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# Freedom of Religion for Non-Muslims in Islam: A Pakistani Affair

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#### **Abstract**

Pakistan has long claimed itself to be Shariah compliant, as particularly enshrined in the preamble of its Constitution to be an Islamist State. However, the religious minority, which makes up about 2-4% of the total population, especially the Hindus, have always been the target of persecution, denied religious freedom and even forced to convert to Islam. It is an irony that a state making such a constitutional claim of abiding by the Quran and Sunnah has turned a deaf ear to the freedom of religion and the rights that Islam guarantees to the non-Muslims of a Muslim state. The Quran and the teachings of the Prophet are not only clear on this subject but also vigilant in upholding the rights of non-Muslims. Although religious minorities in Pakistan comprise of not only Hindus but Christians, Sikhs, Ahmadiyyas and other ethnic minorities, this paper intends to focus solely on the plight of the Hindus in Pakistan, in light of the freedom of religion guaranteed by Islam. The study shall focus on the persecution of the Hindu minorities by way of forced conversions, refusal of the right of practicing their own religion and the recent halt of the construction of a temple in Islamabad. The research further engages in the historical perspective of freedom of religion in Pakistan and its relationship with the Islamic ideology it possesses, as opposed to the true teachings of the Quran and Sunnah which is evidential of the harmonious relationship among people of all religions, cultures and ideology.

Keywords: Freedom of Religion, Islam, Shariah, Sunnah, Hindus, Rights of Non-Muslims

#### 1. Introduction

Pakistan's debate of whether it is an Islamic or a secular state and its hidden control by Islamic activists of propagating Pakistan as an Islamic state thereby finding ways to persecute the Hindu minorities have reached a new peak in the recent times. These so-called *mullas* have misused and misinterpreted the concept of justice and freedom of religion as ordained by Allah in the Quran and as practiced by the Prophet Muhammad to only create anarchy and intolerance in the state, forcing the Hindus to flee to nearby India (Svanidze, 2020) and also to convert to Islam to upgrade their status in Pakistan. The concept of globalization has led to diversity and almost every Muslim state has a diverse population emerging from different ethnic, cultural and religious background and so do the non-Muslim states (Wani et al., 2015). When Islam itself does not support such homogeneity (Syed Abul 'ala Maudoodi et al., 2016, 49:13), arbitrary adherence to converting a state to a homogenous Muslim state with little protection to the non-Muslim citizens is not only unfair, but also against the teachings of Islam which strongly uphold the concept of diversity, a natural phenomenon laid by Allah Himself.

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#### 2. History Pertaining to Hindu Persecution in Pakistan

The colonization of the Indian Subcontinent by the British and subsequent communal riots between Muslims and Hindus led to partition of India and Pakistan in 1947 (Singh Bhalla, 2019). History saw the largest migration of people between the two states through this partition and one of the greatest bloodbaths between the people of both states where hundreds and thousands were killed and made homeless (Rehman, 2001). The main purpose of this partition was to create separate religion-based states for the Muslims as Pakistan and Hindus as India (Rehman, 2001). The partition and scars of communal riot are still reflective in the India-Pakistan relation and an apparent reason for the hatred towards minority Hindus in Pakistan.

#### 3. Constitutional Dilemma: A Secular State or Islamist State?

After the birth of Pakistan, there was an increased tension as to whether Pakistan would be a secular society being safe haven for all religions or a purely Muslim state heavily reliant on Shariah law. However, although emanating from communal riot, Pakistan's founder Mohammad Ali Jinnah had envisioned constructing a diversified nation where religion shall not be an issue. Jinnah's goal was to build a democratic and tolerant society even though Pakistan was created to be a state based on Islam, keeping in mind the freedom of religion and rights of minorities entailed in Islam. In a legendary speech (Curtis, 2016) in August 1947, Jinnah said "You may belong to any religion or caste or creed – that has nothing to do with the business of the state ... We are starting with this fundamental principle that we are all citizens and equal citizens of one state".

With the death of Jinnah, what seemed to be a ray of hope towards a progressive society was halted by the introduction of Objectives Resolution in the Constituent Assembly of Pakistan (*Objectives Resolution (1949*), 2012). This was a list of resolutions serving as a guide to a comprehensive Constitution and paving the way for construction of a state based on Islamic values. However in reality this laid the foundation of a country based on partly authentic and partly human-invented Islamic injunctions, leading to unfortunate Islamic extremism and violence towards non-Muslims in Pakistan which is heavily reliant on distorted Islamic beliefs.

Some of the main features (*Objectives Resolution (1949)*, 2012) of the Objectives Resolution contained provisions where sovereignty was acknowledged to Allah and principles of freedom, democracy, equality, tolerance and social justice also needed to be adhered to as per Islam. These later distilled down to the Constitution of Pakistan but took an unfortunate turn by making it increasingly difficult for the religious minorities, who were albeit recognised by the Constitution, to live freely in the society.

Over the time, legislations were formulated keeping in mind the Shariah laws which later turned out to be discriminatory towards the religious minorities like the Hindus. This is mainly due to the obvious contradiction to the principles of freedom of non-Muslims as ordained by Allah and the long-standing hate between the two communities. A careful example would be the Pakistani blasphemy laws which arbitrarily frame and punish non-Muslims.

#### 4. Status and Plight of the Hindus

To highlight the unfortunate situation of the plight of the Hindus in the name of upholding Islam will be a mountainous task. According to the Pakistan Bureau of Statistics (*POPULATION by RELIGION*, n.d.), Hindus represent approximately 2% of the total population of Pakistan. As seen historically through the violence of communal riot between the Hindus and Muslims that spread like wildfire, till date Pakistani Muslims comprising almost 96% of the population has not been able to reach a stage of peaceful and harmonious relationship with the Hindu minorities. As a result, Hindu persecution still makes headlines in the news.

According to a report (Singh, n.d.) by Ranbir Singh, Chairman of the Hindu Human Rights Group, although Hindus and Sikhs have been given equal citizenship in the Constitution, they are politically the most oppressed and discriminated minorities because of their religion in Pakistan. His report enumerates that children are taught

negatively against Hindus since childhood by means of school education vide distorted history in the textbooks. There is a clear attempt of brainwashing the state with hatred against the Hindus since an early age converting the state with a rigid ideology that eventually spread among the masses. Every year thousands are persecuted, kidnapped, killed, children and women are often raped, and their properties are vandalized. According to Singh, almost 85% of the Hindus live a low life doing low grade jobs. Some are sweepers, scavengers and many are farmers deprived of a land of their own and all other fundamental human rights meant for a rightful citizen.

One of the major tactics and weapons of the Islamic clerics (*mullahs*) and other extremist groups despising the Hindus is to falsely accuse the Hindus of committing blasphemy. In Pakistan, blasphemy laws or "offences related to religion" (Refugees, n.d.) are enshrined in Chapter XV of Penal Code (*Pakistan Penal Code* (*Act XLV of 1860*), 2012) of Pakistan where punishments range from fines to death penalty for offences such as injuring or defiling places of worship, the holy Quran and in extreme cases making of derogatory remarks to Prophet Mohammad. In September 2019, several international media such as BBC ("Pakistan Blasphemy Riots: Dozens Arrested after Hindu Teacher Accused," 2019) and Reuters ("Blasphemy Accusation in Pakistan Sparks Ransacking of Hindu Temple, School," 2019) reported the news of false blasphemy accusations whereby a Pakistani teenager accused his Hindu teacher of blasphemy, resulting in violent riots. The teacher was accused of making comments about Prophet Muhammad. Thereafter an angry mob found it prudent to ransack Hindu properties including a temple, shops and a school belonging to the Hindu community in the province of Ghotki, Sindh. Such false accusations are one of the many countless incidents found in Pakistan against the Hindus, who are later oppressed in masses and the accused given penalty as strict as death without credible evidence from the authorities. What is evident is that such false blasphemy incidents have become an excuse for such unruly mobs to cause unrest and communal riots against the Hindus, who have always been the target of marginalization and persecution in Pakistan.

In 2006, a report (*Pakistan*, n.d.) published by the US Department of State on International Religious Freedom documented widespread atrocities towards the Pakistani Hindus where they were forcibly converted to Muslims. One of the many incidents from the report depicted the situation of one Hindu couple, Sanno Amra and Champa from Karachi who went out for some chores and in return, found out that their daughters had been missing from their home. Later they were informed by the local police station that the daughters have been kidnapped to forcefully convert them to Muslims. These daughters were also refrained from making unsupervised communication with their parents who remained Hindu.

Recently, a lot of Hindus amidst the brittle economy due to Covid-19 have converted to Islam as reported by the New York Times (Abi-Habib & ur-Rehman, 2020) on 4<sup>th</sup> August 2020. Extreme poverty and desperation to lead a better life equaling to the Muslim majorities led a lot of Hindus to convert to Muslims voluntarily but reluctantly. The most recent news making up the headlines (*Islamic Activists Halt Construction of First Hindu Temple in Islamabad*, 2020) is the halt of temple construction in the Pakistan capital of Islamabad by some regressive Islamists. Several petitions have been filed in the High Court to deter the construction of the Hindu religious site, which was a long-standing right and demand of the Hindus. Now with the petitions hanging, the fate of the temple is hanging too.

#### 5. Freedom Guaranteed by Allah and Practised by Prophet

In response to the attitude of a Muslim State such as Pakistan towards its religious minorities, what does Islam say? What rights are given to the non-Muslims of a Muslim State and how should they be treated? Are they accorded freedom of religion and the right to practice in a Muslim State?

In lay man's terms, freedom is the ability of a person to be free and frank in terms of speaking or thinking or leading a life without any restrictions. As per Professor Hashim Kamali (Kamali, 1992), freedom in Islamic sense as well as any other sense refers to not only defence but also protection of the dignity of a human being which may not be interfered by any other person or the state itself. When it comes to religious freedom (Mondal, 2016), it is the ability of a person to engage in any religion or faith freely, without having to think about discrimination or abuse for practicing a different religion than the majority in the society. Islam being a peaceful religion supports

freedom of religion especially when it comes to Non-Muslims as is heavily evidenced in the teachings of the Quran and the Sunnah of the Prophet Muhammad.

The Quranic rule (Mohd Nor et al., 2018) of freedom of religion came to the Prophet during his stay in Makkah when a group of idolaters came to the Prophet with the proposal that if he worshipped their gods in the form of idols that year, in return they would worship Allah the next year. To this, Surah Kafirun with the following verses was revealed by Allah as a chapter in the Quran: "I do not worship what you worship, nor you worship that which I worship. And I will not worship that which you worship, nor will you that which I worship. For you your religion, and for me mine" (Syed Abul 'ala Maudoodi et al., 2016, 109:1-6). Such a revelation in Quran on the Prophet and his ummah is an indication by Allah regarding the freedom of religion to be granted to the Non-Muslims who have different faith than the Muslims and that everybody should be free to choose and practise their religion as they like. The Prophet was so mindful of the freedom to be accorded to Non-Muslims that he never prevented an idolater from embracing any other religions and hence never barred a Jew from becoming a Christian or vice versa (al-Wafa, 2001).

Even, Allah dislikes forcing a Non-Muslim to practise Islam if they do not want to. Allah does not allow a Non-Muslim to be forced to embrace Islam and therefore has revealed the following verses:

"There shall be no compulsion in religion. The right way is, indeed, clear from the wrong" (Syed Abul 'ala Maudoodi et al., 2016, 2:256).

"And say, the truth is from your Lord, so let him believe who wills and let him disbelieve who wills" (Syed Abul 'ala Maudoodi et al., 2016, 18:29).

"If it had been the Lord's will, they would all have believed – all who are on earth! Will you then compel mankind, against their will, to believe! (99) No soul can believe, except by the will of Allah, and He will place doubt (or obscurity) on those who will not understand. (100)" (Syed Abul 'ala Maudoodi et al., 2016, 10:99-100).

This clarifies that Allah has shown the right way and humans have the right to choose and receive guidance from what Allah has ordained. If they choose not to and deny at their own risk, the Prophet or Allah shall not compel them to abide by it. Islam is a free religion and Allah's verses carry the proof that when it comes to religious practices of a Non-Muslim, nobody can be forced or coerced to practise a particular religion. Allah has revealed further beautiful verses on this: "Invite (all) to the Way of thy Lord with wisdom and beautiful preaching; and argue with them in ways that are best and most gracious: for thy Lord knoweth best, who have strayed from His Path, and who receive guidance" (Syed Abul 'ala Maudoodi et al., 2016, 16:125). This denotes imposition of the religion on an individual is strictly against the teaching of Islam and therefore forceful conversion is a major forbiddance by Allah. Islam is a beautiful religion which not only acknowledges that there may be Non-Muslims in the society but also upholds that their rights must be ensured. Allah's intention was not to make everyone a believer whereas he could have made every individual a Muslim. Allah has not promoted homogeneity and has beautifully opted for diversity among the mankind. The following verses support the same view: "If Allah willed, all human beings would believe. So will you force them to believe?" (Syed Abul 'ala Maudoodi et al., 2016, 10:99). Allah also states in the Quran "If Allah willed He would make you one community" (Syed Abul 'ala Maudoodi et al., 2016, 5:48). Thus, instead of forcing Non-Muslims to come to the way of Islam, it is pertinent for the Muslims to acknowledge Allah's will first and foremost. Thereafter, Non-Muslims may be invited to the way of Allah with grace and wisdom and beautiful preaching of the Quran but never by force or ill-treatment.

Non-Muslims have the freedom to choose which religion to practise and the right to construct their places of worships, pray, propagate their religion, teach their children their own religion (Mohd Nor et al., 2018). They have the right to wear their religious symbols and do all such required to practise their religion as long as it does not interfere with the prayers of any other religion. For example, it is advisable to deter from ringing bells during the five daily prayers of Muslims. Commander Khalid bin Al-Walid was a well-known companion of the Prophet Mohammed, who had granted freedom to the people of 'Anat, the Christians to ring their bells at any time of the day except during the time of Muslim prayers (Mohd Nor et al., 2018).

Also as per our Prophet's practice, he greatly admired and respected the freedom of religion of a Non-Muslim as seen during his rule at Madinah. His rule is said to be ideal for the Muslim States when it comes to ruling the Non-Muslim citizens of the Muslim State. He established the first modern constitution to rule the people of Madinah known as the Madinah Charter, consisting of not only Muslims but also Jews, polytheists and other ethnic minority groups (Ahmet Kurucan & Mustafa Kasim Erol, 2012). The Charter was mediated between all the religious groups in Madinah to ensure the fundamental rights of all the groups to live in peace and harmony with freedom of religion and access to justice irrespective of their religion and tribes (Ahmet Kurucan & Mustafa Kasim Erol, 2012).

The responsibility of the Muslims towards their fellow Non-Muslim neighbours does not end with granting them freedom of religion only. Muslims must be mindful that Allah has created human beings as one mankind and Allah has sent them to this earth so that they may know each other (Syed Abul 'ala Maudoodi et al., 2016, 49:13). Therefore, one of the most important duties of the Muslim States is to treat the Non-Muslims well and ensure justice and fairness for all. Allah has mentioned in the Quran in Surah Maidah (5:8) the following verse in this regard: "O you who believe! Stand out firmly for Allah, as witnesses to fair dealing, and let not the hatred for others to you make you swerve to wrong and depart from justice. Be just: that is next to piety; and fear Allah. For Allah is well acquainted with all that you do." Therefore, accusing fellow Non-Muslims without sufficient evidence of the wrong-doing is also a great sin as revealed by Allah and also followed by the Prophet. The Prophet always maintained the position that only if there is evidence then only an accused may be tried. Once, Hilal ibn Umayyah came to the Prophet and accused his wife of committing adultery and the Prophet said to Hilal, "Either you bring forth proof (i.e. 4 witnesses) or hadd punishment (of 80 lashes) will be inflicted on your back." (Akram, 2006).

When it came to being just and fair to the Non-Muslims, the Prophet said "Whosoever persecuted a non-Muslim or usurped rights or took work from him beyond his or her capacity, or took something from him or her with ill intentions, I shall be a complainant against him or her on the Day of Resurrection." (Berween, 2006). He also mentioned 'Whosoever hurts a non-Muslim, I shall be a complainant, and for whosoever I am a complainant, I shall ask for his right on the Day of Resurrection. (Berween, 2006).

The words of the Prophet Muhammad reflect the stance of Islam and the teachings of Allah in regards to oppressing Non-Muslims because of their religion and the conviction with which Allah protects his Creation, be it Muslims or Non-Muslims. Non-Muslims should be treated with kindness, respect and honour and given equal rights as a Muslim citizen of a State as practiced by the Prophet. There is no reward (Wani et al., 2015) for a Muslim who does not acknowledge the co-existence of Non-Muslims in the society and does not demonstrate tolerance towards the group.

In this regard, Muslims can gather profound knowledge from the attitude and treatment of the Prophet towards Non-Muslims and even his enemies. The Prophet was seen standing for paying due respect to the body of a deceased Jew when he saw the funeral procession pass by (*Reflections on the Life of Prophet Muhammad S.A.W*, 2020). In another incident (*Thumama Bin Uthal (R.a.)» Questions on Islam*, n.d.) as narrated in Sahih Al-Bukhari, Thumama Bin Uthal, the leader of the Yamama tribe and a polytheist, came to the Prophet with the intention of killing him and subsequently attacked him. He ran away and the Prophet ordered to kill him whenever he was to be seen. After many days when Thumama was passing near Madinah, he was captured and taken to the Prophet without the knowledge of the guards that a decree has already been issued against Thumama. The Prophet recognized him immediately but did not kill him on the spot. Instead, the Prophet showed his kindness and mercy and ordered that he be treated like a good captive. The Prophet had also fed him food brought from his home. Thumama was moved by the kindness and compassion shown by the Prophet despite being a polytheist who wanted to kill the Prophet and thereafter embraced Islam.

It is also the duty of the Muslims to protect the places of Non-Muslims in a Muslim State and refrain from destroying churches, temples, synagogues, monasteries and all other places of rituals belonging to Non-Muslims. Allah has mentioned in the Quran that Jihad must be carried out not only to protect Muslim places of worship but also Non-Muslim places of worship in the following two verses of Surah Al-Hajj:

"To those against whom war is made, permission is given (to fight), because they are wronged - and verily, Allah is Most Powerful for their aid. (39) (They are) those who have been expelled from their homes in defiance of right - (for no other cause) except that they say, "Our Lord is Allah." Did not Allah check one set of people by means of another, there would surely have been pulled down monasteries, churches, synagogues, and mosques, in which the name of Allah is commemorated in abundant measure. Allah will certainly aid those who aid His (cause) – for verily Allah is Full of Strength, Exalted in Might, (Able to enforce His Will). (40)".

Further, there are also instances where Caliph 'Umar ibn al-Khattab, promised to the people of Iliya security in their persons, possessions, churches, crucifixes, and everyone within, whether sick or in good health, as well as everyone in their community. He guaranteed that their churches will not be occupied or demolished, nor will anything be taken from them which include furnishings, crucifixes or even money. Moreover, they will not be forced away from their religion, or harmed because of it (Al-Ayed & Bin Hussain, 2002).

The vastness of Allah's bounty towards His creations including the Non-Muslims is evidenced by Islam repeatedly by the verses of the Quran and teachings of the Prophet as a reflection of His generosity in granting maximum freedom and protection to the Non-Muslims, which at times surpass that of the Muslims too.

#### 6. Conclusion

Today, Pakistan is an Islamic Republic state with Islam as the State religion and it is a requirement by its Constitution that the laws are in compatibility with Islam. The Preamble (Mahajan, 1965) also states "....adequate provision shall be made for the minorities freely to profess and practise their religions and develop their cultures" and adequate provision shall be made to safeguard the legitimate interests of minorities and backward and depressed classes." However, ironically, there is no sign from the State itself to be just and fair and ensure religious freedom to the persecuted Hindus of the country, who only consist of 2% of the total population.

Islam is a complete religion and code of life and Allah, the Creator Himself does not differentiate between His own creation. However, sadly Muslims possess an ideology that Islam only belongs to them and most arbitrarily, wants to coherently maintain what has been ordained for their sole benefit. Little do the Muslim States of the modern era want to follow the way in which Allah instructed the Prophet to rule the Non-Muslims and the rights and freedom to be enjoyed by them despite being from a different religion.

The solution to the problem is the understanding that Islam is not a religion of radicalism and extremism but of peace and harmony and is a complete guidance. It is of utmost necessity that the true teachings of Islam are adhered to, which should start from the State level. Since the Constitution speaks of compatibility with Islam, it is highly advised that draconian laws that render Non-Muslims criminals of a crime they have not committed must be abolished.

Since it is a daunting task to teach and preach people love, compassion and humanity in a society where Non-Muslims have been hated and victimized since time immemorial, hence, on part of the State, it is essential that interreligious dialogues are held and more policies and frameworks related to protection of the fundamental rights of Hindus and other religious minorities are promoted in the State. In this regard, Islamic organizations can play a major role by educating the masses with the teachings of Islam in relation to treatment of Non-Muslims. Government should be vigilant of extremist groups and radical *mullahs* spreading false propaganda against the Non-Muslims and ensure exemplary punishment for persecution and discrimination of the Non-Muslims in the State. More autonomy and freedom should be given to the Non-Muslims to lead a humane and dignified life as guaranteed by Islam as well as the Constitution of Pakistan which is only possible through intervention of the State. The temple which is yet to be constructed in Islamabad must be allowed to be constructed as a first step in demonstrating Pakistan government's quest to grant constitutional rights to the citizens as per Islam. After all it is the State which is responsible to protect the fundamental rights of its citizens and when it claims its foundation to be on Islam, it should be more diligent in abiding by the rules and regulations ordained by Allah, which is equal for all irrespective of religion and status.

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