

# The Supreme Court of Pakistan declares preaching Christianity is not a crime

Monday 12 September 2022, by [MUGHAL Aftab Alexander](#) (Date first published: 9 September 2022).

**On August 2, in a landmark verdict of a Christian sanitary worker's bail decision, the Supreme Court (SC) of Pakistan declared that preaching Christianity is not a crime in Islamic Republic of Pakistan. The apex court showed its concern about the accused persons in blasphemy cases, and advised the government to take blasphemy cases with utmost care, and to ensure that civil dignity, rule of law and freedom of speech are not compromised.**

A two member bench of the apex court comprised Justice Qazi Faez Isa and Justice Syed Mansoor Ali Shah granted bail to Salamat Mansha Masih, a sanitary worker at Lahore Waste Management Company, on August 23, but the detailed judgment came a week later, which discussed a couple of issues related to the blasphemy cases.

Masih was imprisoned since January 4, 2021 under blasphemy accusation. He was accused by four Muslims students in Model Town Park, Lahore for committing blasphemy by preaching Christianity. According to the complainants, it was a sacrilegious matter. However, the Supreme Court said that preaching Christian is not a crime as it is a fundamental right of every person to profess, practice and propagate one's religion.

In its pertinent observation, the court stated in a nine-page judgment that such cases receive wider publicity, which has an adverse effect and may also jeopardise a fair trial. "Irresponsible and sensational broadcasts and publications repeat what allegedly that accused had said or done - those repeating this may themselves be committing the same offence," the judgment said.

A local English-language newspaper The Express Tribune said on September 4 that blasphemy cases have for long been a blot on our social conscience and law.

Blasphemy is a sensitive issue in a conservative Pakistani society. Religious minorities, especially Christians and Hindus, face persecution being accused of sacrilegious matters. Blasphemy laws restrict any speech or action against Islam. Since their inception, these laws have been widely misused against minorities. However, many Muslims also the victims of alleged blasphemy. In 1980s, military dictator Muhammad General Zia-ul-Haq inserted 8 sections (Sections 295, 295-A, 295-B, 295-C, 298, 298-A, 298-B, and 298-C) into Chapter XV of the Pakistan Penal Code under his Islamisation agenda. These sections are commonly known as blasphemy laws. The outcome of blasphemy cases showed that most of the times false allegations are levelled to settle personal scores. In some cases, mobs killed the alleged blasphemer and burnt down the entire Christian locality where the alleged blasphemer lived.

The Section 295-C prescribes only death sentences. Therefore, the utmost care is needed by the state institution regarding blasphemy cases. The court observed that abiding by Islamic jurisprudential principles, applying the constitutionally guaranteed right to a fair and a due process, and acting prudently to ensure that an innocent is not convicted wrongly in respect of offences

relating to religion, when there is only the improbable oral testimony of witnesses, and then there must be corroboration.

The court noted that a fair trial and a due process is a fundamental right of an accused person, and it is more important in those cases which carry severe punishments. The court also raises questions about credible and reliable evidence and witnesses in these cases.

A copy of the order was sent to the federal and provincial prosecution departments to ensure the investigation of offences related to religion under Chapter XV of the Pakistani Penal Code. #

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