

Political Rights of Christian Minority in Pakistan before 1973

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ABSTRACT

When Muslim Leaders of the Subcontinent of India were trying to create a different independent state for Muslims, the Quaid-e-Azam Muhammad Ali Jinnah repeatedly used the phrase “Separate state for the Minorities of India”. He demanded a state where all types of minorities could live freely according to their religious teachings and norms. These demands were very pleasing for all types of religious minorities of the Subcontinent, so few of them supported the idea of Pakistan where anyone could live freely. The Christian community supported the idea of Pakistan and made efforts to become part of it. There are different speeches of Quaid-e-Azam that consist of praises of Christian leaders who were helping the Muslim leadership. Despite the fact that Pakistan’s Objective Resolution and Constitution of 1956 and 1962 gave equal rights to every citizen and religious liberty to minorities, the Objective Resolution and Constitution of 1956 and 1962 are the most condemned document which made Pakistan a theocracy. After liberty and freedom, political rights are the most important rights for any person. This paper will try to find out the answer to the question of how objective resolution, Constitution of 1956 and 1962 dealt with the minority rights and their political rights. For this purpose in-depth study of all three documents occurred along with different articles, news, research reports and books.

Keywords: Quaid-e-Azam, Muslim, India, Pakistan, Hinduism & Christian Community.

Introduction

Before the birth of Christ, India has been the land of diversity. People belonged to different religions, castes, creeds, traditions and norms. Even the main religion of India “Hinduism”, is full of variation, which divides Indian demography into different parts. From Alexander the Great to the East India Company, many rulers came to India and ruled India. Many rulers captured this land, spread their norms

and traditions, and made people respect and follow their practices. British Empire was the last overseas ruler of this territory. Great Britain had ruled the entire region of South Asia and left with a profound impact on the politics and future of South Asia. Britain ruled Ceylon (current Sri Lanka) from 1796 and Maldives in 1835, and the sub-continent of India in 1857. After the British left India and during its rule, it created boundary lines in South Asia i-e the India-Nepal border in 1816, the India-Bhutan border in 1865, the India-Afghan border (Durand Line) in 1893, and India- the East and West Pakistan border 1947(Tripathi & Chaturvedi, 2020).

The people of these states fought for their freedom via political and anti-colonial uprisings. Later on, these uprisings establish nationalism and majoritarianism in the states. These efforts resulted in the linguistic, ethnic, and religious minorities in all states of South Asia. South Asia is the birthplace of three different religions: Hinduism, Buddhism, and Sikhism. However, the formation of seven states in the region made followers of these religions divided into these states and became religious minorities in many of them. South Asia is not just home to these religions; Christianity and Islam are also well-spread religions. Now in South Asia, four Muslim majority states (Afghanistan, Bangladesh, Maldives, and Pakistan), two Hindu majority states (India and Nepal), and also two Buddhist majority states (Bhutan and Sri Lanka). Almost all of these states have a significant population from different religions, and this diversity makes them beautiful. However, majoritarianism, antagonistic nationalism, and the struggle for homogeneous societies in the region make the beautiful diversity a marginalized community.

Before British Rule, followers of all religions lived together with respect and harmony. Christians, Hindus, Sikhs and Muslims were neighbors and friends and had a strong bond. But the British “Divide and Rule” formula divided the Indian population, which is still divided. During the British rule of the Subcontinent, political upbringing took place. The first political party of India (Indian National Congress) took place under the British Government. Later on, different political parties were established based on religion, such as the All India Muslim League (AIML). These political parties started the nationalist movement in India and used religion as a tool to collect people under one flag and one slogan. Because of this, religion-based nationalism became a permanent part of the politics of India and Pakistan. The bloody migration on India Pakistan border in 1947 was also the result of nationalist movements. Muslims, Hindus and Sikhs were killed, raped and injured during this process on both sides, and it created a permanent distrust and suspicion between these communities (Ballard, 2012). Christians are in the minority in India and Pakistan, so they face consequences of this suspicion on both sides of the border.

Historical Background

The demography of the Subcontinent of India is full of migrated communities. According to the most ancient text of Indian history, Rig-Veda, “Aryans” were the first community that had moved to India in 1500 BC. This oldest minority group is

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now known as “Dalit and Adivasi”. In 563-483 BC, “Buddhists and Jains” erupt on this territory as religious minorities. Buddhists were followers of Gautama Buddha, and Jains were the worshippers of Mahavira. Both religions showed up against the Brahmins of Hinduism. The lower and weaker Hindu Castes adopted these religions and promoted them. In 712 AD, “Muslims” came to this land and a large number of people converted to Islam. Despite Islam, “Christianity and Judaism” also came from the Middle East or Europe. In the 7th century, followers of another religion also came from Persia known as “Parsees”, who worshipped Zoroaster or Zarathustra. And last but not least, in the 15th century, “Sikhism” emerged as a new religion that followed the teachings of Baba Guru Nanak (Massey, 2003).

Although no one knows the exact date or time when the first Christians came to India and spread Christianity, few historians claim that Christian Community emerged in the South of India before 550 AD. And some historians claim that the genuine Christian Community appeared on the surface of India with the Portuguese in 1498. Portuguese Bishops and missionaries develop the Christian community and spread Christianity till 1637 in India. After Portugal, Denmark took an interest in India and sent Protestant missionaries in 1706 under the orders of King Frederick IV. After that, in 1793 first English Clergy landed on the lands of Bengal, and in 1857 East India Company captured the whole Subcontinent of India. As a result, many weaker and deprived people converted to Christianity. The English Government of India made marriage and divorce laws for the Christian community for the first time. The word Anglo-Indian is also the product of that time. Now, Christians are one of the vital minorities of all seven states of South Asia (India, Pakistan, and Bangladesh, Christianity in).

Political Awareness and Participation of Christians in the Freedom Movement. Christians are the people who played a significant role in politicizing India or making India familiar with the British education system and political system. They moved the fortune of India towards democracy and political movements and introduced concepts of liberty, equality and nationalism. Christians or Missionary schools played a crucial role in educating the Indian population. Their education generated great political leaders in India. Even the first political party of India, the Indian National Congress, founded by the British national Allen Octavian Hume in 1885 and a Bangali Christian Mr. Womesh Chunder Bonnerjee, was the president of the Congress (Munir-ul-Anjum & Tariq, 2012). So Christians of India were the first group aware of their political rights and educated the other communities about their political rights.

The Christian community also played a role in the creation of Pakistan. They supported the idea of Pakistan and Quaid-e-Azam during the creation of a new state for the minorities or Muslims, as Quaid’s speeches describe the importance of a new state for the minorities of India where they can live liberated and happy (Khan H. , Constitutional and Political History of Pakistan, 2017).

Christian Leaders who Supported the Freedom Movement

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Following is the list of a few Christian influential personalities of the Subcontinent who endorsed the idea of Pakistan and the Freedom Movement. These personalities used their resources and influence to spread the concept of new states for minorities of the Subcontinent.

Sr.	Name	Status
1	Sir Joseph Burr	i. A member of the viceroy's council ii. Advisor of the Nawab of Bhopal.
2	Mr. Pothan Joseph	Editor of the Hindustan Times
3	B.G Harmony	Editor of the Daily Dawn.
4	Mrs. Annie Besant	i. President of the Theosophic society (1875) ii. Because of her efforts for Freedom Movement, she was elevated to the presidency of the Calcutta Congress in 1917 (Anwar, 1981)
5	Bal Gangadhar Tilak	i. She was a great progressive thinker, speaker and writer ii. Founder of "The New Indian Daily." iii. Founder of the Home League
6	Rai Bahar	Christian leader who contributed a great deal towards the Indian Freedom Movement
7	Kundan Lal Devaser	Christian MLA from Punjab
8	Rajkumari Amrit Kaur	Converted Christian who was the princess from the Kapurthala royal family
9	Raja Ragbir Singh	MLA and leader of the All India Christian Association
10	Mr John Bright	Quaid-e-Azam often quoted from the speeches of Mr Bright
11	Mr F.E Chaudary	A photographer journalist of the Pakistan Movement
12	Joshua Fazal-ul-Din	Wrote in the Daily "Inqilab" that he was in harmony with Choudhry Rehmat Ali regarding the separation of this territory from India as it was following the voice of God (Francis, 1997)

Source (Munir-ul-Anjum & Tariq, 2012)

Besides these names, a few other personalities also contributed to Freedom Movement, such as Christian professor Eric Siperian, Dr W.C.A Overman (European), W.R. Mafferson (Anglo-Indian) and K.L Ralia Ram (Indian). They participated very actively and efficiently in protecting the rights of the people of India.

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Role of Christian Leadership in Various Political Events of Freedom Movement. After the failure of the Simon Commission in 1928, all political parties of India were summoned to attend a Conference in Calcutta chaired by Mr Moti Lal Nehru. Mr Moti Lal Nehru gave the famous Nehru report as a solution to the political problem of the Subcontinent. The failure of the Simon Commission left no choice for British Government to entertain the local politicians and discuss their idea of peace and collaboration within India; otherwise British government would give its own verdict; for this purpose British government created the Nehru Committee chaired by Mr Moti Lal Nehru to find a permanent solution for Subcontinent. He presented the Nehru Report, which enclosed that Hindus are the majority of the population so that the Hindu Leaders will head future governments. Quaid-e-Azam rejected the report and presented his "Fourteen Points". Leaders of the All India Christian Conference followed Quaid e Azam's lead, rejected the Nehru report, and praised the fourteen points of Quaid-e-Azam. A Christian leader Joshua Fazal-ud-Din said that "those believing in Hindu-Muslim unity were living in a fool paradise as any such attempt would make India a war place" (Nehru Report 1928).

The bounteous support of Christian leadership can also be seen at the Second Round Table Conference when Sir Agha Khan presented the "Agreement of Minorities" and all kinds of Christian Leaders, i.e., European and Anglo Indian political leadership, signed the agreement (Ahmed, 2021).

Although Lahore Resolution 23rd March 1940 solely considered the Muslim League's event to create a new country for the Muslims of India. The Quaid-e-Azam and the rest of the leadership especially invited the Christian and other minority leadership to observe and attend the event. "Joshua Fazal-ul-Din, Chaudhry Chandu Lal and Dewan Bahadar S.P. Singha" were prominent Leaders who participated in the event. It is believed that paragraph No. 2 of the resolution was included to represent their sentiment and attain their support for Pakistan (Francis, 1997).

All India Christian Association and the Pakistan Movement

In 1942 Dewan Bahadur S.P Singha, the last speaker of the United Punjab Legislative Assembly, founded the All India Christian Association, a political party of Christians of Punjab and India. S.P Singha and the All India Christian Association's contributions to the formation of Pakistan are unforgettable. All India Christian Association presented the "Spasnama" of unconditional cooperation to Quaid-e-Azam for the separate state for Muslims and other minorities at the annual convention of AIML at Lyallpur (Current Faisalabad) (Munir-ul-Anjum & Tariq, 2012).

Dewan S.P Singha and his political party opposed the division of Punjab at the time of partition. He demanded that complete Punjab would be part of Pakistan. Joshua Fazal-ul-Din also said that "the division of Punjab will bring nothing but crisis" (Ahmad, 1983).

23rd June 1947, a historical meeting was held to discuss Punjab and Pakistan's fortune. S.P Singha and his team wanted to include the whole of Punjab in Pakistan; for this purpose, they used their vote in favour of Pakistan. S.P. Singha cast his vote as a speaker of the Legislative Assembly in favour of Pakistan. He also held a party meeting at his house to create a vote bank for Pakistan; the result shows that every Christian member of the Legislative Assembly voted for the inclusion of Punjab in Pakistan.

Christians Leadership and the Boundary Commission

The British government created the boundary commission for the demarcation of India. When the question of the division of Punjab occurred, Dewan Bahadur S.P Singha, C.E Gibbon, and Mr Fazal Elahi stood before the Boundary Commission and demanded that the Christian Population of Punjab consider with the Muslim population. S.P Singha also visited Gurdaspur and Pathankot to create a vote bank for Pakistan. He signed the petition by the Christians of Gurdaspur and Pathankot that they wanted to be a part of Pakistan. Mr C.E Gibbon stood before the Boundry Commission so that Lahore could be a part of Western Punjab. He said that all the Anglo Indians would evacuate to Pakistan as their final destination (Ahmad, 1983).

When Quaid-e-Azam visited Lahore as a part of the final campaign of the Pakistan Movement, he met with Sikh and Christian political leaders to gain their vote for Pakistan. At that time, Sikh Leadership turned down Quaid's offer. Still, Christian Leader Ch. Chandu Lal accepted Quaid's offer and declared his and his followers' unconditional and utmost support for Pakistan. So, when the resolution to join Pakistan or India occurred in the Punjab Legislative Assembly for voting, the three Christian members voted in approval of Pakistan. There were Eighty-eight votes were cast in favour of India, and Ninety-one votes were cast in favour of Pakistan. In this way, the three Christian votes decided the fortune of Pakistan (Malik, 2020).

Non-Muslim Political Leader and First Constituent Assembly of Pakistan Pakistan came into being on 14th August 1947, but its first Constituent Assembly was founded under the Indian Independence Act of 1947. When the British government established a Constituent Assembly of United India, Quaid-e-Azam boycotted this assembly and demanded a separate Constituent Assembly for Pakistan. His demand for a separate Constituent Assembly was accepted under the 3rd June Plan of 1947.

Mr. Jogendar Nth Mandel chaired the first session of the Constituent Assembly in Karachi. In this session, Mr. Mandal was elected as Temporary Chairman of the Assembly, Quaid-e-Azam was elected as President of the Constituent Assembly and Molvi Tameezuddin was elected as Deputy President. This assembly initially consisted of 60 members, but after the independence, the

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number of members increased to 79 (First Constituent Assembly of Pakistan (1947-1954)).

Newly born Pakistan adopted the Government of India Act 1935 as an interim constitution. Quaid-e-Azam ordered the first Constituent Assembly to create Pakistan's own Constitution. In this matter opinion of non-muslim leaders is also very important because they are an integral part of Pakistan's population.

The following are the Non-Muslim Political Leaders of the First Constituent Assembly of Pakistan.

First Constitute Assembly from 1947- 1954 List Of Non-Muslim Members & Addresses Non-Muslim Members from East Pakistan

S. No	Name	Permanent Address
1	Mr Prem Hari Barma	Kalitola, Dinajpur, Eastern Pakistan.
2	Prof. Raj Kumar Chakraverty	3/1- B, Amherst Street, Calcu
3	Mr Sris Chandra Chattopadhyaya	1, Dinanath Sen Road, P.O. Faridabad, Decca, Eastern Pakistan.
4	Mr Akshay Kumar Das	Sunamganj, Sylhet, Eastern Pakistan.
5	Mr Dharendra Nath Datta	P.O comilla, Eastern Pakistan.
6	Mr Bhupendra Kumar Datta	32, Upper Circular Road, Calcutta.
7	Mr Jnanendra Chandra Majumdar	Shama Charan Road, Mymensingh, Eastern Pakistan
8	Mr Birat Chandra Mandal	Village & P.O. Ballavdi, Distt. Faridpur Eastern Pakistan.
9	Mr Jogendra Nath Mandal	Sukh Niwas, Clifton Road, Karachi.
10	Sri Dhananjoy M.A. B.L. Roy	43, Gohinda Das Lane, Dacca, Eastern Pakistan.
11	Mr Bhakesh Chanda Maudi	Dhalla House, Wali Dacca.
12	Mr Harendra Kumar Sur	Babilonia Confess Houni, P.O Pareshuram Noakhali, Eastern Pakistan.
13	Mr Kawivi Kerwar Datta	Advocate, committee, Tipparah, Eastern Pakistan

(1st Constituent Assembly)

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Non-Muslim Members from West Pakistan

14	Mr Ganga Saran	7. Curzon Road, New Delhi.
15	Mr Zafrullah Khan	Minister for Foreign Affairs, Govt of Pakistan.

(1st Constituent Assembly)

Changes Members First Constitute Assembly From July 1949 to 1954

JULY, 1949		
1	Mr Seth Sukhdiv	Karachi
APRIL, 1950		
2	Mr Rallia Rana	Lahore
JANUARY, 1952		
3	Mr Bhandera P.D.	Lahore

(1st Constituent Assembly)

These tables show that in the 1st Constituent assembly, many Non-Muslim Leaders were an essential part of the assembly.

Objective Resolution and Critique by NonMuslim Political Leaders

In 1949, after the death of Quaid-e-Azam, Constituent Assembly took the first step to constitution-making. It gave the “Aims and Objects of Constitution”, later known as Objective Resolution. Objective Resolution was moved by the Cabinet’s leading members, including Liaquat Ali Khan. Following are the main features of the Objective Resolution.

- i. “Sovereignty over the entire universe belongs to Almighty Allah alone.
- ii. The authority He has delegated to the state of Pakistan through its people for being exercised within limits prescribed by Him is a sacred trust.
- iii. Constitution will be framed for the sovereign, independent state of Pakistan.
- iv. The state shall exercise its power through the representatives of the people.
- v. Principles of Democracy, freedom, equality, tolerance and social justice as enunciated by Islam will be fully observed.
- vi. Muslims shall be enabled to organize their lives following the teachings and requirements of Islam as set out in the Quran and the Sunnah.
- vii. Minorities have the freedom to profess and practice their religions and develop their cultures freely.
- viii. Provisions shall be made for safeguarding the legitimate interests of minorities, backward and depressed classes.

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- ix. The independence of the Judiciary shall be fully secured.
- x. Pakistan shall be a Federation with autonomous units. State sovereignty and territorial integrity will be protected.
- xi. The people of Pakistan should prosper and attain their rightful place in the comity of nations and contribute to international peace and progress and happiness of humanity.”

Mr Prem Hari Barma spoke right after Mr Liaquat Ali Khan’s speech and suggested that this resolution be circulated for public opinion. Mr Sris Chandra Chattopadhyaya claimed that “Objective Resolution is unnecessary.” According to Mr Sirs, India adopted its objective resolution before the independence of India under British rule. At that time, it was necessary to maintain an Objective Resolution to guide the population about the future of independent India. But after the independence, Objective Resolution is unnecessary. Mr Sirs also said that the founder of Pakistan, Quaid-e-Azam, also noted that politics and religion would not intermingle in Pakistan. Still, the Objective Resolution is religion-based. “Bhupendra Kumar Datta, Prof. Raj Kumar Chakravarty, Perm Hari Berma, Kamini Kumar Datta and Birat Chandra Mandal” proposed a few amendments to make Objective Resolution less religion-based. “Mian Mohammad Iftikharuddin, Maulana Shabbir Ahmed Osmani, Sardar Abdur Rab Khan Nishtar, Chaudhry Mohammad Zafarullah Khan” opposed the amendments proposed by Non-Muslim Leaders and adopted the Objective Resolution with a simple majority (Khan H. , Constitutional and Political History of Pakistan, 2017).

At this point, we can see the fragmentation between Muslim and Non-Muslim leaders. All the Non-Muslim Leaders of the Cabinet “Mr Prem Hari Barma, Prof. Raj Kumar Chakravarty, Mr Sirs Chandra Chattopadhyaya, Mr Akshay Kumar Das, Mr Bhupendra Kumar Datta, Mr Jnanendra Chandra Majumdar, Mr Birat Chandra Mandal, Mr Bhabesh Chandra Nandy, Mr Dhananjoy Roy and Mr Harrendra Kumar Sur” collectively rejected the Objective Resolution and voted against it. On the other hand, all 21 Muslim Leaders “Mr A.M.A Hamid, Maulana Mohammad Abdullah-el-Baqui, Mr Abul Kasem Khan, Mr Fazalur Rehman, Maulana Mohammad Akram Khan, Prof. Ishtiaq Husain Qureshi, Mr Liaquat Ali Khan, Dr Mohammad Husian, Mr Nur Ahmad, Mr Serajul Islam, Maulana Shabbir Ahmad Osmani, Khwaja Shahabuddin, Begum Shaista Suhrawardy Ikramullah, Mr Nazir Ahmad Khan, Sheikh Karamat Ali, Dr Omar Hayat Malik, Begum Jahan Ara Shah Nawaz, Sir Mohd Zafarullah Khan, Sardar Abdur Rab Khan Nishtar, Khan Sardar Bahadur Khan and Pirzada Abdus Sattar Abdur Rehman voted in favour of the resolution (Khan H. , Constitutional and Political History of Pakistan, 2017). It can be said that from 1949, the population of Pakistan divided and affected the position and status of minorities within the state. This drift is clearer nowadays.

Fundamental and Political Rights in the Constitution of 1956

In 1956, after 9 years of independence, Pakistan received its first Constitution on 23rd March 1956. It was a detailed Constitution consisting of 13 Parts, 6 Schedules and 234 Articles. This Constitution also had detailed chapters on Fundamental Rights and Principle Policy.

The Preamble of the 1956 Constitution discussed that “Quaid-i-Azam Mohammad Ali Jinnah declared that Pakistan would be a democratic state based on Islamic principles of social justice, in which the principles of democracy, freedom, equality, tolerance, and social justice as enunciated by Islam should be fully observed; wherein the Muslims of Pakistan should be enabled individually and collectively to order their lives following the teachings and requirements of Islam, as set out in the Holy Quran and Sunnah; in which adequate provision should be made for the minorities freely to profess and practise their religion and develop their culture; wherein should be guaranteed fundamental rights including rights such as equality of status and opportunity, equality before the law, freedom of thought, expression, belief, faith, worship and association, and social, economic, and political justice, subject to the law and public morality; in which adequate provision should be made to safeguard the legitimate interests of minorities and backward and depressed classes (The Constitution of the Islamic Republic of Pakistan, 1956).”

Under the Charter of Fundamental Rights, the Constitution of 1956 gave the following rights to every citizen of the state regardless of their religion, gender, caste and creed.

Equality before Law

According to Article 5 of Chapter of Fundamental rights, every state citizen has equality before law and protection of the law.

- (1) “All citizens are equal before the law and are entitled to equal protection of the law.
- (2) No person shall be deprived of life or liberty save in accordance with law (The Constitution of the Islamic Republic of Pakistan, 1956).”

Freedom of Speech and Expression

Article 8 deals with the freedom of speech and expression.

“Every citizen shall have the right to freedom of speech and expression, subject to any reasonable restrictions imposed by law in the interest of the security of Pakistan, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence (The Constitution of the Islamic Republic of Pakistan, 1956).”

Right to Assembly

Article 9 gives the right to assembly to every citizen. People can assemble for political or non-political reasons.

“Every citizen shall have the right to assemble peacefully and without arms, subject to any reasonable restrictions imposed by law in the interest of public order (The Constitution of the Islamic Republic of Pakistan, 1956).”

Right to Association

Article 10 also gives the right of association to every citizen for political and non-political parties and unions.

“Every citizen shall have the right to form associations or unions, subject to any reasonable restrictions imposed by law in the interest of morality or public order (The Constitution of the Islamic Republic of Pakistan, 1956).”

Right of Property

Article 11 allow every citizen to freely move within the state and acquire property.

(a) “to move freely throughout Pakistan and to reside and settle in any part thereof,

(b) to acquire, hold and dispose of property (The Constitution of the Islamic Republic of Pakistan, 1956).”

Freedom of Religion

All clauses of Article 13 deal with religious freedom within the state.

1. “No person attending any educational institution shall be required to receive religious instruction, or take part in any religious ceremony, or attend religious worship, if such instruction, ceremony or worship relates to a religion other than his own.
2. No religious community or denomination shall be prevented from providing religious instruction for pupils of that community or denomination in any educational institution maintained wholly by that community or denomination.
3. No citizen shall be denied admission to any educational institution receiving aid from public revenues on the ground only of race, religion, caste, or place of birth: Provided that nothing in this Article shall prevent any public authority from making provision for the advancement of any socially or educationally backward class of citizens. (4) In respect of any religious institution, there shall be no discrimination against any community in the granting of exemption or concession in relation to taxation.
4. Every religious community or denomination shall have the right to establish and maintain educational institutions of its own choice, and the

State shall not deny recognition to any such institution on the ground only that the management of such institution vests in that community or denomination(The Constitution of the Islamic Republic of Pakistan, 1956).”

Access to Public Places

Article 14 allows every citizen to visit any public religious place freely.

“In respect of access to places of public entertainment or resort, not intended for religious purposes only, there shall be no discrimination against any citizen on the ground only of race, religion, caste, sex or place of birth (The Constitution of the Islamic Republic of Pakistan, 1956).”

Safeguard Legitimate Rights

Article 27 mentions that the state will safeguard the rights of all citizens.

“The State shall safeguard the legitimate rights and interests of the minorities, including their due representation in the Federal and Provincial Services (The Constitution of the Islamic Republic of Pakistan, 1956).”

Non-Muslims Cannot be the President of Pakistan

This is the first Article that seizes the right to be President from Pakistan’s non-Muslims.

Chapter I: The Federal Government Article 32

- (1) “There shall be a President of Pakistan, in the Constitution referred to as the President, who shall be elected by an electoral college consisting of the members of the National Assembly and the Provincial Assemblies, in accordance with the provisions contained in the First Schedule. (2) Notwithstanding anything in Part 2, a person shall not be qualified for election as President unless he is a Muslim; nor shall he be so qualified-... (The Constitution of the Islamic Republic of Pakistan, 1956)”

The 1956 Constitution made Pakistan the Islamic Republic. The Constitution made sure that sovereignty belongs to Allah Almighty and every decision taken within the state will not go against the teaching of the Quran and Sunnah. And the Constitution made sure that Minorities were part of the population, especially religious minorities so that the minorities would receive no special taxes. The Constitution also said that no decision would make against the minorities’ rights, and every minority is free to profess its religion and norms. Unfortunately, this Constitution remained in practice only for five years. So there was a gap between theory and practice because minimal law-making took place in five years, and the state also bore its first martial law right after the effectiveness of the Constitution of 1956.

Fundamental and Political Rights in the Constitution of 1962

The Constitution of 1962 was promulgated in the regime of President Ayub Khan. It was presented only five years after Pakistan's first Constitution. The Constitution of 1962 consisted of "250 Articles, XII Parts and Three Schedules". This Constitution also has a chapter on fundamental rights and public Policy which deals with minority rights.

The Preamble of the 1962 Constitution claimed that "The principles of democracy freedom, equality, tolerance and social justice, as enunciated by Islam, should be fully observed in Pakistan will occur in Pakistan and (d) the legitimate interests of the minorities in Pakistan (including their religious and cultural interests) should be adequately safeguard; (e) the fundamental human rights (including the rights of equality before law, of freedom of thought, expression, belief, faith and association, and of social, economic and political justice) should, consistently with the security of the State, public interest and the requirements of morality, be preserved; (The Constitution of the Islamic Republic of Pakistan, 1962)."

After protecting the minorities' rights in the preamble, the Constitution of 1962 also gave equal rights to every citizen regardless their religion, gender caste and creed.

No Law Derogatory to Fundamental Rights

The Constitution of 1962 said that no laws of Pakistan would be against the Quran and Sunnah, fundamental rights, and rights of religious minorities.

6. (1) Any law, or any custom or usage having the force of law, in so far as it is inconsistent with the rights conferred by this Chapter (Part II Fundamental Rights and Principles of Policy), shall, to the extent of such inconsistency, be void (The Constitution of the Islamic Republic of Pakistan, 1962)."

Freedom of Assembly

Every citizen of Pakistan has the right to assemble peacefully to pursue their cause. The cause can be political and non-political, but they are allowed to assemble and ask for their rights.

6. "Every citizen shall have the right to assemble peacefully and without arms, subject to any reasonable restrictions imposed by law in the interest of public order (The Constitution of the Islamic Republic of Pakistan, 1962)."

Freedom of Association

To pursue their political or non-political rights, every citizen can join any peaceful association and not against the security of the state. These associations can be political parties, trade unions, labour unions etc.

7. "Every citizen shall have the right to form associations or unions, subject to any reasonable restrictions imposed by law in the interest of public order (The Constitution of the Islamic Republic of Pakistan, 1962)."

Freedom of Speech

Every citizen can speak and discuss their claims openly regardless of religion, caste, and gender. Every citizen can ask for their rights freely through speeches.

9. "every citizen shall have the right to freedom of speech and expression, subject to any reasonable restrictions imposed by law in the interest of the security of Pakistan, friendly relations with foreign states, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence (The Constitution of the Islamic Republic of Pakistan, 1962)."

Freedom to Profess Religion and to Manage Religious Institution

The Constitution of Pakistan allows its citizens to profess any faith and follow any norms.

10. "Subject to law, public order and morality-

- (a) Every citizen has the right to profess, practice and propagate any religion; and
- (b) Every religious denomination and every sect thereof has the right to establish, maintain and manage its religious institutions (The Constitution of the Islamic Republic of Pakistan, 1962)."

Safeguard Against Taxation for Purposes of any Particular Religion

As the last Constitution of the state made the religious minorities' part of the state's demography, the new Constitution did the same. No minorities are subjected to any additional tax in Pakistan.

11. "No person shall be compelled to pay any special tax the proceeds of which are to be spent on the propagation or maintenance of any religion other than his own (The Constitution of the Islamic Republic of Pakistan, 1962)."

Equality of Citizens

Chapter of Public Policy of 1962 Constitution gave equal rights to every state citizen.

15. "All citizens are equal before law and are entitled to equal protection of law (The Constitution of the Islamic Republic of Pakistan, 1962)."

Preservation of Culture, Script and Language

Any citizen of Pakistan can protect its language, holy scripts, norms and culture.

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18. "Any section of citizens having a distinct language, script or culture shall have the right to preserve the same (The Constitution of the Islamic Republic of Pakistan, 1962)."

Fair Treatment to Minorities

The chapter on Principles of Policy discussed that the state will safeguard the rights of minorities and will make sure that minorities get fair treatment.

3. "the legitimate rights and interests of the minorities should be safeguarded, and the members of minorities should be given due opportunity to enter the service of Pakistan (The Constitution of the Islamic Republic of Pakistan, 1962)."

President of Pakistan

The President of Pakistan will be the

10. "a person shall not be elected as President unless-

(a) he is a Muslim;(b) he has attained the age of thirty-five years; and (c) he is qualified to be elected as a member of the National Assembly(The Constitution of the Islamic Republic of Pakistan, 1962)."

The Chapters of Fundamental Rights and Principles Policy of the 1962 constitution are almost the same as the Constitution of 1956. Both constitutions followed the United Nations Charter of Human Rights (UNCHR), teachings of the Quran and Sunnah. But again, this Constitution was active only till 1968, and not many laws were made to obtain absolute rights for every citizen.

Conclusion

When Quaid-e-Azam struggled for a new state for the minorities of the Subcontinent, all minorities of India supported the idea and helped Quaid-e-Azam and AIML achieve their goal of the new state. In the beginning, every minority, including Christian leadership, got an equal identity in Constituent Assembly. Political leaders were praising the efforts of Non-Muslim Leaders in the creation of Pakistan. in 1949, when Objective Resolution has presented in the Cabinet, the drift between Muslim and Non-Muslim leaders was shown. Although the objective resolution and constitutions of Pakistan gave all the fundamental rights to all citizens, the practical implication of these rights because of the behavior of society and delay in law-making is questionable. So, majoritarianism in Pakistan affecting the rights of minorities.

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