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## Family Laws and Political Participation of Religious Minorities in Pakistan Recognition of Equal Identity and Social Acceptance

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### Abstract:

The word mainstream and empowerment are directly linked to political culture and participation of the diverse sections of society. The component of one-person-one-vote with free will to exercise the right to choose a candidate to make decisions on behalf of the larger community beautifies democracy. In Pakistani society, several factors polluted the political culture and confused the general masses about democracy as whenever the democratic regime is established the democratic forces fail to serve the nation in a true manner. Notwithstanding the existing scenario, the struggle to strengthen democratization in the country continues in full bloom. On the other hand, all these circumstances are affecting the oppressed sections of the society and are increasing their marginalization, consequently, making them vulnerable to receive several discriminations and exploitations. The oppressed sections of society include women, children, persons with disabilities, and religious minorities, thus, religious minorities are the most vulnerable group that is living on the margins of life. Though, the constitution of Pakistan 1973 bears a complete chapter of fundamental rights and ensures the equality of citizenship and opportunities, on the contrary, the absence of an implementation mechanism, scarce resources, and feeble institutional arrangements provided an infeasible situation for the religious minorities to enjoy their equal status in the country. The research article discusses the issues of religious minorities concerning their matrimonial issues and effective political

participation from the perspective of the equality of citizenship and level of social acceptance. In addition, the research article also highlights the political vacuum (effective participation) that is created by the political forces and actors. The interference and interruption of the non-democratic forces further put the minorities on the margins and included them in the excluded groups. Hence, the joint electorate system after 2002 and the Generalized System of Preferences (GSP) Plus status dragged the attention of the political forces and policymakers to include the religious minorities in the decision-making process in general and practical political participation in specific.

#### Keywords:

Minority, Matrimonial, Politics, Mainstream, Acceptance, Harmony, Citizenship, Equality, Opportunities

#### Introduction:

Pakistan is created with the aims and objectives to have a piece of land where the Muslim minority of India can exercise their freedom and religion and equality of citizens. Thus, the voices of other small minorities including Christians, Sikhs, and Parsi et cetera were also included in the movement for claiming a separate homeland and casting a vote by a member of a religious minority provided feasibility to the decision maker to decide the division of the land. The language of the first deliberation of Quaid-e-Azam Muhammad Ali Jinnah on 11 August 1947 in the parliament reflects the vision of Mr. Jinnah for the religious minorities of Pakistan. In addition, Jinnah was in favour of strengthening the democratization in Pakistan, but his untimely death jolted or disturbed the entire social fabric of the state which was infancy at the that and required the special attention of a vigilant and efficient political leader. However, the unexpected death of the Quaid of the nation created a vacuum that was filled by the undemocratic forces who captured the policy houses. The history of the country recorded a long regime of non-democratic forces that weakened the roots of democracy. However, after 2008, the democratic forces succeeded in holding the power houses and completed first time a democratic phase in the country.

In the second democratic phase in Pakistan, the ruling parties get a consensus from all the political stakeholders to discuss the electoral reforms comprehensively to strengthen the democracy in the country. The understanding among the political parties also developed that issues related to religious minorities will also addressed to empower the political system and

will ensure political stability in the country by taking measures such as correct enrolment of the voters, polling of votes, transparency in the counting of the votes and dependent results.

It is also in consideration that the country is facing a crucial situation and, in a transition, therefore, facing several challenges in the areas of economy, rule of law, peace and security, governance, and developing democratic institutions. Thus, the existing situation in the country is demanding speedy systemic and sectoral reforms for having a comprehensive structure.

Since the promulgation of the joint electorate in 2002 that introduced a new system of reserved seats keeping in view the proportional representation with good faith to include the religious minorities into the mainstream by providing space at elected bodies. Contrary to this, due to the inattention of the enforcers, it was unable to get the trickle-down effects of equality of citizen and opportunities and to root out the discrimination based on religion and belief in various walks of life. It is also admitted that there are existing laws and policies that are based on religious preference that are undermining the purpose of equality citizenship that need to be removed to incorporate the obligations under the international convention that Pakistan has ratified time by time.

However, the anticipated results of the joint electorate system are still distant and need to be implemented in letters and spirit by arranging and explaining the affirmative measures comprehensively. Thus, the scenario regarding the empowerment of religious minorities requires improvements in the arrangements in the fields of economic, socio-cultural, and socio-political in Pakistan.

The past experiences revealed that 'Genuine Political Representation' always requires parallel concrete steps and comprehensive arrangements to create an environment of social justice by enhancing the economic opportunities for the religious minorities. In addition, all the tools and techniques to enhance the political representation of religious minorities must aimed at comprehensive affirmative measures that include reservations for admissions in educational institutions including universities and colleges, and effective implementation of quotas for jobs with a result-based approach.

There is no other argument that the quality of representation in the field of politics is concerned with the growth of political culture in general and overall democratic development in the country. Thus, close observation and examination of the existing system and the

struggle by the stakeholders to address the concerns and issues into account while deciding on electoral reforms.

## Religious Minorities and Constitutional Guarantees

The Constitution of Pakistan 1973 bears a complete chapter of Fundamental Rights and ensures the equality of rights of citizenship for all. Article 8 of the said constitution is defining that the state would not devise any law and policy that is inconsistent and derogatory to basic rights. On the other hand, some articles of the constitution are contradictory to the rights of religious minorities enshrined in the chapter on fundamental rights. Such contradiction provides a feasible ground for the perpetrators to perpetuate discrimination and exploitation towards religious minorities.

According to Article 20, Pakistani citizens have freedom of religion and belief. The said article is further providing them the liberty to exercise and propagate their religions. In the same vein, Article 21 forbade the state institutions to impose any kind of tax upon the citizens who are aiming to profess and propagate a religion that is not associated with them. Similarly, article 22 of the Constitution protects citizens against discrimination in educational institutions. In addition, the same article also provides them the liberty to establish their own religious institutions to educate their respective religions to their concerned communities. Moreover, the article also forbade education institutions to discriminate the people based on their religion, faith, colour, and creed.

Furthermore, the chapter on fundamental rights in the constitution of Pakistan [in article 27] defines that every citizen of Pakistan irrespective of its religion, sect, color, creed, and social status is entitled to avail the employment opportunities and no employment sector is entitled to discriminate the citizens due to the mentioned categories. In the same context, article 28 ensures the protection of the specific language, script vernacular, culture and tradition and also provides them the freedom to establish the institutions to promote them. Article 33 of the Constitution of Pakistan 1973 discourages all the elements that discriminate against its citizens on the basis of area, tribe, sect, colour, and creed.

The article 36 specifically focuses on protecting religious minorities and encourages state institutions to take such measures to protect and promote their rights and also holds the state responsible for ensuring the representation in the employment announced at the federal and provincial levels. In the same perspective, article 37 is concerned about the social justice

under which the state is responsible for taking some additional measures to count the oppressed and marginalized sections of society into the mainstream. Therefore, under this article, the reserved quota in jobs and political houses is announced and women and religious minorities are incorporated in the assemblies and employment sectors.

### Issues and concerns

- a) The seats reserved for minorities are filled through a priority list for the candidates from minority communities that is submitted by respective political parties to the Election Commission in advance.<sup>1</sup> In such a situation, the constituency for minority members to contest elections of the national assembly is the whole country and the candidate for the provincial assembly was supposed to visit the whole province for the campaign.<sup>2</sup>
- b) Though the political parties have tried to set criteria for selecting candidates from the religious minorities the process is not participatory enough but centralized. Keeping in consideration such practices, the Election Commission of Pakistan (ECP) recommended a review of the said method too in its Strategic Plan 2014-2018.<sup>3</sup>
- c) A committee namely ‘Parliamentary Committee’ is constituted that is working on ‘Electoral Reforms (2014)’ and has not included the representation of the religious minorities and other marginalized sections.<sup>4</sup> The probability of addressing the issues and concerns of religious minorities and other marginalized sections inefficiently is increased. In such a situation, the process of electoral reforms might not pay enough attention to the concerns of religious minorities, pretty much like the Constitutional Review Committee of 2009.
- d) The existing method and practice by the political parties to select the representation of religious minorities in elected bodies do not provide an effective and mandatory representation of all religious minorities in the country as the representation of some religious minorities are not represented.

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<sup>1</sup> The constitution of Pakistan, Article 51 (6) (e). <http://www.pakistani.org/pakistan/constitution/part3.ch2.html>

<sup>2</sup> Ibid, Article 51 (6) (b) and (c).

<sup>3</sup> Position of the Election Commission: “the Commission believes electoral system should be reviewed in order to introduce reforms that make it more representative.” page 30, Second five years Strategic plan 2014-2018, Election Commission of Pakistan. <http://ecp.gov.pk/ECP-SP-2014-2018.pdf>

<sup>4</sup> <http://www.dawn.com/news/1126628>

- e) The study conducted by Free and Fair Election Network (FAFEN) reveals the representatives of religious minorities in the Senate, the National Assembly, and four Provincial Assemblies<sup>5</sup> made important measures in participating in the debate on the budget(s) speeches, sponsoring resolutions about the incidence of violence against minorities and speaking on point of order during 2013-2014.<sup>6</sup> Thus, legislation concerning some crucial matters that include family laws, blasphemy laws, affirmative measures, and removing social and institutional discrimination is unable to get approval.
- f) The outreach and public contact of the minority representatives is restricted by two factors; lack of geographical distribution/allocation of seats and lack of further distribution of seats for different religious minorities in National and Provincial Assemblies. Therefore since 2002, the balance in assemblies is tilted towards one or the other minority community (Hindu or Christian). Moreover, the representation belonged mainly to a few urban centers, therefore their outreach to minority communities was limited.
- g) The legislation passed recently concerning local government by the provincial assemblies reflects a lack of uniformity in understanding about pattern and mode of election for the reserved seats including for minorities. For instance, the Punjab Local Government Act 2013 leaves room for manipulation of the reserved seats at the District Council and Urban Local Councils (Metropolitan bodies).<sup>7</sup>
- h) The 18<sup>th</sup> Constitutional Amendment that was made in 2010 has devolved the Federal Ministry for Minorities Affairs to provinces, depriving religious minorities of including their voice in the decision-making process. The Ministry for National Harmony was created in 2011 and merged with the Ministry of Religious Affairs in 2013.
- i) An objective assessment of the effectiveness of the Ministries for minorities at provincial levels and departments has not been carried out. Generally speaking, the respective ministries do not add value and protection for religious minorities as shown

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<sup>5</sup> Four minority representatives in the Senate, 10 in the National Assembly and 23 in four Provincial Assemblies.

<sup>6</sup> "Analysis of In-house Performance of Non-Muslims MPs", input by Mr. Abdul Ahad, conference report by Church World Service Pakistan/Afghanistan, 2014

<sup>7</sup> Sections 14-15, The Punjab Local Government Act 2013, Act XVIII of 2013.

<http://punjablaws.gov.pk/laws/2542.html>

in the trends in mod attacks, kidnapping for ransom, and forced conversions. The ministries have also failed to involve communities in their work such as awarding scholarships, and implementation of job quotas.

- j) The Ahmadi community is virtually disenfranchised due to the mandatory declaration of faith that the voters and candidates are required to sign. This community has declined to sign the declaration for religious reasons as they will have to compromise their religious beliefs and social protection by doing so. A requirement of declaration of voter's religion is discriminatory, unnecessary, and against the principle of secret and equal franchise.

### Recommendations:

1. A mechanism needs to be devised to enhance the representative character of the members for minority reserved seats to make their nomination more transparent, adding accountability before the electorate, and enhancing the quality of their participation in the legislative processes.
2. The reserved seats should be increased and allocated in a manner so that each religious minority community including Buddhists, Parsi, Bahai, Kailash, Hindus, and Christians have representation in the elected bodies at federal and provincial levels.
3. A demarcation of constituencies for seats reserved for minorities is needed to have an even representation of minorities spread in length and breadth of Pakistan. The demarcation should consider the representation of minorities in FATA, Gilgit-Baltistan, and Federal capital territory of Islamabad.
4. In order to arrange reserved seats more meaningful, the following are some measures than can be adopted:
  - i. The number of seats for minorities in the National and Provincial Assemblies has not increased since 1985 (while the general seats were increased by 30 percent) therefore these reserved seats be enhanced at least by 50 percent besides three seats for FATA, Gilgit Baltistan, and Islamabad.

The enhancement may be based on the principle and method of affirmative action<sup>8</sup>, practiced earlier, rather than a representation based on population to avoid controversies regarding population census.<sup>9</sup> A constitutional amendment should be made to achieve the enhancement of reserved seats.

- ii. To enhance the quality of representation, the political parties should be required to make a priority list of candidates on reserved seats including minorities' through elections within the party, at least six months before the general elections. This arrangement would increase the political participation and transparency within the party. Amendments should be made to the Peoples' Representation Act 1973 or draft Unified Election laws by the Election Commission, to give effect to this recommendation.
  - iii. The political parties should encourage minority women to play an active role and contest elections within the party on the seats reserved for women for provincial and national assemblies. The political parties should also include technocrats belonging to religious minorities, on merit, for the seats reserved for technocrats in the Senate.
5. The Parliamentary Election Reforms Committee should be expanded to include representation from religious minorities and other marginalized sections of the population. The reforms committee is also urged to arrange a hearing involving concerned CSOs to give their recommendations on electoral reforms.
6. The use of a national identity card as the only means of verification for voting has implications for exercising the right to vote especially for disadvantaged groups. NADRA should launch a special registration drive for issuing identity cards (correction of errors included) to the people who are left out due to circumstances such as debt bondage, gender segregation, and enforced displacement.

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<sup>8</sup> Social Justice: as enunciated in Article 37, Constitution of Pakistan

<sup>9</sup> <http://pakistan.worldnewsviews.com/2014/10/29/youth-parliament-proposals-increased-representation-of-minorities-in-parliament-stressed/>



7. The Pakistan Institute of Parliamentary Services individually or together provide training and technical assistance, especially to new lawmakers to facilitate their work at the beginning of each term of the parliament, at provincial and federal levels.<sup>10</sup>
8. In order to ensure equality before the law<sup>11</sup> and religious freedom<sup>12</sup>, the declaration of religion required for enrollment in the voters' list and candidacy should be abolished and an amendment should be made to bring all voters on a single electoral roll according to their location in the constituencies.
9. While it is strongly recommended that a Ministry for Minorities at the Federal level is formed, the functioning of Ministries and departments for minorities' affairs in provinces should be improved by training, monitoring, and evaluation of their projects and functions.

## Family Laws and Religious Minorities

Since religious minorities are facing several challenges however the issue concerning matrimonial matters is a severe one. Due to the absence of family laws religious minorities are in general and women belonging to religious minorities are suffering in specific.

In the Christian faith, a husband and wife can only be apart by proving proof of adultery or changing his or her religion. In the law courts, several lawsuits regarding the divorces of Christians are pending. Zahoor Masih got married to Nasreen Bibi 18 years before and had three offspring. After 5 years differences developed among them and both parties contacted the district court of Faisalabad but the only way to get a divorce is adultery or a change of religion. Both parties don't have the issue of adultery and also don't want to change their religion. The counsel, Syed Mujahid Hussain Gilani shared that according to the Christian Divorce Act 1869 under Section 10, both parties can be apart only on the grounds of adultery or change in religion. Her wife is also not willing to get a divorce on such grounds as this would also be a certificate for her as a Characterless individual against those actions that were not committed by her.<sup>13</sup>

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<sup>10</sup> <http://www.pips.org.pk/>

<sup>11</sup> Constitution of Pakistan, Article 25, Equality of citizens before the law.

<sup>12</sup> Ibid, Article 20, Freedom of Conscience and Religion

<sup>13</sup> An interview was conducted at District Bar Association Faisalabad with a lawyer who was pursued a lawsuit of Christian coupled whose marriage was solemnized by the Catholic clergy in Faisalabad.

In Pakistan Christian Divorce Act, of 1869 deals with the issues of divorce of Christians<sup>14</sup>. However, civil courts are authorized and empowered to deal with such cases besides the family courts. It is quite worth mentioning that such cases in the family courts take six months but the civil courts decide such lawsuits in 2-5 years which is a very lengthy and hectic process.

The government of Pakistan introduced several changes in the 'Muslim Family Law Ordinance' in 1961 covering the areas of Registration of Nikkah (Marriage), Minimum Age Limit for Marriage, Maintenance, Will Adoption, and inheritance, on the other hand, did not pay any attention to look into the matters of the same nature related to religious minorities of Pakistan.

In the similar context, a Hindu girl namely Maria Kumari case is also an example of the complication of women belonging to religious minorities as she got divorced from her husband and challenged such gesture passed by her spouse. The lawsuit was closed by the court as the conversion of her husband to Islam left no ground for the court to proceed with the case further. The reason behind this case was that if a person embraces Islam then the law of the Hindu community cannot hold guilty to that person<sup>15</sup>.

Similarly, the Sikh community has also suffered the same situation since the creation of Pakistan as the said religious minorities do not have any legal framework to deal with matrimonial issues not even legislation to register the birth of new-born babies. They adopted a remedy that they registered their marriages at six Gurdwaras (Temple associated with Sikhs) from which 5 are situated in Punjab and one is in Peshawar. The Sikh minority is also facing the challenges of the re-marriage of Sikh widows that emerged in Khyber Agency as a result of militancy by a group of extremists. Currently, the Sikh community's matrimonial issues are dealing under the Hindu Marriage Act but these two communities are entirely different regarding their faiths, culture, and rituals and cannot be dealt with under the Hindu Marriage Act.<sup>16</sup>

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<sup>14</sup> Christian Divorce Act 1869 was introduced by the British Rulers with the consent and consensus of five denominations at that time. The legal framework is outdated and not addressing the matrimonial issues comprehensively.

<sup>15</sup> <http://www.peshawartoday.com/news/1718>

<sup>16</sup> <https://www.dawn.com/news/1171984>

There are existing different legislation for religious minorities such as: the Christian Marriage Act of 1872<sup>17</sup>, Divorce Act of 1869<sup>18</sup>, Succession Act of 1925<sup>19</sup>, Births, Deaths and Marriages Registration Act of 1886<sup>20</sup>, Anan Marriage Act of 1909<sup>21</sup>, Parsi Marriage Act, Hindu Marriage Act<sup>22</sup>. Notwithstanding these legal frameworks, religious minorities are still facing challenges and complications as the mentioned laws are outdated and do not a comprehensive legal cover to cover all the issues related to matrimony. For example, the Hindu Marriage Act does not define a procedure of marriage registration and it is very hard for a Hindu male to prove his wife a legal spouse.

### Christian Marriage:

It is a widely held interpretation of the scriptural text that marriage is a sacred union.<sup>23</sup> Major Christian denominations define marriage as a sacrament<sup>24</sup> or a religious/spiritual event of receiving God's grace. Several verses, largely in the New Testament, are found that emphasize the permanence or indissolubility of marriage bond,<sup>25</sup> hence for ages, the Christian marriage has been defined in this perspective though there have been occasional adjustments of the principle and different interpretations were applied to suit various contexts and situations to establish justice in marriage and the uphold primacy of family and individual rights.

The foremost divergence is called "Pauline privilege", this concession was applied when St. Paul allowed the new converts to revoke their marriages solemnized before becoming Christians. Hence the instance added the probability of cancellation of a marriage in certain conditions. The concept of holding certain marriages null and void and legal separation of spouses; was borrowed from the civil law, Roman law, and the Common law

<sup>17</sup> <http://www.punjabcode.punjab.gov.pk/public/dr/CHRISTIAN%20MARRIAGE%20ACT,%201872.doc.pdf>

<sup>18</sup> [http://bdlaws.minlaw.gov.bd/print\\_sections\\_all.php?id=20](http://bdlaws.minlaw.gov.bd/print_sections_all.php?id=20)

<sup>19</sup> <https://www.sja.gos.pk/assets/BareActs/SUCCESSION%20ACT%201925.pdf>

<sup>20</sup> <http://nasirlawsite.com/laws/bdmarria.htm>

<sup>21</sup> [http://www.sikhiwiki.org/index.php/Anand\\_Marriage\\_Act\\_1909](http://www.sikhiwiki.org/index.php/Anand_Marriage_Act_1909)

<sup>22</sup> <http://www.advocatekhaj.com/library/bareacts/hindumarriage/index.php?Title=Hindu%20Marriage%20Act,%201955>

<sup>23</sup> Proverbial, matches are made in heaven, celebrated on earth.

<sup>24</sup> A definition according to Encyclopedia, "A sacred or spiritual power is believed to be transmitted through material elements viewed as channels of divine grace." <https://www.britannica.com/topic/sacrament> (Seven: Baptism, Confirmation, Eucharist (holy communion), Penance (confession of sins), Ordination (Priesthood), Marriage, Anointing of the sick or Last unction.

<sup>25</sup> Matthew 19:8,9; Mark 10:5-12; Luke 16:18; Malachi 2:14-16.

evolved under British traditions. These concepts are today part of several all-ecclesial laws, importantly the Catholic Canon law which has been in force for centuries.<sup>26</sup>

Apart from accepting influences from civil law,<sup>27</sup> the Christian matrimonial concept made a valuable contribution to evolving the principles of rights in marriage, particularly women's rights or treatment of women with humanity which was the original idea.<sup>28</sup> One can argue that the stringency element, particularly regarding divorce, did not fully reconcile with the 20<sup>th</sup>-century developments in standards of equal rights for women. Still, the Churches that have appointed women as Bishops are examples where the reinterpretation of Gospel values is increasingly applied in the current context.

Pope Francis also invited the attention of the Cardinal and Bishops of the Catholic church particularly, on compassionate response to people who remarry, etc. At the conclusion of the Extra Ordinary Synod of the Bishops on family in October 2015, the Pontiff said, "The Church's first duty is not to hand down condemnations or anathemas, but to proclaim God's mercy, to call to conversion, and to lead all men and women to salvation in the Lord.

### Challenges to family life as Pakistani Christians in the current context

The Christians, a distinct faith group and members of several big and small denominations, have been impacted by the overall social, political, economic, and cultural influence in Pakistan besides the specific circumstances that they faced as a minority community.

The family life of different strata is impacted by growing economic pressures; migration, mostly to bigger cities but external migration as well; changing norms and customs related to marriage which has large common areas in shared ethnicities and linguistic groups; negative trends such as domestic violence; child labour; low literacy; falling health standards; moreover the multiple effects of social and religious discrimination on individual and collective lives, including psychological pressures or even disorders. There is a dearth of official data to substantiate all vibes affecting individual and community lives, the following challenges faced by the Christian population are difficult to ignore:

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<sup>26</sup> [Pope Gregory IX](#) promulgated the first official collection of canons, called the [Decretalia Gregorii Noni](#) or *Liber Extra* in 1234 A.D.

<sup>27</sup> Including the Greek concept of natural law, and Roman civil law [Canon 331, 1983 Code of Canon Law](#).

<sup>28</sup> Christ's reinterpretation of Moses' law that allowed soft conditions for divorcing women "was only for the hardness of their hearts", Mark 10:9.

- a) Poverty and social injustice are forcing people to migrate. Especially the brick kiln workers, agricultural labour led to migration to cities e.g. Lahore, Gujranwala, Faisalabad, Islamabad, and Karachi. This migration that often turns them into urban poor from rural poor is accompanied by social-cultural uprooting that further exacerbates problems such as alienation, addiction to alcohol and drugs, child labor, etc.
- b) A visit to old and new Christian settlements reveals that the official neglect towards civic facilities hence vulnerability to disease, unemployment, low literacy, and physical insecurity is impacting family life in a variety of ways. The literacy rate among Christians was 11 % percent lower than the national average in the last census.<sup>29</sup> Unemployment is also common and probably much higher than the national average among Christian men and women. This low quality of life can only be, explained, understood, and addressed using the prism of human rights.
- c) As members of the minority working class, largely, and because women are sometimes better educated than male members; the status of women is relatively elevated than average women in Pakistan. Particularly when women find the liberty to work as a means of a better place in decision-making at home.

Nevertheless, the traditional concept of male superiority subjugates Christian women, depriving them of a role that they can still play in emancipating their families from ordinarily very complex and crushingly hard circumstances.

Divorce even through conversion to Islam is on the rise among the Christian community anyhow because their law is apt.<sup>30</sup>

### **Human rights norms and the concept of Christian Marriage:**

The concept of permanence in Christian marriage has been a subject of debate since ages though changes have been adopted in the civil laws across the globe that recognize equal rights of men and women in marriage. The International law under the UN CEDAW particularly has placed a seal of equal rights including divorce in marriage.<sup>31</sup>

<sup>29</sup> According to 1998 census, when the literacy rate in Pakistan was nearly 45 %, the literacy rate among Christians was 34 %, Human Rights Monitor 2002-2003, p. 44. Life on The Margins, (2012) p. 40, NCJP.

<sup>30</sup> Author's personal assessment.

<sup>31</sup> Article 5. Obliging states to end superiority of male or female, Article 16, 1 &(c), "States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and

Monogamy is somewhat a converging value between international law and Christian tradition, divorce is a barrier. Divorce is not a fundamental or substantive right, in a legal sense; it is a procedural and contractual right, nevertheless, marriage equality is.

Christian minorities have waged a heroic struggle in the past few decades for equal rights as citizens against discriminatory laws and practices. This struggle along the human rights framework has brought them support within the country as well as internationally. An impression that the community or a section thereof is cherry-picking between rights or does not subscribe to gender equality will affect their image as well as the struggle for equal rights in the other areas.

### Way Forward

The issue at hand may be concerning the amendment to marriage laws though it is related to the development and rights of Pakistani Christians as individuals and as a community. Hence the Christian community in particular, the federal and provincial governments, and the rights groups should facilitate the intercommunity dialogue to build a greater consensus.

The legislation should involve the support of a wide range of the concerned community, though no section of society should try to dictate their term.

The Christian community, its sympathizers in civil society, and the government need to address a couple of risks in the process. First, that amendment in this regard should avoid rushing through the legislation that can cause any discord or discontent amongst the Christian community. Secondly, the point of view of people who have suffered or are suffering due to these laws needs to be included. Thirdly, Christian women of different experiences and backgrounds should get an opportunity to have their voices heard which the laws made around 140 years ago denied them. A frank and sincere dialogue can indeed help reach better laws governing Christian marriages.

### Conclusion

In 1947, Pakistan emerged as an independent state on the globe that has provided a new piece of land that was supposed to serve as a safe harbor for Muslims of the South Asian region which was the largest religious minority at that time. Later on, the land absorbed many

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women:" ....The same rights and responsibilities during marriage and at its dissolution", Convention on the Elimination of All forms of Discrimination Against Women (passed 1979).

other people whose faith was not Islam and passed an inclusive gesture to the world as at that time the ratio of the religious minority was 23 percent which is squeezed to approximately 3% of the total population. That shows that the majority of the population belonging to religious minorities fled from the land to other countries due to the extreme level of religious hatred and intolerance.

Religious Minorities is still struggling for their recognition as equal citizen but the deep-rooted discriminatory attitude and social behaviour is increasing the vulnerability of the citizens who have not migrated from anywhere. Consequently, excluded from the mainstream and compelled to face extreme poverty and exploitation. Some working sectors have been reserved only for religious minorities due to which the people belonging to the reserved working sectors are considered 'untouchables'.

Besides, the issue of forced conversion is arousing and taking the attention of the national and international media that is defaming Pakistan. This issue is aroused due to the absence of Family Laws, resultantly, various matrimonial issues are unaddressed. In the situation of grievances among legal spouses, separation and re-marriage is a very hectic and complicated process. In addition, the married couple belonging to the Hindu community are unable to prove that they are legal spouse. The issue of forced conversion is faced by the majority of Hindu women.

Indeed, it is the foremost duty of the state to address the issues of its citizen on a priority basis. In addition, Pakistan is also the party of several covenants, conventions and treaties internationally and is under obligation to implement the ratified agreements in letter and spirit. Particularly, the United Nations Convention on the Elimination of all forms of Discrimination against Women (UNCEDAW) in its articles 12 to 15 specifically focusing upon marginalized groups of women that include rural women, working women of informal sectors, women belonging to religious minorities, and women with disabilities. The CEDAW committee in the concluding observation of March 2020 against the State Party Report specifically highlighted the lacunas and grey areas in the existing legal cover for religious minorities. The committee also called upon the government to introduce a comprehensive legal framework for addressing the matrimonial issues of religious minorities.

Hence, all the issues and their resolves could not be addressed without ensuring the political participation of religious minorities. Though, the government has included the voices of religious minorities in politics, yet, effectiveness and participation in the decision-

making process is another issue that is still unresolved. Such a gesture by the political actors and forces revealed that the current system and procedure to select the representatives of religious minorities is an eyewash. The issue of Family Laws is only resolved through the effective political participation of religious minorities by accepting them as equal citizens with rights and privileges, which ultimately, would increase social acceptance.