

Blasphemy law reform

Monday 14 May 2007, by [The News \(Pakistan\)](#) (Date first published: 10 May 2007).

That the ruling party — or an influential and reasonably large segment of it — often acts as a mirror image of the MMA was shown again on Tuesday by the actions of the parliamentary affairs minister who quite ruthlessly shot down a bill moved by a minority MNA, M P Bhandara, to amend the blasphemy laws. As Mr Bhandara put it, he wanted to introduce the legislation to bring a semblance of equality to the existing law. Also, he said he wanted further safeguards for the minorities since the laws in their current form were widely misused. Now the question is: how could the government see anything wrong with this? After all, is it not President Pervez Musharraf himself who, on several occasions, has publicly said that there needs to be a procedural change in the existing law so as to check its frequent misuse? Besides, it surely must be in the government's knowledge — though it may not be willing to admit it publicly — that the minorities by and large live in fear since these laws can be so easily used against them. This is particularly true of Christians living in Punjab where several cases of abuse of the laws have been reported over the years.

The fact of the matter is that in 2004 the government did make procedural changes to the laws but these have rarely been implemented since any complaint of blasphemy received by the police immediately leads to the arrest of the accused and registration of an FIR. Hence, many cases tend to be borne out of a wish to settle personal scores — by the accuser against the accused — and have only added to the discrimination prevalent in society against the minorities. In many instances, the motivation for the accusation has more to do with bigotry, selfish gain, prejudice and professional rivalry. Often, the unsubstantiated oral testimony of the complainant would be used as the basis for conviction and even if corroborating witnesses were used, they

tended to share the bias and prejudice of the complainant.

Furthermore, the laws create an atmosphere where fanatics and bigots, motivated primarily by hate and intolerance, are encouraged to take the law into their own hands. Hence, the many unfortunate, grisly instances where persons accused of blasphemy, with the charges against them yet to be proven, were lynched by mobs or murdered by vigilantes. The element of bigotry and intolerance is so great in society — spread by the existence of such laws from Zia's era — that even suspects in police custody or in jail cannot feel safe. In fact, it was only recently that a police guard killed a blasphemy suspect under his guard. In such an environment, where mere accusation is promptly equated with guilt, it is next to impossible for someone accused of blasphemy to receive a fair trial. The pressure on the judge hearing such a case is often supplemented when the complainant packs the courtroom with like-minded individuals (many stand outside the court as well) all of whom have the tacit or overt backing of militant outfits.

Even the acquittal of a suspect by a court of law usually does not pacify the bigots, which means that even after being proved innocence, the individual and his family must either live in perpetual fear or flee the country (as many who were accused of blasphemy but were eventually proved innocent had to do). In one instance, even a high court judge who had acquitted two individuals accused of blasphemy ended up being murdered by a fanatic. Never has there been any prosecution of those who take the law into their own hands, or against those who incite the general public to kill a person accused of blasphemy.

In view of all this, one has to wonder what it is that the parliamentary affairs minister was trying to defend on Tuesday as he vehemently opposed Mr Bhandara's bill, condescendingly telling him that Pakistan was made in the name of Islam and was not a secular state. Regardless of that debate, any country that claims to provide justice to its citizens regardless of faith, creed or caste needs to consider the views of its minorities in a fair and reasoned manner, instead

of dismissing them out of hand and at the same time lecturing them on religion and ideology. That will only reinforce the widely-held belief that the government's oft-repeated claim that minorities in Pakistan enjoy the same legal and constitutional rights as the majority community is nothing but doublespeak.

P.S.

* From The News, May 10, 2007. Circulated by South Asia Citizens Wire | May 9-10, 2007 | Dispatch No. 2402 - Year 9.