are not in favor of the death sentence related to the blasphemy against the Holy Prophet (Allah's peace and blessings be on him). They think it should be removed. And there we find some protests against these laws and many incidents related to this issue.

No doubt that the concept of blasphemy is found in every religion but now a days it is associated more with Islam and especially with Pakistan. Many human rights organization are also presenting these laws as a horrible issue in the world. Moreover, it is being propagated by the West that the Islamic laws of blasphemy limit the basic rights of people related to freedom of religion and expression.

This study will analyze the different attitudes of Pakistani Muslims and Christians about article 295-C with the help of available materials on the topic but most of the analyses will be done on the basis of surveys among Muslim and Christian communities. The major reason to choose Christian Community for this research is because they are in majority among the minorities of Pakistan and in the history of blasphemy recorded cases in Pakistan, mostly Christians are the victims among the minorities and they use to protest against these laws.

Thus the topic of this study will be “**The Laws of Blasphemy in Pakistan and Muslim, Christian Attitude**” (An analytical survey) which will analyze the different attitudes of Muslims and Christians on Blasphemy Laws especially on article 295-C.

Why I selected this Topic?

During my coursework, I had a project on some articles published in *Al-Mushir*, a journal which is published from Christian Study Center Rawalpindi. I made a critical evaluation of seven selected articles related to the blasphemy and on the status of the Holy Muhammad (Allah’s peace and blessings be on him). Almost in each article I found criticism on the laws regarding blasphemy and the *Shari’at* Bill in Pakistan. In these articles I also had to view the criticism on some cases and it was also pointed out in these articles that these laws are misused in Pakistan particularly against the Christian community.

Pakistan is an Islamic state which has no right to enforce any law which is against the spirit of Islam. Islam provides fundamental rights to all communities living under its shed. That is why all the minorities living in Pakistan have the same equal human rights with Muslims. All these offences are same for Muslims and Non Muslims. There is not any kind of difference between these groups.

Importance of the Topic

Christians being majority in the West; always support these communities and propagate these laws as disputed issue. Meanwhile different kinds of Human Rights organizations are also raise these issues which need to be solved.

The blasphemy law in Pakistan is very hot issue nowadays. For example, in July, 2009 a very sorrowful incident happened with Christian community in a village of *Gojra*, in the province of Punjab, in which nine people including children and women were burnt alive. Almost total village was also burnt and all the houses were destroyed. The unfortunate incident in Gojra has started crises between Christians and Muslims as it was broadcasted by world media, which impacted Pakistan's politics as well as economy.

These laws in Pakistan have an importance regarding Muslim Christian relationships. Being a minority in Pakistan, it is very important that how they find themselves free in their religious practices and freedom of speech. Being a big community in Pakistan, they have a great social relationship with Muslims, which is also an important fact.

The status of laws has also an importance regarding Muslim Christian dialogue. In relation with this topic we can critically review the Pakistan Penal Code.

In Pakistan, different Christian scholars have written on issues related to blasphemy especially on article 295-C and tried to find out the solution. What kind of literature they are providing to Christians in Pakistan through their proper channels. Living in an Islamic State what they think about the laws of Pakistan and what they want to be eliminated from Pakistani laws and what kind of Islamic laws they consider harmful for their minority.

Statement of the problem

This research has been undertaken with the brief review of Pakistan's blasphemy laws focus on article 295-C with the background of the history of blasphemy laws in Pakistan. The enforcement of these laws was started since 1982. This study will examine the attitudes of Muslims and Christians towards the blasphemy laws on article 295-C. Whether, the both communities have similar opinions about these laws or there is some kind of difference in their attitudes. Then to see whether both consider these laws as good or against human rights. We will study different attitudes considering these laws as very necessary or with offenses or without the death sentence or totally these laws are cruel and against the human rights.

Hypothesis:

- Both, Muslims and Christians, consider these laws as good.
- Muslims consider these laws very essential but admit that its false use exists in the society.
- Christians and some Muslims consider these laws against the human rights and they demand the removal of these laws.
- Some Christians say that there should be blasphemy laws but the death punishment should be removed.

Literature Review

Ghustakh-e-Rasūl ki Saza Qatl

This valuable Urdu booklet is in fact written statement of Syed Ahmad Saeed Kazmi (a great scholar) published by Kazmi Publications, Kachehri Road, Multan, is regarding *shariat* petition to the Federal *Shariat* Court of Pakistan. It describes clearly the only punishment for the crime of Prophethood blasphemy, is death according to the commandment of the Holy Qūr'ān and *ahādīth* and view of the companions of the Holy Prophet (May Allah's peace and blessings be on him). The writer states that the same view point jurisprudents of all Muslims schools of thought have, and no one is against this punishment. At the end the writer is in view that this law must not to be misused for innocents.

Namūs-e-Risālat Aor Qānūn-e-Toheen-e-Risālat

This Urdu book is written by Muhammad Ismaeel Quraishi, published by Al-Faisal Nashran & Tajran e Kutub Lahore in Feb. 2006. The writer was a senior advocate of the Supreme Court of Pakistan. Basically, his book is an encyclopedia of decisions taken by different courts of the World Human Rights organizations, Western, European and Pakistani Courts in the cases of blasphemy. Meanwhile, some decisions, incidents in different Muslim's history, have been also mentioned in this book. In the seven chapters of his book, the writer states blasphemy against the Holy Prophet, laws of blasphemy and punishments according to the Holy Qūr'ān and *ahādīth*. He also

states these laws in the light of nationally and internationally behavior. At the end he describes some decision taken by courts in Pakistan and in other countries related to blasphemy

The Christians of Pakistan: the passion of Bishop John Joseph

The book is written by Linda S. Walbridge, which was published by Routledge New York & London 2003. In May 1998, John Joseph, the first native Pakistani Catholic bishop, shot himself in front of the courthouse where a Christian had been sentenced to death for blasphemy. This book tells the story of the Christians in Pakistan, with Bishop Joseph as its focus. It also deals with enculturation in the Pakistani church, the rise of native clergy, conflicts between the local church and Rome, the rise of 'fundamentalist' Islam and the position of women in society and church. It traces the growth of the Catholic Church in Pakistan including the dispute over the blasphemy laws that led to the Bishop's death. The book ends with a discussion of the ethical and political issues involved in the Bishop's protest suicide.

Freedom of Religion, Apostasy and Islam

The two editors Kevin Boyle & Juliet Sheen wrote this report which was published by Routledge, New York 1997. This book argues that the law of apostasy and its punishment by death in Islamic law is untenable in the modern period. Apostasy conflicts with a variety of foundation texts of Islam and with the current philosophy

of human rights. Debate on freedom of religion as a human right takes place not only in the Western world but also in Muslim communities throughout the world. The authors show the diversity of opinions among early Muslims on the punishment, highlighting a vast amount of Qūr'ānic texts in favor of freedom of religion in the construction of the law of apostasy. The authors discuss arguments by Muslims scholars today for an absolute freedom of religion and for removal the punishment of apostasy.

Islam and Human Rights: tradition and politics

The book is by a western author Ann Elizabeth Mayer, was published by Westview Press, 4th edition, 2007. In this revised and updated edition, the author offers critical assessments of recent Islamic human rights schemes and compares with the Islamic legal heritage and with international human rights law. This edition considers recent developments in human rights law and policy. Some examples are discussed from Egypt and Iran with the connection of Human Rights. In addition, the debates on whether Islam stands in the way of human rights are also the part of this book.

Human Rights in Pakistan

The book by M.G. Chirkara, APH Publishing, Catn New Dehli, 1997, deals with three main topics related to Pakistani issues. In the first chapter history of Asia is mentioned including Pakistan. The second chapter talks about the human rights, with

a brief discussion how these rights are used in Pakistan although he criticizes. At the end, the writer states the political situation with its definition, in this connection he defines the freedom of human rights and mentions the political freedom and security also. At last, the human rights with the political relationship of Pakistan are discussed. Another book with the same title *Human Rights in Pakistan, From Zulfikar Ali Bhutto to Musharraf*, by M. H. Syed Ehsanul Haq, Pentagon Press, 2007, also discusses the same important issues in the era of Zulfikar Ali Bhutto to Musharraf and provides an analytical and incisive account of all the development in Pakistani politics right from the declaration of Ahmadiyas as non-Muslim and Pakistan as an Islamic state by Zulfikar Ali Bhutto to the new charter of life to religious forces by Pervez Musharraf.

Apostasy, Blasphemy and Religious Freedom in Islam and Christianity

The aim of the researcher is to find out apostasy, blasphemy and religious freedom in Islam and Christianity. In the first chapter the researcher is in view that Islam is clear enough in considering apostasy blasphemy heinous crimes, unbearable in an Islamic state and describes the Islamic stance of apostasy, blasphemy and religious freedom. While in second chapter, the concept of apostasy, blasphemy and religious freedom according to Christianity is mentioned. However the writer analyze the case of Pakistan in the last chapter and finds these laws assured for all citizens according to the constitution of the country.

Blasphemy & Freedom of Speech: The Islamic Perspective

The research work of Hajrah Saboor at IIUI in 2007, is based on the status of the blasphemy within the Islamic legal system and compares with the human rights. Especially she works for the right freedom of speech and expression in Islam. The first chapter attempts blasphemy in term of Islamic law by quoting various verses from the Holy Qūr’ān and *ahādīth*. The second chapter discusses modern concept of freedom of speech with the framework of Islamic laws. The third chapter attempts the status of blasphemy according to purpose of Islamic laws. The last chapter states the punishment of blasphemy within the Islamic laws.

Main Motives of the Topic

1. To study the blasphemy laws especially article 295-C in the Pakistan Penal Code, with its brief history.
2. The need of these laws.
3. How do Islam and Christianity define these laws?
4. Muslim scholars' attitude to these laws.
5. To study the agreed and disagreed points between Muslims and Christians.
6. To study why the Christians protest against these laws.
7. To evaluate the essence of Christianity about these laws in Pakistan with their belief system.
8. To study whether their thoughts demonstrate reality or not? If they do, then to what extent?

INTRODUCTION

The Pakistan Penal Code does not have any specific definition of the word 'Blasphemy'. Even we cannot find this word in the law books. On the other hand, there is a specific chapter XV regarding blasphemy laws in PPC. However, this word is very well known in common talks, especially now a days, it is a burning issue in media, not only in Pakistan but also in West.

If we see different dictionaries, we find verity of synonyms of this word. However, there is a similarity among all the meanings present in dictionaries.

Defining the word "Blasphemy"

The lexical meaning of blasphemy is to use any disrespect word to God or for something which is sacred.¹

Etymology of the word 'Blasphemy'

The word of 'blasphemy' is derived from a Greek term 'blāspēmōus' and a Latin word 'blasphēmous' meaning defaming or speaking evil.²

The Wordsworth, Dictionary of Beliefs & Religions defines blasphemy as any word, sign or action which intentionally insults the goodness of God or is offensive to God.³

¹ <http://www.websters-online-dictionary.org/synonyms/blasphemy> accessed on: 24-12-2010, 10:07 am.

² Leonard W. Levy, "Blasphemy: Judeo-Christian Concept" in *The Encyclopedia of Religion*, Editor in-chief Mircea Eliade (New York: Macmillan Publishing Company, 1987), vol.2, p.238. On another place "it is derived from Greek word *blaptein* which is 'to injure' or *pheme* meaning reputation." See <http://www.newadvent.org/cathen/02595a.htm> (accessed on January 26, 2011).

The concept of blasphemy has never remained fixed. It has ranged from ancient Hebrew crime of cursing the ineffable name of God to irreverent statements that outrage the religious sensibilities of others.⁴

Blasphemy is always regarded as an abuse of liberty and reveals what a society cannot and will not tolerate. The classical definition of blasphemy is disparaging and evil remarks about God, the sacred things.⁵

The seventeenth-century Scottish jurist epitomized blasphemy by calling it "treason against God".⁶

According to the Encyclopedia of Britannica, "the irreverence toward a deity or deities and by extension the use of profanity is blasphemy".⁷

Blasphemy implies the idea of irreverence and profanity.⁸

³ *The Wordswoth , Dictionary of Beliefs & Religions* (London: Wordsworth Editions Ltd., 1995), p.70
Until the Enlightenment, it was punishable by death. Blasphemy was classed as heretical if it openly asserted some thing contrary to faith, an as non-heretical if it involved careless or insulting speech about God. In many Christian countries it is technically a crime, and is extended to include the denial or ridicule of God, Christ or the Bible; but the law is seldom invoked. It is also a crime in certain non-Christian (eg Islamic) countries.

The contemporary relevance and range of application of the law of blasphemy became a particular issue in the UK in 1979 with the prosecution for blasphemous liable against Gay News and its editor for publishing in 1976 in illustrated poem dealing with a homosexual fantasy about the crucified Christ. Since then there have been several attempted prosecutions against various works, perhaps the most notable furore being the sparked in 1989, following the publication of Salman Rushdie's book, *The Satanic Verses* (1988).

The Muslim community considered this work offensive to their religion, and an official death threat was issued by Iran's Ayatollah Khomeini, against Rus¹ die as a blasphemer.

⁴ *The Encyclopedia of Religion*, vol.2, p.238.

⁵ Ibid.

⁶ Ibid.

⁷ "Blasphemy" in *The New Encyclopedia Britannica*, Editor in-chief Philip W. Goetz (Chicago: Encyclopedia Britannica, Inc., 1986), 15th Edition, vol.2, pp.74,75. It also mentions that blasphemy has points in common with heresy; it is differentiated from it in that heresy consists of holding a belief contrary to the orthodox on.

Any oral or written reproach and maliciously cast upon God, His name, attributes, or religion or in general blasphemy may be described as consistence in speaking evil of the Deity and with impious purpose to derogate from the divine majesty, and to alienate the minds of others from the love and reverence of God. It is purposely to use words concerning God, calculated and designed to impair and destroy the reverence, respect, and confidence due to Him as the intelligent creator, governor, and judge of the world.⁹

But in common way in the West blasphemy has come to mean any indifferent or irreverent act, words or attitude to anything that is generally considered sacred or inviolable.

The Webster's New College Dictionary defines blasphemy as irreverent remarks referring to any person or thing regarded as sacred.¹⁰

According to *Oxford Dictionary* blasphemy means, "behavior of language that insults or show a lack of respect for God or religion".¹¹

These are some of definitions which provide us the gist of blasphemy. If we look into these descriptions, most of them mention that any disrespectful remark against God is blasphemy. However, some of dictionaries and encyclopedias also state

⁸ Ibid. it mentions "Thus it is not blasphemous to deny the existence of God or to question established tenets of the Christian faith unless this is done in a mocking and derisive spirit."

⁹ *Deluxe Black's Law Dictionary*, Editor in-chief Bryan A. Garner (USA: St. Paul, Minn, 1990), 6th Edition, p. 171.

¹⁰ *Webster's New World College Dictionary*, Editor in-chief Michael Agnes (USA: Simson and Schuster Inc., 197), 3rd Edition, p. 147.

¹¹ *Oxford Advanced Learner's Dictionary*, Editor in-chief Sally Wehmeie (London: Oxford University Press, 2000), 6th Edition, p. 112. It also defines blaspheme is to speak about God or the Holy things of a particular religion in an offensive way.

that any profanity, disrespect or evil speaking against God sacred things, is blasphemy. In this connection, we would like to prefer the definition of *Oxford Dictionary* and the *Webster's New College Dictionary*, which are closer to our topic as well as to the Laws of Blasphemy in Pakistan.

Definition of Blasphemy Laws

The above mentioned definitions give us the only lexical and literal meanings of blasphemy. To look at its legal definition we have to review the laws dictionaries and the enforced laws of blasphemy in different parts of the world according to which blasphemy is considered as a criminal offence.

There is a major question that the irreverence towards supposed holy personages, religious artifacts, customs, and beliefs is treated as a crime or not in law.

Legal Dictionary defines the crime of insulting or showing contempt or lack of reverence for God or a religion and its doctrines and writings and especially for God is offenseable under the laws.

In English Law, blasphemy is the offences of speaking evil against the matter related to God, Jesus Christ, the Bible, or the Book of Common Prayer intended to hurt the feeling of mankind and hatred against the church by law's established.¹²

¹² *Deluxe Black's Law Dictionary*, p. 171. The same definition may be seen on *Stroud's Judicial Dictionary* of Words and Phrase, Editor in-chief John S. James (London: Sweet & Maxwell Limited), 4th Edition, pp. 296-297. See more on *Pocket Law Dictionary*, *Cochran's Law Lexicon Dictionary*, Editor in-chief William C. Cochran (Lahore: Pakistan Educational Press, 1976).

In European and American countries, the law of blasphemy concerns covers all acts, sayings or attitude which violate the sanctity of God, or the other members of the Holy Trinity.

Blasphemy is a crime in common law punishable by fine and imprisonment. It consists five of articles which are considered to be blasphemous i.e. making fun of or irreverently ridiculing or impugning the doctrines of the Christian faith; or uttering or publishing contumelious reproaches of Jesus Christ; or in profane scoffing at the Holy Scriptures or exposing any part thereof to contempt or ridicule.¹³

The essence of the crime consists of the impious purpose in using the words, and does not necessarily include the performance of any desecrating act. In the Mosaic Law the crime of blasphemy was understood as widely as, “showing disrespect for God, doubting his powers, and even disobeying his commandments”.¹⁴

Blasphemy can also occur if one claims to be God or possesses powers similar to God. Indeed the first Sufi martyr, Mansūr al Hallāj, was executed in 922 CE by the Caliph of that time, for claiming to be God. His famous statement ‘*anā al Haqq*’ (أنا الحق) (I am the Truth or God) was alleged to have threatened the security of the state due to his theological adventurism.¹⁵

¹³ *Words and Phrase Legally Defined*, Editor in-chief (London: Butterworths and Co., 1981)

¹⁴ L.W. Levy, “*Blasphemy*”: Verbal offence Against the Sacred from Moses to Salman Rushdie (New York: Knopf, 1993), p. 3.

¹⁵ Theodore Gabriel, *Christian in an Islamic State: The Pakistan Experience* (England: Ashgate Publishing Limited, 2007), p. 59

The term blasphemy is being used in different meanings in different religions but theologians have commonly described blasphemy as a sin against faith. But the modern theologians, however, define it more specifically as the act of claiming for oneself the powers and rights of God, but also any profane act, utterance or writing against God.

In Judaism only God can be blasphemed, however, the punishment for this type of offence 'death by stoning' was applicable only if the blasphemer offended the name of God. In other cases excommunication was the most common punishment. However, two witnesses were necessary to warn the person about the consequences of his or her action. According to *the Jewish Encyclopedia*, blasphemy is "evil or profane speaking of God".¹⁶

In view of the above mentioned definitions we can say that blasphemy laws in legislative system of a country are the most powerful tools against religious offences. The fact is, however, they limit free speech grounded on a subjective condition which may lead to a number of abuses in the end. Blasphemy laws are designed to protect the religion. It can also be considered that the blasphemy laws are a tool for religious protection.

Different countries of the world have different punishments against these laws and it may be concluded from above discussion that these laws are meant to keep

¹⁶ See: Jewish Encyclopedia, at <http://www.jewishencyclopedia.com/articles/3354-blasphemy> (accessed on 21-06-2012 at 12:06 pm)

intact religious and social integrity of the society and to prevent any body to utter or show any sign of disrespect towards the holy person or the doctrines of any religion.

CHAPTER 1

A HISTORICAL SURVEY OF BLASPHEMY LAWS IN PAKISTAN

INTRODUCTION

After having a look at the definition of blasphemy particularly in legal and religious context in detail, let us now move to the history of blasphemy laws in Pakistan¹⁷.

On August 14, 1947 a Muslim sovereign state Pakistan appeared on the map of the world, later called the Islamic Republic of Pakistan¹⁸. Pakistan is the Fatherland of the Pak Nation. In other words, it is the land which lies in the north-west of the continent of Dinia, otherwise known as the Sub-continent of India.¹⁹

Before we discuss the history of blasphemy laws in Pakistan, we mention here those offences which are related to the blasphemy laws in Pakistan Penal Code in Chapter XV.

295. Injuring or defiling place of worship, with Intent to insult the religion of any class: Whoever destroys, damages or defiles any place of worship, or any object held sacred by any class of persons with the intention of thereby insulting the religion of any class of persons or with the knowledge that any class of persons is likely to consider such destruction damage or defilement as an insult to their religion shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

¹⁷ The word 'Pakistan' literally means "the land of pure" or the "pure land" which was coined by Chudhary Rahmat Ali a Graduate student in Cambridge. It was comprised with Punjab (P), Afghan (A) N.W.F.P, Kashmir (K), Sindh (S), Bluchistan (Tan). These letters of the component units (Pakistan) formed the name of the country.

¹⁸ The Constitution of the Islamic Republic of Pakistan Amended till 27th Oct. 2002, Govt. of Pakistan, Ministry of Law, Justice, Human Rights and Parliamentary Affairs. Art: 1(1)

¹⁹ Rahmat Ali, Ch. "Pakistan: The Fatherland of the Pak Nations", (Lahore: Islamia al-Soudia Printers,nd), p. 21.

295-A.²⁰ Deliberate and malicious acts Intended to outrage religious feelings of any class by insulting Its religion or religious beliefs: Whoever, with deliberate and malicious intention of outraging the 'religious feelings of any class of the citizens of Pakistan, by words, either spoken or written, or by visible representations insults the religion or the religious beliefs of that class, shall be punished with imprisonment of the description for a term which may extend to ten years, or with fine, or with both.

295-B.²¹ Defiling, etc., of Holy Qur'ān: Whoever willfully defiles, damages or desecrates a copy of the Holy Qur'ān or of an extract therefrom or uses it in any derogatory manner for any unlawful purpose shall be punishable with imprisonment for life.

295-C.²² 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.

296. Disturbing religious assembly: Whoever voluntarily causes disturbance to any assembly lawfully engaged in the performance of religious worship, or religious ceremonies, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

297. Trespassing on burial places, etc.: Whoever, with the intention of wounding the feelings of any person, or of insulting the religion of any person, or with the knowledge that the feelings of any person are likely to be wounded, or that the religion of any person is likely to be insulted thereby, commits any trespass in any place of worship or on any lace of sculpture, or any place set apart for the performance of funeral rites or as a, depository for the remains of the dead, or offers any indignity to any human corpse or causes disturbance to any persons assembled for the performance of funeral ceremonies, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

298. Uttering words, etc., with deliberate intent to wound religious feelings:

Whoever, with the deliberate intention of wounding the religious feelings of any person, utters any word or makes any sound in the hearing of that person or makes any gesture in the sight of that person or places any object in the sight of that person, shall be punished with imprisonment of either description for a term which may extend to one year or with fine, or with both.

298-A.²³ Use of derogatory remarks, etc., in respect of holy personages: Whoever by words, either spoken or written, or by visible representation, or by any

²⁰ Sec. 295-A ins. by the Criminal Law (Amendment) Act, XXV of 1927.

²¹ Sec. 295-B, added by PPC (Amendment) Ordinance I of 1982.

²² Sec. 295-C ins. by the Criminal Law (amendment) Act 111 of 1986, S. 2

²³ Sec. 298-A added by the Pakistan Penal Code (Second Amendment) Ordinance, XLIV of 1980.

imputation, innuendo or insinuation, directly or indirectly, defiles the sacred name of any wife (Ummul Mu'minīn), or members of the family (Ahle-bait), of the Holy Prophet (Allah's peace and blessings be on him), or any of the righteous Caliphs (Khulafa-e-Rashidīn) or companions (Sahābah) of the Holy Prophet (Allah's peace and blessings be on him) shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

298-B.²⁴ Misuse of epithets, descriptions and titles, etc., reserved for certain holy personages or places: (1) Any person of the Quādīāni group or the Lāhori group (who call themselves 'Ahmadis' or by any other name who by words, either spoken or written, or by visible representation- (a) refers to or addresses, any person, other than a Caliph or companion of the Holy Prophet Muhammad (Allah's peace and blessings be on him), as "Amīr-ul-Muminīn", "Khalīfatul- Mu'minīn", Khalifa-tul-Muslimīn", "Sahābi" or "Razi Allahu Anho"; (b) refers to, or addresses, any person, other than a wife of the Holy Prophet Muhammad (Allah's peace and blessings be on him), as "Ummul-Mu'minīn"; (c) refers to, or addresses, any person, other than a member of the family "Ahle-bait" of the Holy Prophet Muhammad (Allah's peace and blessings be on him), as "Ahle-bait"; or (d) refers to, or names, or calls, his place of worship a "Masjid"; shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine. (2) Any person of the Quādīāni group or Lāhori group (who call themselves "Ahmadis" or by any other name) who by words, either spoken or written, or by visible representation refers to the mode or form of call to prayers followed by his faith as "Azān", or recites Azān as used by the Muslims, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

298-C.²⁵ Person of Quādīāni group, etc., calling himself a Muslim or preaching or propagating his faith: Any person of the Quādīāni group or the Lāhori group (who call themselves 'Ahmadis' or by any other name), who directly or indirectly, poses himself as a Muslim, or calls, or refers to, his faith as Islam, or preaches or propagates his faith, or invites others to accept his faith, by words, either spoken or written, or by visible representations, or in any manner whatsoever outrages the religious feelings of Muslims shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine.

²⁴ Sec. 298-B ins. by Anti-Islamic Activities of Quadiani Group, Lahori Group and Ahmadis (Prohibition and Punishment) Ordinance, XX of 1984

²⁵ Sec. 298-C. ins. by the Anti-Islamic Activities of Quadiani Group, Lahori Group and Ahmadis (Prohibition and Punishment) Ordinance, XX of 1984.

Offences Related to Religion (Chapter XV, Section 295-298)

The spirit or the underlying principle on which chapter XV has been framed and must be implemented by the ruling authority is that everyone is free to follow his own religion and is not allowed to insult the religion of the other.

The provisions of Pakistan Penal Code related to religious offences are as follows:

1. Destroying, damaging or defiling any place of worship, or any object held sacred by any class of persons, with intent to insult the religion of any class of persons would be liable for imprisonment of two years or fine or both.

Here the word object does not include animate objects. It refers only to inanimate objects such as churches, mosques, temples, marble, stone figures representing gods.

2. With deliberate and malicious intention of outraging the religious feelings of any class of the citizens of Pakistan by words, either spoken or written, or by visible presentations, insulting or attempt to insult and abuse the religion or religious feelings and beliefs of that set, which shall be liable of punishment same as under Section 295.

This section was introduced by the Criminal Law Amendment Act (XXV of 1927) owing to the agitation following the decision of the Lahore High Court in the Rāj Pāl case in which it was held that section 153-A was not meant to stop polemics against a deceased leader however scurrilous and in bad taste such attacks might be.

Though, this view was overruled in the Risāla-e-Vartman case which laid down that a scurrilous, vituperative, and foul attack on a religion or on its founder would come within the purview of section 153-A, yet Legislature thought it necessary to enact a special provision dealing with such an offence.

Summary of the provisions of the Pakistan Penal Code which treat of offence

Voluntarily causing disturbance to any assembly lawfully engaged in the performance of religious worship or ceremony would be liable under imprisonment of one year or fine or both.

Trespassing in a place of worship or burial-place, or offering any indignity to a corpse, or disturbing persons performing funeral ceremonies, with intent to wound the feelings or insult the religion of any person or with knowledge that the feelings and emotions of any person or class are likely to be wounded which would be liable under the punishment same as under Section 296.

Any ordinary act of trespass with the specified intention of knowledge comes within the purview of this section.

Uttering any word, or making any sound, in the hearing of any persons, or making any gesture or placing any object in the sight of any person, with deliberate intention of wounding his religious feelings would be liable for punishment same as under Section 296. The intention must be deliberate and therefore premeditated.

Deliberate intention to wound the religious feelings is the gist of the offence dealt with

this section. Such intention may be inferred from the word as well as the acts of the accused.²⁶

The History of Blasphemy Laws in Pakistan

With the achievement of Pakistan, geographically a new state appeared on the globe of earth, however its constitution, which is based on the Indian Penal Code made by British rulers. That time it was under British Rules. The Indian Penal Code was enforced through the Act XLV in 1860. In beginning this Act was made by the Indian Law Commission. This Commission worked under supervision of Lord Macaulay and two other British members Mcleod Enderson and Millet.

For better understanding we divide this law into two parts. First we will define the law before the achievement of Pakistan and then we shall look into the details of blasphemy laws after the partition of Sub Continent.

A. Blasphemy Laws in India before Partition

It is very important to know the history of Blasphemy Laws in India before birth of Pakistan in reference to know the history of blasphemy laws in Pakistan. In the following pages we have mentioned the history of blasphemy laws in detail highlighting the different incidents regarding blasphemy before the achievement of Pakistan.

²⁶ Anwar, Muhammad, "The Pakistan Penal Code" (Lahore: Law Books House, Katchery Road, nd) p. 116, 117.

History of the Blasphemy Laws before Pakistan

The Indian Penal Code including the articles of the blasphemy laws were appeared because of some cases and incidents which accrued in the sub-continent (India). Through these cases and incidents the enforcement of this law can be known before Pakistan in Indian Penal Code. In the following pages we shall mention some cases regarding the status of blasphemy laws in Indian Penal Code.

The Case of Rāj Pāl

The cause of amendment in the Article 295 with clause 295-A was because of the famous case of Rāj Pāl, in which decision was taken by the Lahore High Court. A blasphemous book “*Rangīla-e-Rasūl*” was published by a Hindu Rāj Pāl²⁷ in 1924 in Lahore. After the publishing of this book Indian Muslim protested highly against this blasphemy.

Muslims reported against this book in the court of First Magistrate, the English Magistrate C.H. Duizni sentenced Rāj Pāl 6 month imprisonment and 1000 rupees fine.

Rāj Pāl appealed in the Session Court against this decision. The Judge Col. F.B. Nicolas reduced the punishment of Magistrate. But again Rāj Pāl appealed in Session Court against this decision where the judge Kanwar Dalip Kumār acquitted him. The judge wrote in his decision.

²⁷ He had a book center which name was “Rajpal and Center” in Anarkali Bazar on Hospital Road.

“..... that section that 153-A was not meant to stop polemics against a deceased religious leader however scurrilous and in bad taste such attack may be”.²⁸ Which means according to this decision the article 153-A does not have any authority to stop violation and blasphemy against the deceased religious leaders whether it is harsh language or criticism against them.

However, the President of Divisional Bench in Lahore High Court Justice Broadway wrote a note against the decision of Justice Kanwar Dalip Singh that the article 153-A also includes that literature which is cause of sectarian violence and religious hurts.²⁹

Amendment in Article 295 in 1927

In 1927, according to the Criminal Law Amendment Act XXV of 1927 a new article of 295-A was added in the Indian Penal Code of 1860. It was mentioned in it that whoever intentionally insults any class or person's religious feelings or insults religious belief shall be punished with 2 years imprisonment or fine or both. The text of this amendment according to Pakistan Penal Code is below:

“Whoever, with deliberate and malicious intention of outraging the religious feelings of any class of citizens of³⁰ the citizens of Pakistan, by words either spoken or written, or by visible representations insults, or attempts to insult the religion or the

²⁸ PPC page 271, PLD (Pakistan Legal Decisions) 1960, Lahore 635.

²⁹ Nagina, Zafar Iqbal, “*Ghazi Alm Din Shaheed*”(in Urdu, (Lahore, Jang Publishers Press, 1988), p.42

³⁰ his majesty's subjects

religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.”³¹

The case of Risala-e-Virtman

After the case of “Rāj Pāl” another case “Risala-e-Virtman got fame. It was also decided in 1927. This case also proceeded in the court of Justice Kanwar Dalip Singh against Dvei Sharn Sharma V. King Emperor. The Justice against the case of “Rāj Pāl” declared about the article 153-A that:

“.....that a scurrilous, vituperative and foul attack on a religion or on its founder would come within the preview of section 153-A.”

The book Vichitra Jiwan

In the same era, another book containing blasphemy material entitle “Vichirta Jiwan” was produced. The Hindu author adopted very insulting and dirty behavior towards the personality of the Prophet of Islam. This case was submitted in the High Court as Kali Charan Sharma vs. King Emperor. The court wrote about the contents of this book:

“.....the book entitled Vichitra Jiwan depicting the life of the Prophet Mohammad promoted feelings of enmity between Hindu and Mohammedans.”

Justice Dalal wrote in this case of Kali Charan Sharma that I would not take this case as an honorable judge of High Court. I will perceive with the eyes of a common person living in any village of India. I will consider myself a Muslim who respects and

³¹ Constitution of Pakistan.

loves his Prophet a lot. Thus I will think how are my emotions against the Hindu author who mocks and insults my Prophet. With this aspect I would also start hating to the society and sect from this author belongs.³²

The Report of the Selective Committee about the article 295-A in 1927

The selective committee which was established in 1927 to review this article whose report was also published in Gazette of India, dated 17th September, 1927, part v, p.52, same sentence mentioned in its report about the new article of 295-A that it is not necessary that the insult of religious founder leader leads to the religious insult. The committee suggested on imposing this law only in the case where blasphemy found intentionally against any religion. The report of committee is in following:

It has in one instance been held that an insult to the founder of a religion is not necessarily an insult to the religion although it may outrage the religious feelings of the followers of that religion. We have therefore provided that the new section shall only apply to cases where a religion is insulted with the deliberate intention of outraging the religious feelings of the followers.³³

It was clearly explained in the above mentioned committee report that the new amendment in article 295-A would only be used when any insult found against any religion, committed deliberately, which is caused to wound that religion's followers. This amendment does not protect religious founder legally from any kind of blasphemy neither it considers blasphemy as crime against religious founder.

³² AIR (All India Reporter) 1927 All p.654

³³ PPC p. 271

This is the reason Rāj Pāl was acquitted by the court considering him that the book "Rangil-e-Rasool" which was full of blasphemy against the Prophet of Islam does not come under the Article 295-A.³⁴

Here we come to know that before the partition of India, insult of any religion or religious followers was declared as an offense, but only in this way when this insult is committed deliberately.

Decision of the Case of Shib Sharma in 1941

There was another book containing blasphemy material written by a Hindu. This case was taken by the Oudh High Court in 1941. The writer quoted different phrases from Muslim scholars' books without the context and presented in this way, from which showed clear blasphemy against the Prophet of Islam. The Chief Justice Thomas wrote in this case: "Section 153-A applies where author collects a number of passages from Muslim books which may be perfectly right and harmless in their proper setting, but when disconnected and detached, seen scurrilous, indecent and highly objectionable".

³⁴ However, Anjuman Khuddam ud Din declared Fatwā against Rāj pāl to assassinate him. (See: Zafar Iqbāl, Ghazi Ilam ud Dīn, p. 42). In the morning of 24 October 24, 1927, Khudā Bakhsh attacked on him with knife and he got four wounds but was saved. After that Ilam ud Dīn attacked and killed him. On May 22, 1929, Ghazi Ilam ud Dīn was sentenced to death. Lahore High Court also continued this punishment on 17 July, 1929. At the end Ilam-ud-Din was hanged till death on 31 October 1929 in Mianwali Jail in Punjab. His body was taken to Lahore on November 15, 1929 by train and Sir Allāma Muhammad Iqbāl and Sir Muhammad Shaf'i received it. After funeral prayer, Dr. Muhammad Iqbāl buried his body with his hands in the graveyard of Miāni Sharīf, in Lahore. The researcher had got an opportunity to visit his grave and prayed for him in the evening of a Sunday, on invitation and with the company of respected teacher, Muhammad Modassir Ali, Assistant Professor, Department of Comparative Religion, IIUI, on August 26, 2012.

According to the cases above mentioned if we see the structure of blasphemy law before the partition, we come to know this law was only used when any insult was found against any religion, however, the insult or blasphemy against the founder of any religion was not liable as offense under these laws.

B. History of Blasphemy Laws in Pakistan

The Enforcement of Indian Penal Code 1860 in Pakistan

On 14 August 1947 after Pakistan came into being, Indian Penal Code of 1860 was converted into Pakistan Penal Code thorough the Adaptation of Central Acts and Ordinance Order in 1949. The Chapter XV regarding the crimes against religions is also part of the Pakistan Penal Code which was enforced in 1860 by the British Government in India. According to the article of 295 of Chapter XV, it is liable under offence to insult the sacred places of any religion. The punishment for the offender was two years or fine or both.

The passage of the Article 295 in Chapter XV in Pakistan Penal Code is in the following lines.

“Whoever destroys, damages or defiles any place of worship, or any object held sacred by any class of persons with the intention of thereby insulting the religion of any class of persons or with the knowledge that any class of persons is likely to consider such destruction damage or defilement as an insult to their religion shall be

punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.”³⁵

Evolution of Blasphemy Laws in Pakistan

As we have already mentioned that after the partition, Indian Penal Code (IPC) was adopted as PPC. This law considered blasphemy against religion liable for two years imprisonment or fine or both yet it did not consider it under any punishment whoever insults or speaks against the religious founder.

Here we shall present an evaluation of blasphemy laws in Pakistan, which of course, would have some famous cases regarding the topic with the comments and decisions of the justices in the cases. As it is said that the judiciary are the priests of law and precedents are the life blood of legal system, so it will help us to understand blasphemy laws in Pakistan.

Islamisation by Judiciary System in Pakistan

To establish an Islamic environment and Islamisation of Laws in Pakistan, several steps were taken in different times. Among these steps some are very important which provide the base of Islamic laws in Pakistani judiciary system.

We will mention some very important steps through which we will be able to know how blasphemy laws were enacted in Pakistan.

After Pakistan’s establishment, the act of 1935 was enforced in Pakistan after some amendments and a Judiciary Council was made up to observe the Islamic legal

³⁵ Constitution of Pakistan, Chapter XV article 295

system in Pakistan and this council was expected to present their advises for Islamisaton in Pakistani laws³⁶.

Here, in the below pages, we will discuss the main points of articles of the Constitution which are significant in Islamisation of Pakistan's laws and their enforcement in the country.

Objective Resolution

It was in this background that in March 12, 1949 the Objectives Resolution was passed through which it was decided that to make Pakistan an Islamic state, it is necessary to make Muslims able to act and spend their lives according to the Islamic teaching. However the government is gifted by God which should be run according to His rules.³⁷

The Objectives Resolution proclaimed the following principles:

1. Sovereignty belongs to Allah alone but He has delegated it to the State of Pakistan through its people for being exercised within the limits prescribed by Him as a sacred trust.
2. The State shall exercise its powers and authority through the chosen representatives of the people.

³⁶ See: Tanzil-ur-Rahman Dr., *Majmū'a Qawānin-e-Islam*, (in Urdu), (Islamabad: Islamic Research Institute), P.15

³⁷ See: Siddiqui Hifz-ur-Rahman Dr., *Qarardade Maqasid say Islamic Qanoon Tak*, (in Urdu), (Karachi: Tahir Sons, Urdu Bazar), p. 30-32

3. The principles of democracy, freedom, equality, tolerance and social justice, as enunciated by Islam, shall be fully observed.
4. Muslims shall be enabled to order their lives in the individual and collective spheres in accordance with the teachings of Islam as set out in the Qur'ān and *Sunnah*.
5. Adequate provision shall be made for the minorities to profess freely and practice their religions and develop their cultures.
6. Pakistan shall be a federation.
7. Fundamental rights shall be guaranteed.
8. The judiciary shall be independent.³⁸

The Objectives Resolution was passed by the Constituent Assembly of Pakistan in March, 1949, and was made a substantive part of the Constitution of Pakistan by the Revival of Constitution of 1973 Order, 1985.³⁹

Basic Principles Committee (1949-1952)

After the Objectives Resolution was passed in 1949, the Constitution Assembly set up a number of committees to draw the future constitution on the basis of the principles given in the Objectives Resolution. The most important among those committees was the Basic Principles Committee set up on March 12, 1949, by Khawaja Nazimuddin on the advice of Prime Minister Liaquat Ali Khan.

³⁸ Ibid

³⁹ Constitution (Eighteenth Amendment) Act, 2010 (Article 99) or see: <http://www.storyofpakistan.com/result.asp> (Accessed Date 12-12-2011)

The main function of this committee was to determine the basic principles of the future Constitution of Pakistan.⁴⁰

Agreed 22 Points of 'Ulamā (1951)

In 1950, thirty one leading and eminent 'Ulamā and scholars of various sects and schools of Islamic jurisprudence agreed on 22 basic points for the country's constitution. These agreed points were related to the sovereignty of Almighty Allah and on which principles Pakistan can be made a true Islamic state.⁴¹

The First Constitution of Pakistan (1956)

In the first constitution adopted by the Constituent Assembly of Pakistan in 1956 was provided that "no law shall be enacted which is repugnant to the injunctions of Islam as laid down in the Holy *Qur'ān* and *Sunnah* and all existing laws shall be brought into conformity with such injunctions".⁴²

The 1962 Constitution of Pakistan

In the constitution of 1962 a provision for the creation of an Advisory Council of Islamic Ideology was made to examine all laws and then enforce with a view to bringing them into conformity with the teachings and requirements of Islam.⁴³

The Constitution of Pakistan 1973

Similarly, the Constitution of 1973 again contained provisions for bringing all existing

⁴⁰ Shah, Farid-ul-Haq, *Jadid Dasaateer Alam* (Karachi: Sir Sayyed Book Company, 1992), p. 414

⁴¹ *Majmū'a Qawāni'n-e-Islam*, (in Urdu), p. 16

⁴² Shah, Nasim Hussain, *Islamization of Law in Pakistan*, (Islamabad: Shariah Academy International Islamic University, 2000), p. 1

⁴³ *Qarardade Maqasid say Islamic Qanoon Tak*, p. 57

laws in conformity with the injunctions of Islam as laid down in the Holy Qur'an and Sunnah.⁴⁴ According to the articles of the Constitution 1973 of Pakistan, there is no doubt if it is said that the first Constitution which established the Islamic Laws' enforcement in Pakistan is the Constitution of 1973.

Islamisation in the Reign of Zia-ul-Haq (1977-88)

Islamisation of Pakistani laws reached its peak during the reign of Zia-ul-Haq, Martial Law Administrator from 1977-1988.⁴⁵ The first important step towards Islamisation of the laws was taken on 10th February in 1979 on the 12th of *Rabi-ul-Awwal*, 1399 AH, when the President of Pakistan Zia-ul-Haq promulgated an Order and some existing Penal Code of Pakistan in significant respects. Under these Ordinances with a view to bringing the law on these questions in conformity with the Holy Qur'an and Sunnah, both the conceptual nature of the acts which were considered to be offences under the said Penal Code and also the quantum of punishment and the mode of punishment prescribed therein were radically altered.⁴⁶

The existing provisions relating to offences of theft, robbery, dacoity, abduction, rape, fornication, adultery, false accusation of adultery, drunkenness, etc., were repealed and replaced by *Hudūd*⁴⁷ and *Tazirat*⁴⁸ Laws.⁴⁹

⁴⁴ Ibid, p. 164-167

⁴⁵ *Christian Citizen in An Islamic State: the Pakistan Experience*, P. 27.

⁴⁶ *Islamization of Law in Pakistan*, p.2-3

⁴⁷ It is normally associated with the law of crimes, where it is taken to mean "fixed penalties determined to be the right of Allah". See: Nyazee, Imran Ahsan, *Theories of Islamic Law: The Methodology of Ijtihad*, (Pakistan: International Institute of Islamic Thought, 2000), p. 127.

⁴⁸ Some Jurists consider *Tazir* the penalties to genuine of those crimes for which *Hadd* penalties haven't been described. Jurists of the present times take it in wider sense and consider it to apply it to all

Here in the following we shall discuss these laws of *Hudūd* and *Tazīrāt* which is an important stone in the Islamisation of Laws in Pakistan.

Enforcement of *Hudūd* (Prohibition Order) 1979

These provisions in the Penal Code pertaining to prohibition of intoxications including alcoholic liquor were amended and these offences classified into two categories, namely, offence liable to *Hadd* as laid down in *Fiqah*⁵⁰ but where the standard of proof, as provided for *Hadd*, was not available (or the offence, say of being drunk and disorderly was committed by a non-Muslim) it became an offence liable to *tazīr*.⁵¹

Offences against Property (Enforcement of *Hudood*) Ordinance 1979

The main offences covered by this Ordinance were theft (*Sirqah*) and robbery/dacoity (*Hirābah*⁵²). Here too *hadd* is imposable only if the proof of the offence as laid down in the *fiqah* is not forthcoming otherwise the punishment of theft will be liable to *tazīr* as already provided in the Pakistan Penal Code.⁵³

punishments other than *Hadd* and *Qiyās*. it is defined as discretionary penalty which is not fixed but depends on the description of ruler, the ruler may choose sometimes to impose additional penalty and sometimes he may not. See: ibid. pp. 207-208.

⁵⁰ See: Khan, Gul Muhammad, *The Major Acts*, (Lahore: Mansoor Law Book House), p.905-916

⁵¹ The knowledge of the *shā'i abkām* (legal rules), pertaining to conduct that have been derived from the specific evidence. See: Nyazee, Imran Ahsan, *Theories of Islamic Law: The Methodology of Ijtihād*, p. 35

⁵² *Islamization of Law in Pakistan*, P. 3

⁵³ The illegal and unlawful warfare is called *hirābah*.

⁵⁴ *Islamization of Law in Pakistan*, P. 3

The Offence of Zinā⁵⁴ (Enforcement of Hudood) Ordinance 1979

This offence deals with the offences of fornication, adultery, rape, unnatural offence and certain other allied offences and *hadd* or *ta'zir* is imposable on the same principle, as mentioned above.⁵⁵

The Offence of *Qazdhf* (Enforcement of *Hadd*) Ordinance 1979

The *qazdhf* ordinance is one of the ordinances collectively known as the *Hudud* Ordinance.⁵⁶ *qazdhf* means false accusation of unlawful sexual intercourse or *zinā*. This ordinance also deals with *Liān*, i.e., the accusation of adultery made by a husband against his wife.⁵⁷

However the Council of Islamic Ideology became more active and began to examine diligently the Laws that had been enacted during the British Rule and even some Acts enacted after the creation of Pakistan to ascertain if these Laws contained any provisions repugnant to the Injunctions of Islam. It compiled several Reports and on the basis of its recommendation the existing Evidence Act of 1872 was repealed and replaced by the *Qānūn-e-Shahādat* Order 1974 which is consistent with the injunctions of Islam.⁵⁸

⁵⁴ Adultery or Unlawful sexual intercourse see: See: Nyazee, Imran Ahsan, *Theories of Islamic Law: The Methodology of Ijtihād*, p. 78

⁵⁵ Ibid. see also *The Major Acts*, P. 916

⁵⁶ Usmani, Muhammad Taqi, *The Islamization of Laws in Pakistan: The Case of Huddud Ordinances*, (The Muslim World, Vol. 96, April 2006) P. 292

⁵⁷ The Constitution of Islamic Republic of Pakistan, 1979 see also: Nyazee, Imran Ahsan, *Theories of Islamic Law: The Methodology of Ijtihād*, p. 358

⁵⁸ *Islamization of Law in Pakistan*, p.4

In his article, the former Judge of *Shari'at* Court of Pakistan Muhammad Taqī Usmāni says “*Qadhf* means leaving a false accusation in *hadd* cases. The intent of the law is that if one is accused falsely of committing a crime liable to *hadd*, one can seek punishment from the court against the false accuser. *Shari'ah* has declared such crime highly serious and has prescribed a punishment of 80 lashes for this. The *Qazdhf* Ordinance is there to enforce this punishment.⁵⁹

Shari'ah Benches

The President of Pakistan on the same day on which he promulgated the *hudūd* laws also promulgated the Constitution (Amendment) Order 1979 setting up *Shari'at* Benches in the country. According to this order, each High Court was to have a *Shari'at* Bench while an Appellate *Shari'at* Bench was to be constituted in the Supreme Court of Pakistan to hear appeals from their decisions.⁶⁰

The *Shari'at* Benches were empowered to strike down existing as well as future laws if they were repugnant to the Injunctions of Islam, with the exception of the Constitution, Muslim Personal Law, any law relating to the procedure of any court or tribunal or any fiscal law or any law relating to the collection of taxes and fee or banking or insurance practice and procedure. Except these laws any person would have right to appeal in the *Shari'at* Court against any law.

⁵⁹ *Islamisation of Laws in Pakistan: The Case of Huddud Ordinances*, p. 292

⁶⁰ See Akhtar, Mahmood Akhtar, *Quran Pak say Hidyuat Rehnumae*, Karachi: P. 210-211 see more details in doctoral thesis: *Judiciary System of Pakistan in Perspective of Islamic Judiciary System* by Kaniza Fatima, University of Karachi, pp. 337-400

Federal *Shari'at* Court

As the High Courts were already over-burdened with other works, the four *Shari'at* Benches constituted in the High Courts, were replaced on May 27, 1980 by Federal *Shari'at* Court in the Capital of Pakistan, Islamabad, to expedite the task of Islamisation.

This court was to consist of five judges (who were or had been Judges of the High Court) and three *Ulamā* Judges, well-versed in Islamic Law.

The Federal *Shari'at* Court was also empowered to examine and decide the question whether/or not any law or provision of laws was repugnant to the injunctions of Islam and in addition was conferred the powers of hearing criminal Courts in relation to any law relating to the enforcement of *Hudūd*.⁶¹

The decisions of the Federal Court were to be binding on High Courts and on all courts subordinate to a High Court. However, these decisions could be questioned before Supreme Court of Pakistan wherein a *Shari'at* Appellate Bench consisting of 3 serving judges of the Supreme Court and 2 *Ulamā* Judges was constituted.⁶²

***Sou Motu*⁶³ Jurisdiction 1982**

In March 1982, in order to go faster the process of Islamisation, the Federal *Shari'at* Court was also confirmed *Sou Motu* Jurisdiction to examine whether an existing law

⁶¹ Ibid. p. 211

⁶² see Dr. Muhammad Azam, Chodhary, *Jadid Hakomatain*, (Karachi: Urdu Bazar, Ghazanfar Academy), p. 238-239 see also *Islamization of Law in Pakistan*, p.5

⁶³ It means on its own initiative see for details: <http://www.wordwebonline.com/en/SUOMOTO> (Accessed on 18-12-2011)

was repugnant to the injunctions of Islam. This step enhanced the power of the court significantly and made its functioning more broad based and effective.

There are three very important facts of the *sou motu* on which this action worked out. Earlier, under Articles 203-D of the constitution, the court could act only on petitions filed before it but now it was empowered to act *sou motu* thus the area of its justification was vastly extended.

A new revisional jurisdiction was conferred upon it to revise *sou motu* orders of Courts dealing with the enforcement of *hudūd* laws including the power enhancing sentences passed by these courts.

The appellate jurisdiction in *hudūd* laws was widened up as to make all orders of Courts in which sentence of two years or more stood passed, whether as *hadd* or *ta'zīr*, appealable before this court.⁶⁴

In the following pages we will evaluate the stages of blasphemy cases in Pakistan. Regarding this, the view point of the courts will also be mentioned from which we will be able to understand the natures of cases and decisions. As we mentioned earlier, judiciary is the priest of the law because judges do not decide only but they make laws as well.

The Article 295-A and Some Famous Decision

We earlier mentioned that the first law in Chapter XV was 295-A about the honour

⁶⁴ See: *Islamisation of Law in Pakistan*, p.5

of the companion of the Holy Prophet (Allah's peace and blessings be on him). It was enforced in 1982. In the following lines we will mention some very famous cases on the article 295-A.

Decision of High Court on book Jesus in 'Heaven on Earth' in 1954

In the matter of the book (Jesus in 'Heaven on Earth') and in the matter of petition of the working Muslim Mission and Literary Trust, Lahore and of the civil Military Gazette Limited Lahore Versus the crown..... Respondent.⁶⁵

This case was presented in the bench of High Court Judges including Chief Justice M. R. Kiāni, Justice Shabbīr Ahāmd, and Justice M. A. Sūfi. The decision was written by Chief Justice, which is briefly in the following:

Khawja Nazīr Ahmad Advocate, who belonged to Ahmadiya⁶⁶ Community Lahore, he submitted an application in the High Court that the book Jesus in Heaven on Earth which was banned from Government of Pakistan should be un-banned. This book was published by the Working Muslim and Literary Trust Lahore, which was banned and confiscated by the Government of Pakistan in April 1953, because the literature in this book was liable under offence according to the Article 295-A in Pakistan Penal Code.

Moreover, this book hurt the feelings of a sect in Pakistan.

In June 1953, two Christian, Mr. C. G. Gibbon and Mrs. S. P. Singha, members of the Legislative Assembly submitted a petition to become a party against this case. Being

⁶⁵ PLD 1954 Lahore 724

⁶⁶ Follower of Mirza Ghulam Ahāmd Qadiyāni, called Ahmadiya.

the President of Joint Christian Board of Pakistan, Mr. Gibbon requested the court to ban this book which has insulted and injured the feelings of Christians. After listening to the evidences of both parties against this case, the High Court gave this decision: We are sure that the article 295-A applies on this case but we are not dead sure about it. Although, religious feelings are mistreated in this book and this book has injured the religious beliefs of people is why the court rejects the appeal to un-ban the publishing of book. This decision taken was before the Ahmadiya Community was not declared as non-Muslim in Pakistan.

The ratio on which the decision was taken in this case was actually that:

Minorities and non-Muslims in a Muslim state must be living peacefully.

Each and every religious sect is allowed to preach according to their teaching avoiding from disputes, clashes and conflicts.

Lahore High Court Decision on book *Mizān-ul-Haq* in 1960

The Punjab Religious Book Society Lahore.....petitioner Verses the State..... Respondent.⁶⁷

This case was presented before Chief Justice M. R. Kiāni, Justice Shabbīr Ahmad, Justice Badi‘-uz-Zamān, the full bench of Lahore High Court. The decision was written down by the Chief Justice, here we will mention it briefly:

On 27 April 1959, the Manager Punjab Religious Book Society Anārkali Lahore received an order from the Home Department of Western Government of Pakistan

⁶⁷ PLD 1960 (W.P) Lahore 629.

that all copies of *Mizān-ul-Haq* including Urdu version have been banned and seized by the Government because they have hurt the religious emotions of Pakistani Muslims, which is liable under offence according to the article 295-A in Pakistan Penal Code.

General Manager of the Society put a petition in the court and requested to take back this order of the Government. It was also mentioned in the application that the book *Mizān-ul-Haq* has been written almost one hundred years ago by German Rev. C. G. Fender, which has been translated in many languages through different years. Moreover, in the order of Home Department it is not mentioned clearly that this book is written deliberately or maliciously to hurt someone's feelings.

While listening to the both parties, the lawyer of Government read out those objectionable pages of the book which could be the cause of hurting or could injure the feelings of Muslims.

Mr. Jermy, lawyer of the petitioner, was of the view that the *Mizān-ul-Haq* is being published almost for one hundred years but it has never been banned which shows that book does not include any material which can be objected.

But the important point which involves in this case is that the condition of intention in the article 295-A is based on deliberately and maliciously made by the Judiciary. However, the book, which is related to a disputed topic, meanwhile the attitude of the author does not seem neutral in the whole context of the book. Therefore, the court

orders that all those pages⁶⁸ which are controversial and cause for harming any religious feelings will not be included in the next publishing book.

In these circumstances the High Court accepted the petition and ordered the Government to pay Rs.300 to petitioners for their expenditures, and it was ordered to petitioner not to publish the indicated pages in new edition in future.

The Ratio Decision was the "Intention" has been made a deliberate and meticulous condition by the judiciary. If someone talks against the religious emotions of anyone, then the court will see the intention of the offender.

Lahore High Court Decision against a book Development of Muslim Theology in 1962

Muhammad Khalil.....Petitioner Verses the State Respondent.⁶⁹

This case was presented before the Chief Justice M. R. Kiāni, Justice Shabbīr Ahmad, Justice Abdul Azīz Khān, the full bench of Lahore High Court. The Chief Justice wrote the decision, which is mentioned in the following briefly:

Sheikh Muhammad Khalil Premier Book House Lahore put a petition against the order of Western Government of Pakistan in which the book Development of Muslim Theology, Jurisprudence and Constitutional Theory⁷⁰ written by Duncan B. Macdonald was banned.

⁶⁸ The court indicated pages which contained controversial material were 103-104, 129-130, 147, 274, 341, 376, 379 and 475.

⁶⁹ PLD 1962, Lahore 850

⁷⁰ The book was a research thesis which was published in 1903 and in 1960 in America. Punjab University advised to include this book in the syllabus of MA Islamic Studies.

The book contained such material which showed the deliberate disrespect and dispute among the different sects of Pakistan, due to which the religious feelings were injured. According to the article 153-A, and 295-A in PPC publishing of such material liable under offence.

While expressing the incident of misplace of the necklace of the beloved wife of the Holy Prophet (Allah's peace and blessings be on him), Moreover, the internal crises and wars between Muslims have been mentioned critically during the period of Hadhrat Ali (May Allah be pleased on him) after the martyr of Hadhrat Usman (May Allah be pleased on him) and showed the Holy Prophet (Allah's peace and blessings be on him) as a dictator and has called his era "the system was one of the opportunism". The court ordered the publishers to make unambiguous the objectionable places in this book. However, the court remarked that this is a research book which does not come under the section of 295-A and 153-A of PPC.

Addition of the Section 298-A in PPC: Blasphemy against the wives of the Holy Prophet, *Ahl al-Bayt* (family) and his companions

In 1980, after 33 years of the establishment of Pakistan, a section 298-A in PPC was included in the constitution of Pakistan through a Presidential Ordinance. According to which the blasphemy against the wives of the Holy Prophet (Allah's peace and blessings be on him), his family and his companions was liable under offence for the punishment of 3 years imprisonment or fine or both fine and imprisonment.

The article 298-A mentions:

“Whoever by words, either spoken or written or by visible representation, or by any imputation, innuendo or institution, directly or indirectly, defiles the sacred name of any wife (*Ummul-Mo'minīn*), or member of family (*Ahl al-Bayt*), of the Holy Prophet (peace be upon him), or any of the righteous Caliphs (*Khulafa-e- Rāshidīn*) or Companions (*Sahābah*, (May Allah be pleased on them)) of the Holy Prophet (peace be upon him) shall be punished with imprisonment of either description for a term which may be extended to three years, or with fine, or with both.”

Addition of the Section 295-B in PPC: Against the Profane of Holy Qur'ān

With another Presidential Ordinance on 18 March in 1982 another section of 295-B was added to the Pakistan Penal Code. Its aim was to stop the profane of the Holy Qur'ān through which the deliberate offender shall be liable under the punishment of life time imprisonment. The words are in the following lines:

“Whoever willfully defiles, damages or disrespect a copy of the Holy Qur'ān or of an extract thereof or uses it in any derogatory manner or for any unlawful purpose shall be punished with the imprisonment for life.”

A Case in the Supreme Court on profane of the “Translated Prayer” book

On April 06, 1982, Ubaidullah was accused that he has trampled the translated prayer book. He was beaten by the people and his file was petitioned in the Additional Judge Bahawalpur on section 295-B, however, the Supreme Court of Pakistan released him because of his innocence in this case.

The ratio of decision was that he did not do it deliberately. Moreover, he was illiterate, so no matter was that he used to keep this translated prayer book in his pocket and he has not a bad intention to this book.⁷¹

Decision of Karachi High Court on the nobility of the Holy Qur'an in 1988

M.M. K.A. Ziā Versus the Director General FIA⁷²

The petitioner M.M.A.K.A. Ziā complained against the Director General of FIA who did not proceed the case of Tāj Company, where the naked photos were found in the volumes of the Holy Qur'an in the depot. After listening the case, court came to know that Tāj Company had given the order of publishing the 12500 of the Holy Qur'an to a firm in Italy and where some naked pictures were kept in the volumes of the Holy Qur'an while publishing. However, Tāj Company rejected the order of that firm strictly for more publishing. The Court declared that it is not an intentional mistake made by the Tāj Company so the court dismissed this case.

Addition of the Section 298-B in 1984 in PPC

In 1984, with another Presidential Ordinance of XX a section of 298-B was added into the Pakistan Penal Code. This addition was made up only for the groups of Quādiyani/Ahmadi and Lāhori. It was forbidden in this section to use the special addresses of the holy personages for the Quādiyani's leadership and their wives and worship places.

⁷¹ S.C.M.R 1734, 1991

⁷² PLD 1988 Karachi 305

This article states:

(1) Any person of the Quādiyani Group or the Lāhori Group (who call themselves “Ahmadies” or by other name) who by words, either spoken or written, or by visible representation, refers to, or addresses, any person, other than a Caliph or Companion of the Holy Prophet Muhammad (peace be upon him) as “Amīr-ul-Mu’minīn”, Khalifa-tul-Mu’minīn”, Khalifa-tul-Muslimīn”, “Sahāb” or “Razi Allah Anho”: refers to, or addresses, any person, other than a wife of the Holy Prophet Muhammad (peace be upon him) as “Ummeul Mumineen”; refers to, or addresses, any person, other than a member of the family (Ahle-bait) of the Holy Prophet Muhammad (peace be upon him), as “Ahle-bait”; or refers to, or names, or calls, his place of worship as “Masjid”; shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.”⁷³

Petition in Federal *Shari’at* Court in 1984: Death Penalty on Blasphemy of the Holy Prophet (Allah’s peace and blessings be on him)

In 1984 Ismā’īl Qureshi Advocate of Supreme Court put a petition in Federal *Shari’at* Court and requested that death penalty should be enforced for the blasphemous of the Holy Prophet.

⁷³ See: Pakistan Penal Code: : http://www.fia.gov.pk/default_files/ppc.pdf, p. 110, (accessed on 12-6-2012 at 12:30 pm), Sec. 298-B ins. by Anti-Islamic Activities of Quadiani Group, Lahori Group and Ahmadis (Prohibition and Punishment) Ordinance, XX of 1984

A Bill in National Assembly of Pakistan in 1984: Death Penalty on Blasphemy

Hence, the decision was not taken by the *Shari'at* Court, that Āppa Nisār Fātimā Member of National Assembly (MNA) presented a bill in the National Assembly and requested the offender of blasphemy should be sentenced to death penalty.

Addition of Section 295-C in 1986 in PPC: Life Imprisonment or Death Penalty for the blasphemous of the Holy Prophet

In 1986, under the Criminal Law (amendment) Act III of 1986 a new section of 295-C was added into the Pakistan Penal Code. Since there were penalties enforced in PPC on religious crimes but any law or penalty against the blasphemous of the Holy Prophet still was not included in PPC. Through, this new section 295-C, the blasphemy against the Holy Prophet came under the criminal act which shall be liable under the offence of the death sentence or life imprisonment. Here, in the following the words of the article 295-C are mentioned:

"Use of derogatory remarks etc in respect of the Holy Prophet

Whoever by words, either spoken or written, or by visible representations, or by any imputation, innuendo, or institution, 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." ⁷⁴

⁷⁴ See: Pakistan Penal Code: http://www.fia.gov.pk/default_files/ppc.pdf, p. 109, (accessed on 12-6-2012 at 12:25 pm), Sec. 295-C ins. by the Criminal Law (amendment) Act, 111 of 1986, S. 2

Decision of Federal *Shari'at* Court on 30th April 1991 to omit the words “or imprisonment for life” from the Section 295-C of PPC

In 1987, a petition was filed in Federal *Shari'at* Court of Pakistan in which it was requested that the alternative punishment of life imprisonment to the blasphemy of the Holy Prophet is against Islamic teachings, which should be eliminated from the constitution of Pakistan.

On October 30, 1990 the Federal *Shari'at* Court of Pakistan made a decision against this petition that the life imprisonment is against the Holy Qur'an, *ahādīth* and Islamic teachings for the blasphemous of the Holy Prophet. The *Shari'at* Court directed to the Government of Pakistan to omit these words “or imprisonment for life” from the Pakistan Penal Code or respond to *Shari'at* Court till April 30th, 1991, otherwise these words would be omitted automatically from the Pakistan Penal Code.

Till April 30th, 1991 the Government of Pakistan did not appeal against the summon of the Federal *Shari'at* Court, thus the words in Pakistan Penal Code in Chapter XV “or imprisonment for life” became worthless through the order of Pakistan Federal *Shari'at* Court.⁷⁵

The acceptance of the Omission of the Words “or Life Imprisonment” mentioned in the article 295-C

The Federal *Shari'at* Court gave the relaxation to the Government to review its decision till 30th April 1991, to omit the words “or Life Time Imprisonment”

⁷⁵ See: Muhammad Ismā'īl Qureshi-Petitioner Versus Pakistan through Secretary Law and Parliamentary Affairs-Respondent, PLD 1991, Federal *Shari'at* Court 10.

mentioned in the Pakistan Penal Code in article 295-C, chapter XV, otherwise these words would not be applicable from this date.

The bill for the removal of the Life Imprisonment was presented in June 1992 and the Pakistan National Assembly approved it. Then this bill was accepted into the Senate of Pakistan with mutual agreement it became the law of Pakistan.

The Decision of Benazir Cabinet in 1996:

For removal of hanging orders against women a meeting of Federal Cabinet was held under the Prime Minister of Pakistan, Bēnāzīr Bhuttu on 10th June, 1996. In this meeting it was decided that the severe cases in which women could be sentenced to death, now would be given the life time imprisonment instead of death penalty. It was approved as law of Pakistan. After the meeting Khālid Ahmad Khān Kharel, the Information Minister, told that women were rarely involved in terrorism or the brutal murders of innocent citizens, so hanging punishment has been removed for them. This would have a pleasant effect on the society.⁷⁶

This decision of cabinet was not a correct one in any respect so this decision could not become the law of country. This law was also effected the section 295-C of PPC. This fear was produced by this decision that women would be used to commit severe crimes instead of men and the punishment in law is based on crime not on gender.

⁷⁶ Daily Nawa-e-Waqt Lahore, 11-06-1996

These persons who have committed the crime will be punished either man or woman.

There is no gender distinction in laws to punish the criminals.⁷⁷

Comment and Conclusion

We have evaluated the laws of blasphemy especially the article 295-C in the constitution of Pakistan critically in the previous pages. Where we have discusses the attitudes and emotional feelings of people with their religion and for the Holy Prophet (Allah's peace and blessings be on him). This became the cause to enforce new laws to stop the blasphemy against any religion.

No doubt that the Islamic Ideology Council, the Federal *Shari'at* Court and the *Shari'at* Appellate Bench of the Supreme Court, the law makers of the country have played their rule in Islamisation in Pakistan because of the attitudes of the public which was demanding the Islamisation in the country.

Moreover, in previous pages we have described and analyzed how the Laws of blasphemy developed and took a proper shape in Pakistan. From the very first incident of Rāj Pal before Pakistan till the enforcement of blasphemy laws and Islamisation through judiciary system in Pakistan, we came to know that these laws are related with the attitudes and feelings of the people. Through the enforcement of these laws it shows clearly that how religious feelings and emotions are very much

⁷⁷ According the Constitution 1973 of Pakistan, President of the country has a right to forgive or reduce the punishment of any accused given by the court. The article says: "President's power to grant pardon, etc..... The president shall have power to grant pardon , reprieve, and to remit, suspend or commute any sentence passed by any court, tribunal or other authority. But till now the President has not suspended death penalty of any accused.

important for people. This reflects sensitivity of people for their religious feelings. Because these emotions, attitudes, behavior and feelings towards their religions are those grounds on which the rulers had to make laws for the protection of religious feeling.

CHAPTER 2

BLASPHEMY WITH REFERENCE TO ISLAM & CHRISTIANITY

INTRODUCTION

In previous chapter, blasphemy has been defined in the light of different dictionaries and encyclopedias, and then the blasphemy law with reference to Pakistan has been mentioned in details. Whereas the enforcement of the laws, the background of blasphemy laws and the foundation of this law has been discussed. Different stages and cases before the enforcement of these laws have been mentioned in detail.

In this chapter the researcher's aim is to mention the blasphemy (against the prophets, may Allah's peace be on them) with the reference to Islam and Christianity. Both religions have the concept of blasphemy and in both religions many cases are reported which can express the concept of blasphemy very well. First of all in this chapter, the researcher shall find the concept of blasphemy from the basic source of Islam, i.e. the Holy Qur'an and the narrations of the holy Prophet of Islam Muhammad (Allah's peace and blessings be on him) then there would be some major sayings of the *Sahābah* companions of the Holy Prophet (Allah's peace and blessings be on him) are described. Meanwhile the concept of blasphemy in the views of different *Fuqahā* is mentioned.

Before we discussed the concept of blasphemy in Christianity, the Origins of Christianity in Pakistan is also mentioned in this chapter in detail.

The Laws of Blasphemy in Islam

There is no exact equalizer word to blasphemy in the Islamic sources, however, the acts or blasphemy are mostly described by the word *Ihānah* (contempt, insult), *Haqārah* (scorn), *Istihzā*⁷⁸ (scoffing), *sabb*⁷⁹, *Izā*⁸⁰ (insulting or ridiculing), *Istikhfāt* (denigration), *Sukhriyāh*⁸¹ (to deride or mocking) and *shatam* (to abuse) against the Almighty Allah, the Holy Prophets, the angels or to any part of the divine revelation. All these words are synonyms.

Blasphemy in Islam, as in other faiths, is speech, act or even gesture that is insulting to Allah and His prophets. In Muslim history, blasphemy came to be associated mainly with perceived insults to the Prophet of Islam Muhammad (Allah's peace and blessings be on him).

Islam has a very clear concept regarding blasphemy laws. Here in the following lines we shall present the meaning of blasphemy in the light of Islam i.e. the Holy Qur'ān, Ahādīth of the Holy Prophet (Allah's peace and blessings be on him) and from the *Sīrah* of the companions of the Holy Prophet (Allah's peace and blessings be on him) and at the end the blasphemy in views of the scholars of the four *Fiqh* (the four schools of thought in Islam) would be presented.

⁷⁸ See: Sūrah An-Nisā: 140, also can be seen at Sūrah ar-Rūm: 10.

⁷⁹ See: Sūrah Al-An'ām: 108.

⁸⁰ See: Sūrah Al-Ahzāb: 69 also see in Sūrah As-Saff: 05.

⁸¹ See: Sūrah Al-Zumar: 56. see as well in Sūrah As-Sād: 63, moreover it can be found at Sūrah At-Taubah: 79, also see: Sūrah Hūd: 38, moreover look into: Sūrah Al-Mo'minūn: 110. also see in: Sūrah As-Sāfāt: 12, see as well at: Sūrah Az-Zukhruf: 47, it can also be seen in: Sūrah Al-Baqarah: 212.

The Holy Qur'an and Blasphemy

The material on blasphemy in the Qur'an includes the concepts of denying the truth, inventing falsehoods, and insulting the divine. The most common Arabic verbs for blasphemy are *sabb* (سب) (to abuse, insult) and *shatam* (شتم) (to abuse, vilify). *Shatam* does not occur in the Qur'an, and *sabb* appears only as part of a commandment to Muslims not to insult the idols of polytheists: **وَلَا تَسْبُوا الَّذِينَ يَدْعُونَ مِنْ دُونِ اللَّهِ فَيَسْبُوا اللَّهَ** ⁸² **عَذُوا بِغَيْرِ عِلْمٍ كُلُّ ذَلِكَ زَرِّنَا لِكُلِّ أُمَّةٍ عَمَلُهُمْ ثُمَّ إِلَى رَبِّهِمْ مَرْجِعُهُمْ فَيُنَبَّهُمْ بِمَا كَانُوا يَعْمَلُونَ** "And abuse not those whom they worship beside Allah because they will commit rudeness in respect of Allah through their excessiveness and ignorance. Thus We have made fair the deeds of every nation in their eyes, then they have to return back towards their Lord and He will tell them what they used to do."⁸³

Further material relates to the terms *takzib* (تكذيب) (giving the lie, denial), and *iftirā'* (افتراء) (invention). In these verses blasphemy means denying the truth about God and spreading falsehood in its place.

The holy Qur'an mentions clearly for those who hurt the Holy Prophet (Allah's peace and blessings be on him), that, ⁸⁴ **إِنَّ الَّذِينَ يُؤْذُونَ اللَّهَ وَرَسُولَهُ لَعْنَهُمْ اللَّهُ فِي الدُّنْيَا** "Undoubtedly, those who annoy Allah and His Messenger, Allah's curse is upon them in the world and in the Hereafter and Allah has kept prepared for them a degrading torment."⁸⁵

Another big example of cursed and penalty for the blasphemous can be seen in the *Sūrah al-Lahab*, the holy Qur'an says:

"تَبَّتْ يَدَا أَبِي لَهَبٍ وَتَبَّ مَا أَغْنَى عَنْهُ مَالُهُ وَمَا كَسَبَ سِيَّصْلَى نَارًا ذَاتَ لَهَبٍ وَامْرَأَتُهُ حَمَّالَةُ الْحَطَبِ ⁸⁶ **فِي جِيدِهَا حَيْثُ مِنْ مَسِّهِ"** "Perished be the two hands of Aby Lahab and he is already

⁸² سورة الانعام: 108

⁸³ Al-Qur'an-ul-Karim, (translation by) Faridul Haq, Shah, Prof.

⁸⁴ سورة الأحزاب: 57

⁸⁵ Al-Qur'an-ul-Karim, (translation by) Faridul Haq, Shah, Prof.

⁸⁶ سورة الألهب: 1-5

perished. His wealth and what he earned availed him not. Now he enters into a blazing fire. And his wife too, carrier of firewood. There is a rope of palm fiber in her neck.”⁸⁷

In the above mentioned Sūrah we have seen the curse and anger of Almighty Allah to Abū Lahab and his wife, the worst enemy of the Holy Prophet (Allah’s peace and blessings be on him). The story behind this is that Abū Lahab was uncle of the Holy Prophet (Allah’s peace and blessings be on him). He and his wife Umm-e-Jamil were the worst enemies of the Holy Prophet (Allah’s peace and blessings be on him). They used to hurt the Messenger of Allah always whenever they find opportunity to hurt him. He belonged to a very rich family and was pride of his wealth. He always used to spend his money to harm Islam and Muslims. When the Holy Prophet (Allah’s peace and blessings be on him) gathered his relatives to preach Islam, he shouted in anger that you have gathered us for this reason and he spoke derogatory remarks on the Holy Prophet Muhammad (Allah’s peace and blessings be on him). Meanwhile his wife used to spread thorns on the paths of the Holy Prophet (Allah’s peace and blessings be on him) from where he used to walk to hurt him. Then Almighty Allah showed His great anger and cursed for both husband and wife and sent a complete sūrah in respect of the Holy Prophet (Allah’s peace and blessings be on him) to give the worst punishment to Abū Lahab and his wife Umm-e-Jamil.

In Sūrah al-Anfāl Almighty Allah has ordered to kill those who go up against Allah and His Messenger (Allah’s peace and blessings be on him), as it is mentioned: **”ذَلِكَ بِأَنَّهُمْ شَاقُوا اللَّهَ وَرَسُولَهُ وَمَنْ يُسَاقِقِ اللَّهَ وَرَسُولَهُ فَإِنَّ اللَّهَ شَدِيدُ الْعِقَابِ”**⁸⁸ It states: “This is

⁸⁷ Al-Qur’ān-ul-Karīm, (translation by) Faridul Haq, Shah, Prof.

⁸⁸ سورة الانفال: 13

because, they opposed Allah and His Messenger, and whosoever opposes Allah and His Messenger, then undoubtedly, and severe is the torment of Allah.”⁸⁹

An other example is this verse of Surah al-Tubah in which Almighty Allah has clearly declared the painful punishments for those who hurt, insult and commit blasphemy against the Holy Prophet (Allah's peace and blessings be on him), the Holy Qur'an mentions: ”وَمِنْهُمُ الَّذِينَ يُؤْذِنَ النَّبِيُّ وَيَقُولُونَ هُوَ أَذْنٌ قُلْ أَذْنُ خَيْرٍ لَّكُمْ يُؤْمِنُ بِاللَّهِ وَيُؤْمِنُ ”⁹⁰ It mentions: ”لِلْمُؤْمِنِينَ وَرَحْمَةً لِلَّذِينَ آمَنُوا مِنْكُمْ وَالَّذِينَ يُؤْذِنُونَ رَسُولُ اللَّهِ لَهُمْ عَذَابٌ أَلِيمٌ”⁹¹ It mentions: “And of them some are those who hurt the Prophet and say, 'He is an ear, say 'He is an ear for good of you, believes in Allah and believes the words of Muslims, and is a mercy for those who are Muslims among you.' And those who hurt the Messenger, for them is the painful torment.”⁹¹

In both of above verses it may be noted that the harm to the Holy Prophet is not physically however it is hurting and blasphemy with words, in spite of this, Almighty Allah is declaring war against those who insult or hurt the Holy Prophet (Allah's peace and blessings be on him) in any way. And to hurt or insult to the Holy Prophet (Allah's peace and blessings be on him) is meant to hurt Almighty Allah Himself. Even Almighty Allah ordered to respect the Holy Prophet Muhammad (Allah's peace and blessings be on him) very carefully. In this connection we can present this verse of the Holy Qur'an Sūrah *al-Baqarah* as an example, how Allah Almighty is aware of the blaspheme of the Holy Prophet (Allah's peace and blessings

⁸⁹ Al-Qur'an-ul-Karim, (translation by) Faridul Haq, Shah, Prof.

⁹⁰ سورة التوبه: 61

⁹¹ Al-Qur'an-ul-Karim, (translation by) Faridul Haq, Shah, Prof.

be on him) and stops to use even such word to call the Holy Prophet (Allah's peace and blessings be on him) which can be taken as blasphemy are meant to hurt him in any way. The Holy Qur'an states: "يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَقُولُوا رَاعِنَا وَقُولُوا انْظُرْنَا وَاسْمَعُوا⁹²" 92 "O Men of faith do not say. Raina, but say humbly, respected Sir. "Look upon us" and from very beginning listen carefully, and for the disbelievers is a grievous torment.⁹³" 93

From the above mentioned verses the respect of the Holy Prophet (Allah's peace and blessings be on him) is being defined clearly. As it is in Sūrah al-Hujrāt Almighty Allah has shown the great respect to the Holy Prophet (Allah's peace and blessings be on him), He says, "يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَرْفَعُوا أَصْوَاتَكُمْ فَوْقَ صَوْتِ النَّبِيِّ وَلَا تَجْهَرُوا لَهُ بِالْقَوْلِ" 94 كَجَهْرٍ بَعْضِكُمْ لِيَغْضِبُ أَنْ تَخْبِطَ أَعْمَالَكُمْ وَأَنْتُمْ لَا تَشْعُرُونَ إِنَّ الَّذِينَ يَغْضِبُونَ أَصْوَاتَهُمْ عِنْدَ رَسُولِ اللَّهِ أَوْلَئِكَ الَّذِينَ امْتَحَنَ اللَّهُ فَلَوْبَهُمْ لِلنَّقْوَىٰ لَهُمْ مَغْفِرَةٌ وَأَجْرٌ عَظِيمٌ إِنَّ الَّذِينَ يَنْدُوْنَكَ مِنْ وَرَاءِ الْحُجَّرَاتِ أَكْثَرُهُمْ لَا يَعْقِلُونَ . وَلَوْ أَنَّهُمْ صَبَرُوا حَتَّىٰ تَخْرُجَ إِلَيْهِمْ لَكَانَ خَيْرًا لَهُمْ وَاللَّهُ غَفُورٌ رَحِيمٌ. يَا أَيُّهَا الَّذِينَ آمَنُوا إِنْ جَاءَكُمْ فَالِيقْرَبُ بِنَبِيٍّ فَتَبَيَّنُوا أَنْ تُصِيبُوهُ قَوْمًا بِجَهَالَةٍ فَتُصْبِحُوا عَلَىٰ مَا فَعَلْتُمْ نَادِمِينَ. وَاعْلَمُوا أَنَّ اللَّهَ حَبَّبَ إِلَيْكُمُ الْإِيمَانَ وَزَيَّنَهُ فِي قُلُوبِكُمْ فِيهِمْ رَسُولُ اللَّهِ لَوْ يُطِيعُكُمْ فِي كَثِيرٍ مِنَ الْأَمْرِ لَعَنْتُمْ وَلَكُنْ 94 The Holy Qur'an says: "O believers! Raise not your voices above the voice of the Communicator of unseen (the Prophet) and speak not aloud in presence of him as you shout to one another, lest your works become vain while you are unaware. . Undoubtedly, those who lower down their voices in the presence of the messenger of Allah, those are they whose hearts Allah has tested for piety. For them is forgiveness and great reward. Undoubtedly, those who call you from behind your private apartments, most of them are stupid. And if they had patience, until you yourself come out to them that had

⁹² سورة البقرة: 104

⁹³ Al-Qur'an-ul-Karim, (translation by) Faridul Haq, Shah, Prof.

⁹⁴ سورة الحجرات: 2-7

been better for them. And Allah is Forgiving, Merciful. 'O believers! If any disobedient comes to you with any news, make a strict inquiry lest you may hurt any people improperly then remain repenting on what you have done. And know that the Messenger of Allah is among you. If he were to do according to your liking in much of the affairs, you would then surely be in trouble, but Allah has endeared the faith to you and has adorned it in your hearts and He has made infidelity, and iniquity and disobedience hateful to you such persons are on the right course.'⁹⁵

Moreover it is clearly mentioned in the Holy Qura'an that, "إِنْ تَكُنُوا أَيْمَانَهُمْ مِنْ بَعْدِ عَهْدِهِمْ وَطَعَنُوا فِي بَيْنِكُنْ فَقَاتِلُوا أَيْمَانَ الْكُفَّارِ إِنَّهُمْ لَا يُمَانُ لَهُمْ لَعْنَمُ يَتَّهَوْنَ" ⁹⁶ "If they break their oaths after their covenant, and taunt at your religion, then fight with the leaders of infidelity. Undoubtedly, their oaths are nothing. Happily they may desist."⁹⁷

If we see the context of this verse it clearly mentions that those who break the laws and insult and calumny in religion they are no more under protection of Islam, they should be killed. This verse is the evidence against those (الذمي) Dhimi who insult Islam and the Holy Prophet (Allah's peace and blessings be on him) they are no more under custody of Muslim State.

Concept of Blasphemy in Ahādīth

Traditions in *sīrah* and *Ahādīth* relate stories of how the Holy Prophet Muhammad (Allah's peace and blessings be on him) ordered the death of people who mocked him. These sources are not consistent, however, are included the stories of Muhammad tolerating insults or leaving the punishment to God. In any case, these traditions indicate that by the first Islamic century, speaking against Muhammad (Allah's peace

⁹⁵ Al-Qur'ān-ul-Karim, (translation by) Farīdul Haq, Shah, Prof.

⁹⁶ سورة التوبه : 12

⁹⁷ Al-Qur'ān-ul-Karim, (translation by) Farīdul Haq, Shah, Prof.

and blessings be on him) had come to be regarded an intolerable act within the Muslim empire. Legal scholars began to discuss blasphemy, whether against God, the prophet Muhammad (Allah's peace and blessings be on him), or his Companions, in the context of apostasy (*riddah*) and unbelief (*kufr*).

The researcher from the key sources of Islam, i.e. *Ahādīth*, have mentioned, in the following lines, those major incidents and narrations in which the Holy Prophet (Allah's peace and blessings be on him) ordered to kill the blasphemous, and in the light of these narrations, punishment of blasphemy can be determined.

There are many narrations about Ka'ab bin Ashraf, a Jew, from many *Mohaddithīn* in different phrases but with one substance, who was the worst enemy of the Prophet of Islam (Allah's peace and blessings be on him). He used to hurt Muslims and never missed the chance to insult and speak abuses against the Holy Prophet Muhammad (Allah's peace and blessings be on him). Moreover, he used to write dirty poetry and sing it to disrespect and dishonour the Prophet of Islam (Allah's peace and blessings be on him). One day the Holy Prophet (Allah's peace and blessings be on him) asked his companions to kill him and Sahābī Muhammad bin Musallema stood up, went and killed him.⁹⁸

⁹⁸ There is a separate section in *Kitabul Būkhāri* entitled 'Bāb Qatl-e- Ka'ab bin al-Ashraf'.
قال عَزَّرُو: ، الْبَخَارِيُّ ، ابْو عَدَدَهُ مُحَمَّدَ بْنَ اسْمَاعِيلَ ، صَحِيحُ الْبَخَارِيُّ ، كِتَابُ الْمَغَازِيِّ ، بَابُ قَتْلُ كَعْبَ بْنَ الْأَشْرَفِ ، سَمِعْتُ جَابِرَ بْنَ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُمَا ، يَقُولُونَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «مَنْ لَكَعْبَ بْنَ الْأَشْرَفَ ، فَإِنَّهُ قَدْ أَذْنَى اللَّهُ وَرَسُولُهُ» الْيَوْمَ أَخْرَهُ---

In an other narration the Holy Prophet (Allah's peace and blessings be on him) ordered his companion, Abu Bakr al-Bayhaqi Ahmad bin Hussein bin Ali, Dala'il al-nabuwa, (المتوفى: 475هـ) to send a troop to kill him. See: دار الكتب العلمية، دار الريان للتراث: 3/197.

On another occasion a companion of the Holy Prophet (Allah's peace and blessings be on him), Ibn-e-Maktūm a blind *sahābī* (May Allah be pleased on him), had a wife *Umme Wald*,⁹⁹ who used to insult the Holy Prophet (Allah's peace and blessings be on him) and said dirty poetry against him to disrespect and dishonour him. One night, that *Sahābī* (May Allah be pleased on him), while she was insulting and making derogatory remarks against the Holy Prophet (Allah's peace and blessings be on him), inserted a knife in her stomach and tore it and killed her. The next day, in morning, the case presented before the court of the Holy Prophet (Allah's peace and blessings be on him), he (Allah's peace and blessings be on him) said that her death has no value to take revenge *Qisās*, her blood is useless and no payback is on her murderer.¹⁰⁰

Abdur Razzāq bin Hamām is well known *Muhaddith*¹⁰¹ among the تابع تابعین (tab‘a tabe‘in)¹⁰², and a prominent teacher of Imām Bukhārī (May Allah be pleased on

Hāfiẓ ibn-e-Hajar while narrating this Hadīth mentions that his dirty poetry and derogatory remarks were painful for the Holy Prophet (Allah's peace and blessings be on him). See: العسقلاني، أحمد بن علي حجر، فتح الباري شرح صحيح البخاري، باب قوله قتل كعب بن الأشرف، دار المعرفة، بيروت: 1379

And the Holy Prophet (Allah's peace and blessings be on him) himself prayed for the troops for their success while sending them. See: ، 197/3 also see: 2391

أحمد بن حنبل، المسند، رقم الحديث: 197/3 also see: 2391

Shaikhul Islām Imām ibn-e-Taimiyyah has described this incident in detail in his famous book, on the honour and respect of the Holy Prophet (Allah's peace and blessings be on him). See: ابن تيمية تقي الدين أبو العباس أحمد بن عبد الحليم، الصارم المسلول على شاتم الرسول، 1/220، 1/204

⁹⁹ An Islamic term used for female servant who gives the birth to her chief's children. Mother of her chief's child.

سنن ابو داود، ترجمة، علامة وحيد الزمان، ص. 355، جلد: أبو داود سلمان بن الأشعث، السنن، رقم الحديث: 4361 See: 4070

النساني، أحمد بن شعيب ، السنن المختبى: رقم: 3Imām Nisāī has also mentioned this happening in his book. See: 4070

¹⁰¹ The term *muhaddith* is referred to a specialist who profoundly knows and narrates Hadīth of the Holy Prophet (Allah's Peace and blessings be on him). However Imam, Shafā'i defined Muhaħħid that whoever memorizes at least 400,000 narrations of the Holy Prophet along with the chain of narrators is called *Muhaddith*. See: النبی، تاریخ الخلفاء ، ص. 4، ج. 1.

him). His collection of ahādīth is called 'al-Musannif' which is published. In his book he made a chapter separately on blasphemy entitled سب النبي (Sabbun Nabi) in which he narrated those ahādīth of the Holy Prophet (Allah's peace and blessings be on him) where the blasphemous were given the harsh punishment of blasphemy of the Holy Prophet (Allah's peace and blessings be on him).

Another Jew, Abū Rāfi', who lived in Khayber, used to insult the Holy Prophet (Allah's peace and blessings be on him) and abuse with derogatory remarks always. The Holy Prophet (Allah's peace and blessings be on him) sent a group of his companions under the command of Abdullah bin Attik to kill him. Abdullah killed him in his bed room.¹⁰³

Hadhrat Alī (May Allah be pleased on him) narrated that a Jewish woman used to abuse and insult the Holy Prophet (Allah's peace and blessings be on him). One day a Muslim pressed her neck and killed her and the Holy Prophet declared her blood revengeless, not valuable to take *qisās*.

On the victory day of Makkah (فتح مكة), the Holy Prophet (Allah's peace and blessings be on him) declared peace and protection for everyone except four people those who used to insult the Holy Prophet (Allah's peace and blessings be on him) and harm his companions, and ordered to kill them if they are hiding them under the cover of Ka'ba.

¹⁰² The second generation of Muslims, after the death of the Holy Prophet Muhammad (Allah's peace and blessings be on him) in the second century of *Hijrah*.

¹⁰³ See: البخاري, الجامع الصحيح, رقم الحديث: 4028

Among those who were ordered to be killed on the day of victory of Makkah, two women were also, those who used to write dirty poetry against the Holy Prophet (Allah's peace and blessings be on him) and used to sing this poetry in public parties and gatherings. One of them was killed and one was forgiven by the Holy Prophet (Allah's peace and blessings be on him) himself.

In above pages the researcher has tried to analyze the different ahādīth of the Holy Prophet (Allah's peace and blessings be on him) which highlight the punishment which was given to blasphemous by the Holy Prophet (Allah's peace and blessings be on him) himself and he ordered to kill those who abuse any prophet (Allah's blessings be on them) or insult. In a religion there are three basic rights on everyone, among them one is Hūqūqullah and the other Hūqūqul 'Ibād, the right with Allah is concerned and matter with Allah and His creation but the matter of Hūqūqul 'Ibād is between humans, on which they have to be asked each other. Similarly the Hūqūqun Nabī comes under Hūqūqul 'Ibād which means if someone hurts and insult or abuse any prophet (Allah's blessings be on them) that prophet is the authority to forgives that blasphemous or not. It is what Ibn-e-Taimia has mentioned that as the Holy Prophet (Allah's peace and blessings be on him) is passed away then if now some one insults, abuses, or commits blasphemy or any derogatory remarks against him he must be punished with death sentence because this is the punishment which the Holy Prophet (Allah's peace and blessings be on him) himself gave to blasphemous in his time. However, in some cases he (Allah's peace and blessings be on him) forgave

blasphemous on their true submission but now no one can forgive any blasphemous because it is the right of the Holy Prophet (Allah's peace and blessings be on him) only and no one can forgive blasphemous. Then the blasphemous must be punished with the death sentence.

Blasphemy and Attitudes of Sahābah and Fuqa'hā¹⁰⁴

After the death of the Holy Prophet (Allah's peace and blessings be on him), his best and his closet friend Abū Bakar Siddīq (May Allah be pleased on him) was appointed the first Caliph of Muslims, known as Khalifatur Rasūl (خليفة الرسول) the second-in-command after the Holy Prophet (Allah's peace and blessings be on him). Once in congregation with people, one person insulted him and spoke derogatory remarks against him. A Sahābi Abu Barza (May Allah be pleased on him) stood up and asked for permission to kill that blasphemous. Abū Bakar (May Allah be pleased on him) went inside and called him into and said "By Allah! No one has right to kill anyone who insults him except the Prophet because of his great honour and respect".¹⁰⁵

In the reign of Abū Bakar Siddīq (May Allah be pleased on him) once Qādhi Muhājir bin Umayya, Governor of Yamama, in Islamic State, cut the hands of two

¹⁰⁴ Experts of Islamic Jurisprudence and law is called *Faqib*, there are four famous schools of thought in ahl-Sunnah in Muslims.

¹⁰⁵ أبو داود، سنن، كتاب الحدود، 252:2، see also in Abū Daūd: 374-375 it can be also seen in Abū Daūd: 252:2، see also: 196:2 Prof. Dr Tahir-ul-Qadri in his book mentions that this Hadith confirms for the Head of Islamic State that he would kill the blasphemous of the Holy Prophet (Allah's peace and blessings be on him). See: قادري، محمد طاير، تحفظ ناموس رسالت، ص 262، منباج القرآن پبلیکیشنز 2009 Muhammad Ismā'il Qureshi under this Hadīth describes that it was true that Caliph Abū Bakar (May Allah be pleased on him) knew that the death is only penalty for those who insult and commit blasphemy against the Holy Prophet (Allah's peace and blessings be on him). See: قريشى، محمد اسماعيل، ناموس رسول صلى الله عليه وآلہ وسلم، 2006، الفيصل ناشران و تاجران كتب لابور، اور قانون توبین رسالت، ص 108-110.

women singers and broke their teeth on committing blasphemy against the Holy Prophet Muhammad (Allah's peace and blessings be on him). When Abū Bakar Siddīq (May Allah be pleased on him) came to know about this punishment to those blasphemous he said, "He would kill them both on blasphemy if they were not given this punishment before".¹⁰⁶

Same there are some decisions which were taken in the reign of Umar Farooq (May Allah be pleased on him) the second Caliph of Islam, in which the blasphemous were given the death sentence on committing blasphemy against the Holy Prophet (Allah's peace and blessings be on). Once he (May Allah be pleased on him) himself ordered to kill a priest on his blasphemy against the Holy Prophet (Allah's peace and blessings be on him).¹⁰⁷

In Iraq, Abdullah bin Mas'ūd (May Allah be pleased on him) Chief Justice, ordered to kill a person who committed blasphemy.¹⁰⁸

Mujāhid narrates that once a man was presented before the court of Umar Farooq (May Allah be pleased on him) who used to abuse the Holy Prophet Muhammad (Allah's peace and blessings be on him), he (May Allah be pleased on him) ordered to kill him.¹⁰⁹

¹⁰⁶ مطبع الرحمن ، محمد ، داکٹر ، توبین رسالت : عدالتی نظائر کی روشنی میں، 74، 75 ، مجلہ تعلیم و تحقیق سہ مابی، تحفظ See: ناموس رسالت نمبر، مرکز تعلیم و تحقیق، اسلام آباد۔ جلد 1، شمارہ 1۔

¹⁰⁷ Ibid

¹⁰⁸ Ibid

¹⁰⁹ Ibid.

It is also narrated that once in the period of the Holy Prophet (Allah's peace and blessings be on him), a decision was made by the Holy Prophet (Allah's peace and blessings be on him) in favour of a Jew in spite of a Muslim. That Muslim went to Umar Faoq (May Allah be pleased on him) and presented his case again in front of him. He listened and went inside and came with sword and killed that Muslim, with comments that whoever does not accept the decision of the Holy Prophet (Allah's peace and blessings be on him) has no right to live on earth.¹¹⁰

Qāzi 'Ayyādh mentioned in his book that since the reign of Sahābah [Companions of the Holy Prophet (Allah's peace and blessings be on him)] till the day, today, it is agreed and conscience rule among the Ulamāh, and Aā'mmah that blasphemous of the Holy Prophet must be killed.¹¹¹

Imām Ahmad bin Hanbal (May Allah be pleased on him) has also said whoever commit blasphemy against the Holy Prophet (Allah's peace and blessings be on him), whether he is Muslim or non-Muslim, he or she must be killed.¹¹²

¹¹⁰ When the Holy Prophet (Allah's peace and blessings be on him) came to know about his, he pleased and entitled Umar (May Allah be pleased on him) with address of Farūq (فاروق), who differentiates between the right and the wrong. See: الزمخشري، أبو قاسم جار الله محمود بن عمر، الكشاف عن حفائق التزييل وعيون الأقوال في وجوه التأويل، ص. 536، ج. 1، دار المعرفة - بيروت. القرطبي، أبو عبدالله بن أحمد الأنصاري، الجامع لأحكام القرآن، ص. 264، ج. 5، أحياء سورة نساء، في الـ 60، دار ابن تيمية، بيروت.

¹¹¹ See: قاضي عياض، الشفاء ، 933:2 moreover Qāzi mentions that Even Imām Abū Yousūf states that Muslim's wife gets separation from her husband immediately on the blasphemy of his husband against the Holy Prophet (Allah's peace and blessings be on him).

¹¹² See: whoever abuses or disrespects or says derogatory remarks against the Holy Prophet (Allah's peace and blessings be on him) must be killed. 525 : ائم ابن تيمية، الصارم المسلول

Imām Mālik says whoever insults or abuses or speaks evil against the Holy Prophet (Allah's peace and blessings be on him) he or she is Muslim or non-Muslim shall be killed and shall not be forgiven even on sincere excuses.¹¹³

After mentioning and quoting different references of scholars and Aā'mmah, Imām ibn-e-Taimiah concludes that whoever says derogatory remarks against the Holy Prophet (Allah's peace and blessings be on him) even he or she is not intended to do so, he or she shall be given death penalty, and shall not be forgive.¹¹⁴

All Fuqa'hā are agreed on this issue that any Muslim who commits blasphemy, abuses, insults, and says derogatory remarks on the Holy Prophet (Allah's peace and blessings be on him) and does not submit true apology and excuse on the blasphemy committed, shall be killed.¹¹⁵

Abū Bakar narrates that all Muslims Aā'immah have consensus on this issue that however insults the Holy Prophet (Allah's peace and blessings be on him) shall be killed. It is what is mentioned by Imām Mālik bin Anas, Ishāq, Ahmad and Al-lais,

¹¹³ امام ابن تيمية، الصارم المسلول: 526 See: 526

¹¹⁴ امام ابن تيمية، الصارم المسلول: 567 See: 567

عياض، أبو الفضل بن موسى بن عياض، الشفاء بتعريف حقوق المصطفى، 2/220 ، وحيدى كتب خانه، قصه خوانى بازار

¹¹⁵ See: ابن تيمية، الصارم المسلول على شاتم الرسول، ص. 4 Khattābī says that I have never seen anyone among Muslims who disagrees on the death sentence for the blasphemous of the Holy Prophet (Allah's peace and blessings be on him). Muhammad bin Sahnūn states that it is confirmed consensus among Muslims to kill the blasphemous. See: ابن تيمية، الصارم المسلول على شاتم الرسول، ص. 4 same statement has been given by Qāzi Sanāullah Pāni Pti, see: المظبرى، علامه ثناء الله، التفسير المظبرى، 1:3152، دار الأحياء التراث العربى، بيروت. The same statement has been given by Qāzi Sanāullah Pāni Pti, see: المظبرى، علامه ثناء الله، التفسير المظبرى، 1:3152، دار الأحياء التراث العربى، بيروت.

and it is what Imām Shafā'i believes and mentions. They are also agreed that the blasphemous plea shall not be accepted as well.¹¹⁶

Regarding the forgiveness to Muslim blasphemous, some of the opinions of the Aā'mmah is different, Imām Abū Hanifah and some others Aā'mmah are of the view that if a Muslim blasphemous is seeking the true apology and sincere plea against his blasphemy, he or she would be given some time. It may be one day or maximum three days and his or her apologize would be accepted on the circumstances.¹¹⁷

As for as the non-Muslim is concerned his or her blasphemy would not be called apostasy. It will be an addition in his or her disbelief. As Imām Kasāni says that the blasphemy of a Zimmi (الذمي) (non-Muslim under Muslim protection in Muslim State) is addition of infidelity and incredulity.¹¹⁸

According to some Fuqa'hā with blasphemy a zimmi is not excluded from the protection of Islamic State but it is on state how it treats on his or her blasphemy¹¹⁹.

Islamic Laws take a more severe view towards reviling the Holy Prophet Muhammad (Allah's peace and blessings be on him) than it does towards reviling God. By the beginning of the fourth Islamic century, a consensus had developed among the scholars that the one who insults the prophet of Islam must be put to death. Today

¹¹⁶ قاضي عياض، الشفاء: 220:2 See: 220:2

¹¹⁷ الامام السبكي، اليسف المسؤول على من سب الرسول، ص- 161، دار الفتح عمان،الأردن. See: 161

¹¹⁸ الامام كاساني، بداع الصنائع، ص. 448-447، ج. 9

¹¹⁹ المرغاني، ابو الحسن بربان الدين، الهدایہ فی شرح بدایۃ المبتدی، ص- 405، ج. 1، دار احیاء التراث العربي، بیروت. 1995. م. شفیق احمد، مح. گتاخ رسول کو چونی کروائی کر دینے کا شرعی حکم، is mentioned in detail in his article by Muhammad Mushtaq Ahmad, Assistant Professor in Faculty of Shar'i and Law at International Islamic University Islamabad. See: 93-108، مجلہ تعلیم و تحقیق سماںی، تحقیق ناموس رسالت نمبر، مرکز تعلیم و تحقیق، اسلام آباد۔ جلد 1، شمارہ 1۔

Muslim nations who seek to abide by Islamic Law, continue to mete out punishment to citizens accused of blasphemy. In 1982, Pakistani President Zia ul-Haqq introduced Section 295B in the Pakistan Penal Code, punishing “defiling the Holy Blasphemy, Qur’ān” with life imprisonment. In 1986, Section 295C was introduced, mandating the death penalty for “use of derogatory remarks in respect of the Holy Prophet.”

Christian Historical Background in Pakistan

The Christianity has long history in the Sub-Continent before 1947. It was necessarily a part of the church in this region.¹²⁰ However the origin of Christianity in Pakistan is not very clearly appeared in front of us throughout the ages in Pakistan. The origin of Christianity in Sub-continent always has been remained a research problem for the historians.¹²¹ Although, we shall try to describe its history from different sources in the following pages.

We do not find the origin of Christianity in Pakistan very clear. Most of the Christians living in Pakistan believe that the Church had its origin in the early First Century (CE), and was established by the Apostle St. Thomas. However, some of the Christians categorized it, that the apostle had come to Taxila¹²². In his journey, after landing at Karachi by sea, he came by the River Sindh, which passes to the north of Taxila. According to Marthoma Church, he came Kerala in India in 52 CE, but

¹²⁰ See: Emamanul Zafer, *The Concise of Pakistani Churches*, (Lahore: Hamoo Khan Publications, 2007), p.25.

¹²¹ See: Mircea Eliade, Ed, *The Encyclopedia of Religion*, (New York: Macmillan Publishing Company, 1987), Vol. 3, p. 422.

¹²² Which was called Takshashila, the old name of taxila.

Pakistani Bishop Malik stated that St. Thomas went to Kerala after establishing a church in Pakistan, which is the first church in Pakistan.¹²³

There was another church which was made by Armenian Christian traders in Lahore in Akbar's era. As Akbar was sympathetic to other faiths and had great deal with inter-faith relations.

However the real growth of Christianity in this era was started in 19th Century, which was the result of the efforts of the missionaries movements, supported by the British Government in India. British Government permitted missionaries in British India by the Charter Act of 1813. The Official Church of that time in India had two wings for missionary purpose, i.e. the CMS (Church Missionary Society) and the UPSG (United Society for the Propagation of the Gospel). The early achievements of Christian missionaries were mainly in Punjab province and many of these new Christians migrated to other provinces, in Balochistan and Sindh with the course of time, but now Christians can be seen in all provinces of Pakistan including N.W.F.P.¹²⁴

In 1947, after the partition of the sub-continent, both Pakistan and India got separate independent lands. According to John O'Brien there were 516,000 Christians living in Pakistan¹²⁵ and most of them did not leave Pakistan.

¹²³ In view of some historian, Saint Thomas, among the twelve disciples of Jesus came into India after his resurrection. See: Emmanuel Zafer, *The Concise of Pakistani Churches*, p.25.

¹²⁴ See: Theodore Gabriel, *Christian Citizens in An Islamic State: The Pakistan Experience*, (USA: Ashgate Publishing Company 2007), pp. 9-23

¹²⁵ See: John O'Brien, *The Construction of Pakistani Christian Identity*, (Lahore: Research Society of Pakistan, 2006), P.591

However, after partition majority of Christians living in rural areas of Pakistan or migrants from India tried to move into urban areas and they got settled in Basties (Kachi Abadies).¹²⁶

Half of the Christians in Pakistan are Roman Catholics, others are Protestants. The Roman Catholics have major seminary of Christ, the King in Karachi and a minor seminary in Lahore. They run several hospitals and are involved in social work of various types. The Protestant groups include a large Brethren membership spread in small, mainly autonomous, congregations over Punjab and present in all major cities.¹²⁷

The majority of population of Christians of Pakistan is living in Karachi, Islamabad and mostly in the districts of Punjab.¹²⁸ There are five to fifty families approximately in every big village of Punjab.¹²⁹ About 2 to 3 million Christians are populated in Pakistan and 98% of them are in Punjab Province, and 60 % of them are in rural areas and rest of them is in the urban areas. Majority of Christians living in Punjab are converted from lower caste Hindus. Hindus converted into Christianity in the interior Sindh.¹³⁰

¹²⁶ See: John O'Brien, *The Construction of Pakistani Christian Identity*, p. 601.

¹²⁷ See: Vivienne Stacey, *The Christian Minority in the Islamic State of Pakistan*, <http://www.stfrancismagazine.info/ja/images/pdf/vivienne/THE%20CHRISTIAN%20MINORITY%20IN%20THE%20ISLAMIC%20STATE%20OF%20PAKISTAN.pdf> (accessed on 01-06-2012 at 20:30)

¹²⁸ See: *ibid.*, 37-40.

¹²⁹ See: Theodore Gabriel, *Christian Citizens in an Islamic State*, p. 21.

¹³⁰ See: Dominic Moghal, *Human Person in Punjab Society: A Tension between Religion & Culture*, pp.10-11.

The Concept of Blasphemy in Christianity

The concept of Blasphemy in Christianity always remained changing and never fixed.

It has ranged from the ancient Hebrew crime of cursing the name of God to irreverent statements that outrage the religious sensibilities of others.

Blasphemy is a malicious evil speaking against God. It may be applied to profane speaking against any sacred thing, as it is defined by St. Pius X in the following;

“Blasphemy is a horrible sin which consists of word or acts of contempt or malediction against God, the Blessed virgin, the saints of sacred things.”¹³¹

But sacrilege is more appropriate term, which stands for profanation of any thing which is holy. More strictly sacrilege is “the abuse or violation of a sacred person, place or thing.”¹³²

Blasphemy in Context of the Bible

Here in the following we would mention blasphemy in view of the Bible context. The worst form of blasphemy is when a person by comparing God with gods of heathens, represents Him as a pitiable, helpless figure from whom nothing can be expected.¹³³

In another view, the people of God must be aware not to provoke these blasphemies of the pagans. The prohibition against blasphemy first appears in the Ten Commandments. The second commandment narrates that “Thou shall not take the

¹³¹ “The catechism of St. Pius X”, <http://www.theholysee.com>

¹³² Herron, M. ‘Sacrilege’ (Art) New Catholic Encyclopedia (New York: Megragn Hill Book. 1966), Vol. XII, p. 84.

¹³³ 2 Kings 19:30-35, 2 Chron 32:13 ff; Is 10:8-11, 36:18 ff, 37:10-13, Judith 6:1-4

name of Jehovah God in vain"¹³⁴ which means not to utter the name of God irreverently. Specifically it is mentioned as "Thou shall not revile God, not curse a ruler of the people".

According to the Old Testament blasphemy reflects improper action with regard to the use of God's name. It guides the Hebrew definition of blasphemy. The offense is designated as a capital crime, and the offender is to be stoned by the community. Blasphemy involves the actual pronunciation of the name of God along with an attitude of disrespect. Under the influence of this interpretation, the personal name of God (Yahweh) was withdrawn from ordinary speech and the title of Adonai (Lord) was used at its place¹³⁵.

Israel, at various times, was guilty of blasphemy. David was accused by Nathan of making a mockery of God's commands and giving an occasion for the enemies of Israel to blaspheme—to misunderstand the true nature of God¹³⁶.

The enemies of Israel blasphemed God through acts against the people of God. The Assyrians claimed that God was powerless when compared to their mighty army¹³⁷. A disrespect of God was shown by the Babylonians during the Exile, as they continually ridiculed God¹³⁸. Edom was guilty of blasphemy when it rejoiced over the

¹³⁴ Ex 20:7 see also Ezek 36:20, Is 52:5

¹³⁵ Leviticus 24:14-16

¹³⁶ 2 Samuel 12:14

¹³⁷ See: 2 Kings 19:6, 2 Kings 19:22, Isaiah 37:6, Isaiah 37:23

¹³⁸ Isaiah 52:5

fall of Jerusalem¹³⁹. God responded with judgment¹⁴⁰ or promised judgment¹⁴¹ to defend the dignity of His name.

The New Testament of the Bible expands the concept of blasphemy which includes the actions against Christ and the church as the body of Christ. Jesus was considered by the Jewish leaders as a blasphemer Himself¹⁴². According to which, Jesus not only claimed messianic dignity, but further claimed the supreme exalted status¹⁴³. According to the Sanhedrin, such a claim, fits the charge of blasphemy and, therefore, deserves death¹⁴⁴. However, according to the New Testament viewpoint, the real blasphemers were those who denied the messianic claims of Jesus and rejected His unity with the Father¹⁴⁵.

The unity of Christ and the church is recognized in the fact that persecutions against Christians are labeled as blasphemous acts¹⁴⁶. It is also important that Christians avoid conduct that might give an occasion for blasphemy, especially in the area of attitude and speech¹⁴⁷.

¹³⁹ Ezekiel 35:12

¹⁴⁰ 2 Kings 19:35-37

¹⁴¹ Isaiah 52:6; Ezekiel 35:12-15

¹⁴² Mark 2:7

¹⁴³ Luke 22:69

¹⁴⁴ See: Matthew 26:65, Mark 14:64

¹⁴⁵ See: Mark 15:29; Luke 22:65; Luke 23:39

¹⁴⁶ 1 Timothy 1:13, 1 Peter 4:4, Revelation 2:9

¹⁴⁷ See: Ephesians 4:31, Colossians 3:8, 1 Timothy 6:4, Titus 3:2

The sin of blasphemy is a sin that can be forgiven. However, there is a sin of blasphemy against the Holy Spirit that cannot be forgiven¹⁴⁸. This is a state of hardness in which one consciously and willfully resists God's saving power and grace. It is a desperate condition that is beyond the situation of forgiveness because one is not able to recognize and repent of sin. Thus one wanting to repent of blasphemy against the Spirit cannot commit the sin.

Concept of Blasphemy in Christian's History

The cases of blasphemy and the execution of punishment for it were rare in Hebrew history. However, in the Christian era the term expanded beyond the original meaning of abusive utterance against God. Blasphemy is used as a broad term for any offenses against religion or religious people.

During the centuries after the crucifixion, many different interpretations of Christianity competed with each other as the true faith. Every faction accused its opponents as blasphemers.

In Fourth century, the controversy was settled by fixing on the Nicene Creed, when authority of the church was backed by coercion of the state. Constantine's decree les catholic Christianity to be the exclusive religion of the empire and the rest are of orthodoxy¹⁴⁹.

¹⁴⁸ See: Matthew 12:32, Mark 3:29, Luke 12:10

¹⁴⁹ See. "Constantine's Support of the Church" Bettenson, Henry (Ed.), *Documents of the Church* (Oxford: The Oxford University Press, 1953) p. 23.

Christians then began persecuting each other and heresy superseded blasphemy as the great crime against Christ and His Church. Early Church fathers (e.g. Athanasius and Augustine) intermixed accusations of blasphemy and heresy as if the two terms were interchangeable. St. Paul mentioned blasphemy in nineteen voices of certain heretics.¹⁵⁰

Heresy became the encompassing term since the papal age, because the church faced abusive criticism and competing doctrine about the faith with its own folds and not irreverent speech about God. St. Augustine said that those who knew the revealed truth yet permitted disloyalty to it, committed a greater crime than those who rejected it. He considered blasphemy the most 'diabolical heresy'¹⁵¹.

Blasphemy through the Ages of Christianity

In medieval period the concept of blasphemy was nothing significantly different. The scholastic treatment of blasphemy divides it into "immediate" (when directed against God Himself), and "mediate" (when it attacks God through His word, His church, His offices, sacrament or saints).

Heretical (when it involves a false doctrine), imperceptive (when in a form of a curse), or merely abusive (when it is made up of contempt).¹⁵²

¹⁵⁰ Prat, Fernand S. J. & Trans. John L. Stoddard, *Theory of Saint Paul* (London: Burns Oats & Wash Borne Ltd. 1934) Vol. II, p. 469-470

Also see: Levy, Leonard W. 'Blasphemy' (Art.) Eliade Mircea (Ed.), *The Encyclopedia of Religions* (USA: Macmillan Publishing Company, 1987) Vol. 2, p. 240

¹⁵¹ Ibid (Art. 1)

¹⁵² See: *The Catholic Encyclopedia* (Online Edition:2003) Vol.II, p.1 and Cobb, W.F. 'Blasphemy' (Art.), Hastings, James (Ed.) *Encyclopedia of Religions and Ethics*, (London: T & T Clark, 1980) vol. 2, p. 670

After the sixteenth century, blasphemy was distinguished from heresy and replaced it as the principal charge against religious belief. During the Reformation, Protestants had to reinvent the crime of blasphemy because heresy was the catholic description for Protestants leaders performed to describe as 'blasphemy' and thing they disliked or disagreed with. The state over ruled the church and blasphemy was considered an offence against society.

Since eighteen century blasphemy has become a technical name for a particular crime against the peace and good order of society, the giving of public offence to religious sensibilities of any group of nation.

Blasphemy as a Crime

Any word, sign or action which intentionally insults the goodness of or is offensive to God.¹⁵³ Until the Enlightenment, it was punishable by death. Blasphemy was classed as heretical if it openly asserted some thing contrary to faith, and as non-heretical if it involved careless or insulting speech about God.

In many Christian countries it is technically a crime, and is extended to include the denial or ridicule of God, Christ or the Bible; but the law is seldom invoked. It is also a crime in certain non-Christian (eg Islamic) countries.

In early Christianity, blasphemers were punished with ecclesial sanctions that ran from censure to excommunications. Later the established church used the powers of state to enforce more stringent measures against them. Anyone blaspheming the name of Christ or expressing contempt of the Trinity had his head shorn, was

¹⁵³ *The Wordswoth , Dictionary of Beliefs & Religions*, (London: Wordsworth Editions Ltd., 1995), p.70

subjected to a hundred strips, and suffered perpetual imprisonment in chains. In France, according to a law enacted at the Diet of Aachen (818 C.E) this sin was a capital offence¹⁵⁴.

In Middle Ages the ecclesiastical court was a principal authority for the punishment of blasphemy. In a decree of Gregory IX it is laid down that a blasphemer shall be condemned by the bishop to public penance at the church door for seven Sundays, being on the last Sunday deprived of his shoes and outer clothing, to fast and give alms.¹⁵⁵

About the end of the fifteenth century blasphemy was most severely punished because it was though as a principle that God himself was injured by blasphemy, but the feeling has gradually gained ground that God is not a being who can be injured by man's insults. So when blasphemy is considered punishable, it is an offence against society. But uptill 18th century blasphemy was considered a capital crime in many western countries.¹⁵⁶

¹⁵⁴ 'Blasphemy' (Art.), *The Catholic Encyclopedia*, Online Edition , Vol. 2, p. 3

¹⁵⁵ See: ibid, Cobb, W. F. 'Blasphemy' (Art.) Hating James, *Encyclopedia of Religion and Ethics*, op. cit. Vol. II p. 670, and Anquis, Thomas, 'Summa Theologica', op. cit. Q. 13, Art. 13

¹⁵⁶ Virginia's first code of laws (1611) specified death for anyone blaspheming the Trinity or Christianity and many others states/colonies followed it. See Levy L.W. 'Blasphemy' (Art.) Eliade, Mircea (Ed.), *The Encyclopedia of Religion*, op. cit. Vol. II, p. 241.

Conclusion

In this chapter the concept of blasphemy has been described in the light of Islamic sources and from the Christians' prospective. From both sources it becomes clear that the concept of blasphemy is found in both of these religions. In Islam, the Holy Qur'ān has clearly mentioned the punishments for those who commit blasphemy against the Almighty Allah and His Holy Prophets (May Allah's peace be on them). Moreover, the punishments on blasphemy against the Prophet of Islam (Allah's peace and blessings be on him) are described in the Holy Qur'ān and also these punishments can be studied from the Ahādīth of the Holy Prophet (Allah's peace and blessings be on him). Sahāba and the Fuqā'hā describe and give punishment to those who do blasphemy against the prophet of Islam (Allah's peace and blessings be on him).

In second part the origins of Christianity in Pakistan is discussed in detail, then the concept of blasphemy with reference to Christian sources can be studied in this portion. In the New Testament of the holy Bible the offence of blasphemy is also referred frequently. In this context, retaining the God centeredness of the Mosaic condemn it expanded blasphemy to include the rejection of Jesus and the attribution of his miracles to satanic forces.¹⁵⁷ This is called blasphemy against the Holy Spirit.

¹⁵⁷ Mt. 12:24-28, Mk 14:62

The words and ways of acting which injure the holiness, majesty and honour of God are considered blasphemous. These can be directed either immediately against God¹⁵⁸, against His name¹⁵⁹, His word¹⁶⁰, His law¹⁶¹ or His angles¹⁶².

The Gospel mentions that as Jews and heathens have blasphemed against Christ, so which they do against his disciples. Therefore it is considered blasphemy when Jews mocked at and opposed Paul and his teachings¹⁶³.

It appears from these verses of the Holy Bible that any expression was considered blasphemous which was wrathfully or contemptuously directed against God, His being, or goodness. It also implies those expressions which arrogate God's attributes for a creature, which opposed a truth revealed by Him, or opposed an institution of which He was the author means 'the Church'.

In above discussion above we elaborated blasphemy in 18th century because till 18th century we find the religious stance but since 18th century due to emergence of Enlightenment and Humanism and western outlook is not religious, so we have not mention it.

¹⁵⁸ Acts 6:11, Rev 13:6, 16:11, 21

¹⁵⁹ Room 2:24, I time 6:1, Rev. 16:9

¹⁶⁰ Tit. 2:5

¹⁶¹ Acts 6:11

¹⁶² 2 Pet 2:1 Off; cf Jude 8-10

¹⁶³ Acts 13:45, 18:6

CHAPTER 3

MUSLIM CHRISTIAN ATTITUDES: ANALYTICAL SURVEY

INTRODUCTION

In previous chapters, blasphemy law with reference to Pakistan and blasphemy Islam and Christianity has been mentioned in details. Specifically, Christian population and Christian settlement in Pakistan has been described in the second chapter.

In this chapter the Christians and Muslims attitudes are analyzed with the survey done from Muslims and Christians. Meanwhile an account of different cases since the enforcement of the law till 2010 has been mentioned in this chapter to find the attitudes of both communities in this regard.

In conducting survey there are several methods which the researcher observed but mostly Guttman's¹⁶⁴ scale and Survey methodology is used to find the attitudes of both communities. People's likes and dislikes are basically their attitudes toward their

¹⁶⁴ sociologist and educator, Louis Guttman (1916-1987) belonged from America. His major contribution is in the field of social sciences, especially his scale to measure the attitudes of people are well known and very productive in social sciences. He developed a scale to measure the attitudes. This scale consists of a set of statements related to the attitude in question and arranged in increasing order of difficulty of acceptance. The same way, if a person agrees with a statement that expresses a higher degree of a given attitude, s/he must be agreeable to all other statements which express lower degrees of the same attitude. The list of statements, thus arranged, is given to sample subjects in order to test the increasing degree of acceptance. Based on the "accept" responses of respondents, the items are accordingly modified, arranged, and tested again on sample subjects. This process continues till a scalable (i.e., empirically tested for increasing degree of acceptance) set of items is developed. The final set of statements with their particular order is the scalogram. When this instrument is used for measuring a person's attitude, the person checks all the items s/he accepts. The person's score is the total number of successive or nearly successive items s/he has checked. See: <http://www.bookrags.com/biography/louis-guttman-soc/> (Accessed on 05-09-2012 at 9:45 am) or see: <http://www.idi.org.il/sites/english/TheGuttmanCenterSurveys/Pages/GuttmanCenter2.aspx> (Accessed on 05-09-2012 at 9:45 am)

likeness and dislikes. The researcher has tried to find out the attitudes of both communities through the approach of Guttmann's Methodology in which a survey is done.

An Analytical Survey of Blasphemy Law in Pakistan Throughout the years

In the following lines the history of blasphemy law and the case under this law have been mentioned with the examples of the cases recorded in courts.

After the enforcement of this law there are approximately 1274 people captured in this law till 2012 and mostly it is used for the article 295-C blasphemy against the Holy Prophet (Allah's peace and blessings be on him). In 1992, a young philanthropist Mr. Akhtar Hāmid Khān of 18 years, a Muslim, was arrested for committing blasphemy in an interview. Moreover, he wrote a poem for children which contained material of blasphemy against the Prophet of Islam Muhammad (Allah's peace and blessings be on him). According to the view of researcher it seems to be the first case of blasphemy against the Holy Prophet (Allah's peace and blessings be on him) after the enforcement of blasphemy law. Another case was reported in the same year when a Christian Gull Masih was charged under the article 295-C making blasphemy against the Holy Prophet (Allah's peace and blessings be on him)

In the year of 1993, there was a major case reported in which three Christians Salāmat Masih 11 years old, Manzoor Masih 38 years old and Remat Masih of 44 years old were captured because of writing blasphemous remarks on a wall of a mosque.

Moreover, Anwar Masih from Sumundri, Punjab was also sent to jail for allegation of blasphemy against the Holy Prophet (Allah's peace and blessings be on him).

In April 1994 among the three captured Manzoor Masih was killed in gun fire outside the District & Session Court after hearing his case and both others were injured.

After one year in February 1995 Salāmat Masih and Rehmat Masih were given death sentence on blasphemy charge. But in February 23 the Lahore High Court (LHC) released them based on that they were unfamiliar with Arabic text. A country wide strike took place against the decision.

On October 14, 1996, Ayūb Masih was captured under the case of 295-C for committing blasphemy against the Holy Prophet (Allah's peace and blessings be on him)

In October 1997, a very tragic incident occurred when Arif Iqbāl Bhatti Judge LHC, who had acquitted two Christians in Blasphemy case, was shot dead in the court.

In December 1998 Riāz Gohar Shahi, was accused of committing blasphemy when he claimed to have had an audience with the Holy Prophet (Allah's peace and blessings be on him).

Ayūb Masih was given death sentence on 27 April. And Bishop John Joseph committed suicide in front of the court. Another case, Anwar Masih who was captured in 1993 under the section 295-C was given a religious imprisonment and finally on April 20, 1998, the court declared him guilty.

On May 30 another Christian Shafiqe Masih was accused of speaking derogatory remarks against the Holy Prophet (Allah's peace and blessings be on him). ¹⁶⁵

In year 2001, a physician, was charged under the blasphemy against the Holy Prophet (Allah's peace and blessings be on him) and in October he was given the death penalty and fine of 100,000 rupees.¹⁶⁶ Meanwhile different conferences were arranged by religious groups like Khatm-e-Nabuwat to stop any amendment in blasphemy law. In their annual meeting in September it was said that a drive can be brought out if this law is replaced or amended.¹⁶⁷

On August 15, 2002, Ayūb Masih who was sentenced to death in 1998 and the Bishop John Joseph suicided for him in front of the court, was acquitted free by the Supreme Court of Pakistan (SCP).

Another prisoner Muhammad Mehboob of death penalty in 295-C by an Anti Terrorist Court (ATC) was also set free by the LHC.

¹⁶⁵ See: *Human Rights Monitor 1998*, (Lahore: National Comission for Justice and Peace Walton Road, 1999) pp. 47-57

¹⁶⁶ See: dawn new. <http://dawn.com/2010/12/08/high-profile-blasphemy-cases-in-the-last-63-years/> (accessed on September 1, 2012, at 10:29 am)

¹⁶⁷ *State of Human Rights in 2001*, Human Rights Commission of Pakistan (Lahore: Aiwan-i-Jamhoor, 107-Tipu Block, New Garden Town, March 2002), pp. 167-168

Six fresh cases were registered in the same year under section 295-C. Among these six cases four were sentenced to death and three among six were Muslims. In Multan Idris Rabbāni, in Lahore Wajīhul Hasan and Anwar Kenith and in Faisalabad Kingri Masih were sentenced to death.¹⁶⁸

Another case was registered against Muslim prayers leader (*Imam*) Molvi Sana Ullah from Ahl-e-Hadīth sect who was blamed to commit blasphemy in a sermon after Morning Prayer.

In year 2003, three Christians accused of blasphemy Ayūb Masih who had spent nearly six years in jail were freed during the year.¹⁶⁹

In the year 2004, in recognition that the lives of those accused of blasphemy were at risk, an inspection team of the Lahore High Court (LHC) in February sent letters to all districts and sessions judges in the Punjab, advising that in the interest of the safety of the judges, lawyers, witnesses and accused, such trials should take place in jails, as adequate security arrangements could not be made for them in courts. The letter also stated that all pending blasphemy cases should be disposed off as quickly as possible.

¹⁶⁸ *State of Human Rights in 2002*, Human Rights Commission of Pakistan (Lahore: Aiwan-i-Jamhoor, 107-Tipu Block, New Garden Town, March 2003), pp. 81-83

¹⁶⁹ *State of Human Rights in 2003*, Human Rights Commission of Pakistan (Lahore: Aiwan-i-Jamhoor, 107-Tipu Block, New Garden Town, January 2004), pp. 172-173, also See: dawn new. <http://dawn.com/2010/12/08/high-profile-blasphemy-cases-in-the-last-63-years/> (accessed on September 1, 2012, at 10:31 am)

Dr. Younus was set free by an Additional District & Session Judge in Islamabad in January after spending there and half years in Jail on Blasphemy charge.¹⁷⁰

In June 2005, a Christian was charged with blasphemy on the basis of accounts provided by children in Nowshera.

In August, an anti-terrorism court in Karachi sentenced Younis Sheikh to death for writing a book entitled *Shaitan Maulvi* (Satanic Cleric). Sheikh had been arrested early in 2005 under blasphemy laws. It was alleged that some of the contents of the book were blasphemous.

In a study by the Justice and Peace Commission, about 647 blasphemy cases were reported in media since 1988. It was noted that nearly 90 cases were against Christians.

In last five years, there was an increase in the number of Muslims facing accusations of blasphemy. According to the National Commission for Peace and Justice (NCPJ), an NGO engaged in monitoring the rights situation of Christians in the country, there were 746 cases of alleged blasphemy in 2005. 107 persons were accused of committing blasphemy. According to the NCJP report, published in March 2006, 55 percent of the people accused in 2005 under the country's blasphemy laws were Muslim, 18 percent Ahmadi, nine percent Christian and six percent Hindu. The

¹⁷⁰ *State of Human Rights in 2004*, Human Rights Commission of Pakistan (Lahore: Aiwan-i-Jamhoor, 107-Tipu Block, New Garden Town, January 2005), pp. 116-120

figures showed that members of minority communities were proportionately targeted, given death that they made up only five percent or less of the overall population.¹⁷¹

In April 2007, police charged five Christian youths with blasphemy in Toba Tek Singh (TT Sing), a district of Punjab. The complainant, Akbar Ghaffār, alleged that his nephew, Faisal Gulzār, after an Eīd Milādun Nabi procession saw Salāmat Masih and Bābū Masih committing blasphemy. The accused, according to Mr. Ghaffar, trampled on a sticker that had pictures of the Holy Prophet's (PBUH) "Na'lain Mubarik" and tomb. Thereafter, he said, armed accomplices, Rashid Masih, Mota Masih and Shahla Masih, threatened Faisal Gulzār and allegedly used blasphemous language against the Holy Prophet (Allah's peace and blessings be on him).¹⁷²

In 2008, in Karachi, Jagdesh Kumār, a Hindu factory worker was killed outside the factory by a crowd and his colleagues because he was accused of blasphemy.¹⁷³ Moreover in May, a Christian Dr. Robin from Hafizabad was booked under Section 295-C of PPC.

In 2009, a total of 41 complaints of blasphemy were registered by police. About 37 Ahmedis were booked under blasphemy laws. However, many cases were

¹⁷¹ *State of Human Rights in 2006*, Human Rights Commission of Pakistan (Lahore: Aiwan-i-Jamhoor, 107-Tipu Block, New Garden Town, January 2007), pp. 148-150

¹⁷² Daily Dawn, Karachi, April 04,2007 see also: *State of Human Rights in 2007*, Human Rights Commission of Pakistan (Lahore: Aiwan-i-Jamhoor, 107-Tipu Block, New Garden Town, March 2008), p. 108

¹⁷³ Daily Dawn, Karachi, April 26. 2011

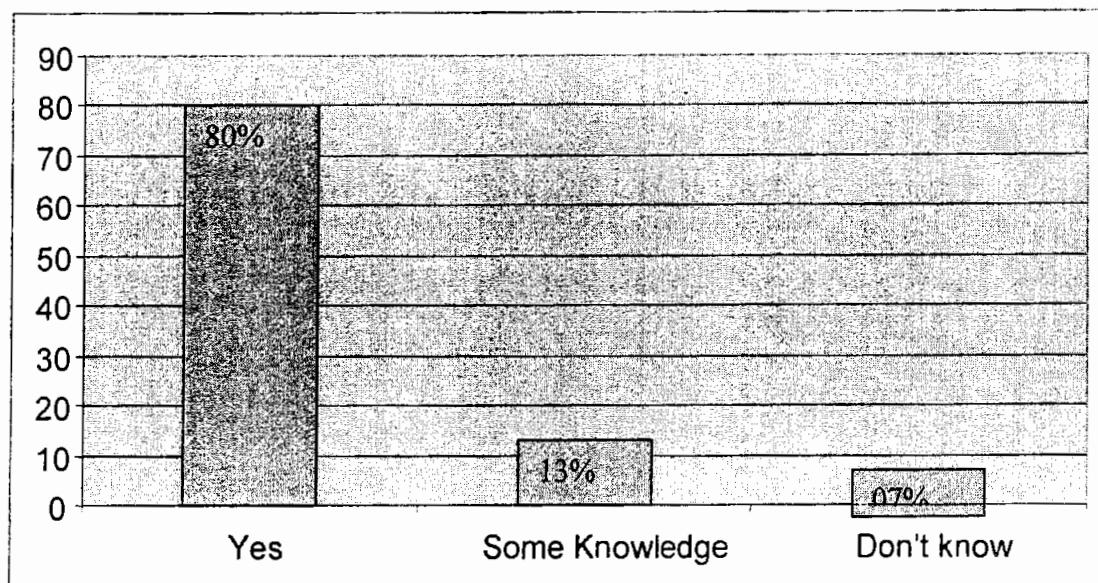
registered against Muslims as the rival sects of Islam increasingly used the blasphemy law against each other.

Here in the following lines a detail account of the major cases of Blasphemy Law is mentioned in the year 2009.

Two Muslim, Mushtaq Ahmad and Muhammad Ali were arrested by Sargodha Police having charge of erasing Kalimah from the wall of village's mosque. In the district Sheikupura in Punjab, a Muslim Liqat was arrested by the Police for burning the Holy Qur'an.

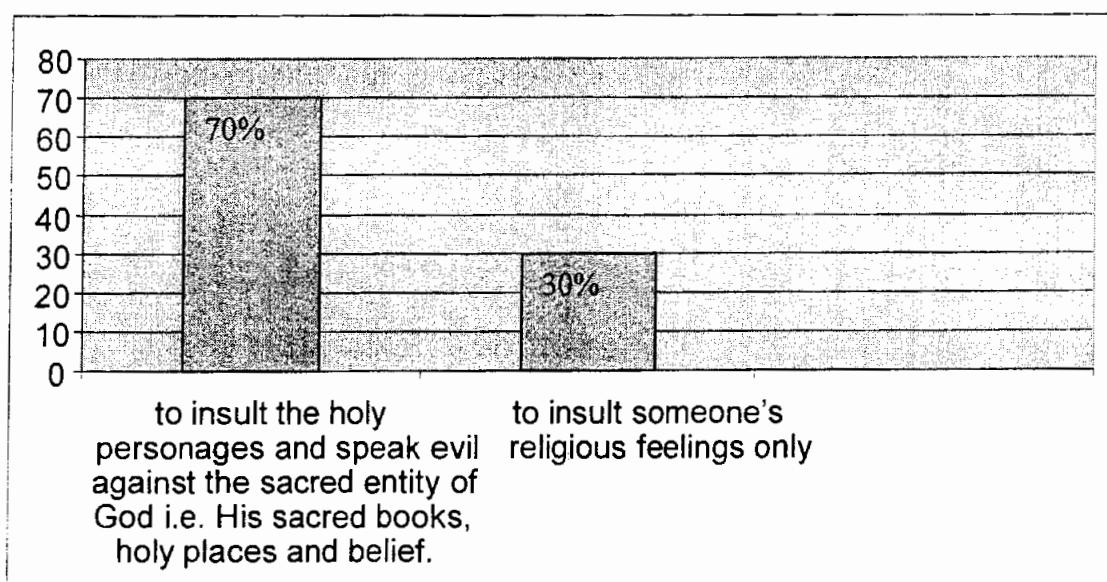
Muslim Attitudes: An Analytical Approach

1. Do you know the Laws of Blasphemy against Prophethood in Pakistan?



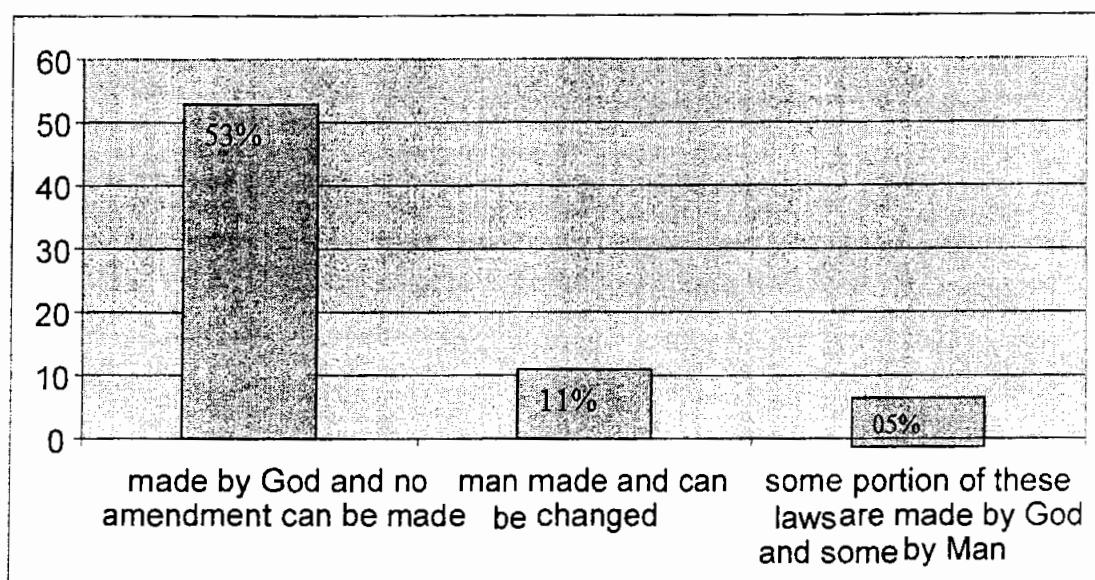
In the light of our survey which we have done there are more than 90% Muslims those who know about the Blasphemy Law in Pakistan.

2. According to you what is blasphemy against religion?



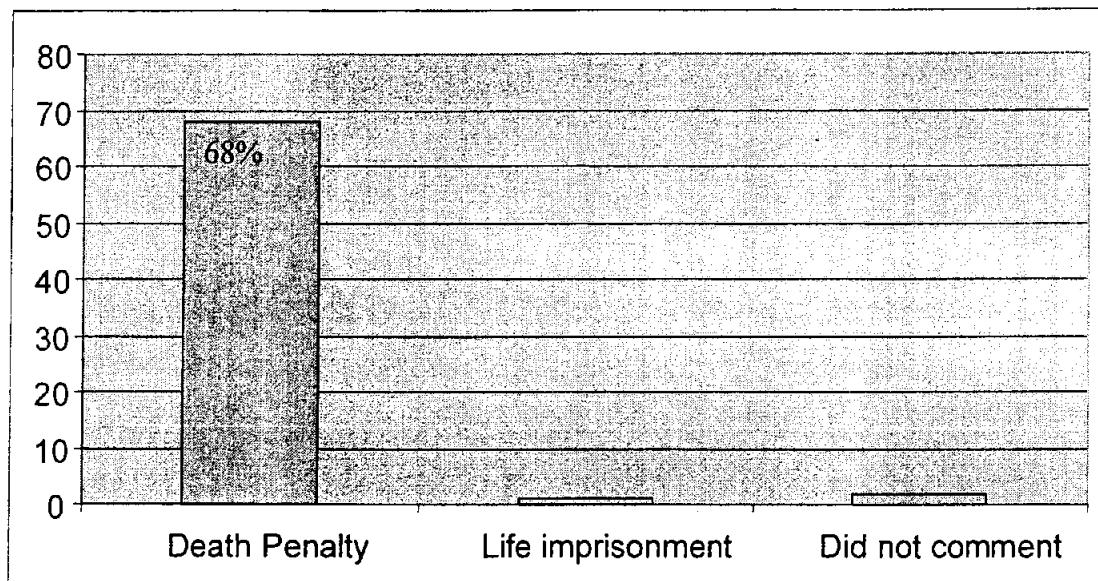
More than 70% Muslims define that blasphemy is to insult the holy personages and speak evil against the sacred entity of God i.e. His sacred books, holy places and beliefs. However, 30% is of view that blasphemy is to insult someone's religious feelings only.

3. Do you think Blasphemy law against Prophethood is given by God or man made?



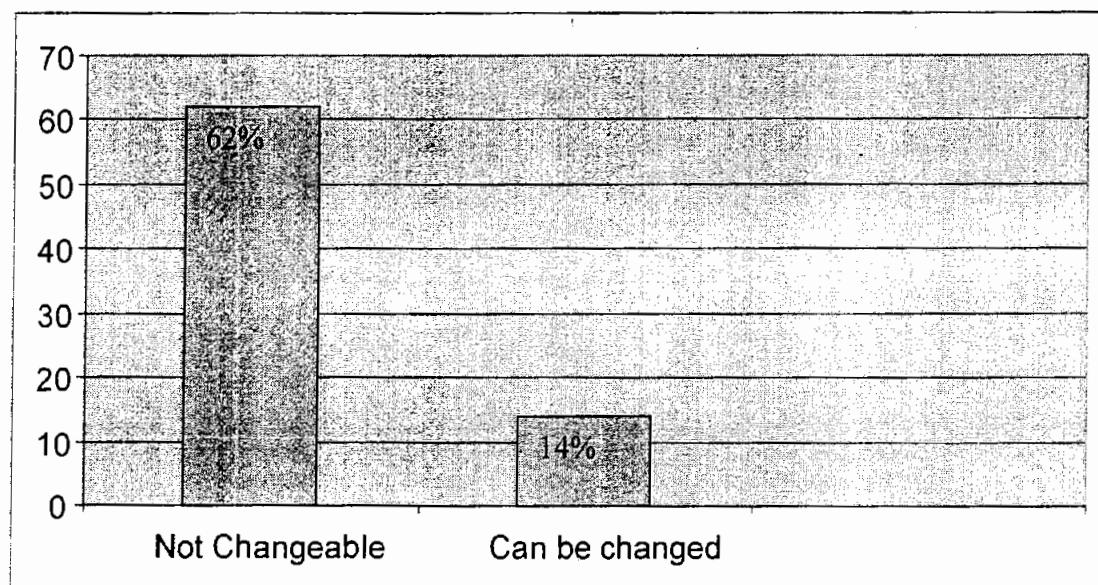
About 53% Muslims believe that these laws are made by God and no amendment can be made in these laws. Hence 11% of Muslims say that these laws are man made and can be changed. However, a little 05% is of the view that some portion of these laws are made by God and some by Man, and some say they are not sure about whether they are Man-made or God given.

4. In your view what punishment should be given to blasphemous of Prophethood?



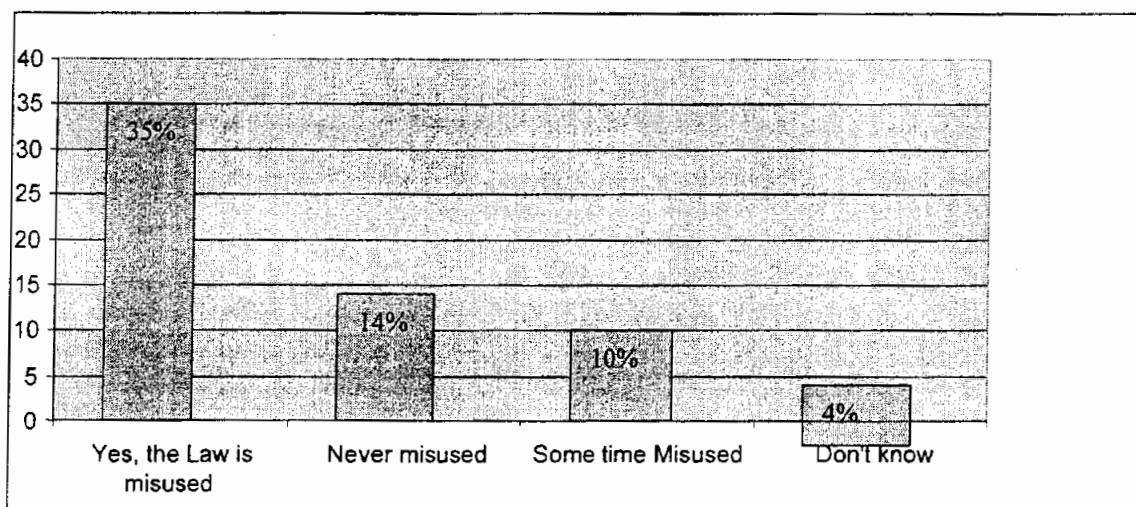
More than 68% Muslims are of view that the death should be penalty of blasphemy against the prophethood. 1% say Life imprisonment should be the punishment for blasphemous and .2% did not comment on the punishment of blasphemous.

5. What do you think Blasphemy law against Prophethood is given by God and unchangeable or it can be changed according to the circumstances?



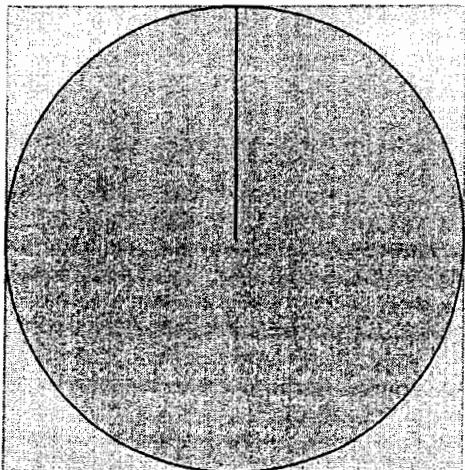
62% says that these laws are not changeable and about 14% are of the view that these laws can be changed with time and according to the circumstances.

6. Does the Blasphemy law against Prophethood is misused most of the time in Pakistan?



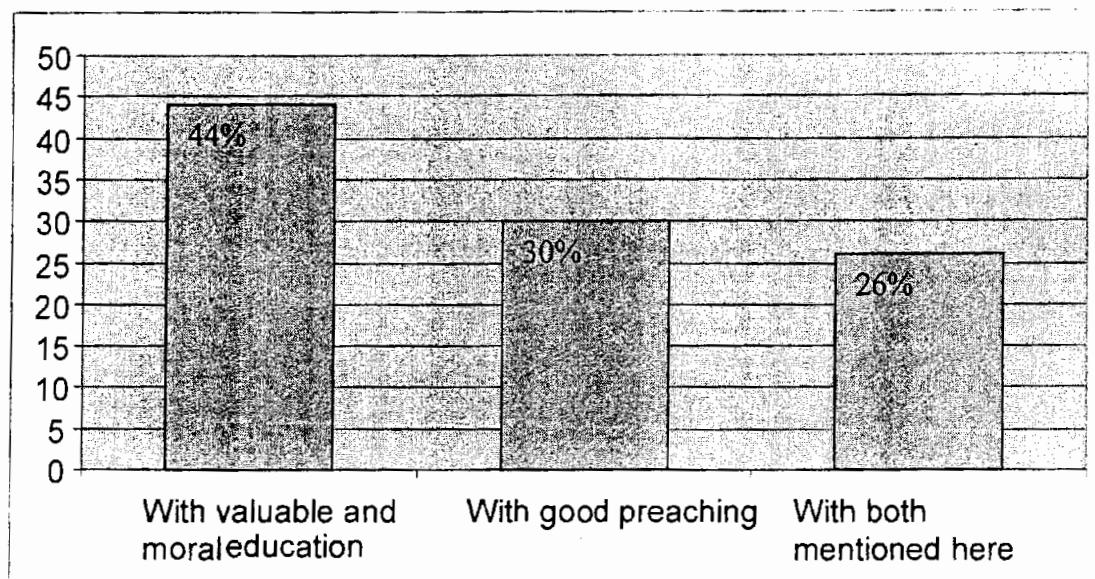
35% Muslims agree that these laws are misused always and 14% says it is has been never used for wrong purpose. Meanwhile more than 10% are in view that some times these are being used for wrong purpose. However 4% do not know whether they are used wrong or not.

7. Do you think serious steps should be taken to stop the misuse of this law or the law itself should be abolished completely?

	<p><input checked="" type="checkbox"/> Yes, serious steps should be taken to stop the misuse of this law</p> <p><input type="checkbox"/> No</p>
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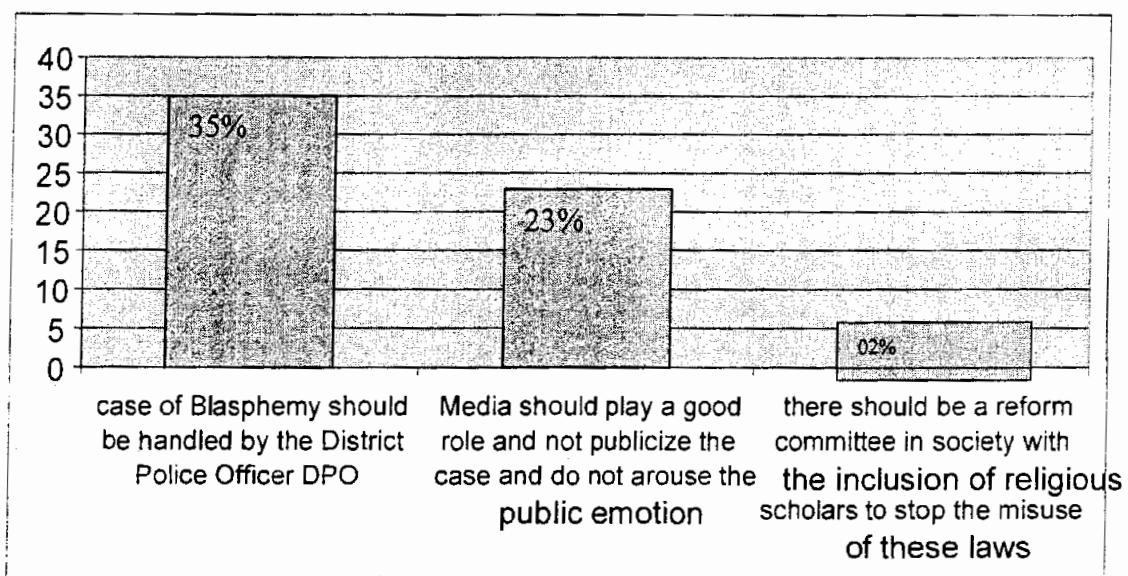
Everyone wants that if there is wrong use of these laws, the misusing of these laws must be stopped.

8. If this law is abolished then how the blasphemy against Prophet and religion can be stopped?



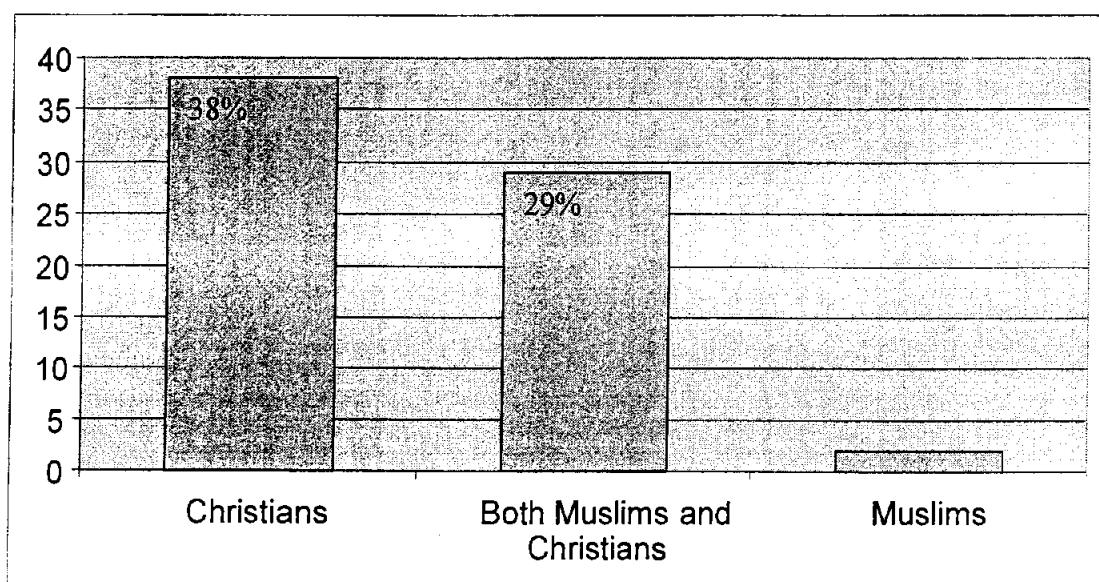
In 44% Muslims view there should be valuable and moral education to stop the misuse of these laws and with good preaching it can be stopped.

9. What kind of reforms can be implicated to stop the misuse of this law?



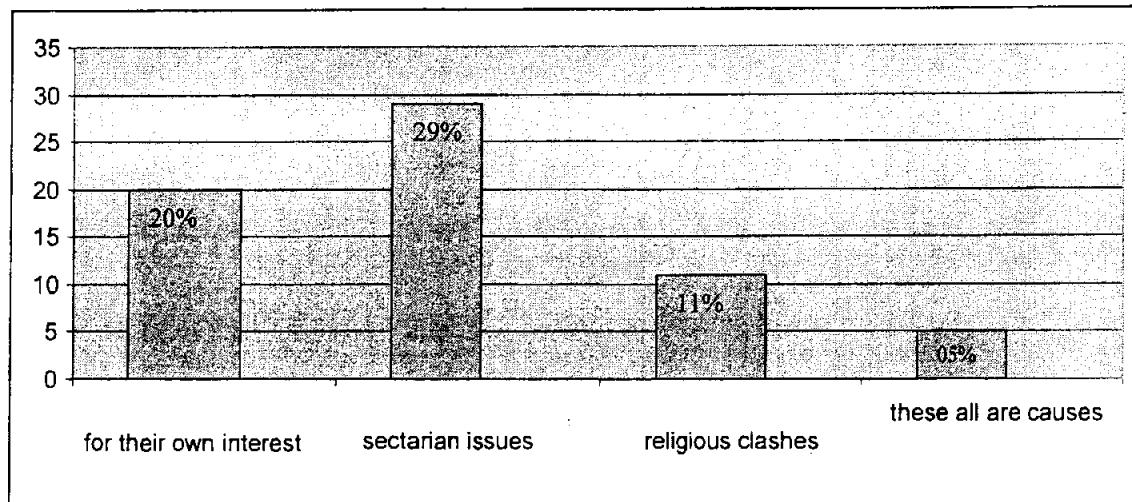
To avoid the misuse the case of Blasphemy should be handled by the District Police Officer DPO in the 35% views of Muslims hence 23% blame that Media should play a good role and not publicize the case and do not arouse the public emotions and there is 02% of Muslims who say that there should be a reform committee in society with the inclusion of religious scholars to stop the misuse of these laws.

10. Which sect is most of the victimized by this law in Pakistan?



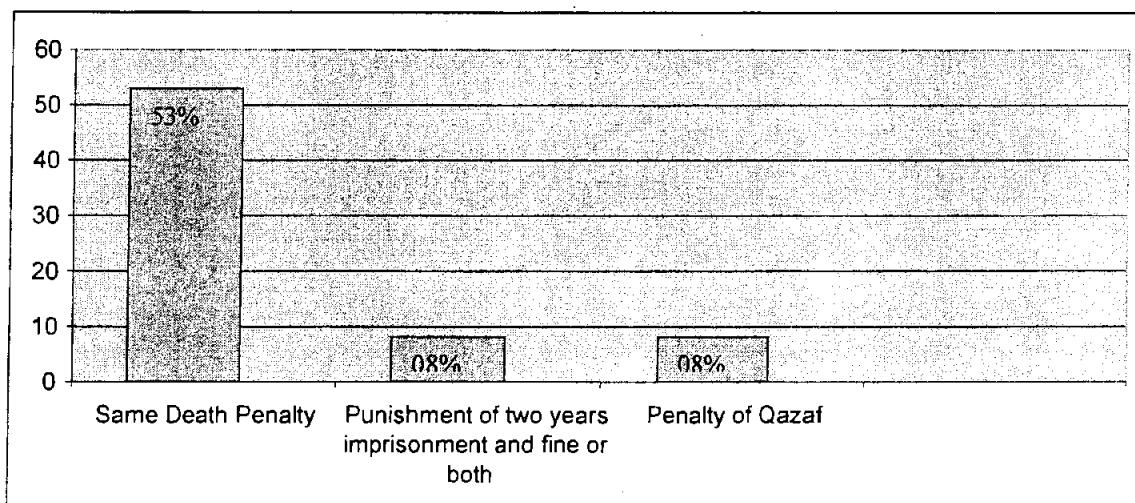
According to 38% Muslims' view Christians are captured most of the times in blasphemy cases, 29% says that both are including in this, and 1% Muslims say that Muslims are mostly captured in blasphemy cases and rest do not know about it.

11. On what basis this law is misused in Pakistan?



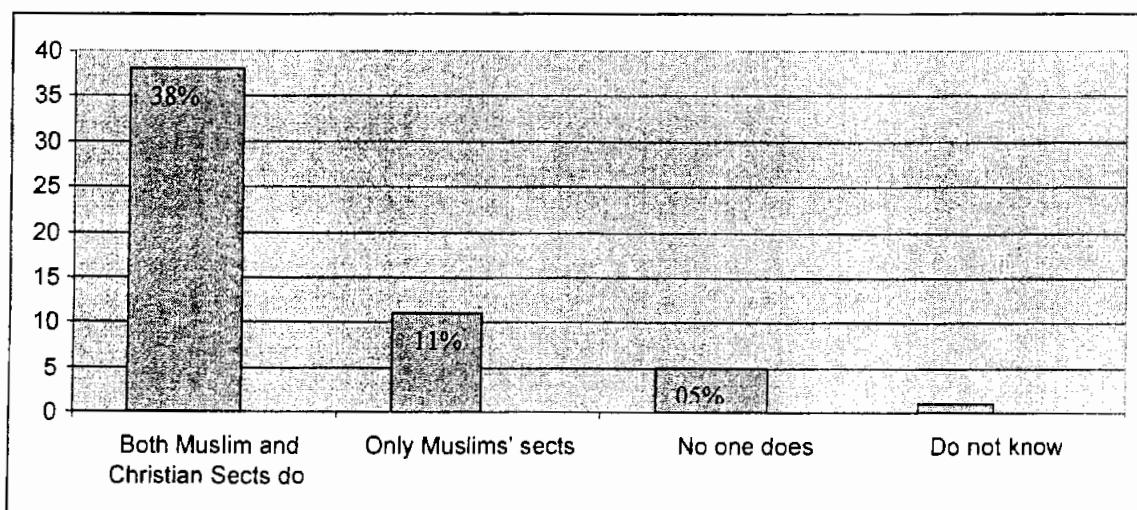
In view of 20% Muslims people misuse these laws for their own interest. And 29% says sectarian issues are also cause of misuse of these laws and 11% says religious clashes are also become the base to misuse this law but 5% says these previous all points are cause to misuse this law.

12. In your opinion what punishment should be given who misuse this law?



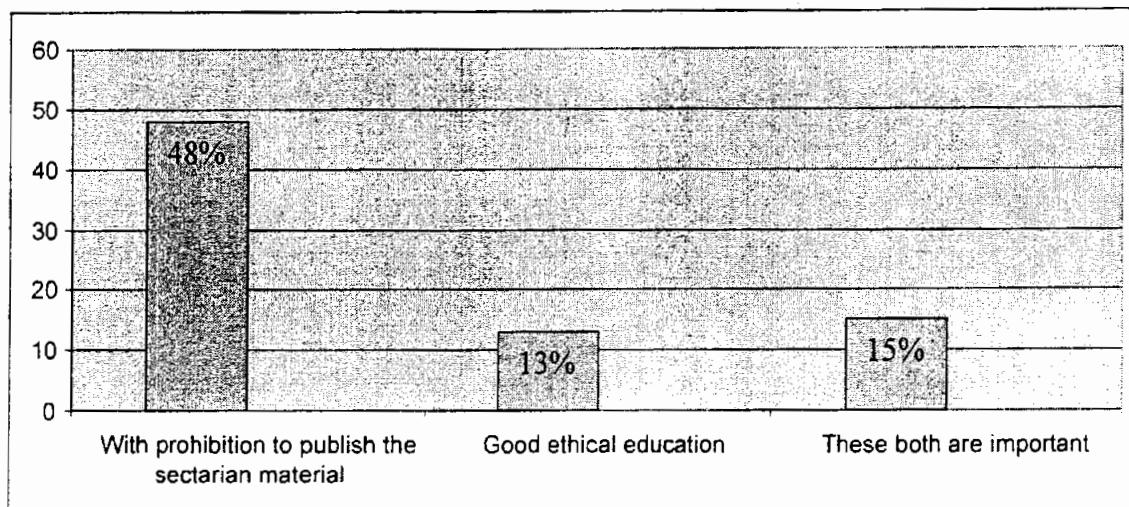
Those who misuse this law they must be punished with the same penalty of death in view of 53% Muslims. 8% is in view that the punishment of two years imprisonment and fine or both can be given to those who misuse this law. However 8% say they should be given the penalty of Qazaf or whatever Judge decides on the occasion or after examining the nature of case.

13. Do you think that Muslims and Christians sects in Pakistan blame each other for blasphemy?



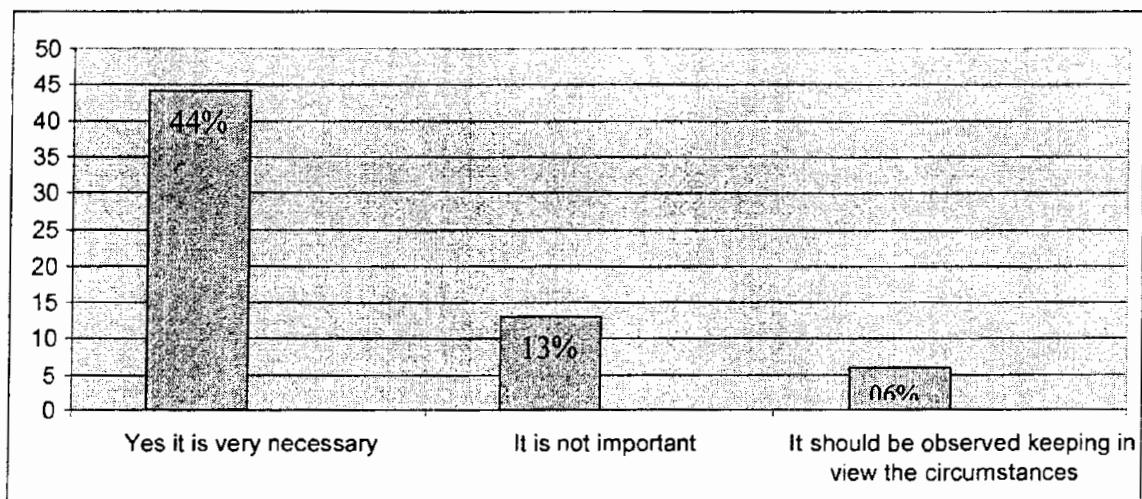
38% says both Muslims and Christian's sects they accuse each other and 11% Muslims view that only Muslim's sects accuse each other and 5% say no one accuse others however 1% say that Christian Sects also accuse each other, and 1% do not know this.

14. If do you think it is Yes then how to stop this?



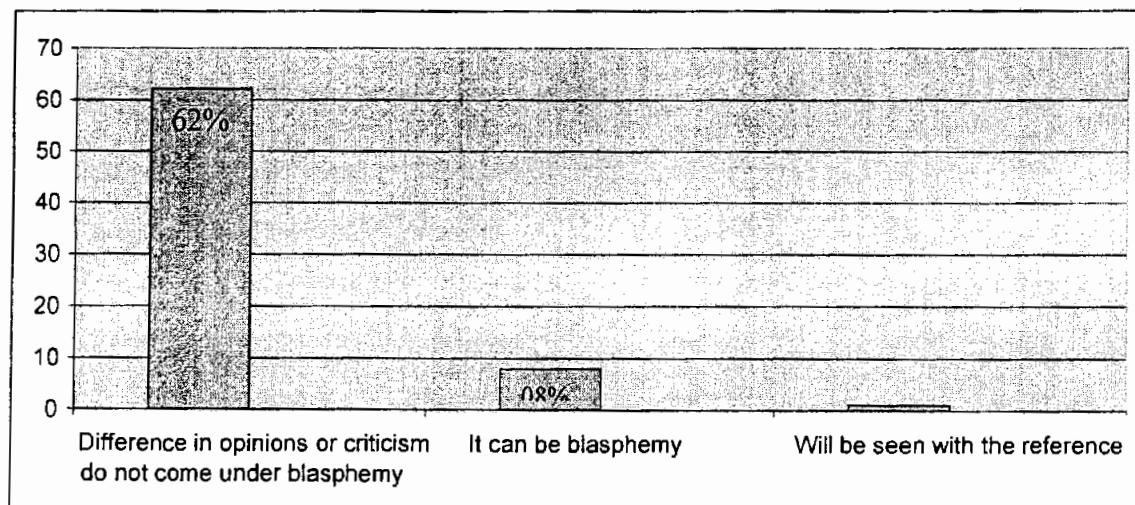
These clashes can be removed with prohibition to publish the sectarian material in view of 48% Muslim and a good ethical education is also a big tool to stop these clashes in 13% Muslim's views. 15% think these both are important tools for removal of clashes.

15. Is it necessary and important to know the intention of blasphemous or not?



When I asked is it necessary to know the intention of offender or accused in blasphemy 44% said yes it is very necessary to know the intention of accused and 13% are in view it is not important to know his or her intention when he/she has committed blasphemy he/she is liable under offence but 6% says it should be observed keeping in view the circumstances of blasphemy and rest said they do not know.

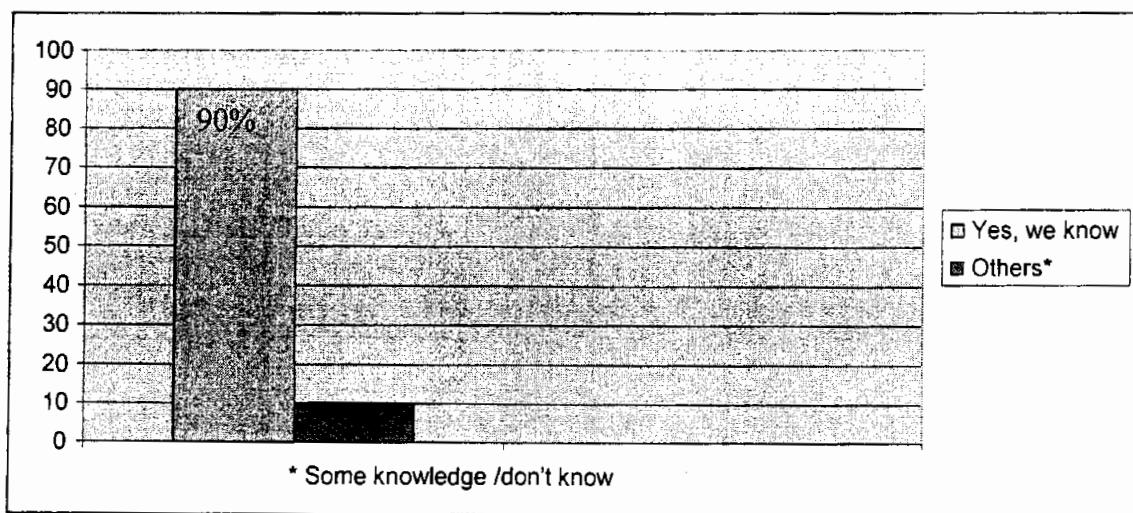
16. Does the difference and criticism also come under the blasphemy?



More than 62% Muslims are of view that difference in opinions or criticism do not come under blasphemy but 8% says it can be blasphemy but 1% says it will be seen with the reference.

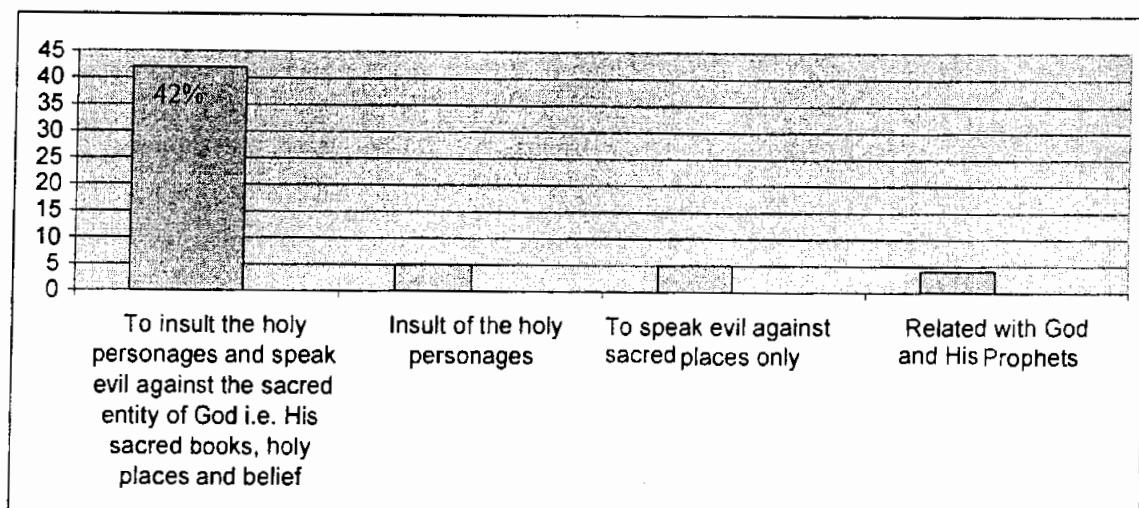
Christian Attitudes to the Laws of Blasphemy

1. Do you know the Laws of Blasphemy against Prophethood in Pakistan?



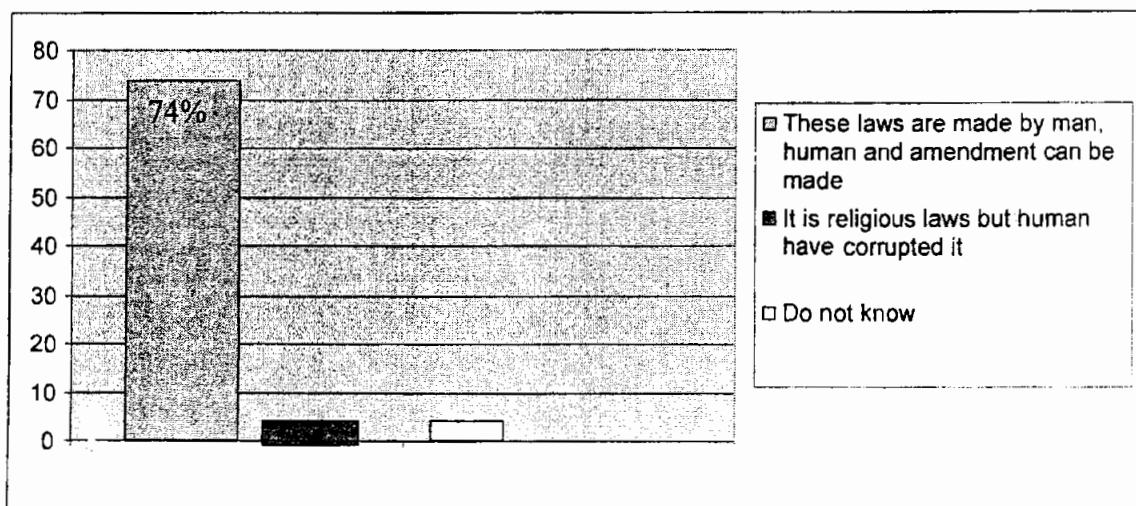
In the light of our survey which we have done there are more than 90% Christians those who know about the Blasphemy Law in Pakistan.

2. According to you what is blasphemy against religion?



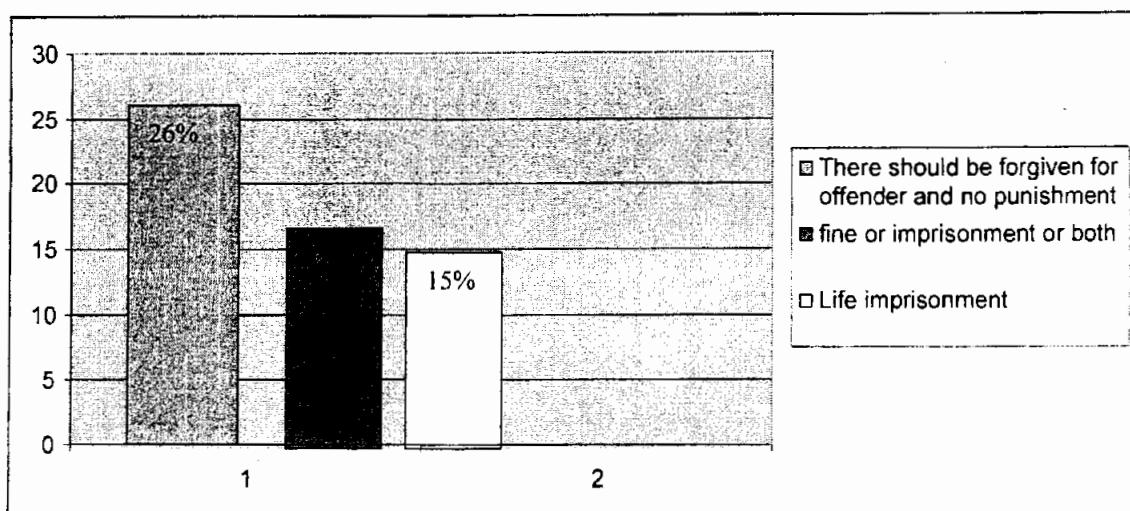
More than 42% Christian define that blasphemy is to insult the holy personages and speak evil against the sacred entity of God i.e. His sacred books, holy places and belief. 5% says it is insult of the holy personages However, 5% is of view that it is to speak evil against sacred places only and 4% says it is related with God and His Prophets.

3. Do you think Blasphemy law against Prophethood is given by God or man made?



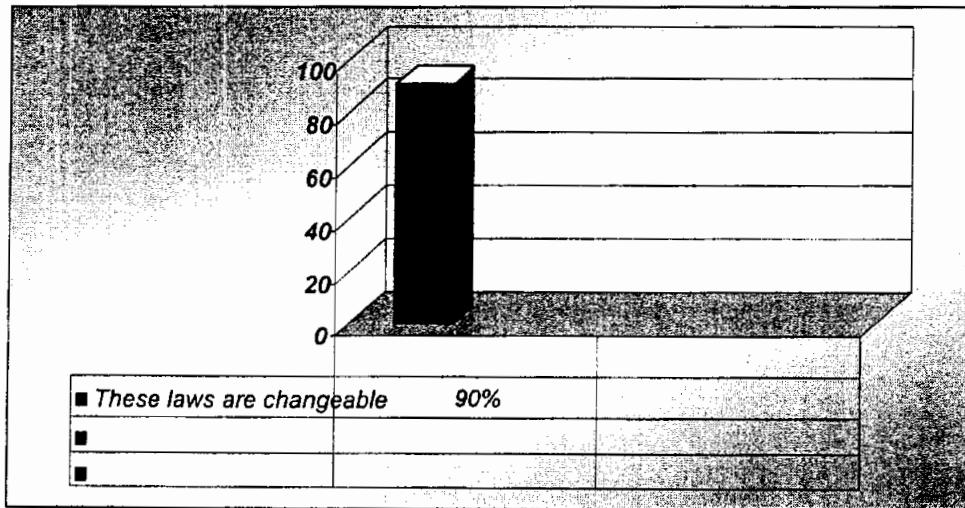
About 74% Christians believe that these laws are made by man, human and amendment can be made in these laws. Hence 1% of Christian mentions that it is religious laws but humans have corrupted it but 4% of Christians say that they do not know whether these are man-made or God gifted.

4. In your view what punishment should be given to blasphemous of Prophethood?



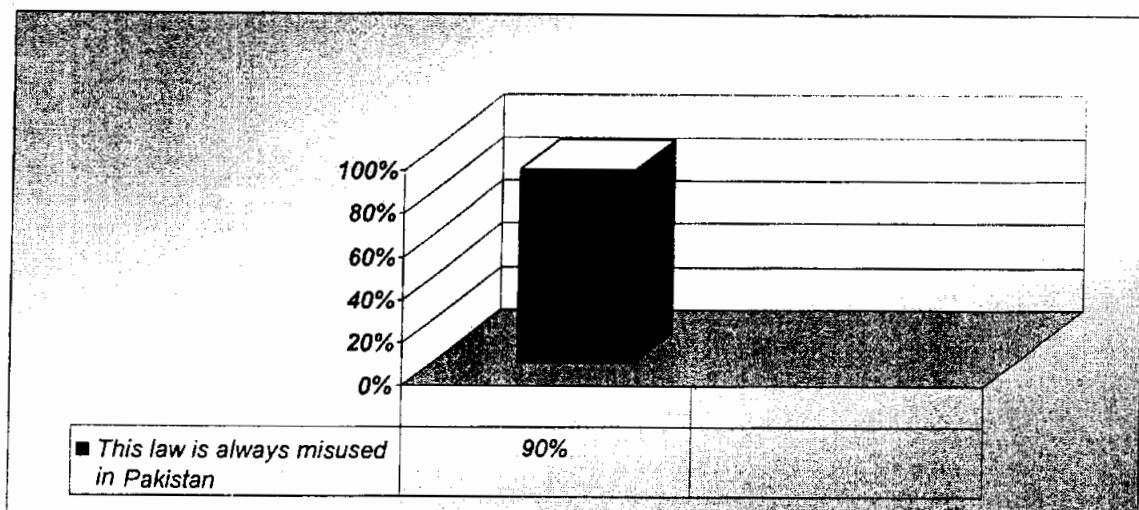
More than 16% Christians are in view that the life imprisonment should be penalty of blasphemy against the prophet hood. 15% say fine or imprisonment or both should be the punishment for blasphemous and 15 say that there should be forgiven for the offender and no punishment, same like 11% says no punishment should be implemented for blasphemy of prophet hood.

5. What do you think Blasphemy law against Prophethood is given by God and unchangeable or it can be changed according to the circumstances?



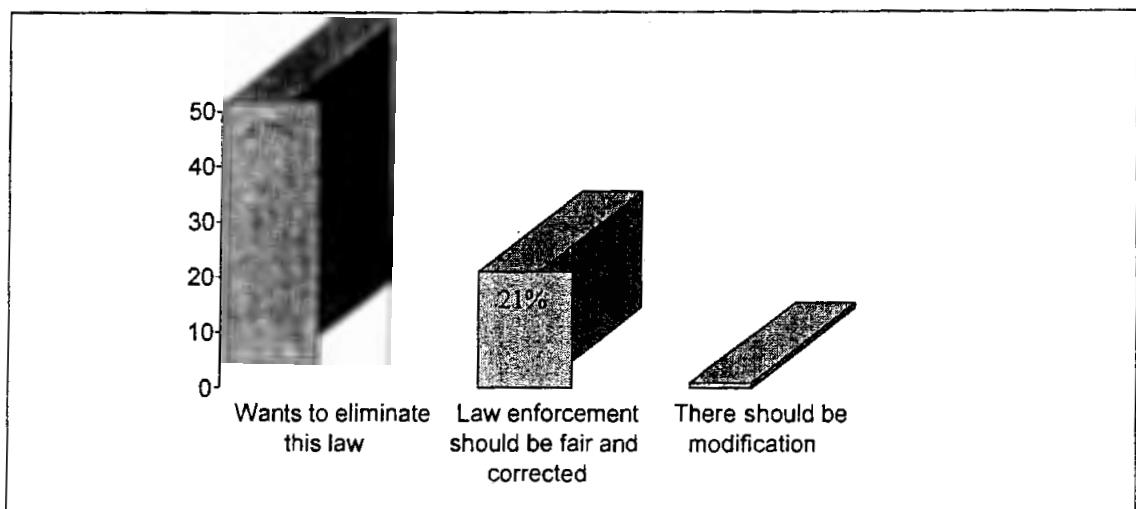
90% of Christian says these laws are changeable.

6. Does the Blasphemy law against Prophethood is misused most of the time in Pakistan?



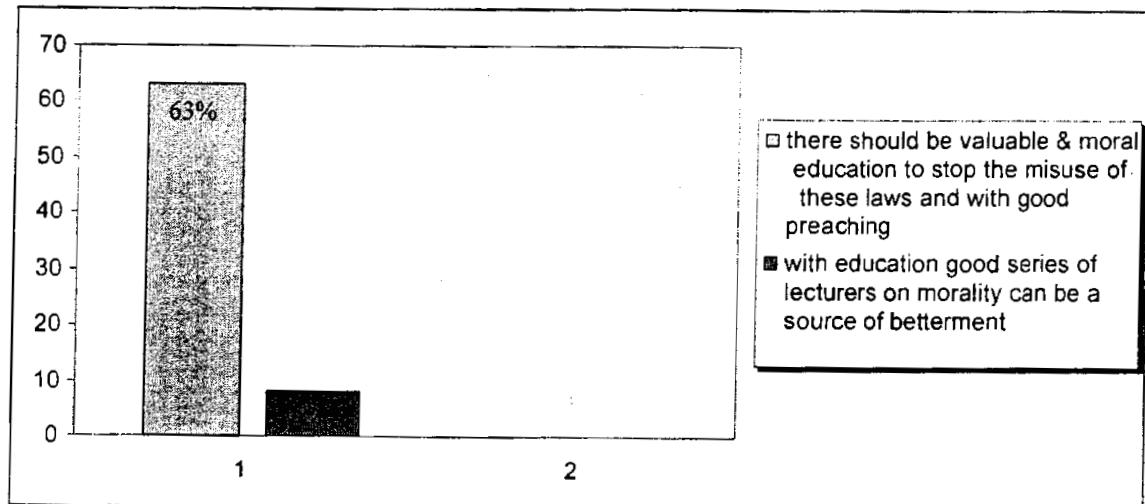
Also 90% Christian mentions this law is always misused in Pakistan.

7. Do you think serious steps should be taken to stop the misuse of this law or the law itself should be abolished completely?



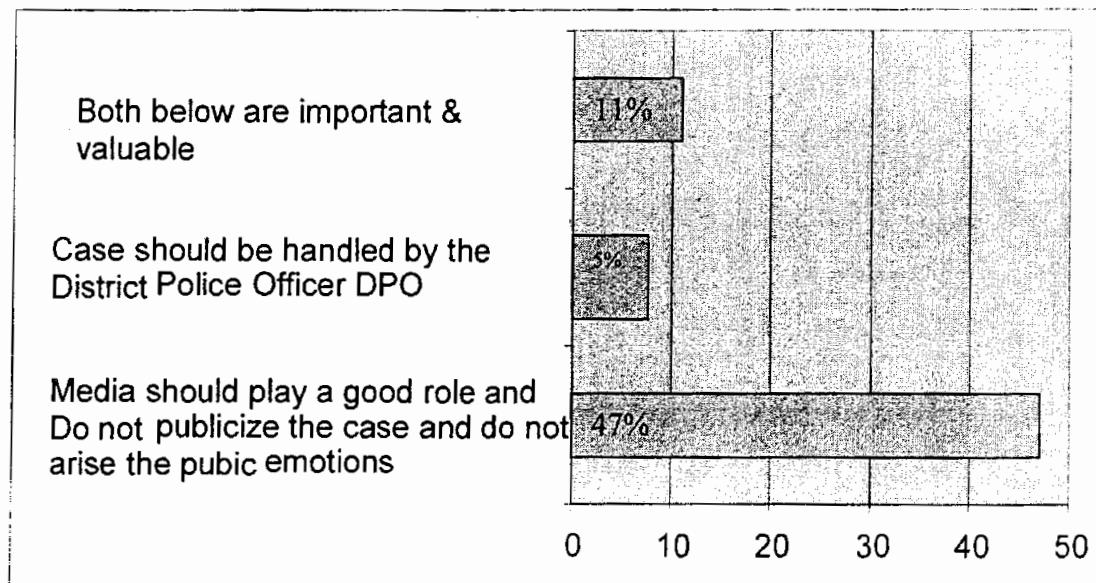
47% of Christian wants to eliminate this law but 21% is in view that this law enforcement should be fair and corrected however 1% is view that there should be modification in it.

8. If this law is abolished then how the blasphemy against Prophethood and religion can be stopped?



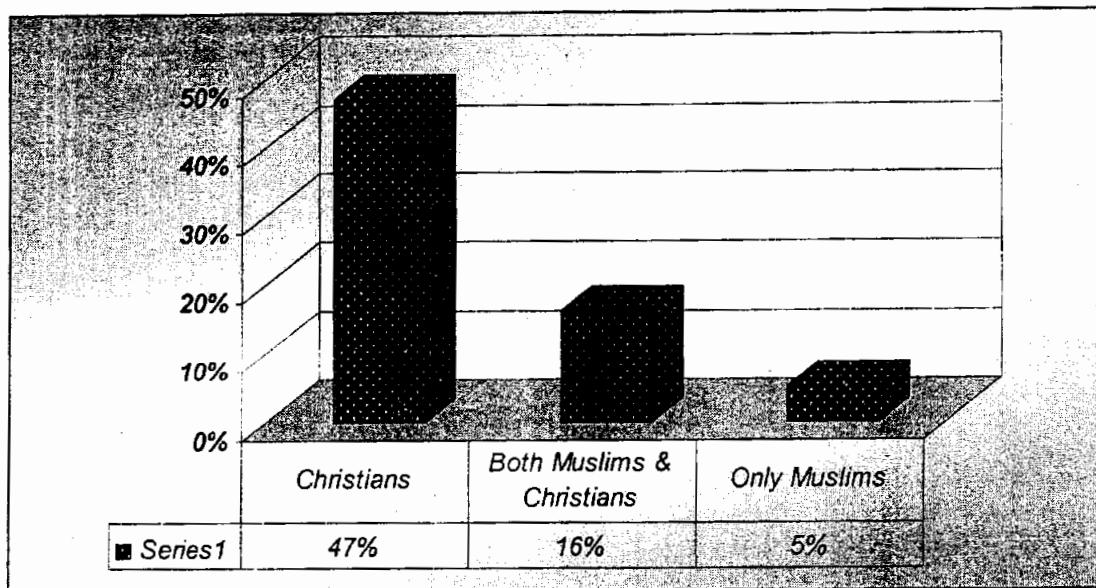
In 63% Christians view that there should be valuable and moral education to stop the misuse of these laws and with good preaching it can be stopped. But 8% says that with education and good series of lecturers on morality can be a source of betterment.

9. What kind of reforms can be implicated to stop the misuse of this law?



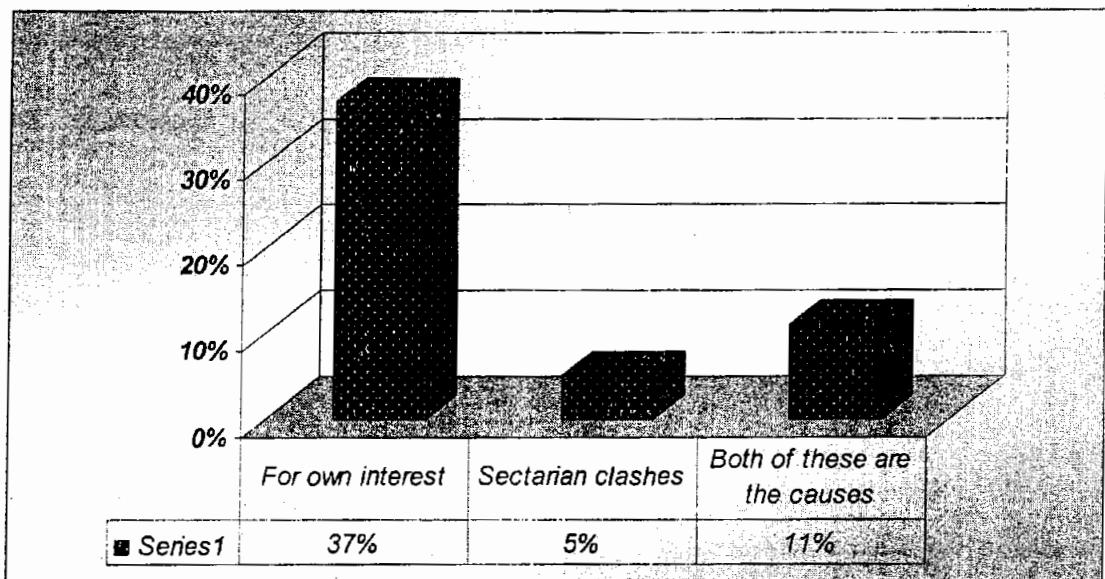
To avoid the misuse 47% Christians demand that Media should play a good role and do not publicize the case and do not arise the public emotions and the case of Blasphemy should be handled by the District Police Officer DPO in the 05% views of Christians and there is 11% of Christians consider both valuable.

10. Which sect is most of the victimized by this law in Pakistan?



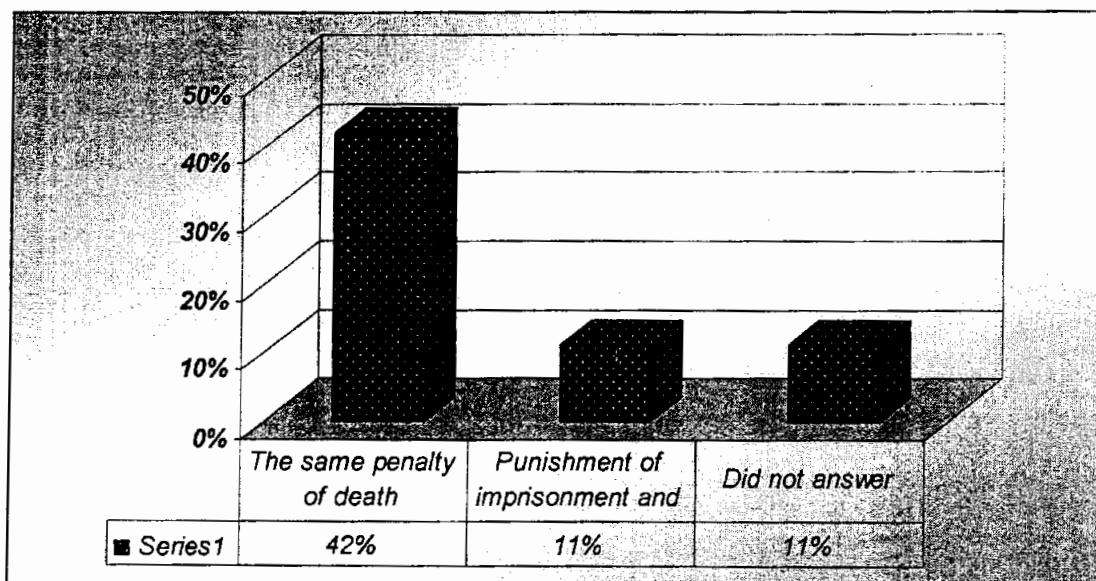
According to 47% Christians' view the most of the time Christians are captured in blasphemy cases, 16% says that both are included in this, and 5% says Muslims are mostly captured in blasphemy cases.

11. On what basis this law is misused in Pakistan?



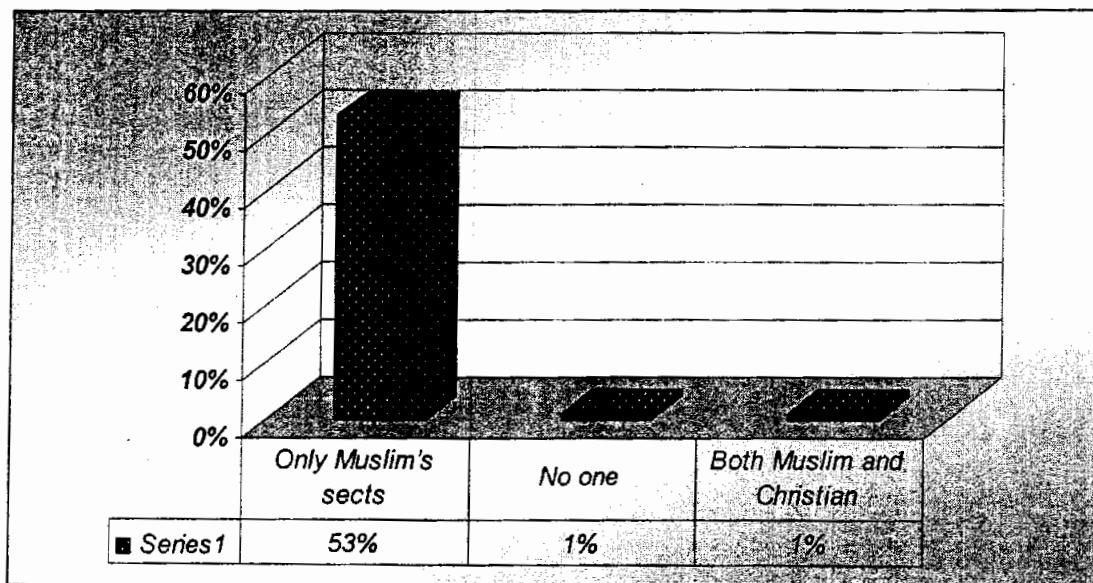
In view of 37% Christian people misuse these laws for their own interest. And 5% says sectarian clashes are also cause of misuse of these laws and 11% Christian say both of above are the causes to misuse this law.

12. In your opinion what punishment should be given to them those misuse this law?



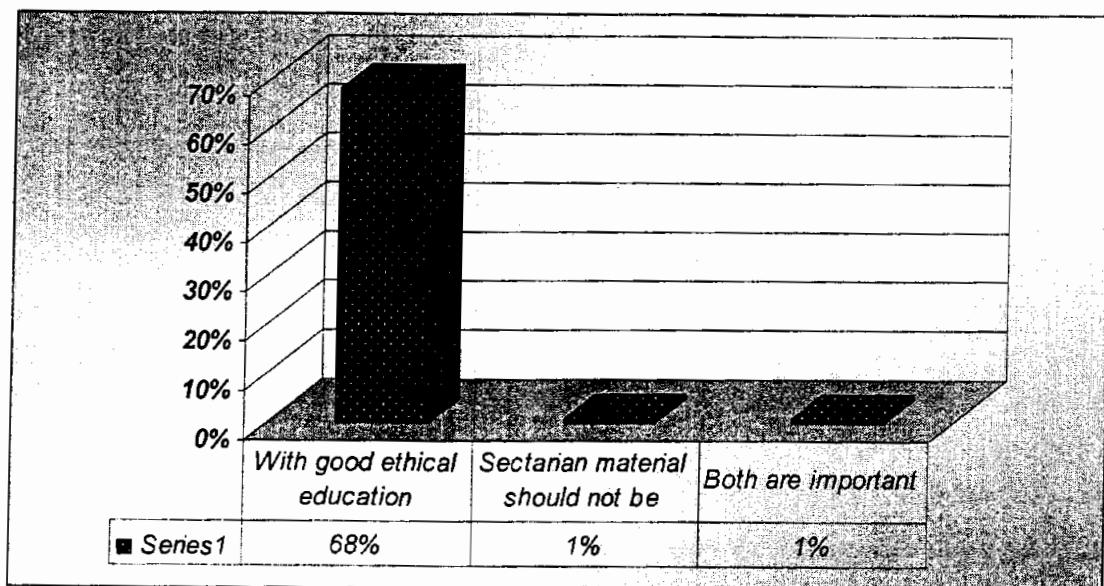
Those who misuse this law they must be punished with the same penalty of death in view of 42% Christians. 11% is in view that the punishment of imprisonment and fine or both can be given to those who misuse this law. However 11% did not answer the question.

13. Do you think that Muslims and Christians sects in Pakistan blame each other for blasphemy?



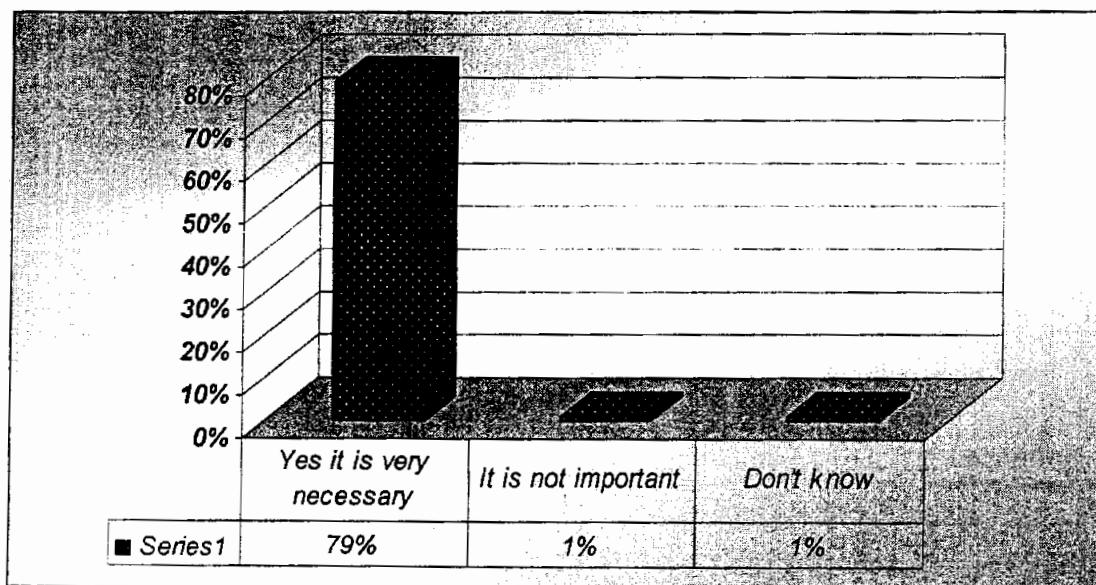
53% Christians are in view that only Muslim's sects accuse each other and 1% say no one accuse others however 1% say both do this.

14. If you think it is Yes then how to stop this?



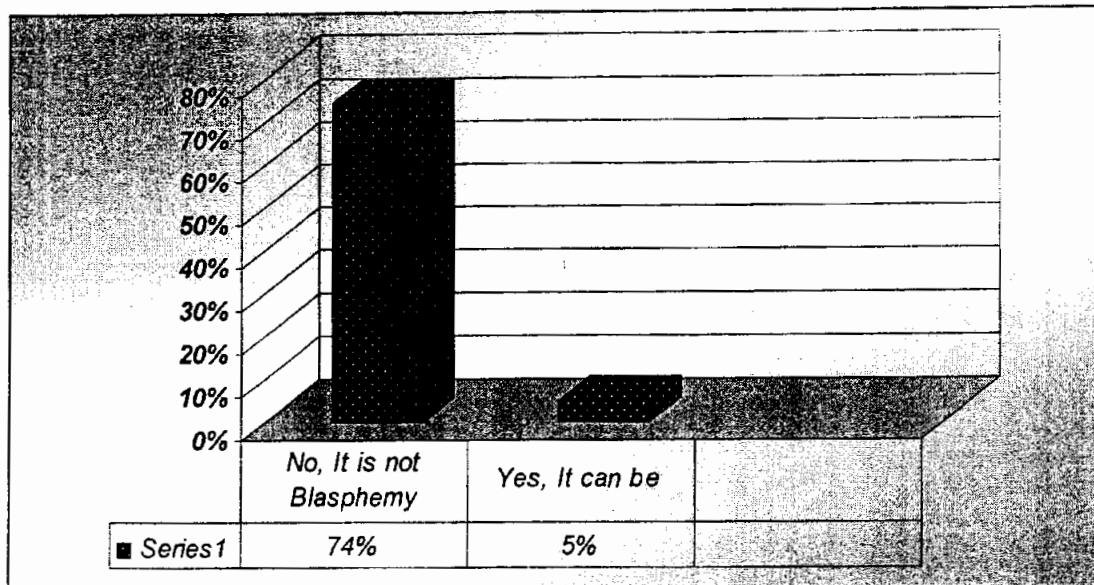
In view of 68% Christians and a good ethical education is also a big tool to stop these clashes. 1% say sectarian material should not be published and 1% thinks these both are important tools for removal of clashes.

15. Is it necessary and important to know the intention of blasphemous or not?



When the researcher asked is it necessary to know the intention of offender or accused in blasphemy, 79% Christians said, "yes", it is very necessary to know the intention of the accused and 1% is in view that it is not important to know his or her intention when he/she has committed blasphemy he/she is liable under offence and 1% say they don't know.

16. Does the difference and criticism also come under the blasphemy?



More than 74% Christian are of view that that difference in opinions and criticism does not come under blasphemy but 5% says it can be blasphemy.

Evaluation of some cases with Reference to the Survey

The Punishment to Gull Masih in 1992

After the implementation of the article 295 of Pakistan Penal Code, probably Gull Masih Chak No. 46 was the first person among Christian community who was sentenced to death being the offender of blasphemy in November 1992.¹⁷⁴

The Punishment of Arshad Javed in 1993

In February 1989, the accused Arshad Jāvēd S/o Absul Sattār Chak No. 13. BC claimed to be Jesus Christ in front of the procession against the blasphemy of Salmān

¹⁷⁴ It was announced by the Additional Session Judge Sargodha, Khan Talib Hussain Khan Baloch. See: (Daily Nawa-e-Waqt, Lahore, 03-11-1992). Gull Masih sought political refuge in January after settling free from the Lahore High Court. (Daily Nawa-e-Waqt, Lahore, 26-02-1995).

Rushdi at S.E College Chowk and said that the book written by Rushdi is applicable.¹⁷⁵

The accused Arshad Javed was sentenced to death by the Additional Session Judge¹⁷⁶, Bahawalpur in February 1993. Besides this he was given the punishment of three years imprisonment with labour.

The Article 295-C and Famous Case of Salāmat Masih

A famous case of blasphemy is of the accused Salāmat Masih and his uncle Rehmat Masih under the section 295-C of Pakistan Penal Code. Both of them belonged to Gujran Wala. Both were sentenced to death by the Additional Session Judge Lahore, Mujahid Hussain, on 09th February 1995.

An appeal was by the accused was filed against this decision in Lahore High Court on 12th February 1995. The foreigner journalists' team reached Lahore for the coverage of its proceeding in which the writer, Voice of America, Voice of German and the representative of other international channels were included.

When Additional Session Judge Lahore gave order to hang the accused Rehmat Masih and Salāmat Masih, first of all the British protested to Pakistan against the decision. For this Pakistani High Commissioner was called into the British Foreign Office where the Foreign Minister Toni Blair met them. Mr. Toni told the High Commissioner that Britain could not interfere in the proceedings of Pakistan Court

¹⁷⁵ See: Daily Jasārat Karāchi, 10-02-1993)

¹⁷⁶ Faiz Rasūl Sayāl.

but there was perplexity to hang them. He appealed the Government of Pakistan to save their lives.¹⁷⁷

The Christian Community in whole Pakistan kept a one day fast against the hanging decision of Salāmat and Rēhmat Masih as a protest.¹⁷⁸

Slamāt Masih and others..... Appellants versus the state..... Respondent.¹⁷⁹

Lahore High Court accepted their appeal and 15th February 1995 was fixed for hearing. The Division Bench of Lahore High Court which heard this appeal was consisting of Justice Arif Iqbal Hussian Bhatti and Justice Khurshid Ahmad. Division Bench announced the decision after nine days hearing of this case on 23rd February 1995 accordingly 22 Ramdhān-al-Mubārak 1414 Hijrāh and the both accused were set free of all charges by the decision.

Analysis of the Christians' Attitude

In the light of surveys and interviews done, according to Christians, the law of blasphemy is affecting the relations between Muslims and Christians bitterly because of these laws Christians of Pakistan feel themselves insecure and unprotected. People use this law as a tool for their personal interests and mostly because of poor investigation, innocent people are killed or captured and punished. Uncertainty and ambiguousness between criticism and blasphemy is found which is a big cause of hesitation and confusion in dialogue among both communities. This is the cause that

¹⁷⁷ Daily Nawa-e-Waqt Lahore, 14-02-1995.

¹⁷⁸ Daily Naqib Lahore, 01-03-1995, p. 16)

¹⁷⁹ P.Cr. LJ 811, 1995

sectarianism is increasing due to which social and religious infrastructures are affected badly. This law has become the cause of hatred, sectarianism and prejudice between both communities. The atmosphere of co-existence is affected badly because of the law. In view of Christians the laws should be removed because it is a big hurdle between both communities in all matters even in dialogue, Christians are afraid to talk thinking that it might be taken as blasphemy. Christian community is unsecured which has lost the trust on Muslims because anytime any Muslim can use this law for his own and personal benefits. All social and religious clashes between both communities are because of this law. If this law is removed, everything would be fine. In the light of survey Christians are of the view that social and political figures can offer a better role to stop the misuse of the blasphemy. With education they can bring the wisdom in public about the laws. All Prophets (May Allah be pleased on them) are respectable so all religions should be respected. People should be educated that these are for the betterment of the society and their misuse can bring only harm to them. To remove the divergence and disagreements among people social and political members must Hold sittings and arrange programmes which can help to minimize their misuse. These people, if they work with sincerity and aim to unite and reduce unhealthy tension among masses, with passage of time, they will gain trust of others.

Some of the views were that all problems are created because these people are not serving sincerely. If they start work with devotion, it is not far that the societies will be free from conflicts and clashes which are ruining the relations of both

communities. By using any channel or media or conducting different seminars they can bring awareness among people about the law and how to use it rightly and in a perfect way. Moreover, they themselves need to avoid scandalizing the cases in spite of bringing tolerance and peace in the society.

In order to make the law enforcement smoothly and properly, the lawyers can play their role better according to Christians. Their role in the correct law enforcement is very important. They can stop the misuse of this law with their true spirit. In Christian opinion it is lawyers who misuse the law in courts and innocent people are victimized and involved in wrong cases. License of such lawyers should be cancelled if they are found misusing the law. Because if they are involved in assisting the criminals then how the courts would be able to take correct decisions. Lawyers know this law more than common people, that is why it is their duty to help the courts and the state in the true enforcement of this law. They can make the public and common people aware of about this law through seminars, media and different programs.

Apart from lawyers it is the duty of religious scholars and intellectuals of the society to play their role in a better way. Their sermons and teachings are always very important in the community. The society always listens to these people. They can help the state with good and moral education to aware the public. They can give the lesson of tolerance and stop the hatred in both communities with love and affection. Meanwhile religious scholars and intellectuals are needed not to involve in the sects

and divisions. In spite of this they can prepare the minds of people with love and peace for all communities. There should be a council which examine the blasphemy cases and help the state in the true enforcement of this law. All religious scholars should not only respect other religions and faith but also aware the people about this. Christian priests can teach their community in theirs sermons specially on Sundays and Muslim *Ulamā*, religious scholars bring the light and peace in Muslims for peace and love specially on *Jum'a* Prayers. Meanwhile the intellectuals have a better way of media to aware the public with their columns and different programs. Religious scholars and intellectuals of both sides should teach the community that the blasphemy of Prophethood is totally forbidden and they must be aware and careful because it is the law of state as well. As it is the law of state so no one should dare take this law in his or her hand and it is also a violation of laws. Their worship places are best places to guide the people and make them aware about this law. Moreover, Muslim *Ulamā* should avoid to give *fatwā* (Islamic legal pronouncement) against those who are captured in this law and still case is in progress in the courts but with collaboration of both sides intellectuals and religious scholars they can assist the court in finding out the true conclusion of the cases. Religious scholars have always the sympathy and emotional relations with common people, so they should not use this tool to mislead and misguide the people on this issue.

Moreover, against some opinions, Dr Kanwal Feroz (Auditor, Monthly Shehāb) mentioned in her article "The Views of Minorities Regarding 295-C"¹⁸⁰ about the attitudes of minorities especially on Christians. She mentioned that minorities in Pakistan, especially the Christian community has never been the opposition against the laws of blasphemy because the enforcement of these laws are directly linked with the feelings and religious passions of Muslims which is very sensitive matter indeed. That is the reason when the National Assembly approved this law and then Shariah Court declare the death penalty, no reaction was raised from the Christian community. Although the MNA (Member of National Assembly) that time, Amman Newel Zafar congratulated the Minister for Justice and Parliaments Affair Nawaz Khan Somro on passing the criminal law amendment bill in 1986.

But the main problem is that this law is being misused some times which should be stopped. Moreover, the person who does so should be punished same as the offender of the blasphemy is punished.

Moreover, the writer mentions regarding the case of Asia Bibi, that Governor Punjab Salman Taseer should have not have gone to jail to see her and to ask for forgiveness from the President of Pakistan because still the case was in the session court. In spite of his sympathies with Christian minority, Governor Punjab should not have gone to jail since the case was still in the session court.

¹⁸⁰ Monthly *al-Shariah*, March 2011, P. 48-51

Moreover, Dr. John Joseph PhD, Catholic Bishop Suicidal act was emotional and before, because the accused Ayub Masih was released by the Supreme Court of Pakistan.

Analysis of Muslims' Attitudes

In some Muslims' opinion this law has affected Muslim Christian relations. Relations are changing in society and both communities are feeling hatred for each other. Although, the law is a positive sign in the society. The law affected only because both communities are divided in sects. People have lack of tolerance and patience. The main reason is that people are afraid because the law is being misused and investigations are not fair. Some of the views are that sometimes even Muslims misuse this law for their personal benefits. No doubt there are clashes between both communities but there is need to remove all these misunderstandings with tolerance and patience. Because of the misuse of this law Christian are hesitating in living comfortably in Pakistan which is the reason that internationally Pakistan's reputation is being influenced. In Pakistan's society with majority of Muslims, there are other religious groups, which are expected to be loyal with the state. In this regard they should follow the law. It is the way that laws are always enforced properly when they are fair. Those who violate the laws they should not be forgiven whether they are Muslims or non-Muslims. The enforcement should be without any pressure from any institution or any other sector. This law effects the relations of both communities because they look each other with hatred. The major thing is that after the allegation of accusing of blasphemy,

immediately the accused treated he or she who has committed blasphemy. If the law is being misused then no doubt relations would be affected and damage but its positive and fair uses should not be the cause to abolish the law. So far law affects the relations only when people use this law for their personal benefits. Meanwhile it is duty of the state to make public aware of this law. For good relations both communities should well behave and must show tolerance towards each other. Any member of the community should not be blamed of blasphemy without witness. Moreover, sometimes some people do not respect the law and speak against the law which increases hatred among people.

Muslims are of the view that lawyers should support the courts in blasphemy cases and they should avoid taking the cases of culprits to aware the people that criminals are not trust worthy. As the Holy Qur'an and Sirah of the Holy Prophet (Allah's peace and blessings be on him) are the source of law and lawyers are the commentators of the law, so in the fair enforcement of the law, lawyers have a key character which they can play. They should help the government and keep their eyes on for the true and fair uses of this law. If they fulfill their professional duties with honesty and faith then no doubt that the society can be saved from harm results of the blasphemy law. They would have to forget their own and personal benefits for fair trial and truthful investigation. It was also highlighted that sometimes lawyers do corruptions because of which courts do not find the truth. Either they need to stop the misuse of this law. As lawyers are aware of all aspects of constitution then it is their duty to assist the

courts. If some one is found in blasphemy case it is their duty to struggle for the truth and reality of the case in courts' investigation. Their main role is only to investigate the realities behind the case given to them.

Another very important group of Ulamā and intellectuals can play a better role in fair enforcement of the law and to stop the misuse. They must make the people aware around them about this law and give them education about this law. They make the public aware of the sensitivity of the law and stop them from its violation. When they will make the public aware of this law, it is surety to some extant that people would avoid to violate and misuse it. Ulamā in their sermons and intellectuals in their writings and programs can train the people. A positive change can be brought by religious scholars and intellectuals in society. Some of the views are that it is very difficult that the law is being misused but if it is then these scholars must pay their role to stop the violation. No doubt that Ulamā and intellectuals have a large number of listeners who listen to them and follow them. In this view, definitely their role is very important. Ulamā are expected to be tolerated and create the atmosphere of tolerance and peace in both communities. It is true that Pakistani society is a complied in sectarianism but if tolerance and peace among all sects is available then sectarianism is harmless for society but if it is not, then Ulamā and intellectuals should talk above the sectarianism and prejudice. There are many things in this law which can be modified and defined by the Ulamā only, like whoever support the blasphemous or whoever speak against this law, or whoever criticize the law, what will be the punishment and

if misuses this law what punishment can be given to them. It is responsibility of Ulamā more than others to make the public aware beyond their sects and prejudice.

Conclusion

In the light of our survey which we have done there are more than 90% Muslims those who know about the Blasphemy Law in Pakistan.

More than 70% Muslim define that blasphemy is to insult the holy personages and speak evil against the sacred entity of God i.e. His sacred books, holy places and belief. However, 30% is of the view that blasphemy is to insult someone's religious feelings only.

About 53% Muslims believe that these laws are made by God and no amendment can be made in these laws. Hence 11% of Muslims say that these laws are man made and can be changed. However, a little % is of the view that some portion of these laws are made by God and some by Man, and some say that they are not sure about whether they are Man-made or God given.

More than 68% Muslims are of the view that the death should be penalty of blasphemy against the prophethood. 1% say Life imprisonment should be the punishment for blasphemous and .2% did not comment on the punishment of blasphemous.

62% says these laws are not changeable and about 14% are of the view that these laws can be changed with time and according to the circumstances.

35% Muslims agreed that these laws are misused always and 14% says it has been never used for wrong purposes. Meanwhile more than 10 % are in view that some times these are being used for wrong purposes. However 4% do not know whether they are used wrong or not.

Everyone wants that if there is wrong use of these laws then this misusing must be stopped.

In 44% Muslims view there should be valuable and moral education to stop the misuse of these laws and with good preaching it can be stopped.

To avoid the misuse of, the case of Blasphemy should be handled by the District Police Officer DPO in 35% views of Muslims hence 23% blame that Media should play a good role and not publicize the case and do not arouse the public emotions and there is 02% of Muslims who say that there should be a reform committee in society with the inclusion of religious scholars to stop the misuse of these laws.

According to 38% Muslims' view, Christians are captured most of the times in blasphemy cases. 29% says that both are including in this, and 1% Muslims say that Muslims are mostly captured in blasphemy cases and rest do not know about it.

In view of 20% Muslims people misuse these laws for their own interest. And 29% says sectarian issues are also cause of misuse of these laws and 11% says religious clashes are also become the base to misuse this law but 5% says these previous all points are cause to misuse this law.

Those who misuse this law they must be punished with the same penalty of death in view of 53% Muslims. 8% is in view that the punishment of two years imprisonment and fine or both can be given who misuse this law. However 8% say they should be given the penalty of *qadhf* or whatever Judge decides on the occasion or after examining the nature of case.

38% says both Muslims and Christian's sects accuse each other and 11% Muslims view that only Muslim's sects accuse each other and 5% say no one accuse

others however 1% says that Christian sects also accuse each other, and 1% does not know this.

These clashes can be removed with prohibition to publish the sectarian material in view of 48% Muslims and a good ethical education is also a big tool to stop these clashes in 13% Muslim's views. 15% think these both are important tools for removal of clashes.

When the researcher asked is it necessary to know the intention of offender or accused in blasphemy 44% said, "yes", it is very necessary to know the intention of the accused and 13% are in view it is not important to know his or her intention when he/she has committed blasphemy. He/she is liable under offence but 6% says it should be observed keeping in view the circumstances of blasphemy and rest said they do not know.

More than 62% Muslims are of the view that difference in opinions or criticism do not come under blasphemy but 8% says it can be blasphemy but 1% say it will be seen with the reference.

In the light of our survey which we have done there are more than 90% Christian those who know about the Blasphemy Law in Pakistan.

More than 42% Christians define that blasphemy is to insult the holy personages and speak evil against the sacred entity of God i.e. His sacred books, holy places and belief. 5% says that it is insult of the holy personages However, a 5% is of the view that it is to speak evil against sacred places only and 4% says it is related with God and His Prophets.

Christians believe that these laws are made by man, humans and amendment can be made in these laws. Hence 1% of Christian mention that it is religious laws but

human have corrupted it but 4% of Christian says they do not know whether these are man-made or God gifted.

More than 16% Christians are in view that the life imprisonment should be penalty of blasphemy against the prophet hood. 15% say fine or imprisonment or both should be the punishment for blasphemous and 15% say that there should be forgiven for the offender and no punishment, same like 11% said no punishment should be implemented for blasphemy of prophet hood.

90% of Christians say these laws are changeable.

Also 90% Christians mention this law is always misused in Pakistan.

47% of Christians want to eliminate this law but 21% is in view that this law enforcement should be fair and correct however, 1% is of the view that there should be modification in it.

In 63% Christians' view there should be valuable and moral education to stop the misuse of these laws and with good preaching it can be stopped. But 8% said education and good series of lecturers on morality can be a source of betterment.

To avoid from the misuse 47% Christian demand that Media should play a good role and not publicize the case and do not arise the public emotions and the case of Blasphemy should be handled by the District Police Officer DPO in the 05% views of Christians and there is 11% of Christian consider both of above mentioned valuable.

According to 47% Christians view Christians are captured most of the times in blasphemy cases, 16% says that both are the including in this, and 5% says Muslims are mostly captured in blasphemy cases.

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53% Christian are in view that only Muslims' sects accuse each other and 1% say no one accuse others however 1% say both do this.

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More than 74% Christians are of the view that difference in opinions and criticism does not come under blasphemy but 5% says it can be blasphemy.

Recommendations

A good atmosphere can be developed only with good faith and harmony from both the communities which must be spread out through their religious leaders.

In view of the increasingly dangerous situation in the country, efforts must be made to build an environment of greater tolerance.

All citizens of the country must obey the constitution of the country without any violence and injuring the feelings of any class of the state.

All citizens of the country, regardless of belief, also need to be protected from discrimination, intimidation or harassment of all kinds.

Minority groups must be given the full protection of under law.

Those who accused under blasphemy laws must be protected both within and outside jails and their trial must be fair.

Minority must be respecting the laws of the state without any violation and must be true loyal and a responsible citizen of the country.

The judiciary at all levels, district administrations and law enforcers must be made aware of the need to protect the citizens of the state under the law and avoid falling victims in prejudices.

Sectarian violence and growth of bias based on religious belief must be restricted by enforcing laws.

In the ending line we would just conclude our suggestions with the Article-16 of the Constitution of Pakistan that; *"It is the will of the people of Pakistan to establish an order ... wherein shall be guaranteed fundamental rights, including equality of status, of opportunity and before law, social, economic and political justice, and freedom of thought, expression, belief, faith, worship and association, subject to law and public morality"*.

(سوالنامہ)

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"پاکستان میں قانون توہین رسالت کے بارے میں مسلمانوں اور عیسائیوں کا رویہ"

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☆ آپ کی ذاتی معلومات کو مقالہ میں شائع نہیں کیا جائے گا۔

☆ یہ سروے خالصتاً ایک علمی مقالہ کی تحقیق کے لئے ہے اور اس کا کوئی اور مقصد نہیں ہے۔

مسلمانوں اور عیسائیوں کی رائے میں پاکستان کے قوانین توہین رسالت سے سوالنامہ۔۔۔

سوال نمبر 1: کیا آپ پاکستان میں قانون توہین رسالت کے بارے جانتے ہیں؟

۱) مذہبی ہاں	۲) جی نہیں
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سوال نمبر 2: آپ کے نزدیک توہین مذہب سے کیا مراد ہے؟

۱) مقدس شخصیات کو برآ بھلا کہنا	۲) مقدس اشیاء یا مقدس جگہوں کی توہین کرنا	۳) یہ سب	۴) یا
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سوال نمبر 3: قوانین توہین رسالت مذہبی خدائی قانون میں یا انسانوں کے خود ساختے؟

۱) مذہبی	۲) انسانوں کے خود ساختے	۳) معلوم نہیں	۴)
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سوال نمبر 4: آپ کے تزدیک توہین رسالت کی سزا کیا ہوئی چاہیے؟

۱) سزا نے موت	۲) عمر قید	۳) جرمانہ یا قید یادوں	یا
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سوال نمبر 5: کیا توہین رسالت کی سزا خدا کی طرف سے مقررہ کر دہ اور ناقابل تبدیل ہے یا اس میں حالات کی مناسبت سے تبدیلی لائی جاسکی ہے؟

۱) ناقابل تبدیل	۲) قابل تبدیل	۳) یا
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سوال نمبر 6: کیا پاکستان میں قانون توہین رسالت کا استعمال اکثر غلط ہوتا ہے؟

۱) جی ہاں	۲) جی نہیں	۳) معلوم نہیں	یا
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سوال نمبر 7: کیا آپ سمجھتے ہیں کہ قانون کے غلط استعمال روکنے کے لیے اندامات کے جائیں یا یہ قانون ہی سرے سے ختم کر دیا جائے؟

۱) غلط استعمال روکا جائے	۲) قانون کو ختم کر دیا جائے	۳) یا
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سوال نمبر 8: اگر یہ قانون ختم کیا جائے تو توہین رسالت / منہب کی روک تھام کیسے کی جائے گی؟

۱) وعظ و تحسیح	۲) تعلیم و تربیت	۳) یا
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سوال نمبر 9: قانون کے غلط استعمال کو روکنے کے لئے کیا اصلاحات عمل میں لائی جائیں؟

۱) تحسیش کی کارروائی ڈی - پی - او کی	۲) میڈیا کو لوگوں کے جذبات مختل کرنے سے	۳) رکھ پر ہو
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سوال نمبر 10: اس قانون کی گرفت میں آنے والے زیادہ تر افراد کا تعلق معاشرے کے کس طبقہ سے ہے؟

۱) مسلمان	۲) عیسائی	۳) یا
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سوال نمبر 11: اس قانون کا غلط استعمال کن بغایوں پر کیا جاتا ہے؟

۱) ذاتی تنازعات	۲) مذہبی تنازعات	۳) فرقہ وارانہ اخلاقیات	۴) یا
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سوال نمبر 12: آپ کے خیال میں اس قانون کا غلط استعمال کرنے والوں کو کیا سزا دی جائی چاہیے؟

۱) وہی سزا جو توہین رسالت کی ہے	۲) بے نیاد اور جھوٹے مقدمے میں پھنسانے کی سزا / دوساری تکمیل کی سزا، اے اج مانہ یادوں	۳) یا
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سوال نمبر 13: کیا پاکستان میں مسلمان فرقے ایک دسرے پر اور مسیحی فرقے ایک دسرے پر توہین رسالت / توہین مذہب کا الزام لگاتے ہیں؟

۱) بھی ہاں	۲) مسلمان فرقے لگاتے ہیں	۳) مسیحی فرقے لگاتے ہیں	۴)
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سوال نمبر 14: اگر ہاں ہے تو اس کی روک تھام کیسے ممکن ہو سکتی ہے؟

۱) تعلیم و تربیت سے	۲) فرقہ و رانہ اشاعت کا سد باب کر کے	۳) یا
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سوال نمبر 15: کیا توہین رسالت کے ملزم کے متعلق یہ ہابت کرنا ضروری ہے کہ اس کی نیت توہین ہی کی تھی؟

۱) ضروری ہے	۲) ضروری نہیں ہے	۳) یا
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سوال نمبر 16: کیا اختلاف اور تغییر بھی توہین کے زمرے میں آتے ہیں؟

۱) بھی ہاں	۲) بھی نہیں	۳) یا
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مہربانی فرماتے ہوئے ان بقیہ سوالات کے جوابات اس صفحہ کے پچھلی جانب دیں۔

سوال نمبر 17: سیاسی و سماجی شخصیات قانون توہین رسالت کے غلط استعمال کی روک تھام میں کیا کردار ادا کر سکتی ہیں؟

سوال نمبر 18: آپ کے خیال میں وکلاء کا اس قانون کے درست نفاذ میں کیا کردار ہو سکتا ہے؟

سوال نمبر 19: قانون توہین رسالت کے غلط استعمال کی روک تھام میں مذہبی علماء اور دانشور طبقہ کس طرح کردار ادا کر سکتا ہے؟

سوال نمبر 20: مسلم مسیحی تعلقات پر یہ قانون کس طرح اثر انداز ہو رہا ہے؟

(آپ کے تعاون کے کامبے حد شکریہ)

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7	يَا أَيُّهَا الَّذِينَ آتَيْنَا لَا تُرْفِعُوا أَصْوَاتَكُمْ فَوْقَ صوتِ النَّبِيِّ وَلَا تُمْهِرُوهُمْ بِالْقَوْلِ	2-7	Al-Hujrāt	59
8	وَإِنْ تَكُونُوا أَنْهَاكُمْ مِنْ بَنْدَ عَنْهُمْ وَطَغَوْا فِي دِيْنِكُمْ قَاتَلُوا أَبْنَيَةَ الْكُفَّارِ	12	Al-Taubah	60

Chapter XV: Offences relating to Religion

Article	Clause	Offence
295	---	Injuring or defiling place of worship, with intent to insult the religion of any class
295	A	Deliberate and malicious acts intended to outrage religious feelings of any class by insulting Its religion or religious beliefs
295	B	Defiling, etc., of Holy Qur'ān
295	C	Use of derogatory remarks, etc., in respect of the Holy Prophet
296	—	Disturbing religious assembly
297	—	Trespassing on burial places, etc.
298	---	Uttering words, etc., with deliberate intent to wound religious feelings
298	A	Use of derogatory remarks, etc. in respect of holy personages
298	B	Misuse of epithets, descriptions and titles, etc. reserved for certain holy personages or places
298	C	Person of Quadiani group, etc., calling himself a Muslim or preaching or propagating his faith

Offences Related to Religion Chapter XV of the Constitution of Pakistan

295. Injuring or defiling place of worship, with Intent to insult the religion of any class:

Whoever destroys, damages or defiles any place of worship, or any object held sacred by any class of persons with the intention of thereby insulting the religion of any class of persons or with the knowledge that any class of persons is likely to consider such destruction damage or defilement as an insult to their religion shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

295-A.¹⁸¹ Deliberate and malicious acts Intended to outrage religious feelings of any class by insulting Its religion or religious beliefs: Whoever, with deliberate and malicious intention of outraging the religious feelings of any class of the citizens of Pakistan, by words, either spoken or written, or by visible representations insults the religion or the religious beliefs of that class, shall be punished with imprisonment of the description for a term which may extend to ten years, or with fine, or with both.

295-B.¹⁸² Defiling, etc., of Holy Qur'ān: Whoever willfully defiles, damages or desecrates a copy of the Holy Qur'ān or of an extract therefrom or uses it in any derogatory manner for any unlawful purpose shall be punishable with imprisonment for life.

295-C.¹⁸³ 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.

296. Disturbing religious assembly: Whoever voluntarily causes disturbance to any assembly lawfully engaged in the performance of religious worship, or religious ceremonies, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

297. Trespassing on burial places, etc.: Whoever, with the intention of wounding the feelings of any person, or of insulting the religion of any person, or with the knowledge that the feelings of any person are likely to be wounded, or that the religion of any person is likely to be insulted thereby, commits any trespass in any place of worship or on any lace of sculpture, or any place set apart for the performance of funeral rites or as a, depository for the remains of the dead, or offers any indignity to any human corpse or causes disturbance to any persons assembled for the performance of funeral ceremonies, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

298. Uttering words, etc., with deliberate intent to wound religious feelings:

Whoever, with the deliberate intention of wounding the religious feelings of any person, utters any word or makes any sound in the hearing of that person or makes any gesture in the sight of that person or places any object in the sight of that person, shall be punished with imprisonment of either description for a term which may extend to one year or with fine, or with both.

¹⁸¹ Sec. 295-A ins. by the Criminal Law (Amendment) Act, XXV of 1927.

¹⁸² Sec. 295-B, added by PPC (Amendment) Ordinance I of 1982.

¹⁸³ Sec. 295-C ins. by the Criminal Law (amendment) Act 111 of 1986, S. 2

298-A.¹⁸⁴ Use of derogatory remarks, etc., in respect of holy personages: 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 any wife (Ummul Mu'minīn), or members of the family (Ahle-bait), of the Holy Prophet (Allah's peace and blessings be on him), or any of the righteous Caliphs (Khulafa-e-Rashidīn) or companions (Sahābah) of the Holy Prophet (Allah's peace and blessings be on him) shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

298-B.¹⁸⁵ Misuse of epithets, descriptions and titles, etc., reserved for certain holy personages or places: (1) Any person of the Quādīāni group or the Lāhori group (who call themselves 'Ahmadis' or by any other name who by words, either spoken or written, or by visible representation- (a) refers to or addresses, any person, other than a Caliph or companion of the Holy Prophet Muhammad (Allah's peace and blessings be on him), as "Amīr-ul-Muminīn", "Khalīfatul-Mu'minīn", Khalīfa-tul-Muslīmīn", "Sahābi" or "Razi Allahu Anho"; (b) refers to, or addresses, any person, other than a wife of the Holy Prophet Muhammad (Allah's peace and blessings be on him), as "Ummul-Mu'minīn"; (c) refers to, or addresses, any person, other than a member of the family "Ahle-bait" of the Holy Prophet Muhammad (Allah's peace and blessings be on him), as "Ahle-bait"; or (d) refers to, or names, or calls, his place of worship a "Masjid"; shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine. (2) Any person of the Quādīāni group or Lāhori group (who call themselves "Ahmadis" or by any other name) who by words, either spoken or written, or by visible representation refers to the mode or form of call to prayers followed by his faith as "Azān", or recites Azān as used by the Muslims, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

298-C.¹⁸⁶ Person of Quādīāni group, etc., calling himself a Muslim or preaching or propagating his faith: Any person of the Quādīāni group or the Lāhori group (who call themselves 'Ahmadis' or by any other name), who directly or indirectly, poses himself as a Muslim, or calls, or refers to, his faith as Islam, or preaches or propagates his faith, or invites others to accept his faith, by words, either spoken or written, or by visible representations, or in any manner whatsoever outrages the religious feelings of Muslims shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine.

¹⁸⁴ Sec. 298-A added by the Pakistan Penal Code (Second Amendment) Ordinance, XLIV of 1980.

¹⁸⁵ Sec. 298-B ins. by Anti-Islamic Activities of Quadiani Group, Lahori Group and Ahmadis (Prohibition and Punishment) Ordinance, XX of 1984

¹⁸⁶ Sec. 298-C. ins. by the Anti-Islamic Activities of Quadiani Group, Lahori Group and Ahmadis (Prohibition and Punishment) Ordinance, XX of 1984.