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A Comparative Study of Human Rights Violations against Religious Minorities in Pakistan and India

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ABSTRACT

In contemporary South Asia, and especially in Pakistan and India, religious minorities' access to human rights is one of the most salient socio-political and legal issues. In both states, there have been ongoing allegations of discrimination and violence against minority communities, forced conversions and hate speech, political marginalization and inequalities, despite the constitutional guarantees of equality, freedom of religion and protection of minorities. This research paper compares and contrasts the pattern, reasons and impact of human rights abuses suffered by religious minorities in Pakistan and India. This research explores the nature of constitutional structures, state policies, political ideologies, extremist movements, media portrayals, and the involvement of law enforcement institutions in minority experiences in both nations. It also assesses the effects of religious nationalism, majoritarianism and extremist ideology on democratic governance and social cohesion. The paper investigates the nature of extremism in Pakistan and India, and discusses the challenges of the structural and ideological aspects of both countries with regards to the protection of minorities through the use of historical analysis, qualitative comparative methodology and human rights perspectives. The study highlights that institutional reforms, interfaith dialogue, legal protection and depoliticization of religion in the affairs of state, are essential to promoting sustainable peace, democratic stability, and regional harmony.

Keywords: Human Rights, Religious Minorities, Extremism, Pakistan, India, Religious Nationalism, Communal Violence, Minority Rights, South Asia, Discrimination.

1.Introduction:

Human rights are the backbone of democracy, social justice and peaceful coexistence in the modern society. One of the most important aspects of human rights is safeguarding religious freedom and minority groups. Political, ideological, and social factors often cause religious minorities to be discriminated against, excluded from, and attacked in religiously diverse societies around the world. Minority rights is an area of conflict which is inextricably linked with the colonial history, partition politics, nationalism, identity formation and religious extremism in South Asia. After the partition of British India, Pakistan and India became sovereign countries in 1947. In India, a secular democratic system took precedence, in Pakistan, however, Islam became more influential in the political and social arena and a secular democratic system was not established. In spite of these constitutional differences, both countries have faced difficulties in providing equal protection and security for religious minorities. Minority groups in Pakistan (including Christians, Hindus, Sikhs, Ahmadis, and Shias) and in India (Muslims, Christians, Sikhs, Dalits, and others) have often faced social marginalisation, violence, discrimination and legal restrictions. Minority rights in Pakistan and India cannot be explained on their own, but must be looked at in the wider socio-political

context. The religious nationalism, extremist ideology, electoral politics, communal polarization and weak institutional responses have aggravated the intolerance in both societies. "Human rights are not only legal standards, but social and political practices that embody the moral obligations of states and societies" (Donnelly 2013, p. 7). Lack of protection of minority rights, then, is a legal and moral problem. Some of the key issues of religious minorities in Pakistan have been blasphemy allegations, forced conversion, attacks on places of worship, social discrimination, and lack of representation in political institutions. In particular, the Ahmadiyya community have suffered legal exclusion as a result of constitutional amendments and religious legislation. Christians and Hindus have also suffered mob violence, discrimination in employment and educational exclusion. In 2024, Human Rights Watch noted that religious minorities in Pakistan continue to be "discriminated against by the state and targeted by society, with ongoing extremist propaganda." In India, the recent surge of majoritarian politics and Hindu nationalism has created worries about the rights of the Muslim community and other minorities. Minority groups are being marginalised by the increasing alignment of Indian national identity with majoritarian religion in the Hindu nationalist politics as discussed by Lynch (2019). There have been incidents of mob lynching, communal riots, discriminatory citizenship debates, hate speech and attack on places of worship, which have drawn international human rights concerns. The study aims to critically explore the nature, causes and consequences of human rights violations against religious minorities in Pakistan and India, in a comparative way. Examines the relationship between state institutions, extremist ideologies, political mobilisation and social structures in building minority experiences. The study also assesses the effectiveness of constitutional protection, legal mechanisms and international human rights mechanisms in safeguarding vulnerable communities.

2. Literature Review:

There has been significant scholarship on human rights abuses against religious minorities in Pakistan and India, particularly in human rights, constitutional law, political science, sociology and south Asian studies. Pakistan and India have different constitutional frameworks on religion owing to their divergent modes of development from same colonial and partition background in 1947. A gradual formation of an Islamic constitutional identity in Pakistan and a secular democratic system in India. However, literature available clearly shows that religious minorities in both countries still face problems with regard to discrimination, communal violence, political marginalisation, restrictions to religious freedom, and socio-economic marginalisation. Literature can be classified broadly into three categories: theoretical studies on minority rights; constitutional and legal studies; and studies on communal violence and political discrimination in Pakistan and India. The theoretical literature has focused on formal equality as an insufficient safeguard for vulnerable communities. Kymlicka (1995) states that minority communities can demand certain institutional safeguards because historically underprivileged minority groups need to be given additional safeguards that cannot be ensured through universal individual rights alone. (Kymlicka, 1995) Likewise, Donnelly stresses universalism of human rights such as equality, freedom of religion, freedom of conscience and protection from discrimination. (Donnelly, 2013) These approaches are applicable to Pakistan and India because religious identity is very much linked with political participation, social status, access to public institutions and cultural rights. The protection of minorities in both countries can be compared under umbrella of international human rights instruments, including Universal Declaration of Human Rights (UDHR) (1948), International Covenant on Civil and Political Rights (1966) and UN Declaration on Rights of Persons

Belonging to National or Ethnic, Religious and Linguistic Minorities (1992). One of key areas of research is constitutional and legal rights of minorities in Pakistan. The Constitution of Pakistan has enshrined basic rights, granting freedom to profess, practice and propagate any religion, as well as constitutional provisions that stipulate Islamic nature of state. Kennedy illustrates impact of Islamization of Pakistan's laws on issues of citizenship and minority rights as well as on the position of Islamic principles in legal system. (Kennedy, 1996) In same way, Shaikh maintains that Islam, state and national identity have posed a challenge to each other in Pakistan's political history. (Shaikh, 2009) The literature is especially dedicated to constitutional situation of Ahmadis, blasphemy law, forced conversion, assaults on religious institutions, sectarian violence and discrimination against Christians, Hindus and Sikhs, as well as other minority groups. Abbas draws a relationship between rise of religious extremism and the relationship between political Islam, state institutions, regional geopolitical conditions and militancy. (Abbas, 2005) Minority and minority rights is a study on rights of minorities in a secular framework of Indian constitution. Equality, non-discrimination, freedom of religion and cultural and educational rights are guaranteed under Article 14, 15, 25-30 and related provisions of constitution. According to Bhargava, Indian secularism is not as rigid as separation of religion and state in certain western secularisms, but it does permit state to engage with religious communities, which, in Indian context, also mandates constitutional equality of all religious communities. (Bhargava, 2010) But this model has come under scrutiny by scholars over past few years as to whether it has been under threat by growth of Hindu nationalism. The rise of Hindu nationalism and its emergence as a significant political force, as well as its evolution, are discussed by Hansen (Hansen, 1999) and Jaffrelot (Jaffrelot, 2021) respectively. Religious polarization and majoritarian politics are also seen as major hurdles to Indian pluralistic democratic tradition by Nussbaum (2007). The other major literature related aspect is communal violence and physical security. In Pakistan, incidents of sectarian violence, attacks on religious minorities, destruction of places of worship, and violence linked to allegations of blasphemy have been recorded. In Zaman, Sunni and Shia identities and process of radicalisation are explored and sectarian divisions were politicised further. (Zaman) Varshney concludes that in India, robustness of civic network among Hindus and Muslims has a significant effect on Hindu-Muslim violence. (Varshney, 2002) His research questions notion that communal violence is a natural outcome of religious divides. Brass also shows that communal violence can be political, institutional and not necessarily religious in nature. (Brass, 2003) On political side, Wilkinson introduces idea that electoral politics affects the way governments react to communal violence. (Wilkinson, 2004) Political and socio-economic exclusion have also been highlighted in literature as being crucial aspects of minority-rights violations. It is more than just about preventing physical violence, it is about real political representation of minorities and their equal access to education, employment, health and other public services. The Sachar Committee Report (2006) in India gave concrete facts about the socio-economic and educational situation of Muslims and highlighted the disparities in field of employment, education, and political participation. In Pakistan, researchers also have analyzed the representation of minorities and raised doubts about how well the constitution's reserved seats are giving minorities political influence. These studies show that there is a disconnection between formal political representation and substantive equality. Another area of research that has become important is media representation. In a comparison of Pakistani and Indian print media, Batool noted that there were significant disparities in the portrayal of the religious minorities, and he also pointed out that some minority groups were portrayed negatively or not at all. (Batool, 2018) These are significant

because media coverage can contribute to stereotyping, normalisation of prejudice and attitudes towards religious groups. These challenges have been exacerbated by the rise of social media platforms that enable spread of hate speech, misinformation, communal rumors, and content that is polarized along political lines. Research comparing Pakistan and India (Comparative scholarship) is more limited than country-specific research. While both countries have constitutional protections of minorities, Ashraf and Ali suggest that their political, legal, social and economic environment create varying patterns of minority vulnerability. (Ashraf, 2018) Vijapur makes a comparative analysis of rights of minorities in both countries in context of constitutional protection and international human-rights obligations and finds that there is a wide gap between constitutional protection and actual implementation. (Vijapur, 2021) In line with that, Parveen et al. also note that Pakistan and India have constitutional and legal provisions to safeguard minorities but are facing implementation obstacles. (Parveen, 2023) While pointing out differences between Islamic constitution in Pakistan and the secular constitution of India, Khan and Rahman also note the ongoing challenges related to discrimination and the enforcement of minority rights. (Khan S. &, 2024) Although a considerable amount of literature has been produced, there are still a number of gaps in research. First, much of scholarship focuses on one country (Pakistan or India), and fewer treat two nations in a systematic, common human rights framework. Secondly, previous studies tend to focus on one dimension (legal, political, social, and economic) or communal violence but fail to connect two emphases. Thirdly, there is a lack of comparative focus on political party interaction, electoral competition, religious nationalism and minority rights. Lastly, there is a requirement to evaluate domestic practices with respect to international human-rights standards. The present study aims to fill these gaps and focuses on the comparative study of human rights violations against religious minorities in Pakistan and India based on a multi-dimensional framework that includes constitutional and legal discrimination, religious freedom, communal violence, political representation, socio-economic exclusion, hate speech, and media presentation and state response. The study aims to understand whether there is a relationship between the constitutional identity, political institutions and state practices of two neighboring states and the constitutional protection and violation of the rights of religious minorities.

3. Theoretical Framework:

For purpose of this study “A Comparative Study of Human Rights Violations against Religious Minorities in Pakistan and India”, the theoretical framework has been borrowed from theories of minority rights, human rights, social exclusion and majoritarianism to explain the differences in treatment of religious minorities in the two countries. The framework acknowledges that the violation of minority rights may not be reduced to religious issues, but rather occurs as a result of processes between constitutional arrangements, political institutions, societal attitudes and state practices. Much of material in this study is based on theory of minority rights of Will Kymlicka, which states that “formal equality” is not always enough to safeguard historically disadvantaged groups. (Kymlicka, 1995) Minorities might also need institutional measures to ensure the preservation of religious identity, cultural practices, political participation and collective rights. This viewpoint is especially significant in Pakistan and India where religious minorities can be discriminated against in spite of constitution's equality provisions. It is thus interesting to explore whether constitutional protections and institutional devices offer minorities real, or simply formal, protection.

The second component is based on universal human-rights approach of scholars like (Donnelly, 2013). Human rights are considered as rights which are given to every person

irrespective of his or her religion, ethnicity, nationality etc. The framework emphasizes with particular emphasis on following rights to equality, non-discrimination, freedom of religion and conscience, personal security, political participation and equal protection before law. The norms and principles of Universal Declaration of Human Rights (1948) and International Covenant on Civil and Political Rights (1966) can be used to measure treatment of religious minorities in both countries. The study also uses the concept of social exclusion theory to explore possible ways of marginalizing minorities from political, economic, social and institutional opportunities. Social exclusion is not only a matter of actual physical violence, but also of lack of opportunity to access to education, employment, political representation, public services, and social institutions. This viewpoint enables study to consider wider aspects of minority disadvantage in both nations. It is especially helpful for examining compounding effects of legal discrimination, socio-economic inequality, political marginalisation and negative social attitudes. The framework also features a notion of majoritarianism, which helps to understand how political systems can be dominated by majority interest or majority identity, thereby compromising rights of minorities. In India, this dimension is analyzed in terms of scholarship on Hindu nationalism and shift of religious identity to political nationalism (Hansen, 1999). Both implications of Islamic constitutionalism and political institutionalization of religious identity after Islamization period have been taken into account in study in Pakistan. (Kennedy, 1996) Themes and theories are integrated to present a comparative analysis of four major variables – constitutional and legal protection, political and institutional discrimination, communal and religious violence, and socio-economic exclusion. The structure of framework is based on premise that severity of human-rights infringement will result from interplay of constitutional protections, political institutions, dominant ideologies, state capacity, and societal attitudes. Thus, comparison between Pakistan and India is not just in terms of their various constitutional identities, but also in terms of disconnect between rights, as guaranteed and rights as lived. This theoretical approach helps research identify issue of why religious minorities are still vulnerable even after having been pledged to equality, religious freedom and non-discrimination in constitution and international law. Additionally, it serves as a basis for assessing whether differences in state ideology, political institutions, and majoritarian politics can account for difference in minority-rights outcomes between the two countries.

4. Historical Background of Minority Politics in South Asia:

To unravel contemporary politics of religious minorities in Pakistan and India, one has to engage with history of religious identity, colonial governance, nationalism, constitution making process and partition of British India in 1947. Religious differences have had an impact on lives of Muslims, Hindus, Sikhs, Christians, Ahmadis, Buddhists, Jains and other communities, but so too have political institutions, electoral systems, economic disparities, conflicting nationalisms, and state policies. Minority politics thus matured from pre-colonial model of religious co-existence to colonial model of communal categorisation and post-colonial models of Islamic constitutionalism in Pakistan and secular constitutionalism in India. Religious identity became an important matter of citizenship, sovereignty and national belonging in context of partition. In context of partition, religious identity became an important matter of citizenship, sovereignty and national belonging. So current situation of discrimination, communal violence, displacement, political exclusion and religious freedom issues are the products of a much longer history. South Asia has always been a religiously diverse region, with various religions including Hinduism, Islam, Buddhism, Jainism, Sikhism, Christianity and local traditions coexisting and influencing each other. Under Muslim rule,

especially under Mughal Empire, Muslims were able to coexist with other religions in a shifting political and legal context. Each ruler had their own policy. For instance, Akbar's policies of religious accommodation under term *sulh-i kul* "universal peace" cannot be debated; on the contrary, policies of Aurangzeb are still debatable. Eaton warns of dangers of simplistic explanations of religious conflict and highlights intricate relationship between conversion, political power, social systems and living together. (Eaton, 2000) These are events that were significant later in history for alternative narratives of South Asian history by various nationalists. The colonial regime in Britain had a profound impact on the political configuration of religious groups. Society was increasingly divided on religious lines by the census classification, by representative institutions, by electoral system, by codified personal laws and by modern political parties. Numerical concepts of religious communities as "majorities" and "minorities" were developed with help of census of 1871. Cohn has suggested that colonial knowledge system created new categories of social identity, having significant political implications. (Cohn, 1996) There were crucial moments of organized political representation with the establishment of the Indian national congress in 1885 and the All-India Muslim league in 1906. Some Muslim worries over political representation in a democratic system where Hindus are in majority grew gradually. Religious identity was embedded in electoral politics with the Morley-Minto Reforms of 1909. Partly established to ensure a minority presence, separate electorates also strengthened communal political divisions. Minority politics was not necessarily adversarial, however. Lucknow Pact of 1916 showed that Congress and Muslim League can work together, Congress agreeing to give Muslim political safeguards. Likewise, Khilafat Movement briefly cemented political harmony between Hindus and Muslims. According to Jalal, later conflicts were not due to religious differences but to a struggle over political methods, a process of constitutional bargaining, diverging provincial interests and leadership decisions. (Jalal, 1995) In 1920s and 30s, rival nationalistic movements began to define political identities. Based on these developments, RSS was founded in 1925, which gave a boost to organisation of Hindus as nationalists and Muslim League started to stress political distinctiveness of Muslims. A rival vision of 'nationalism' was fully developed composite Indian nationalism, rooted in a political community, and religious nationalism, which focused on religious political communities. The Government of India Act, 1935, increased powers of provincial autonomy, and elections of 1937 brought issues about majority rule and safeguards for minorities to the fore. Jinnah's focus began to shift on need for greater protection from Muslims in a political sense, but Ayesha Jalal observed that initially Jinnah's approach was not to demand partition but to negotiate a sharing of power. (Jalal, 1995) The Lahore Resolution of 1940 was a turning point. Muslim League sought independent political solutions in Muslim majorities to eventually become basis of Pakistan movement. The demand for independent Muslim nation changed nature of minority politics. Muslims now saw themselves as the only political nation, whereas Hindus and Sikhs were faced with a question of what would happen to them in Muslim majority regions. It may be concluded from historical evolution of minority politics that religious diversity did not necessarily lead to conflict. Instead, colonial order, electoral rivalry, competing nationalisms, political leadership, and constitutional debates increasingly redefined religious identity as a political one. An historical process that helps to understand experiences of religious minorities in Pakistan and India after 1947. The August 1947 partition of British India is the most significant event in modern history of politics of minority groups in South Asia. Pakistan came into existence as a sovereign state and India became an independent state in rest of territory of British India. The partitioning was one of greatest

forced migrations in history. There are varying estimates of number of people who crossed new international border—around 10-15 million. There was general communal violence during process. Hindus and Sikhs moved towards India and Muslims moved towards Pakistan. Many people lost their lives, were injured, had property destroyed or were separated from their relatives. Yasmin Khan illustrates that partition cannot be simply seen as a constitutional moment. (Khan Y. , 2007) It had a radical impact on identity, security, property and citizenship of ordinary people. Partition thus established a strong historical memory, which continues to shape relationship between Pakistan and India and minority politics in Pakistan.

5. Minority Politics in Pakistan:

In Pakistan, founding leadership had to struggle with this important question of how Islam and citizenship and how minority rights relate to one another. Jinnah laid this principle on equal footing of citizens and said that citizens are free to go to their temples, mosques and other places of worship in his famous speech to Pakistan's constituent assembly in 11 August 1947. This speech has emerged as a significant part of discussion over constitutional identity of Pakistan. The ensuing political evolution of Pakistan generated different understandings of Jinnah's vision. In Objectives Resolution of 1949, a statement was made that sovereignty of the whole universe belongs to Allah and Islamic principles were given significant importance as a basis of future constitutional order. In parallel, it acknowledged the values of democracy, freedom, equality, tolerance and social justice. This worked as a catalyst for emergence of a constitutional conflict between Islamic identity and equal citizenship, which became a regular feature in the political development of Pakistan. The constitution of Pakistan 1956 proclaimed Pakistan Islamic Republic of Pakistan for the first time. There were also basic rights guaranteed by Constitution and religious minorities were protected. This dual identity, Islamic State on one hand, with formal minority rights on the other, became an integral part of the constitutionalism in Pakistan. This was continued in other ways by next constitutions in 1962 and 1973. Fundamental rights were incorporated into Constitution of 1973 and Islamic provisions were enhanced. Thus, the constitution making process in Pakistan resulted in a complicated legal area where on the one hand religion had a significant impact on making of laws, and on the other hand, minority rights were constitutionally recognized. The greatest change took place under watch of General Muhammad Zia-ul-Haq (1977-1988). Zia's Islamization efforts put Islam into law and politics. These key changes were in area of legislation related to Hudood, expansion of Islamic judicial institutions, establishment and strengthening of religious regulatory mechanisms, changes in evidence, and changes in family law, as well as growing influence of religious institutions in politics. *Ahmadi*s were already declared non-Muslims by Second Constitutional amendment of 1974. Further legal restrictions were put in place on Ahmadi religious practice during the Zia regime. Kennedy states that concept of religious identity and citizenship was completely altered in Pakistan with advent of Islamization. (Kennedy, 1996) The present study is of particular significance because it illustrates how religious difference might become a legal right or status issue through constitutional and legislative processes. Blasphemy legislation is prominently discussed in Pakistani literature. The debates on freedom of religion and minority protection were focused on Sections 295-B and 295-C of Pakistan Penal Code. Supporters say that such laws are for protection of religious sanctity. Some critics argue that laws can be misapplied in cases where accusations are based on personal or property disputes or local tensions. Procedural safeguards and protection from mob violence have been repeatedly stressed by human-rights organizations and scholars. This is a case of *Salman Taseer*, who was assassinated in 2011 for criticizing a government official who was using blasphemy laws for

political purposes. His assassination followed by killing of his assassin *Mumtaz Qadri* also sparked religious and political mobilization. The events illustrate how religious laws can not only affect minority rights, but also political discussion.

6. Minority Politics in Post-Independence India:

India with a far more unique constitutional structure. The Constitution of India, which was adopted in 1950, provided for equality before law and against discrimination based on religion. Religious freedom is guaranteed by articles 25–28; cultural and educational safeguards for minorities are given by articles 29 and 30. The Indian constitutional model thus tried to balance democracy, religious freedom, protection of minorities and national unity. Form of constitutional secularism has been challenged over and over again. There were several instances of communal violence in decades after independence. Political issues regarding religious identity grew more acute since 1980s. The advent of Hindu nationalism brought about a significant change in nature of minority politics in India. *Savarkar's* idea of *Hindutva* was an ideological basis for marking Indian national identity in primarily Hindu cultural terms. The RSS built up a vast network of social and cultural groups and eventually BJP became foremost national political voice of Hindu nationalism. Hindu nationalism refashioned religious identity as contemporary political movement, as put by Hansen (Hansen, 1999). Similarly, Jaffrelot (Jaffrelot, 2021) investigates shift of "marginal" Hindu nationalism into centre of national political competition in India. The development has significant consequences for Muslims and other religious minorities as political discourses are becoming more fraught with opposing visions of Indian nationalism. The issue of Ayodhya is one of the most significant incidents in modern history of Indian minority politics. Hindu nationalist groups declared location of *Babri Masjid* to be birthplace of Lord Ram and called for its temple construction. On 6 December 1992, a big group of activists demolished mosque. Communal violence ensued after demolition. The event had a significant impact on electoral politics and Hindu-Muslim relationship in India. Ayodhya controversy is an important instance of one of threats of religious identity mobilisation to political life, as noted by Nussbaum (Nussbaum, 2007). Eventually, matter made its way to Indian Supreme Court, which put in its final order in 2019, which validated construction of a Ram temple at disputed site, but also issued a direction to provide an alternate place for a mosque. Gujarat riots of 2002 are yet another milestone in history of religious minorities in India. Godhra train incident was followed by large scale communal violence, leaving the lives of over 1000 people, mostly Muslims, lost, as per official figures. A wide range of discussion over state responsibility, police effectiveness, political accountability, judicial intervention and minority security arose as a result of violence. Gujarat experience was a landmark precedent in debate on politics of majorities and institutional safeguard of minorities. The debates around citizenship discussions on Citizenship Amendment Act (CAA) and anti-conversion act; cow protection politics; communal violence; hate speech; religious polarization; and digital misinformation have been the focus of greater research since 2010s. The CAA 2019 was a significant issue of contention because of its fast-track citizenship eligibility for certain religious communities from Afghanistan, Bangladesh and Pakistan, and Muslims from these countries were not included. Supporters describe it as a humanitarian measure for persecuted religious groups; critics say that law infringes on equality and secularism principles, that religion should not be a ground for citizenship, and that it is an unnecessary measure. The controversy has been a reminder of growing link between citizenship and religion.

7. Human Rights Violations against Religious Minorities in Pakistan:

Pakistan's constitution enshrines fundamental rights and guarantees freedom of religion, but religious minorities in Pakistan still experience a variety of problems related to legal discrimination, blasphemy allegations, mob violence, sectarian violence, forced conversion, restrictions on religious freedom and socio-political marginalization. Thus, central issue is not merely a lack of constitutional protections, but pervasive disconnect between formal rights and their actual application. Pakistan blasphemy-law regime is one of the most controversial aspects. Pakistan Penal Code contains harsh provisions for offences against Qur'an and allegedly derogatory remarks about Prophet Muhammad (s) in Sections 295-B and 295-C. This is formally part of criminal-law system, but human-rights groups have highlighted how these measures disproportionately affect religious minorities that are vulnerable. Blasphemy claims have been leveled not just in religious disagreements, but also for blackmail, personal vendetta, forced displacement and land acquisition, especially against poor and minority populations, Human Rights Watch said. (Watch, 2025) This is exacerbated by accusations unleashing extrajudicial violence and mob attacks. In 2024, at least four individuals were murdered and police action was elusive in several cases in connection with alleged blasphemy-related incidents, Human Rights Watch noted. The organisation also recorded prosecutions of Ahmadiyya members for blasphemy and anti-Ahmadiyya laws. These events highlight potential for accusations of religious offence to become a distraction to due process. They also have serious concern over Article 10A of Pakistan's Constitution, which provides right to fair trial. The Ahmadi community is in a very unique situation. The constitutional changes and later legislation have curtailed Ahmadis' right to declare themselves to be Muslims and banned some religious activities. In addition, Ahmadis are still being prosecuted for blasphemy and under specific anti-Ahmadi laws, according to Human Rights Watch. (Watch, World report 2025: Pakistan, 2025) These restrictions, viewed from a human-rights point of view, question equality before law as well as religious and expression and equal citizenship. Christians and Hindus are also highly vulnerable. Christians have been disproportionately targeted with blasphemy accusations and mob violence, while Hindu communities, especially in certain areas of Sindh, have been targeted regarding issues of abduction and alleged forced religious conversion. Freedom House reports that constitutional rights have had little effect in ensuring freedom from discriminatory laws, social discrimination, and sectarian violence and that concerns about forced-conversion of Hindus remain; there continues to be ongoing legal discrimination against Ahmadis. How collective violence can be unleashed in just a few moments of an allegation of Qur'an desecration was demonstrated by violence in August 2023 against churches and Christian homes in Jaranwala. Subsequently, police detained suspects and promised reparations and reconstruction, but it showed ongoing susceptibility of minority groups and need for good preventive policing and accountability. In addition to physical violence, social exclusion and lack of political involvement may also impact minority rights. The religious minorities can face difficulties of employment, education, access to public sector jobs and political influence. The emphasis on human rights violations should be broad: they do not just mean killing and attacks, but also discriminatory legislation, unequal access to citizenship, restrictions on religious freedom and freedom of expression, hate speech, forced displacement and lack of state protection. The literature thus indicates that Pakistan's minority rights problem is an implementation, institutional accountability and link between religion and citizenship issue. Both Kennedy (Kennedy, 1996) and Donnelly (Donnelly, 2013) draw attention to broader shift in nature of linkage between Islamic identity and law that occurred during Islamization period in Pakistan and importance of equal protection of universal human rights, irrespective of religious

identity. The challenge for Pakistan is thus to balance its Islamic constitutional identity with principles of equal citizenship, religious freedom, non-discrimination, due process and effective protection and safeguarding of vulnerable communities.

8. Human Rights Violations against Religious Minorities in India:

It is especially interesting to compare Pakistan and India since they had the same colonial and partition history in 1947, and have adopted different constitutional strategies with respect to religion. Pakistan has an Islamic constitutional setup as per its constitution whereas India has a secular constitutional system. In both countries, equality and religious freedom are formally guaranteed by constitutions, but serious violations of rights of religious minorities are reported by human-rights groups. The key difference lies not only in existence of constitutional rights for minorities, but whether their religious identity and political majoritarianism, legislation, state institutions, and enforcement of the law have an impact on practical enjoyment of their rights.

8.1. Constitutional and Legal Framework:

Constitution of Pakistan guarantees freedom to profess, practice and propagate religion and equality in eyes of law. Its Islamic constitutional principles, however, coexist with laws that establish specific restrictions on religious minorities. The most salient is blasphemy-law framework, and Ahmadis are subject to further constitutional and statutory limitations on religion and identity. In 2024, blasphemy-related mob and vigilante violence resulted in four deaths and Ahmadis continued to face high-risk of prosecution under blasphemy and anti-Ahmadi laws, Human Rights Watch noted. In India, on the other hand, Constitution mandates equality and freedom of religion and gives special protection for cultural and educational institutions of minorities. But, recent scholarship and reporting on human rights issues have raised concerns on how these laws, including citizenship, anti-conversion and cow-protection, are applied. USCIRF also asserts that discriminatory laws and practices have contributed to harassment of religious minorities over years, and that Citizenship Amendment Act (CAA) has raised specific concerns due to its faster citizenship process for certain non-Muslim communities but not for Muslims. In this sense, main legal problem in Pakistan is relationship between Islamic constitutionalism and equal citizenship, while problems facing India are growing to focus on relationship between constitutional secularism and political majoritarianism.

8.2. Religious Freedom:

A key issue in both states is religious freedom. Though in Pakistan Christians, Hindus, Ahmadis, Sikhs, and other minority groups have not faced this kind of restrictions and violence, it has occurred with blasphemy charges, acts of religious intolerance, and forced-conversion allegations. USCIRF also notes that government's enforcement of blasphemy and anti-Ahmadi laws is especially limiting on religious freedom for Ahmadis and forced conversions are reported among Christians, Hindus and Sikhs. In India, Muslims and Christians have been subjected to issues pertaining to communal violence, anti-conversion laws, hate speech and prohibitions on religious practice. India has been reported by USCIRF as a country where political and legal environment has paved way for harassment and violence against religious minorities, including at state level by anti-conversion and cow-slaughter legislation. Both countries have had communal violence and these are manifested differently in past and politically today. In Pakistan, Christian churches, Hindu temples, Ahmadi places of worship and Shia communities have been attacked. The accusation of blasphemy can quickly lead to mob violence. Several such cases were documented by Human Rights Watch and criticized lack of response from authorities. There have been frequent Hindu-Muslim and Hindu-

Christian communal violence in India. Varshney shows how quality of inter-communal civic networks is important for likelihood of communal violence. (Varshney, 2002) Similarly, communal conflict can be considered not as spontaneous religious conflict, but as a phenomenon of political and institutional processes, as is reflected in words of Brass (Brass, 2003). The anti-minority violence and hate speech in India have been documented recently.

8.3. Political Majoritarianism:

The dimension of political majoritarianism is an important comparative one. The definition of citizenship and rights of minorities has been shaped by religious political movements and Islamization in Pakistan. Islamization changed functional relationship between religion and law, and between Pakistani state and Islam, according to Kennedy (Kennedy, 1996). In India, political impact of Hindu nationalism has been a growing interest of scholarship. The changes in ideology of Hindu nationalism and its becoming a strong political force are subject of study of Hansen (Hansen, 1999) and Jaffrelot (Jaffrelot, 2021). USCIRF has specifically reviewed connections between HNOs and ruling BJP and the impact that these connections have on freedom of religion and belief. As a result, there are two different kinds of religious majoritarianism; Islamic constitutionalism in Pakistan and Hindu nationalist politics in India.

8.4. Marginalization in a political and Socio-Economic sense:

Violations of human rights are not just limited to acts of violence or legislation, but also political and socio-economic exclusion. Religious minorities in both states can experience challenges with political representation, employment, educational access and equitable state representation. The Muslim community in India is one specific group that has been subjected to an in-depth study with regard to socio-economic disadvantage. *Sachar Committee* had highlighted that Muslims suffer from various educational, economic and institutional disparities. (Committee, 2006) In Pakistan, reserved seats for constitutional minority are enabling them to participate formally in politics, but scholars remain skeptical about whether they give minorities the political power.

8.5. State Response and Accountability:

An important difference is how the State responds when violations occur. In Pakistan, lack of protection for blasphemy-related mob violence has been pointed out, along with continued use of discriminatory legislation. In a report, USCIRF has expressed its concern with Pakistan's too-shallow response to blasphemy-related violence. In India, issues of selective law enforcement, polarization, differential enforcement of law and responsibility for communal violence have been the issues of concern. Some of issues that Human Rights Watch has reported on include hate speech, attacks against minorities, and restrictions on civil liberties. (Watch, World report 2025: India, 2025) Both countries should not be considered as single examples at the same time. Both have courts, civil-society organisations, journalists, political parties and public institutions, which have challenged discriminatory practices and have defended minority rights. The distinction between state policy, judicial intervention, political rhetoric and societal behavior should therefore be made in comparison.

9. Comparative Analysis of Human Rights Violations against Religious Minorities in Pakistan and India:

The comparison between Pakistan and India is significant for several reasons, one of which is that both were born out of the same colonial and partition history in 1947 and have taken two different paths to devising a constitutional regime that deals with religion. The constitution of Pakistan stated that the State of Pakistan is an Islamic Republic while in India, the constitution was secular. Both have proclaimed equality and religious freedom in their constitutions, but human-rights groups remain to be victims of grave human rights abuses in

both nations. It is not so much that minorities have rights under the constitution or not, but rather how religious identity, political majoritarianism, legislation, state institutions and law enforcement impact the actual enjoyment of these rights.

The Constitution of Pakistan gives freedom to profess, practice and propagate religion and the equality before law. Its Islamic constitutional provisions coexist, though, with legislation which brings certain restrictions on religious minorities. The blasphemy-law framework is the most visible of these, and Ahmadis are subject to further constitutional and statutory restrictions on their religious expression and identity. In 2024, Human Rights Watch also reported, blasphemy-related mob and vigilante violence resulted in deaths of four people and Ahmadi Muslims continued to be especially susceptible to prosecutions under blasphemy and anti-Ahmadi laws. In India, however, Constitution guarantees equality and freedom of religion and also has specified protections for minorities in terms of culture and language and educational opportunities. But implementation of citizenship and anti-conversion, cow-protection laws and others, have been a matter of concern, as per recent scholarship and human-rights reporting. USCIRF states that discriminatory laws and their enforcement have helped create an environment for harassment of religious minorities and that Citizenship Amendment Act (CAA) has stirred up significant controversy due to its rushed citizenship provisions that apply to certain non-Muslim communities but not to Muslims. So much so that central issue in Pakistani law is relation between constitutional Islamicism and equality of citizenship, while central issue of constitutional nationalism in India is relation between constitutional secularism and majoritarian political nationalism.

The issue of religious freedom is a significant concern in both States. Forced-conversion allegations, religious intolerance, and blasphemy accusations have caused Christians, Hindus, Ahmadis, and other minorities to be subjected to restrictions and violence in Pakistan. In recent years, enforcement of blasphemy and anti-Ahmadi laws has have been particularly detrimental to religious freedom for Ahmadis, and forced conversions have been reported among Christians, Hindu and Sikh communities, reports USCIRF. Muslims and Christians have been concerned in India regarding communal violence, anti-conversion laws, hate speech and limitations on religious freedoms. The political and legal climate in India has enabled harassment and violence against religious minorities, including at the state level through anti-conversion and cow-slaughter laws, according to USCIRF.

Communal violence has occurred in both countries and its historical and political expression differs. There have been attacks against Christian churches, Hindu temples, Ahmadi places of worship and Shia communities in Pakistan. Rumors of blasphemers can quickly develop into mob violence. Several such incidents were reported by Human Rights Watch and authorities' failure to punish them was criticized. Communal violence between Hindu and Muslim communities, as well as Hindus and Christians have been a recurring occurrence in India. Varshney's research shows that power of civic networks that mediate between communities--whether strong or weak--can be a key determinant of whether communal violence occurs. (Varshney, 2002) Brass (2003) also highlights political and institutional dimensions of communal conflict rather than spontaneous religious hostility insofar as it involves violence. (Brass, 2003) There are concerns regarding incidents of anti-minority violence and hate speech in India as reported in recent times.

Political majoritarianism is an important comparative dimension. Religious political movements and Islamic law in Pakistan have affected concept of citizenship and minority rights. According to Kennedy, Islamisation had affected relationship between religion and the law, as well as Pakistani state. (Kennedy, 1996) Scholarship in India has become more and

more focussed on political impact of Hindu nationalism. Hansen (Hansen, 1999) and Jaffrelot (Jaffrelot, 2021) have discussed shift of Hindu nationalism from ideology to a potent political force. USCIRF has specifically studied interactions between Hindu nationalist groups and ruling BJP and its impact on freedom of religion or belief. Hence, religious majoritarianism works along various ideological lenses, Islamic constitutionalism in Pakistan and Hindu nationalist politics in India. Violence and legislation are not the only form of human-rights abuses, but also political and socio-economic exclusion. In both countries, religious minorities might experience problems getting a seat in parliament and jobs, as well as access to educational institutions or to equal and equal opportunities in state institutions. The socio-economic disadvantage of Muslim community in India has been a special focus. In Sachar Committee Report 2006, it was seen that Muslims suffered from big educational, economic and institutional deficiencies. In Pakistan, minority representation through a reserved seat is formally acknowledged by constitutional arrangement and it is still debated that how minorities get sufficient political influence.

An important difference is that of state's reaction to violations. One of criticisms in Pakistan has been lack of protection against mob violence over blasphemy and continued enforcement of discriminatory laws. USCIRF has condemned Pakistan for not taking sufficient measures to deal with violence linked to blasphemy allegations. In India, issues emphasized have included selective enforcement of law, polarization in politics, discriminatory enforcement of the law and accountability for communal violence. Human Rights Watch has documented issues concerning hate speech, attacks against minorities and restrictions on civil liberties. Neither country should be regarded as a 'one country fits all' situation. They both have courts, civil-society organizations, journalists, political parties and public institutions that have taken stands against discriminatory practices and for minority rights. Comparisons need to thus separate state policy from judicial action, political rhetoric from societal action.

10. Recommendations:

Comparative analysis of situation of religious minorities in India and Pakistan reveals that protection of their right has been unsuccessful unless coupled with existence of effective institutions, impartial law enforcement, political accountability and social reform. The following recommendations can enhance the protection of religious minorities in both countries.

- Equality, religious freedom, non-discrimination and equal citizenship should be respected in both countries. All legislation and administrative action that discriminates against citizens based upon their religion should be subject to strict scrutiny from the constitutional and judicial arena.
- Pakistan needs to repeal laws which are disproportionately applied to minorities, including those on blasphemy and the expression of Ahmadi religious beliefs, and keep adequate protections in place against misuse. India should guarantee that citizenship and anti-conversion laws, among other laws, are implemented with equality and in accordance with the principles of freedom of religion as guaranteed by the Constitution.
- Every effort should be made by both governments to adopt Zero Tolerance approach on religious madong violence. Minority community threats must be addressed promptly by law-enforcement officials, places of worship must be protected, perpetrators of the threats must be investigated, and effective remedies must be provided for the victims. Religious Offences should only be dealt with via the Courts and not by Vigilante Groups.

- Police and administrative institutions should be free from religious, political and communal influence. Officers who are responsible for not protecting minorities or for discriminatory enforcement should be held accountable for their actions appropriately.
- Remedies should be available and available to victims of religious discrimination and religious violence, that are accessible and timely. There is a special need to protect due process, equality before the law, freedom of religion, freedom of expression, protection from arbitrary detention or collective punishments in judicial institutions.
- Mechanisms for combating religious hate speech should be enhanced in both countries, while at the same time promoting legitimate freedom of expression. The responsible communication should be advocated among political leaders, religious institutions, media, and social media. Political parties must not play on religious sentiments to mobilize voters.
- Religious minorities need to be deeply involved in the political decision-making process. Minority candidates should be nominated by political parties in competitive areas and minority rights issues added to election manifestos. Representation must give minorities substantive political influence just as much as it gives symbolic participation.
- Governments must take action to ensure that there is no discrimination against minorities in education, employment, housing, health care and public services. Special programmes need to be developed for economically marginalized minority communities, but without social segregation.
- Churches, temples, mosques, gurdwaras and other houses of worship should be provided with adequate security especially in areas where there are communal tensions. Governments should look into attacks and make efforts towards restoration or compensation if religious sites become damaged.
- Both countries need to guard against forced conversion and be sure that adults are free to convert or practice their religion, without interference. Laws on conversion should not be enacted to intimidate or discriminate against legitimate religious practice or specific groups.
- Religious tolerance, constitutional values, pluralism, human rights and interfaith understanding should be fostered in educational curricula. Textbooks must not contain stereotypes and historically provocative depictions of other religious communities.
- There should be consistent interfaith initiatives of government institutions, universities, civil-society organizations and religious leaders. Interreligious dialogue, among Muslims, Hindus, Christians, Sikhs, Ahmadis and others, can help to diminish prejudice and build social cohesion.
- Systematic data collection of reliable information on religiously motivated violence, discrimination, hate crimes, forced displacement, attacks on places of worship and prosecution should be carried out by both governments. Transparent data would allow government officials and researchers to see patterns and assess government reactions.
- India and Pakistan need to continue the process of harmonising their legislation and practices with international human rights norms, including those in the Universal Declaration of Human Rights (1948) and the International Covenant on Civil and Political Rights (1966).

11. Conclusion:

A comparison of the human-rights concerns of religious minorities in India and Pakistan shows that religious minorities in both countries still face significant problems, despite their constitutional guarantees of equality and religious freedom. But the nature and source of these violations vary greatly. The primary dilemma in Pakistan is the synergy between the Islamic constitutional identity, religious laws, sectarian politics and institutional shortcomings in addressing religiously motivated violence. Christians, Hindus, Ahmadis, Shia Muslims and other vulnerable communities have been discriminated against, attacked on religious places of worship, accused of blasphemy, subjected to forced conversions and socio-economic marginalisation at the hands of the state and non-state actors. The specific case of Ahmadis is a good example of how constitutional and statutory regulations can distinguish between different types of citizenship. The use of blasphemy laws and the fact that some groups are prepared to use mob violence further illustrate that constitutional rights and the level of protection they receive are not equal. The Indian Constitution is quite explicit that it is dedicated to equality, secularism and freedom of religion. However, over time, Muslims, Christians and other minorities have increasingly been subjected to issues regarding communal violence, hate speech, religious polarization, anti-conversion laws, citizenship policies, discrimination and political majoritarianism. With the emergence of Hindu nationalist politics, there has been a growing worry about whether the Indian Constitution's assurance of secular pluralism is being safeguarded. Hansen (1999) and Jaffrelot (2021) respectively show how religious nationalism has become relevant to the Indian political discourse. Although there are a number of differences between the two countries, there is also a single thing that brings them together: the disparity between the rights that exist on paper and the respect that is given in reality. Rights to equality and freedom of religion or belief in the Constitution are meaningless if they are not enforced, or if their exercise is restricted by laws and practices that allow for violence against those who exercise the right, fail to hold perpetrators to account, or are used by political actors for electoral gain. Donnelly (2013) makes the point that human rights belong to all people and should not rely on religious or communal basis. It also shows that religious-minority rights must not be interpreted exclusively in physical terms. Examples of human-rights violations are legal discrimination, limitations on religious freedom of expression, political exclusion, socio-economic marginalisation, hate speech, destruction of religious property, forced displacement, and inadequate protection by state institutions. Therefore, a policy for minorities should take both direct discrimination and structural discrimination into account. In conclusion, there is need for a shift from recognition of religious minorities to substantive equality for the protection of religious minorities in India and Pakistan. Governments must guarantee impartial law enforcement, accountability of the judicial system, safeguard religious freedom, have a responsible political discourse, reform of the educational system, and meaningful participation of minorities in political and socio-economic institutions. Political parties and religious leaders also have a role to denounce hate-based mobilization and foster constitutional citizenship. How they balance the concepts of national identity and religious pluralism will thus be important to the future of their democracies and human rights. Preserving the safety of minorities is not only a matter of protecting specific religious groups or communities, but also an important test of other key principles of the rule of law, constitutionalism, democracy and universality of human rights. The strength, stability and compatibility of a society that allows every citizen to practice his or her religion with freedom from fear, discrimination and violence is ultimately greater and better.

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