

**NATIONAL UNIVERSITY OF SCIENCES & TECHNOLOGY**  
**SCHOOL OF SOCIAL SCIENCES & HUMANITIES**



**“BLASPHEMY LAWS OF PAKISTAN: A NECESSITY OR A TOOL OF PERSONAL AND  
POLITICAL VENGEANCE?”**

*A MULTIPLE CASE STUDY APPROACH TO STUDY THE BLASPHEMY LAWS OF PAKISTAN IN THE  
CONTEXT OF A GLOBAL PROPAGANDA TO END BLASPHEMY LAWS AROUND THE WORLD*

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## **LIST OF ACRONYMS**

**SWT- SUBHANA WA-TA'ALA**

**PBUH- PEACE BE UPON HIM**

**AWK- Abdul Wali Khan University**

**UDHR- Universal Declaration of Human Rights**

**ICCPR- International Covenant on Civil and Political Rights**

## ABSTRACT

*'Blasphemy Laws: A necessity or a tool of personal and political vengeance?'* is a study designed to understand the perceptual and socio-cognitive patterns of thought on the issue of blasphemy in Pakistan. Perceptions mean what the public *thinks* about the problem, versus, what the experts *know*. Hence, this study is a reconciliation of a layman's perceptions and an expert's knowledge from years of study of the law and jurisprudence.

This research seeks to find out answers to three main questions- what are blasphemy laws, why is it necessary for a state to have such laws; and what are the factors due to which the laws are misused as a tool of vengeance? Further research aims and rationale are presented in the introduction, while the conceptual framework draws attention to the urgency of the situation, and gives a brief backdrop against which discussions on blasphemy do not usually function in the real world.

The literature review illustrates various aspects of blasphemy laws, including international and multi-religious perspectives, which diversifies and enriches the content of this study. Next follows the chapter on research design and methodology with systematic and detailed descriptions of the units of analysis and mixed research methods employed. The study is divided into two parts- quantitative and qualitative, a combined analysis of which is done in the findings part.

Main findings of the research are that a majority of both, public and experts believe that blasphemy laws are necessary, and at the same time used as tools of vengeance. It is also discovered that the majority shuns

the idea of amending or nullifying blasphemy laws. Instead, they propagate social reforms to solve the actual problem of societal extremism and intolerance. This is reflected in the illustrative cases of Mashal Khan, Aasia Bibi and Kot Radha Krishan Couple Case.

The research wraps up in a conclusion chapter, preceded by a framework for policy recommendations and limitations of the study, accompanied by appendices consisting supplementary information on qualitative and quantitative data analysis in the end.



## **1. INTRODUCTION**

The topic of this study is “Blasphemy Laws- a necessity or a tool of personal and political vengeance?” Many studies conducted on blasphemy laws involve the human rights aspect, but this study analyses the issue from a prominently legal perspective. Existing literature on the topic asserts that there are more than fifty countries in the world that have blasphemy laws, but the global consensus is that these laws, especially in the Muslim World, are barbarian, non-humanitarian, restrict freedom of expression and put religious minorities at a risk. Therefore, advocates of human rights back the proposition that these laws should be banned around the world.

A major part of our literature review came from work published in the Western World and we started off with a cognitive bias in our minds, with regards to the unnecessariness of blasphemy laws which are made to protect the religious sentiments of the people. This, was due to the rising cases of misuse, rather than positive use of such laws to punish outlaws, and the increasing highlight of such cases like Mashal Khan, which kept us questioning whether we really need blasphemy laws or not. This question formed the basis of our research problem.

The latter part of our research activities, involving interviews, incorporating diverse perspectives of experts representing both majority and minority populations of Pakistan; carefully selected for an authentic opinion, led us to understand the true nature, background, purpose and necessity of the blasphemy laws, especially in a country where no law can be made if it is contrary to Islamic provisions.

The problem that lies behind hostility towards blasphemy laws is a lack of understanding about the necessity and purpose of these laws. Scarce attempts have been made to address and replace this misunderstanding with objective knowledge and facts. This study is an effort to eradicate the misconceptions and to present a logical and factual account of Blasphemy Laws in Pakistan.

The methodology employed in this study is a fine combination of quantitative and qualitative field research. This research paper walks the reader through the conceptual framework, research problem and questions, literature review, research design and methodology, quantitative analysis, qualitative discussions, findings, recommendations and conclusions.

### **1.1 CONTEXTUAL FRAMEWORK: THE GLOBAL AGENDA TO END BLASPHEMY LAWS AROUND THE WORLD**

The hue and cry about putting an end to blasphemy laws around the world by advocates of so-called human rights is (by consensus of high-profile Muslim Scholars of various sects), a propaganda against Muslims. One may ask, why does all the emphasis fall upon ending laws that protect the religious sentiments of a nation and to allow people to openly, and without repercussion, insult the sacred personalities of Islam (reference to the blasphemous cartoons and movies made to degrade Prophet Muhammad (PBUH)?)

The right to freedom of speech and expression is a restricted right - rights which are limited or restricted in specific situations set out in the Human Rights Act. Hence, it is an illogical claim from anti-blasphemy law advocates that blasphemy laws strangle the voice of a citizen.

ALLAH (SWT) had warned Muslims about 1400 years ago in several places in the Holy Quran about the conspiracies of those groups among Muslims, Jews or Christians, who wish to distract true believers from the Path of Islam. A synthesis of this propaganda is found in *Surah Al-Baqarah* which is outlined as follows:

“... and when they meet the believers they say we are believers...” [2:14-16]

“...a sect from the Jews... which used to hear the Word of ALLAH and deliberately changed [the words] after understanding it.” [2:75]

“...[It] confirms the previous books that were revealed and [guides] Muslims to the correct path.” [2:97]

“...So, do you accept some parts [of ALLAH’s Book] and reject other parts?” [2:75]

“... and do not spread maelstrom [turmoil] in the country.” [2:60]

Anti-blasphemy legislation is, thus, important to prevent anti-state elements from creating turmoil by polluting the message of peace that is propagated by Islam, and since this order is revealed in the Holy Quran, which is not a man-made code, the law or decree cannot be subjected to change or amendment.

The actual problem lies in the understanding and implementation of law, deliverance of justice and comprehending rising extremism in the world, both, amongst and against Muslims, all of which has nothing to do with, what anti-blasphemy law campaigners think are, the alleged “Flaws in blasphemy laws”.

## **2. LITERATURE REVIEW**

### **2.1 BLASPHEMY LAW OF PAKISTAN: DEFINITIONS AND HISTORY**

#### **Definition of Blasphemy:**

The Oxford Dictionary defines blasphemy as any action or offense of speaking sacrilegiously or profanely about God or about things that are considered sacred.

#### **International Blasphemy Laws:**

The laws which limit the freedom of speech and expressions that are related to blasphemy or harming any holy figures, religious artefacts or beliefs of an individual or a group.

#### **Blasphemy Laws in Pakistan:**

Pakistan's Blasphemy Law was already in place in 1860 under British rule and is a part of Pakistan's Penal Code. It was introduced to protect the religious sentiments of the Muslims living in the subcontinent due in the face of increasing religious riots and conflicts between Hindus and Muslims.

#### **Development of the Law in Pre-Independence British Era:**

The main roots of blasphemy laws of Pakistan are derived from the pre-independence laws during the British Colonial rule. British colonial rulers introduced these laws for the very first time in the Indian subcontinent under the Indian Penal code of 1860, which remain in practice even today in Pakistan, India and Bangladesh; with certain modifications/amendments.

Although, history doesn't give a clear image of what the situation was pertaining to such laws during the time of Mughal rule in the subcontinent, as it is silent that whether there were any blasphemy related laws dominant at that time or not; however, some orthodox Islamic jurisprudence was briefly imposed during

the Mughal rule. (Nafees, 2012).

There were four blasphemy laws introduced in India during the time of British rule, - Indian Penal Code 295, 296, 298 in 1860 and 295A in 1927 – it was introduced through the amendment and the reason behind it was the increasing riots between Hindus and Muslims of the sub-continent. Indian Penal Codes 295, 296, and 298 in 1860 are described as follows: (Nafees, 2012).

**IPC 295:** Anyone who will destroy or damage, any place of worship or an object which is considered holy to any class of persons with an intention to insult the person's religion or knowing that it would be taken as an offence by the other religious person, he/she will be punished by taking into custody with a defined term that may extend to two years, or with fine or with both.

**IPC 296:** Anyone with an intent to cause disturbance in the presentation of any religious proceedings or ceremonies (which is lawfully being exercised), shall be taken into custody as a punishment, with a defined term that may extend to one year, or with fine or with both.

**IPC 298:** If somebody wilfully makes any sound or says anything that would hurt the religious feelings of any person, or makes any signal or places any object in the sight of that person that could be considered as an offence to the other, then that person shall be taken into custody as a punishment, with a defined term that may extend to one year, or with fine or with both.

It is evident from the history that there were many a conflict existed between Hindus and Muslims before the 1947. Hindus wanted their dominance in every sphere of life whereas the Muslims were not content with the living conditions and wanted a separate homeland where they could practice their religion without any fear. Subsequently, many decisions taken by the British colonial rulers were in favor of Hindus such as: the partition of the province of Bengal in 1905, which added a political dimension to most of the cases. Religion was the most delicate issue at that time as there had been countless religious riots in the Indian

sub-continent hence, those riots and the socio-political conditions made way for the enactment of these laws. (Nafees, 2012).

Some of the cases that were reported (before 1860) are mentioned below:

- In October 1809, Aurangzeb's mosque was taken over by a group of Hindus from Varanasi (Banaras) city and resulted in plundering and slaughtering. Around 50 mosques were destroyed during that time. (Samadder, 2011)
- During 1851, a Zoroastrian (Parsi) in Gujrat, made some unwanted publications against the Holy Prophet (PBUH) due to which small riots broke out in the city of Bombay in retaliation to those publications and during 1857, an incident took place Muslims attacked the suburban areas of the Zoroastrians and killed a number of them.

A total of 70 Hindu - Muslims riots were reported during 1860 to 1927. The major communal riots during 1920s were as follows:

- **1917**: Hindu crowd of around 50,000 people attacked Muslims in 150 villages. The cause behind that was the protection of cows.
- **1921**: The Khilafat movement; Northern Kerala Muslims launched their Khilafat movement, with an agenda to force non-Muslims to either accept Islam or face the killings, and raised their flags on multiple governmental offices (The Malabar Campaign (Moplah Rebellion), n.d.).
- **1924**: Riots broke out and hundreds of Hindus and Sikhs were killed in Kohat. The reason behind the destruction was the publication of anti-Islamic poem by Sanatan Dharm Sabha.
- **1929**: The famous case of Ghazi Ilam Deen Shaheed – On 6<sup>th</sup> of September 1929, a young boy from Muslim Community killed Mahashay Rajpal, who published a book that carried insulting

material about the Holy Prophet (PBUH). Ilam Deen's case was fought by Quaid-e-Azam himself.

As a result of their rising riots and communal tensions lead to an amendment to 1860's law that was made, which was the introduction of IPC 295, which stated:

**IPC 295A:** If anyone, thoughtfully and with hateful will hurt the religious feelings of another class, either orally or in written form or by visible symbols, offend or try to offend the religious feelings of other class, he/she will be punished by taking into custody with a defined term [that may extend to ten years], or with fine or both.

### **Post-Independence Blasphemy Law:**

Pakistan adopted the blasphemy laws that were introduced by the British Colonial rulers in 1860 (295, 295A, 296 & 298). From the history, it is evident that these blasphemy laws were introduced and amended over the period by the British rulers because of the communal tensions and riots, mostly between the Hindu and the Muslim communities and sometimes due to clashes between the Sikhs and non-Muslims as well. (Nafees, 2012). The blasphemy laws of Pakistan are not an odd thing, they are in fact very controversial in Pakistan than in any other country. (Siddique & Hayat, n.d.).

The history of blasphemy laws of Pakistan can be divided into two parts. One before General Zia's era and one afterwards. Before the Zia's era, Pakistan followed the blasphemy laws from the British rule time and during that time only eight blasphemy incidents took place in Pakistan. After General Zia-ul-Haq's coup and his process of Islamization, five more clauses were added to the blasphemy laws of Pakistan (Nafees, 2012). Most of the people criticize the blasphemy laws, saying that they are politically motivated and the power of this law is being widely abused by our people and usually by the religious scholars for their personal gains and motives.

Many cases were reported from 1947 to the time before Zia's era and interestingly all of them were reported by Muslims and that too against the Muslims or non-Muslims. Article 295 of the Pakistan Penal Code and its sub-clause of 295-A, are borrowed from the Indian Penal Code created during the British Colonial rule time (1860's) and authored by Lord Macaulay. The original articles from the Indian Penal Code, both offer protection of the holy places of worships. The sub-clauses 295-B and 295-C, were added by the Military Dictator General Zia-ul-Haq in the 1980's – which are Islam specific. After taking the power Zia made modifications in the blasphemy laws from 1980-1984 under his campaign of 'Islamization'. He made the whole law so stringent that even now, no one dares to talk openly about blasphemy in public because of the fear of religious extremism (Shah, 2014). As part of Zia's new laws, the Federal Shariat Court (FSC) was established in 1980 which basically inspects and decides that no law that is repugnant to the injunctions of Islam, is implemented (Anon., 2015).

Till date the important and commonly used blasphemy laws in Pakistan's Penal Code are:

**Section 295-A:** makes insulting or attempts to insult religion or religious beliefs of a class in Pakistan by words, either spoken or written or by visible representations, with deliberate and malicious intention of outraging feelings of that class, an offense punishable with imprisonment for a term which may extend to ten years or with fine or with both. (Counsel)

**Section 295-B:** Whoever wilfully defiles, damages or desecrates a copy of the Holy Quran or of an extract therefrom or uses it in any derogatory manner or any unlawful purpose shall be punishable with imprisonment for life. (P.P.C. (Amendment) Ordinance, 1860)

**Section 295-C:** makes the defiling of sacred name of the Holy Prophet Muhammad (PBUH) directly or indirectly by words, either spoken or written, or by visible representation, or by any imputation, innuendo or insinuation, an offense punishable with death. (Counsel)



After the declaration of these laws by General Zia, with time there was an immense increase in the number of cases. From 1851 to 1947, even with the hatred between the Hindus and the Muslims, only seven blasphemous incidents were reported. But during Zia's era (1980-1988), a total of eight cases were reported. It is evident from history that neither during the British colonial rule nor during the time from Independence of Pakistan till Zia's time, no cases related to the desecration of Holy Quran or defamation of the Holy Prophet Muhammad (PBUH) by any Muslim nor non-Muslim were reported. (Amnesty International, 2016).

## **2.2 BLASPHEMY LAW IN ISLAMIC JURISPRUDENCE**

Blasphemy in Islam is defined, as any action or verbal expression that is deliberately or intentionally committed or uttered to mock the existence of ALLAH, defame the Holy Prophet (PBUH), desecrate the Quran or harm anything considered sacred in the Quran.

ALLAH himself has admonished blasphemy in the Quran. Surah Lahab, chapter 111 of Quran was revealed as a warning to Abu Lahab, and his wife who were the enemies of Islam and the Holy Prophet (PBUH). They used to curse Prophet Muhammad (PBUH) and were destined to be punished in hellfire. (Ernst, 1987). It is stressed upon numerous times in the Quran to respect the Prophet (PBUH). ALLAH has said in Quran that insulting his last Prophet (PBUH) would be equivalent to insulting ALLAH himself, hence the sin of blasphemy is inexcusable in Islam.

In order to understand the context for the blasphemy law and the punishment for the person who commits blasphemy, it is important to understand it in Islam in light of the Holy Quran and Sunnah of Prophet (PBUH).

### 2.2.1 QURANIC VERSES ABOUT BLASPHEMY

*The punishment of those who fight against God and His Prophet or create disorder in territory is that they be executed in an exemplary manner or be crucified or have their hands and feet cut off from opposite sides or be banished. This disgrace is theirs in the world, and in the Hereafter a severe retribution shall they have, except those who repent before you overpower them. So [do not exceed in severity with them and] know well that God is Forgiving and ever-Merciful. (5:33-34)*

In the above-mentioned verse, it has been stated that those who go against ALLAH or the Holy Prophet (PBUH), defame the Quran and create disorder in the state will be punished if they persist in blasphemy with execution or their hands and feet will be cut off or they would be made to leave the state or country. On the other hand, if they give a reason for their attitude and they plead not guilty or when they repent before the law and do not repeat their actions they will not be sentenced and ALLAH will forgive them.

*“Verily, those who (knowingly) affront ALLAH and His Messenger (PBUH), ALLAH will curse them in this world and in the Hereafter and He has made ready for them humiliating torture. And those who malign believing men and believing women without their having done any wrong they have surely burdened themselves with the guilt of calumny and (thus) with a flagrant sin.” ~ [Al-Ahzab 33:57-58]. (Al-Qaasim, 2012)*

In this verse, it has been said that those who defame ALLAH and His Messenger Holy Prophet (PBUH) will be punished severely in this world and in the afterlife and those who curse and go against the believers of ALLAH and His Prophet’s teachings have been guilty of slander and thus have committed a grave sin for which they will be punished.

*ALLAH says: “And if you ask them (about this), they will declare, “We were only talking idly and joking”.*

*Say, "Was it of ALLAH and His Signs and His Messenger that you were making fun?" Make you no excuses: (By doing so,) you have rejected faith after you had accepted it" [At-Tawbah 9:65-66]. ~ (Al-Qaasim, 2012)*

According to this verse, mocking ALLAH and His Messenger or defaming and cursing the religion after accepting Islam is considered an act of disbelief. The person who will be heard doing so will no longer be considered a believer of Islam even if he claims he/ she was joking. Therefore, mocking at, or cursing ALLAH or His Messenger or Religion is an act of disbelief and it will mean they have rejected their faith.

*"And it has already been revealed to you in the Book that when you hear the Verses of ALLAH being denied and mocked at, then sit not with them until they engage in a talk other than that; (but if you stayed with them) certainly in that case you would be like them. Surely, ALLAH will collect the hypocrites and disbelievers all together in Hell. ~ [An-Nisa' 4:140]. (Al-Qaasim, 2012)*

ALLAH instructs us to avoid sitting with those people who mock the verses of Quran so that they don't break your faith because you will be like them if you spend more time with them, then it won't matter if you were a believer as ALLAH will punish the disbelievers and the hypocrites equally in Hell.

*"Those who disbelieve and oppose the Messenger after the guidance hath been manifested unto them, they hurt God not a jot, and He will make their actions fruitless. Those who disbelieve and turn from the way of God and then die disbelievers, God surely will not pardon them" ~ (Qur'an 47:32, 34) (Hassan, 2014)*

In this verse, it has been stated that those who mock and oppose God and His Messenger cannot harm Him and all their efforts to do so will be in vain. Those people will die as disbelievers and will not be pardoned by God.

*"Those are the ones of whom ALLAH knows what is in their hearts, so turn away from them but admonish*

*them and speak to them a far-reaching word.” ~ (Surah An-Nisa) [4:59] (International, n.d.)*

This verse means that ALLAH knows the hearts of those people who defame Him and turn against Him, so avoid fighting with them, instead talk to them properly and help them understand the message of God.

*“And if they break their oaths after their treaty and defame your religion, then fight the leaders of disbelief, for indeed, there are no oaths [sacred] to them; [fight them that] they might cease.” ~ (At- Tawbah) [9:12] (International, n.d.)*

The above-mentioned verse was quoted from Quran by a Sunni theologian Ibn-Taymiyya in which he discussed that those people, who are non-Muslims or ‘mushrikeen’ who are living in the Muslim state are supposed to pay ‘Jizya’ or else Muslims should wage war against them. Those who pay jizya are under oath and are protected by the State so that they can practice their own religion and in return they cannot harm the Muslims or their religion, or defame their Prophet (PBUH) or desecrate the Quran. If they break their oath or commit blasphemy, the state will no longer be responsible for their protection and they will face the punishment according to the Islamic law. (Rafiq, 2016)

In another place, the Quran States: *“Surely, those who disbelieve after they have believed and then increase in disbelief, their repentance shall not be accepted, and these are they who have gone astray.” ~ (Ch.3:V.91). (International, n.d.)*

It is stated in the above verse, that those who abandon their religion after they had accepted it and became Muslims, will certainly not be forgiven if they repent and ask for forgiveness again. Although there is no death penalty or death sentence mentioned in this Hadith as punishment, which means that if the apostates were supposed to be killed for abandoning their religion then it would not be possible for them to ask for repentance.

## 2.2.2 AHADITH ABOUT BLASPHEMY

A blind man who killed his wife for defaming the Holy Prophet (PBUH) sat before the Prophet (PBUH) and said to him: *“O Messenger of ALLAH, this act belongs to me. She used to insult you and disparage you. I used to forbid her but she would not stop. I used to rebuke her but she did not give up her habit. And I had from her two sons like pearls, and she was otherwise a good companion. But yesterday she insulted and disparaged you continuously, so I took the dagger, stabbed her with it on the belly, killing her.”* So, the Prophet (PBUH) replied: *“Indeed I bear witness that her blood is without charge.”*

**(Ghazali, 2016)**

*‘Whoever changes his Islamic religion, kill him.’* ~ (Sahih al-Bukhari, volume 9, page 45, translated by Muhammad Muhsin Khan and printed in 1984 by Kitab Bhavan, New Delhi, India).

According to this Hadith, The Prophet (PBUH) has stated to kill those who change their religion after accepting it. This Hadith justifies the death penalty for ‘*Apostasy*’ (which means separating oneself from one’s religion or abandoning one’s religion) which is not the same as blasphemy which means publicly humiliating or insulting someone’s religion. But in the case where a Muslim commits apostasy or abandons his/her religion, it comes under both blasphemy and apostasy. Hence, this Hadith makes it a legal reason or justification for the death sentence currently prevailing in the law. (Islam, 2012)

Hadith related by Qazi Ayaz.

*“Kill the person who abuses a Prophet and whip by stripes the one who abuses my companions.”* ~ (Al-Shifa, Qazi, Ayaz Vol.11, page 194).

According to this Hadith which was narrated upon on the authority of Abu Qulabah that the Holy Prophet (PBUH) said that those who spoke ill about the Prophet’s companions should be whipped and punished

and those who abused the Holy Prophet (PBUH) should be killed.

The following Hadith was narrated by Anas bin Malik: A man came up to the Prophet (PBUH) and said to him: *“Ibn e Khatal is clinging to the curtain of the Ka’ba.”* The Prophet said, *“Kill him.”* Sahih Bukhari Volume 5, Book 59, Number 582. (Gilani, n.d.)

*The man Uqba was brutally executed during his captivity by the Prophet (PBUH) himself for having put his foot on the Holy Prophet (PBUH) and putting camel entrails on him while he was offering prayers.* (Ibn Ishaq/Hisham 458 and Ibn Kathir v.2 p.318), Sahih Bukhari (4:241)

### **2.2.3 RULES AND INTERPRETATIONS OF BLASPHEMY LAW ACCORDING TO MAIN SCHOOLS OF THOUGHT**

The Islamic jurisprudence comprises five prominent schools of thought:

- |             |                  |
|-------------|------------------|
| (1) Hanafi; | (4) Hanbali and; |
| (2) Maliki; | (5) Ja’fri       |
| (3) Shafi;  |                  |

Since the majority of the people living in the Islamic Republic of Pakistan belong to the Hanafi sect and many laws in Pakistan are based on the teachings of Hanafi school, we will focus more on the Hanafi jurisprudence as compared to other schools of thought.

#### **Hanafi**

The Hanafi school of thought stems from the work of Imam Al-Nu’man ibn Thabit (Abu Hanifa). It gained jurisprudential significance during the Abbasid Caliphate. The Hanafi doctrine was widely preached by a

student of Imam Abu Hanifa, after he became the highest judge. According to the teachings of Imam Abu Hanifa regarding blasphemy, he was of the opinion that a non-Muslim cannot be killed on charges of blasphemy. The sin of being a non-Muslim is greater than the sin of blasphemy and since we cannot kill a person on the basis of religion, we cannot kill him on the basis of blasphemy as well. On the other hand, male Muslim blasphemers cannot be pardoned and death is the only punishment. For women Muslim blasphemers, they cannot be put to death and the only punishment that is awarded to them is confinement until the time they repent. (Anwer, 2016)

Moreover, out of the Hanafi school spring the two most dominant sects in the subcontinent, the Deoband and Barelvi sects. The pioneers of these two sects while differing in their teachings and approaches on many issues, agreed to the notion that a non-Muslim cannot be killed as a punishment for committing the act of blasphemy. According to Ahmed Raza Khan Barelvi and Shah Waliullah Dehlwai, the pioneers of the Barelvi and Deoband sects respectively, the law of blasphemy is only applicable on Muslims.

*Imam Abu Bakr al-Jassas al-Razi al-Hanafi*, a prominent Hanafi jurist from the fourth century, stated in his book ‘Mukhtasar Ikhtilaf’ states that according to Hanafi Imams, a Dhimmi (non-Muslim citizen of an ‘Islamic State’) is not killed but instead ta’dheer (discretionary punishment, which is a maximum of lashing twenty nine) is applicable.

*Imam Tahawi* another genuinely authoritative and genuinely early Hanafi scholar from the fourth century in his book ‘Mukhtasar Tahawi’ states:

*‘If a Dhimmi insults the Prophet (ﷺ) he will not be killed but instead will be disciplined. This is because they have been left alone to practise their religion, and their religion includes worshipping someone beside God and rejecting the Prophet (ﷺ). The proof of that is Jews visited the Prophet (ﷺ) and they said ‘Damn you!’, and the Prophet (ﷺ) replied ‘you too’ but he did not order for them to be killed’.*

*Ibn Nujaim*, a Hanafi scholar from the sixteenth century, narrates in ‘Bahr al-Raiq’, in terms of insulting the Prophet (PBUH) that is kufr (disbelief) which he already commits anyway so by renewing his disbelief he is not going to get anything extra as he already has that disbelief. That initial permanent kufr did not nullify the transaction so renewing the kufr also will also not nullify the transaction.

*Ali ibn Abi Bakr al-Marghinani* in *Al Hidayah* (which is taught all over Pakistan in Hanafi seminaries) states:

*‘Insulting the prophet (PBUH) is kufr/disbelief. Since the non-Muslims are not killed for their disbelief, they will not be killed for any addition in their disbelief.’* (Mazhar, 2015)

### **Maliki**

It originates from the works of Imam Malik ibn Anas al-Asbahi. Imam Malik proposed laws based on hadith alone, while Imam Abu Hanifa tried to incorporate opinions about blasphemy as well. The Maliki madhab holds that non-Muslim blasphemers can be spared death if they convert to Islam. If a Muslim commits blasphemy, then he is to immediately repent otherwise, will be killed. Unlike the other schools of thought, Maliki’s do not differentiate between a male and female blasphemer. Both are to be given the same death penalty. (Mazhar, 2015)

### **Shafi’i**

The Shafi’i school of thought is based on the works of Imam Muhammad ibn Idris al-Shafi’i who lived from 150H to 198H. This doctrine, unlike other doctrines, makes a distinction between apostasy and blasphemy. According to other schools, when a person commits apostasy he automatically becomes an apostate. The Maliki school accepts the repentance of blasphemers but not the apostate. In case of failure to repent, the punishment is either death or amputation.



## **Hanbali**

The Hanbali school of thought was headed by Imam Ahmad ibn Hanbal who lived from 164H to 241H. According to the Hanbali's doctrine, repentance is not accepted in cases of blasphemy and death is mandatory and the only punishment. It is applicable on women as well. (Zaheer, 2011)

## **Ja'fari**

Ja'fari school of thought is based on the teachings and work of Imam Jaffer Sadiq, a descendant of Hazrat Ali (R.A). According to him and the succeeding scholars of this school, if the blasphemer is a Muslim, the only punishment is death. In case the blasphemer is a non- Muslim, he is given a chance to convert to Islam, or else killed. Scholars of this school believe that whoever insults the Messenger of ALLAH (PBUH), it becomes lawful to kill him. Furthermore, the same punishment is reserved for the people who revile any one of the Imams. (Anonymous, 2010)

Contemporary Scholars: *Maulana Syed Abul Ala Maududi*, founder of Jamaat-e-Islami, was of the opinion that a dhimmi's (non-Muslim living in an Islamic State) right include protection of his life. According to him, this right cannot be taken away from him even in instances of blasphemy. (Anon., 2011)

*Javed Ahmed Ghamidi*, a renowned Pakistani Islamic scholar, holds a similar view on blasphemy. He is of the opinion that Pakistan's blasphemy laws have no foundation in the Quran and Hadith. Verses 5: 33-34 of the Holy Quran are held as the foundation of the blasphemy law by many scholars, but Javed Ghamidi holds a very different interpretation of these verses. He says that if the accused admits his mistake and repents, he cannot be indicted. Furthermore, even Muslims cannot be given any punishment for blasphemy. Instead the Ulemas should try to explain to the Muslim, the consequences of his actions which will destroy their future in the Hereafter. Moreover, according to Ghamidi, capital punishment is not the only

punishment for blasphemy. Instead the Ayah gives room for leniency and other punishments like banishment can also be applied.

*Dr. Zakir Naik*, on the other hand, holds a very strict interpretation of the verses 5: 33-34. According to him, Islam has four punishments for blasphemy and out of those four, one is crucifixion and the other killing. He opines that an act of blasphemy cannot go unpunished irrespective whether the person committing the blasphemy is a Muslim or not. According to him, Islam is the only religion which has four punishments for blasphemy, whereas in all other religions the punishment for blasphemy is death. (Alvi, 2015)

*Mufti Taqi Usmani*, an expert in the field of Islamic jurisprudence and a former judge of the Supreme Court of Pakistan, was one of the pioneers of the blasphemy law under Zia's rule. He compares blasphemy to the holocaust. Denial of the holocaust or saying something in its favor is not only considered a taboo, but also a crime in different countries. Similarly, Mufti Usmani argues that blasphemy is a crime and should not go unpunished irrespective whether the person committing the blasphemy is a Muslim or not. However, he does argue that, that accusation of blasphemy must be backed by evidence. In his opinion, if a person accuses someone of blasphemy but fails to provide evidence, then this in itself is a bigger crime than blasphemy. (Anonymous, 2017)

*Yusuf al-Qaradawi*, the author of the renowned book "The Lawful and Prohibited in Islam" and the chairman of the International Union of the Muslim Scholars, stated that Islam would not exist today if there wasn't any punishment for apostasy. He is of the opinion that both Muslims and non-Muslims alike should be killed for blasphemy / apostasy. When a Muslim commits blasphemy, he automatically becomes an apostate and should be killed immediately. (Anon., 2011)

## **2.3 COMPARATIVE STUDY**

### **2.3.1 BLASPHEMY LAWS IN OTHER RELIGIONS**

To diversify the understanding of blasphemy law, it is crucial to draw a cross-country and cross-religion comparison of blasphemy laws of the world as well as in the countries that base their legal frameworks in major religions:

#### **1) Hinduism**

Blasphemy does not exist in Hinduism as a subject of law and jurisprudence, with sanctions and punishments, because the religion tolerates utmost freedom of thought and action, and permits believers to question its fundamentals and rituals (Paul, 2016). However, constitutional and legal provisions regarding the incitement of religious feelings do exist in Hindu majority countries such as India and Mauritius.

Within the historical background of the case of a book written on the married life of Holy Prophet's (P.B.U.H.) in 1927, Section 295A of Chapter XV, Indian Penal Code states that:

“Whoever, with deliberate and malicious intention of outraging the religious feelings of any class of citizens of India, by words, either spoken or written, or by signs or by visible representations or otherwise insults or attempts to insult the religion or the religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.”

(Devgan, 2014).

In 2011, the Indian Ministry of Communications and IT issued new rules to mandate social media operators to remove blasphemous content within 36 hours of receiving a complaint (End Blasphemy Laws Organization, 2017).

Similarly, the law pertaining to the crime of stirring up racial hatred was revised in the constitution of

Mauritius in 2008 whereby, Article 282 (2) imposes a penalty of 20 years for such offence under strict liability, that is, the intent of crime would have no consideration in the sentencing of four years imprisonment to printers and publishers for publishing racist material with or without knowledge. (QC, 2013).

Section 206 punishes outrage against public and religious morality through any writing, newspaper or other printed material, or through cartoons. By law, matters of religious opinion can be expressed ‘decently’, however, such terms are too vague and inadequately defined by the law, leaving room for exploitation of a religious nature. (QC, 2013).

## 2) Christianity

Matt 12:31-32 (NAS)

*"Therefore, I say to you, any sin and blasphemy shall be forgiven men, but blasphemy against the Spirit shall not be forgiven. And whoever shall speak a word against the Son of Man, it shall be forgiven him; but whoever shall speak against the Holy Spirit, it shall not be forgiven him, either in this age, or in the age to come."* (Penninga, 2004)

From this verse, it is clear that just like Islam, Christianity also refers to an unpardonable sin or blasphemy particularly in the case of the Holy Spirit. It is reported that a blind and a mute man who was possessed by a demon was brought in front of Jesus for cure and Jesus healed him so that he was able to speak and see. The spectators were amazed and asked Jesus whether he was the ‘long awaited Messiah, the Son of David’ When the news of the incident reached the ‘Pharisees’ they weren’t impressed and instead accused Jesus of having ‘Satanic power’. (Penninga, 2004)

Thus, came the aforementioned statement of Jesus Matt 12:31-32 (NAS), when he heard their thoughts.

Albus Barner, a theologian helps us understand the meaning behind the verse as he states that Jesus did not approve of what the Pareese said when they wrongfully related his workings to that of the Devil. And since his miracles were by the 'spirit' and 'power' of the God, it was therefore a direct insult, abuse, or evil speaking against the Holy Spirit-the spirit by which Jesus worked his miracles' (Penninga, 2004)

Furthermore, according to the Bible, individuals who are blasphemous are the ones who indulge in actions like cursing, slandering, reviling, or showing contempt or lack of reverence for God. Also, it is stated that when individuals who clearly see the evidence of the 'Holy spirit' and still rejects it are committing Blasphemy.

However, there is a belief that believers who seek God's forgiveness are pardoned and the ones that do not repent are punishable. Repenting and seeking God's forgiveness is emphasized as there are 'passages which speak of that abundant love, grace, and mercy. (Penninga, 2004)

The punishment for blasphemy is stoning in the Bible (Lev. 24:16) but in the contemporary world, most Christian States do not apply the harsh punishments. In time immemorial, Christian civilizations were strict in punishing the apostates and the blasphemers. An example can be the writing of St. Augustine, citing his favourite text ('Compel them to come in,' Luke 14:16-23), advocated death for heretics. (Crabtree, 2012)

### **3) Buddhism**

There is no such concept of Blasphemy in Buddhism or any special rulings given in its regard. The reason being, that believers of Buddhism are expected to respect others regardless of their beliefs because according to the religion any sincere believer irrespective of the religion will be rewarded in the afterlife.

Furthermore, since one of the beliefs of the religion states that whatever one does in the present life affects what happens to the person in the future, monks or believers of the religion refrain from criticizing other religions. (Encyclopedia, 2016)

Furthermore, Buddhism emphasizes on the ‘Right Speech’ in its ‘Eightfold Path’ belief that requires believers to avoid harsh, cruel, abusive language, gossip, lying, or slander. (DN 33.1.11.42). Since this practice is rooted in ethical behavior of the individuals, anyone that indulges in inappropriate language is violating his/her own ethical principles.

It is also said that one who abuses others or uses foul language repents cruelty and cruelty according to Buddha leads to the increase in the suffering of the particular person. Insofar as blasphemy is a “victimless crime” (and it may or may not be), it is not cruel, hence not abusive. (Smith, 2015)

In addition to that, in Buddhism there is a concept of ‘intention’ (*cetana*) relating to actions. According to the Buddhist teachings ‘actions have consequences’- kamma and karma. Hence, when actions are judged, intentions should be taken into account. If an individual intentionally does wrong to another or kill a person, then it has a negative consequence. (Fuller, 2015)

Nevertheless, there have been cases recently that involved individuals disrespecting the religion. For example, in Rangoon (Myanmar) a New Zealander and two Burmese men of the December, 2014 case of V Gastro bar were accused of blasphemy as they used a picture of the Buddha wearing headphones for promotion reasons. The men were sentenced to two and a half years in prison. (Theodorou, 2016)

#### **4) Judaism**

In contrast with Buddhism and Hinduism, Jewish Sacred Texts clearly define blasphemy and also prescribe punishment for the act. Blasphemy is known as “Birkat Hashem” (euphemism for cursing) God, and the blasphemer is called “Megadef”. (New World Encyclopedia, 2016).

Although the modern Hasidism tradition of Abraham’s “bargaining with God”, before the destruction of Sodom and Gomorrah (18:16-33 *Gn*), legitimizes the convention of disputing with God but it does not constitute blasphemy. There are four main categories of blasphemy in Jewish tradition, ranging from

specific to general, and punishable to unenforceable:

- I. Cursing God and God's name;
- II. Using God's name in vain, pronouncing it illicitly, or destroying its written form;
- III. Saying inappropriate things about God; and
- IV. Acting in a manner that would bring disrepute upon the God of Israel (and upon the people of Israel) (Lasker, 2005).

The Torah is lenient in remedying those who blaspheme unintentionally, but the Book of Number (15:30) warns of a divine sanction on intentional disobedience and insulting of God by a native Israelite or a stranger. Such a punishment would not be placed by people, but by God Himself. (Lasker, 2005).

In Israel, the world's only Jewish country, blasphemy law is placed within Articles 170-173 of the Penal Code. The law finds its origin in an order of the British High Commission on Religious Abuse and Vilification, issued in 1929 to overturn the Palestinian riots. About injury to religious sentiments, Article 173 specifically states:

“If a person does any of the following, then the one is liable to one year imprisonment: Publishes a publication that is liable to crudely offend the religious faith or sentiment of others or; voices in a public place and in the hearing of another person any word or sound that is liable to crudely offend the religious faith or sentiment of others.” (End Blasphemy Laws Organization, 2017).

Thus, despite of having a Basic Law on Human Dignity and Liberty that protects religious freedom of Israelites, the penal code restricts and criminalizes religious expression in the context of hate speech (End Blasphemy Laws Organization, 2017).

### **2.3.2 BLASPHEMY LAWS IN OTHER MAJOR MUSLIM & NON-MUSLIM COUNTRIES**

Muslim-majority countries have been divided into three categories based on their compatibility of their government with the Shariah Law by Professor Jan Michiel Otto of the Leiden University Law School in the Netherlands. The categories include classical Shariah systems, secular systems, and mixed systems. (SACIRBEY, 2013). The classical shariah countries are nations that follow the Shariah Law to a higher degree, where almost all the laws are derived from the Islamic teachings. The Shariah laws cover family law, criminal law, and in some places, personal beliefs, including penalties for apostasy, blasphemy, and not praying. These countries include Egypt, Mauritania, Sudan, Afghanistan, Iran, Iraq, the Maldives, Pakistan, Qatar, Saudi Arabia, Yemen, and certain regions in Indonesia, Malaysia, and the United Arab Emirates. (SACIRBEY, 2013).

For the purpose of comparison with Pakistan, Muslim majority countries are chosen that have Shariah law as the basis of law of the land like in Pakistan. The research covers three Muslim majority countries that follow the Sunni discipline and three Muslim majority countries that adhere to the Shiite belief. Apart from that the researcher has covered Turkey (Secular State Muslim Country), Malaysia (multiconfessional state with Shafi'i version of Sunni theology) and UAE (Islam as the official religion but the government have always freedom of religion there). Also, some Non-Muslim countries are also covered so as to see their laws on blasphemy.

#### **MUSLIM COUNTRIES**

1) **Saudi Arabia**: Article 1 of the Basic Law of Saudi Arabia (its equivalent to a constitution), “*The Kingdom of Saudi Arabia is a sovereign Arab Islamic state with Islam as its religion; God’s Book and the Sunnah of His Prophet (God’s prayers and peace be upon him) are its constitution.*” (Federation, 2015)



Saudi Arabia does not have a written penal code but addresses the criminal offenses in the light of the interpretation of the classical Islamic law. The law is derived from one of the sources i.e. the teachings or ascribed sayings (hadith) of Prophet (PBUH).

Moreover, in Saudi Arabia apostasy and blasphemy are considered the same and are criminalized and punished by death, mostly in the form of beheading or crucifixion. Death penalty is also imposed for other crimes such as witchcraft and sorcery. In addition to that, apostates are considered to be terrorists under the new anti-terrorism laws, introduced in 2014. (Stark, 2014)

The Article 1 of the law defines terrorism as: *“Calling for atheist thought in any form, or calling into question the fundamentals of the Islamic religion on which this country is based.”* (Federation, 2015)

Blasphemy charges include desecrating Quran or the Prophet S.A.W and a myriad of other offenses e.g. not following or criticizing the Salafi School of thought of Islam or the monarchy. The punishment of such crimes include imprisonment, fine, whiplash and even death in some cases. However, it is a pardonable offense under the law i.e. if the charged person repents the severity of the punishment is reduced. (Berkerly Centre for Religion, 2017)

Some prominent cases of apostasy include a Saudi writer and blogger ‘Hamza Kashgari’ who was charged with the crime for writing inappropriate personal views on religion. He fled to Malaysia but was caught and brought back to Saudi Arabia and was soon pardoned as he repented. (Goitom, 2014) .In another Instance, a Turkish man was sentenced to death for “swearing at God” before the Saudi king granted his appeal, and a high school chemistry teacher was sentenced to 40 months imprisonment and 750 lashes for discussing Christianity, Judaism, and the root causes of terrorism with students. (Berkerly Centre for Religion, 2017).

2) **Afghanistan**: The Hanafi discipline of Islam is the basis of the Islamic law that is followed in Afghanistan. Under the Penal code, the crime of apostasy is considered a Hudud crime that has fixed punishments derived from the Quran and Sunnah.

*‘Article 1 of the 1976 Afghan Penal Code states that hudud crimes must be punished in accordance with provisions of uncodified Islamic religious law as applied by Hanafi religious jurisprudence. Similarly, article 130 of the Afghan Constitution states that ‘while processing a case, courts must apply provisions of Hanafi jurisprudence if there is no provision in the Constitution or other laws regarding a specific case.’* (Goitom, 2014).

The crime of apostasy is punishable by stoning to death, loss of ownership of all the possessions or property or entitlement and even marriage. However, if the alleged person recants, he/she would be pardoned. The Hanafi jurisprudence states that the male apostates are liable to beheading while women apostates should be sentenced to imprisonment until they recant or die.

Though the state religion of Afghanistan is Islam, citizens of other religions are free to practice their own faiths and religious rituals within the limitations of the law. (Report, 2014). Muslims, on the other hand are subject to punishment if they convert to other religions, according to the Islamic law. Under the constitution, various crimes are considered blasphemous such as disrespecting the Quran and Sunnah in any way, any verbal or written matter insulting, criticizing or targeting against deities, religions, sacred symbols, or religious books of any faith.

In case of both, the charges of apostasy and blasphemy; the persons guilty are given three days for repentance. According to the General Directorate of Fatwas and Accounts, a department within the Supreme Court categorizes the Bahai Faith as a form of blasphemy and its practitioners as infidels. (Report, 2014).

3) **Egypt**: The Egyptian Penal Code is also applied in the Gaza Strip. (selfscholar, 2012). Article 98 (f) of the Egyptian penal code deals with crimes or offenses relating to a religion. The stated punishment includes fine (five hundred to one thousand Egyptian pounds) and imprisonment of five to six years for acts that “exploit religion in order to promote or advocate extremist ideologies by word of mouth, in writing or in any other manner with a view to stirring up sedition, disparaging or belittling any divinely-revealed religion or its adherents, or prejudicing national unity or social harmony. (Uddin, 2011).

Under the Article 98(f) citizens that adhere to the Shiite or any other ‘deviant’ Muslims that violate or criticize any fundamental belief or rulings of Islam or indulge in otherwise ‘unorthodox’ beliefs are to be imprisoned and charged with death penalty. Sunni Muslims that deviate from their Sunni beliefs or contradict the state’s version of Islam through differing interpretations are equally punishable by the law as they are considered to be blasphemous. (Uddin, 2011).

In addition to that, article 160 further punishes citizens who are involved in destruction, vandalism, or desecration of the sacred places, buildings, sites, symbols even cemetery or in any way disrupts the religious rituals or ceremonies of any religion. Article 161 criminalizes the actions that relate to the intentional printing or publishing of any religious text for state approved religions for the purpose of mockery or insult in public. Article 176 forbids public incitement to hold a religious community in hatred or contempt. (Uddin, 2011)

4) **Iran**: Iranian Penal Code 2012 contains a dedicated chapter with regards to blasphemy (Book 2, Part 2, Chapter 5 of Penal Code 2012) blasphemy (End Blasphemy Laws Organization, 2017). It is a crime subject to capital punishment that is underscored by death penalty as per the “*hudud*” crimes, defined by Islamic Shariah Law. (Iran Human Rights Documentation Centre, 2014).

According to the Iran Human Rights Documentation Centre, Iranian Penal Code authorizes the enforcement of Islamic Laws where the legal framework is quiet, but there remain differences in interpretation of these laws which pose a threat to those living in Iran, as persecution for the crime is largely dependent on interpretation. (Iran Human Rights Documentation Centre, 2014).

Article 513 of the old penal code has not been abolished and still remains in force. It states that:

“Any person who insults the sacred values of Islam or any of the Great Prophets or the twelve Shi’ite Imams or Fatima (R.A.), the daughter of Holy Prophet Muhammad (PBUH), considered as “Ashab-al-Nabi” shall be punishable by death penalty; otherwise shall be sentenced to one to five years of imprisonment.” (End Blasphemy Laws Organization, 2017).

Although incidents of swearing against Holy Figures is rare in Iran, but certain diverse groups have been charged with religious crimes over the years. For example, the last death penalty for apostasy was issued in 1990 (Goitom, 2014), while Muslim converts to Christianity, Baha’is and anybody rebelling against the writ of the supreme leaders have been convicted by the Iranian State on grounds of Mofsed-fil-Ardh or “Spreading corruption on earth”. (End Blasphemy Laws Organization, 2017).

**5) Iraq:** Article 372 of Iraq’s Penal Code 1969 provides that:

“Any Individual who insults the creed of a religious sect or its practices, or publicly insults a symbol or person that is an object of sanctification, worship, or reverence for a religious sect, may be punished with a term of imprisonment not exceeding three years or a fine not exceeding 300 Iraqi dinars.” (Goitom, 2014).

In October 2013, Ahmed Sherwan, a boy of 15, was handed over to the police by his own father, because the boy disclosed about his fading belief in God. He was tortured by the police, given electric shocks, beaten, warned of being killed, and humiliated by the judge during trial (End Blasphemy Laws Organization, 2017), showing a general lack of tolerance of religious expression in Iraq.

6) **Bahrain**: Kingdom of Bahrain guarantees absolute Freedom of Conscience to its citizens, through Article 22 of the constitution. Under the article, Bahrainis have an inviolable right to worship and to hold religious meetings and parades upon acquiring legal permits for the purpose. (Georgetown University, 2017).

Moreover, Article 23 of the constitution allows freedom of expression of one's opinion by word of mouth, only as long as Islamic principles and values are not violated, and sectarian violence is not aroused from the expression of such opinions (Georgetown University, 2017).

However, Article 309 of Bahrain Penal Code 1976 penalizes individuals, who insult any religious sect, with a term of imprisonment not exceeding one year or a fine not exceeding one hundred Bahraini dinars (Goitom, 2014).

7) **Malaysia**: Malaysia has a very strict stance on blasphemy and offending religious sensibilities. Under Articles 295-298A of the Penal Code [Act 574] (Penal Code, August 2015), which deals with offences related to religion, there are varying punishments about the specific offence. Degrading or violating a place of worship with intent to cause hurt and insult to a religion or religious person may lead up to two years of imprisonment, or a fine, or both. Moreover, saying words with the deliberate intention to hurt the religious sentiments of any person, in any way including gestures and sounds, will be punished with incarceration of up to one year, or a fine, or both. Article 298A (Penal Code, August 2015), which deals with causing chaos, ill feelings and hatred on grounds of religion, further endorses article 298(Penal Code, August 2015) by clearly categorizing every possible act of offence and hurt based on religion. (Anon., n.d.)

Turkey has been very strict in enforcing this law and in May 2013 the state sentenced Armenian human rights activist Sevan Nişanyan to thirteen months in Jail (13 months for Blasphemy) after he referenced disrespectfully to the Prophet Muhammad (PBUH) in a blog post he wrote in September. ( GHOSH, 2013)

## **NON-MUSLIM COUNTRIES**

1) **United States of America**: Even though the United States of America has invalidated many of the laws that pertain to Blasphemy and in any way, restricted the freedom of speech of their citizens, there are still many states that not only have these laws existing in their official legislature but also exercise them.

Massachusetts, Michigan, Oklahoma, South Carolina, Wyoming, and Pennsylvania all have laws that allude to blasphemy. In section 36 of Chapter 272 of the law of Massachusetts (Section 36) the law clearly states that a person wilfully blaspheming the name of God will be faced with up to one year of imprisonment or a fine of three hundred dollars. (Anon., n.d.).

Furthermore, Maryland also has a similar law in section 189, article 72(Archives of Maryland) where it is stated that a person, in writing or speaking, defiling the name of God shall be punished with six months of imprisonment or a fine of a hundred dollars or both. (Anon., n.d.)

2) **Canada**: Canada does not have a separate blasphemy law like various other European countries. However, according to section 296(Blasphemous libel) of the Criminal Code of Canada, “Everyone who publishes a blasphemous libel is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years. The article does not progress to define blasphemous libel and the last person convicted of blasphemy was way back in 1935. (Anon., n.d.)

3) **United Kingdom**: The United Kingdom made several changes to the Criminal Justice and Immigration Act in 2008(Abolition of Blasphemy). These changes included abolishing the outdated and heavily disliked laws about blasphemy and blasphemous libel. This way the United Kingdom took the first step in becoming a country that truly cares about and respects the freedom of speech of its citizens. This move was heavily opposed by religious figures across the country but despite the vigorous opposition the Act was passed with a sweeping majority. (Anon., n.d.)

4) **Italy**: The Italian Criminal Code contains the article 724 which clearly states Italy’s stance on

blasphemy, Article 724(Penal Code) states that a person who publicly insults God or blasphemes will be liable to be punished with fine from EUR 51 to EUR 309. (Anon., 2013)

## **2.4 FAMOUS CASES OF BLASPHEMY IN PAKISTAN**

1) **Salman Taseer**: Directly linked with Asia's case is the case of Salman Taseer. He was an outspoken critic of the blasphemy law, leading to vociferous support for Aasia Bibi. He chided the blasphemy law on countless occasions, and went to the extent of terming it as 'black law' which has no place in Jinnah's Pakistan. (Anonymous, JANUARY 29-FEBRUARY 4, 2011)

Terming it a 'black law' led to blasphemous charges against him and may have been the cause of his death. He declared that religious scholars including Ghamdi, have declared that the blasphemy laws had no foundations in the Quran or Hadith. He was of the opinion that the blasphemy law was always used against the weak and the poor.

His untiring efforts to support Aasia and calling the blasphemy law a 'black law' led to his assassination by his own guard, Mumtaz Qadri. Instead of condemning the cold-blooded murder of Salman Taseer, 500 clerics refused to lead his funeral prayers. More shocking is the public support for Mumtaz Qadri, declaring him an "Aashiq-e-Rasool" (P.B.U.H). Even leaders of the PPP refused to condemn the issue fearing a backlash from religious extremists. (Choudary, 2011)

2) **Salman Rushdie**: Salman Rushdie, who wrote the infamous novel Satanic Verses, was accused of blasphemy for the contentious lines in his novel. Although Salman was living beyond the control of any Islamic state, this did not stop the religious scholars from issuing fatwas against him. The fatwas resulted in numerous attempts at the life of Salman Rushdie, who went into hiding after the fatwas were issued, with the help of law enforcement agencies in United Kingdom.

The attempts at his life led to him changing his name to Joseph Anton in order to protect himself. He used this name for almost a decade, travelling with a security detail. Iran's supreme leader, Ayatollah Khomeini, issued the fatwa which was backed by the Iranian government. Although Rushdie later apologized for his remarks, Ayatollah did not accept his apology. Despite numerous attempts at his life, Rushdie survived the attempts. (Ganapathy-Doré, December, 2013). Many leading Muslim scholars also criticized the fatwa, declaring it un-Islamic for the fact that Rushdie was not living under the control of an Islamic state. He was residing in London at the time when he committed blasphemy. (Zaheer, 2007)

3) **Rimsha Masih**: Rimsha, a 13-year-old girl was accused of blasphemy by a cleric. She was accused of burning the Holy Quran when she was burning a plastic bag, in which there were pages of the Holy Quran. She was immediately arrested and protests were held calling for her hanging. While the trial was ongoing, it was found out that the local cleric had framed evidence against the little girl. (Anon., 2013)

Even though the charges were dropped off against the girl, out of fear of her life, she and her family shifted to Canada. Although, the cleric was found to have fabricated evidence, no case was brought against him. This highlights that although blasphemers are immediately killed, the false accusers go unpunished highlighting the inconsistencies in law enforcement agencies. (Anon., 2013)

4) **Online Blasphemy Case**: With the growing popularity of social media as a means of communication and expression of opinion in the 21<sup>st</sup> century, much of the dynamics of crime have changed, introducing 'cyber-crime' that is now affecting billions of people who are converting to new means of information.

During such social changes, serious cases of blasphemy have become more widespread, a current example of which is the online blasphemy case being heard in Islamabad High Court.

Between 2012 and 2016, YouTube was banned in Pakistan over an amateur film about Holy Prophet



(PBUH), and now Justice Shaukat Aziz of Islamabad High Court has exclaimed a possible ban of entire social media if blasphemous content circulating over it is not removed immediately (Zaidi, 2017).

Even though the Senate has actively passed a resolution to block-off blasphemous content on social media, there continues to be suspicion among Pakistanis as to the moral standing of the judge who has threatened to give orders of banning social media, as there are corruption charges against him and he is considered to have connections with Jamat ul Ahrar, a wing of Tehreek e Taliban Pakistan (Zaidi, 2017).

Moreover, the current government is against social media because of the extreme retaliation it has to face through this platform against its policies. Thus, it is believed by analysts that the online blasphemy case could be used by the current government, as an excuse to censor social media (Zaidi, 2017).

### **3. PROBLEM STATEMENT**

Pakistan has received severe backlash from western countries for its Blasphemy laws and Capital punishment. Our study intends to prove that Blasphemy law is a necessity in Pakistan in order to protect the religious sentiments of Muslim majority in the State. And how its misuse is the result of extremism and growing intolerance that is prevailing in the society as well as government's inefficiency to properly implement the law, hence it is not the weakness of the Blasphemy law itself but rather, of the factors mentioned above.

**“To understand the purpose and necessity of Blasphemy Laws of Pakistan and how the lack of procedural implementation of these laws leads to them being misused as a tool of personal and political vengeance.”**

## **RESEARCH QUESTIONS:**

1. How have Blasphemy Laws transitioned over time since its inception in Pakistan; pre-and post-partition?
2. Why is it necessary to have laws against Blasphemy in Pakistan?
3. Is Blasphemy Law being misused as a political tool against both Muslims and non- Muslims?
4. Does religious extremism and growing intolerance play a part in individuals taking the law into their hands?
5. What is the definition and punishment for blasphemy according to the teachings of the Holy Quran and Hadith?
6. In what circumstances is blasphemy a pardonable offense?
7. Has blasphemy law been misused as a tool of religious/political vengeance?
8. What are the various loopholes in Blasphemy laws of Pakistan and the criminal procedure code that reflect bias/injustice in trial and conviction and punishment?
9. Which religious, political and social agencies can play a positive role in propagating the cause of the necessity to the general public?
10. Are such laws against the International standard of Human Rights?

## **4. RESEARCH DESIGN AND METHODOLOGY**

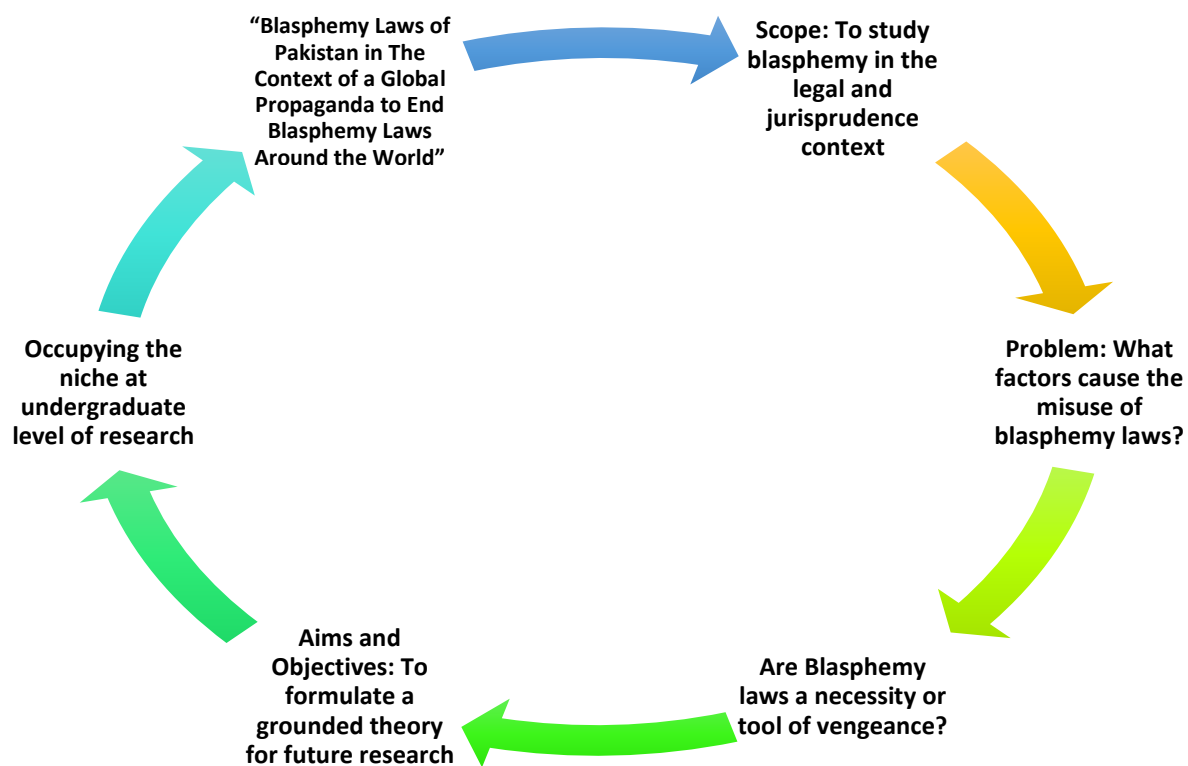
### **4.1 RESEARCH DESIGN**

This research is a multiple case-study research where quality fieldwork via interviewing of religious scholars and legal experts, and surveys conducted in major cities of Pakistan, are the chief sources of data collection.

The **foremost objective** of this research project is to inculcate an awareness of blasphemy laws and their

historical context, the necessity of these laws and the problems in understanding, accepting and implementation of these laws that eventually lead to their misuse for personal and political vengeance. It also aims to create a grounded theory that could be used as a basis for future academic study and policy analysis. Another objective of the research is to understand the implications of the Blasphemy Law (Section 295-A, B &C of the Pakistan Penal Code 1860) in the cases of Mashal Khan, Asia Noreen and the Kot Radha Kishan Couple (Shama and Shahzad) Cases.

The overall research strategy is to employ an **integrated methodology** which carefully draws upon quantitative and qualitative observations and findings to identify and clarify the factors that distort the concept of blasphemy. **Figure 1** below, summarizes the research design:



**Figure 1: Summary of Research Design** (idea, problem statement, scope, aims and objectives and differentiating factors)

## Occupying the Niche

Earlier research on this subject is based on the role of blasphemy law in the escalation of societal issue or its effect on the security of minorities living in Pakistan, while most of these studies are undertaken at a professional and advanced level.

This study, conducted on undergraduate level, **occupies the niche** and fills the gap in literature by differentiating its scope on a law-and-jurisprudence basis, rather than a purely human rights-based focus, and also draws its findings and discussions from a fine balance of both quantitative and qualitative methods which was never done before. The mixed methodology helps compare and contrast the widely held beliefs and opinions of the general public about blasphemy and blasphemy laws, and the expert knowledge and opinions of renowned experts of Pakistan.

Thus, the availability of best of the best Islamic scholars, lawyers and case relevant personalities pronounced our research findings, despite of our lacking in professional research skills, time and finances at the undergraduate level.

## Purposes of Research

*“Science is an enterprise dedicated to finding out”.*

Research design addresses the planning of scientific inquiry, that is, the **strategy** of finding something out. There needs to be a plan of **how** the researcher will analyze what they want to analyze, and for this purpose they must clearly identify **what** they want to study and observe (Babbie, 1983).

There are three main purposes of conducting social science research- exploration, description and explanation.

*“Although it is useful to distinguish the three purposes of research, it bears repeating that most studies*

*will have elements of all three.”*

Much of social research is conducted to provide familiarity with a topic that is relatively new and understudied. **Exploratory studies** are done for three purposes:

- a) To satisfy the researcher’s curiosity and desire for better understanding
- b) To test the feasibility of undertaking a more careful study
- c) To develop the methods to be employed in a more careful study

Hence, exploration is the basic purpose of this study, with specific emphasis on satisfying the desire for an in-depth understanding of blasphemy laws. The study also aims to find out satisfactory and definitive answers for the stated research problem (whether the laws are a necessity or a tool of personal and political vengeance), and to create a grounded theory for further, careful study on the causes of such misuse.

Another major purpose of social science research is to **describe** events and situations, which is better done in a *scientific way* than in a casual manner. Thus, the quantitative fieldwork in this research uses surveys to find out about the general perceptions of the people of Pakistan about blasphemy laws and their misuse. It describes what people believe is the definition of blasphemy in law, what is the punishment for blasphemy, whether it is a pardonable offense or not, whether it is an anti-democratic and anti-minorities law; and which institutions play a positive or negative role in portraying the correct or incorrect “image” of blasphemy laws around the world.

*“A third general purpose of social scientific research is to explain things.”*

Describing events and situations is not enough for social research; researchers also aim to explain **why** certain situations or events occur (Babbie, 1983). The question that follows is, ‘what is to be explored, described or explained?’.

In this effort, quantitative surveys (conducted to describe perceptions about the law and causes behind

extreme impromptu action taken by hostile mobs), are supplemented by qualitative interviews and observations, to rigorously explain the concept of blasphemy, dig into the history and conceptual basis of blasphemy laws of Pakistan, and to vigilantly divert academia's attention to what factors cause the rise in cases of misuse of blasphemy for personal and political vengeance.

### **Units of Analysis**

Individuals are the most typical units of analysis. We tend to describe and explain social groups and interactions by manipulating and aggregating the descriptions of individuals. Thus, the norm of generalized understanding suggests that `s that are more generalizable and apply to all kinds of people are more valuable in social research (Babbie, 1983).

It is impractical to study all kinds of people in one study, which is why circumscribed groups are taken as units of analysis whose members are then analysed on an individual level.

Formal social organizations may also be units of analysis and when social groups are the units of analysis then the characteristics of these groups are derived from characteristics of individual members (Babbie, 1983).

The organizational units of analysis are major educational institutions of Pakistan, including private universities (NUST, IBA, LUMS, QAU) offering western education, as well as, Islamic universities and Madrasas (Jamia Ashrafia and Minhaj ul Hussain), offering Islamic education. In these organizations, characteristics of religious affiliation and level of education of the respondents are especially satisfied.

### **Points of Focus**

- 1) Individual **characteristics** such as age, gender, income group, religion affiliation, level of education, etc., comprise the basic points of focus in individual units of analysis, while the same

characteristics then facilitate the selection of specific circumscribed groups for the purpose of the social science research study.

In this research paper, the main characteristics chosen to identify individual units of analysis through the larger population are as follows:

\*Gender:

- 1) Male
- 2) Female
- 3) Others

\*Age Brackets:

- 1) 15-25
- 2) 26-35
- 3) 36-60+

\*Religious Affiliation:

- 1) Islam
- 2) Christianity
- 3) Hinduism
- 4) Buddhism
- 5) Others

\*Level of Education:

- 1) No schooling
- 2) Under Matric or equivalent
- 3) Intermediate or equivalent
- 4) Bachelor's or equivalent
- 5) Postgraduate

2) Additionally, the concept of **orientations** refers to the attitudes, beliefs, religious affiliations and

ideologies of individuals and social groups in units of analysis. In this research paper, the main orientations in emphasis are individuals (general public and experts of law and Islamic jurisprudence) from both, Muslim and Non-Muslim communities. Further, the goal is to highlight and explain the differences of opinion and misconceptions about Blasphemy Laws of Pakistan.

- 3) Specific focus is also on ‘**actions**’ of individuals, groups and organizations with reference to particular social events, that is, the study identifies factors that drive social action among a group of people (Babbie, 1983).

For example, in this study, it is found that social action is backed by the rising mob-mentality among citizens of Pakistan, intensifying extremism and lack of education that promote the misuse of blasphemy as a tool of personal and political vengeance. The point of focus is, hence, to understand the weaknesses in the social system of justice because of which the layman engages in extra-judicial killing of alleged blasphemers.

### **The Time Dimension**

Despite of being a vast and complex subject, researchers have been unable to use prolonged longitudinal observations in this research paper due to time constraints. This is primarily why the time dimension has been squeezed to encompass recent, prominent blasphemy cases occurring between time period **2009 to 2017** (second decade of the 21<sup>st</sup> century). In a cross-sectional, multiple-case study approach, the three cases endorse the element of lack of understanding and education among the masses, and misuse of blasphemy as a tool of political and personal vengeance, and also elucidate the weaknesses in Pakistan’s criminal justice system.

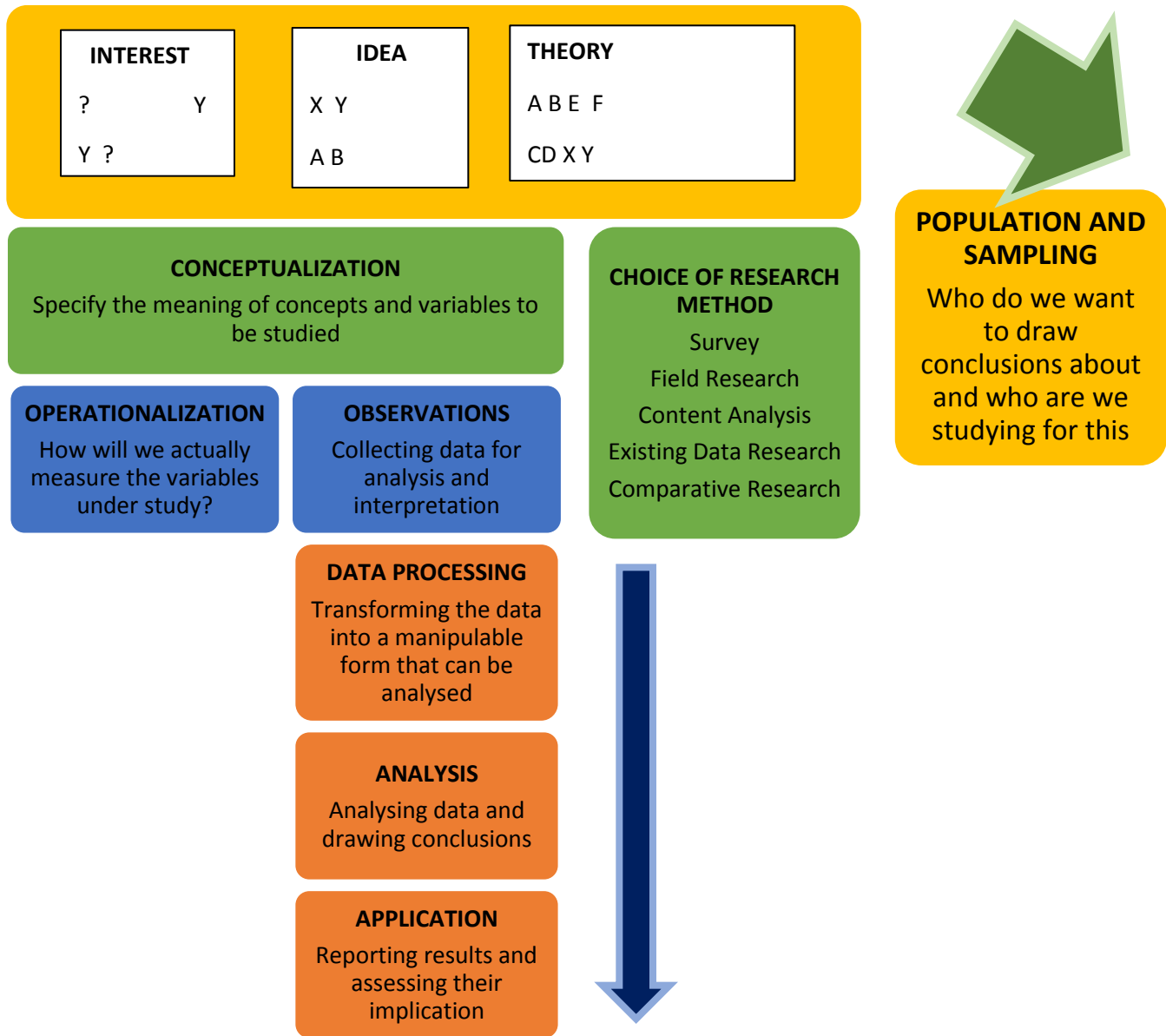
### **The Research Process**

**Figure 2** below summarizes the research process adopted in this study. Like all social science research, it



begins with the identification of a broad area of interest, which is then transformed into an idea with specific variables to be studied. Then a theory is developed around the idea, based on which selections are made on who is going to be studied and about whom conclusion will be drawn. This helps in the choosing of appropriate research methods (e.g. surveys, interviews, observations, content analysis and field research), which are then used to collect data for analysis and interpretation, transforming the data into a form that can be manipulated and analyzed, drawing conclusions from the analyzed data and to finally report results and implications.

It is important to conceptualize the study, i.e. to go through the process of defining the agreed meanings of the terms used in the study. *Indicators* must be set, to demonstrate the absence or presence of a concept, and to establish *interchangeability of indicators*, to show that several indicators represent or behave in the same way as one concept. *Nominal and operational definitions* of the research stem from conceptualization. Operational definitions are specific and unambiguous, and should define the procedures and steps used to measure a concept.



**Figure 2: The Research Process**

## **4.2 RESEARCH METHODOLOGY**

The methodology opted for this research paper is **mixed methodology**. It involves collection, analysis and integration of data through quantitative and qualitative instruments, primarily questionnaires and expert interviews (operated via field research).

### **The Questionnaire and Surveys:**

The questionnaire comprises a total of twenty-one questions, with a combination of multiple-choice questions, closed questions, and one opinion-based, open-ended question. The purpose of operating the survey is to identify gaps in the knowledge of the general public regarding definition, necessity and misuse of blasphemy laws of Pakistan, and how they suggest that the rising cases of extremism be controlled. The gap is bridged by consolidating public opinion with the opinion and knowledge of top-notch law and jurisprudence experts in Pakistan.

The nature of the topic is such that it is more inclined towards qualitative debate, however, objective findings are equally important to establish certain facts. For example, survey statistics help us identify the percentage of people who believe that capital punishment is the ultimate punishment for a blasphemer, while focus group interviews allow us to inquire in-depth about why capital punishment is prescribed for a blasphemer, with proper justifications and examples from Holy Quran and Sunnah of Prophet Muhammad (PBUH).

### **Variations in Qualitative Interviewing:**

*Informal Conversational, Interview Guide and The Standardized Open-ended Interview*

The three main methods utilized to collect qualitative data in this study are Informal Conversational Interview, Interview Guide and The Standardized Open-ended Interview.

Unlike formal structured interviews which take place in an official setting, Informal Conversational

interviews help to make the respondents comfortable with the interviewers and to establish a freestyle conversation, which allows free exchange of information. A limitation of this method, however, is that the data collected is too broad and needs to be narrowed down and trimmed according to the research problem and focus (Patton, 2002).

Informal Conversational Interview, along with a short Interview Guide (a set of broad categories of questions to be asked) was employed in the interview with the family of Mashal Khan.

With the rest of the interviewees, the approach was more formal and the interviews structure was standardized and Open-ended. This is because majority of the interviewees are experts of law and jurisprudence and also the chairpersons and heads of their respective institutions. Thus, any informal method could not have been used in the interview process.

### **Observations**

Observations are critical to social science research (Babbie, 1983). They permit us to make sense of the world around us and to offer explanations for why and how social phenomenon develop and occur.

While making observations during field research, there are two main perspectives that can be used by the researcher: insider v/s outsider perspectives. In other words, the researcher uses an **emic** or an **etic** approach to observe and record social phenomena (Patton, 2002).

These approaches represent a viewpoint, i.e. whether the researcher is studying the problem as a part of the problem or just observing the behaviour of others from a vantage point. The sociocultural and human environment also play a role in making sound observations, as it is these environmental factors and materials that create meaning and value in social interactions. Therefore, the arrangement of buildings, streets, communities and villages, décor in a room or a library, the accent, tone and gestures of subjects (or interviewees), makeup the complex human environment and affect field research and its findings. (Patton, 2002)

Another crucial part of observational technique is opting between the different methods of observation, which are mainly two: **Overt v/s Covert Observations**. Overt participant observation, where the observer becomes part of the social environment and conceals her identity, typically involves ethical and safety problems for the researcher. The utility of such an approach was also not much in this research, hence an overt non-participant observation technique, with an emic approach, was employed during field research, where the attitudes, behaviours, opinions and surroundings of the respondents were carefully and meticulously observed.

#### **4.2.1 DELPHI TECHNIQUE**

“The Delphi technique is a structured approach for reaching a consensus judgment among experts about future developments in any area.” (Casco,187). It was originally developed to assist with group decision making processes; however, it has evolved and is now being used in fields like qualitative research. This technique was developed during the late 1940s at the Rand Corporation’s “think tank” in Santa Monica, California. The objective is to “Predict future developments in a particular area by integrating the independent opinion of experts.”

Delphi technique is unique in the sense that although it involves the use of many experts, however face-to-face interaction is evaded. The experts are interviewed by an intermediary who gathers, summarizes and provides feedback to the interviewees about the data collected through the interviews. Since, experts do not interact with each other like in focus groups, so it helps minimize the risks associated with personality, job status, opinion and perception/ information differences among the experts. Experts are selected for their knowledge of internal and external factors. Internal factors pertain to the knowledge of the subject matter and external factors are the environmental factors about which the experts must have a thorough knowledge.

Keeping in view, the sensitivity and the sectarian differences among our research interviewees, we decided to use the Delphi technique. We collected data from the experts representing all major sects of this country without any instance of disharmony which we were apprehending in case if they were to voice their of opinions in front of interviewees from different/ rival sects. Here, we would like to mention that Delphi method works in different cycles. It does not stop with the first phase of interviewing. After collecting the data, the intermediary must gather the experts for a second, third, or even multiple phases. In our research, we had identified three cycles of interviewing experts. In the first phase, we interviewed legal experts. Once we realized that our legal experts could not satisfactorily brief us about the religious aspects of the Blasphemy law, we interviewed the religious experts. Mostly these interviews took place in Lahore. The first cycle had begun in Islamabad and Rawalpindi. The religious experts meticulously dispelled our doubts about the Blasphemy law, and now we were ready for the third cycle of our research process. This time we interviewed university professors about the Blasphemy law. Meanwhile as we were compiling our interviews data we kept in contact with the religious and legal experts to clarify our questions which could not be answered earlier. Hence, the Delphi technique has been quite helpful in our research process.

## **FRAMING**

*"Frames are the mental structures that allow human beings to understand reality." - George Lakoff .*

*"Frames are the neural networks, the cognitive models, archetypes, and narratives that construct meaning. Frames underlie all thought process. Framing is a process of heuristic. In politics, we search out the underlying values to construct frames of understanding. Frames are based on conceptual metaphors that use one idea to explain or help understand another. Lakoff & Johnson describe our reliance on conceptual metaphors: the journey – "Love is a journey"; war – "Argument is war"; money – "Time is money". Example: Voter Revolt."*

## **Examples of Framing**

*“Framing is a process whereby communicators, consciously or unconsciously, act to construct a point of view that encourages the facts of a given situation to be interpreted by others in a particular manner.”*

Jim A. Kuypers, *Rhetorical Criticism*, 2009.

*“According to George Lakoff, most of us share values across the political spectrum. Conservatives and independents have some progressive, nurturing tendencies and progressives and liberals share conservative, strict father, discipline tendencies. “*

## **Framing Your Message**

### **We have used the following questions to frame our message/ recommendations**

- *What are your values?*

*Our values are tolerance and respect for the others' point of view. Sadly our values (not of the researchers though but of our nation are hatred, self-imposed righteousness and extremism).*

- *What is the problem? Why does it matter to you? Why should it matter to other groups? What should be done about it?*
- *The problem is the misrepresentation and misuse of the blasphemy law. It matters to all groups in the society especially the minorities. All stakeholders including religious scholars, politicians, judges, lawyers, teachers, and media pundits must exhaust their efforts in rectifying this extremism.*
- *What are the phrases, images, or concepts that express common values?*
- *“Kisi ke aqeedy ko chairo nahe, aur apna aqeeda choro nahe.” “Free and authentic Education” “Welfare”, “Peace”. “Corruption”, “Humanism”, “Incompetent People”, “Dictatorship leads to extremism”, Islamization took away our peace and spirit of co-existence”, “Identity crisis”*

“The one who does not have a beard is kafir, the one who does not wear his shalwar above the ankles is kafir, and the one who does not wear a turban is kafir.” “Mashal is light- the light of education”. Free state from religion especially the Moulvi / clerical doctrine.”

- *Who is your target audience?*
- *Our target audience is the legislators, university administration, teachers, students, and lawyers as well as minorities*
- *Does your message leave anyone out? If it does, is that a strategic choice?*
- *No, we do not tend to leave out any one.*
- *Create your central frame through key words that resonate.*

Blasphemy law, epitome of ignorance, extremism, political vengeance, political influence, weak judicial systems, no confidence in the law, poor is killed, robbed and humiliated, personal confrontations, personal vengeance in disguise of religious ruse, lack of rule of law, lack of justice, **RELEASE US FROM THE CLERICAL DOCTRINE**

## **MEMBERSHIP CATEGARIZATION ANALYSIS**

Membership Categorization Analysis Originated through the work of Harvey Sacks in 1972 to 1992. Sacks was interested in finding out the grouping of people based on their social class. This analysis tries to develop cultural reasoning of people categorization based on their social lives which gives a sense of recognition that becomes part of the group in their dealings (Day, Undated). We have used membership categorization technique in our survey sampling as well as in our qualitative interviews. Our interviews at Jamia Ashrafia are based in this technique.



## **Case Studies**

### **“A Multiple Case-Study Approach Exploring Community Perceptions and Knowledge about Blasphemy and Blasphemy Laws of Pakistan.”**

This research is a multiple case-study based research, where we have chosen two **Cumulative Case Studies** rooted in the minority population of Pakistan, namely, Aasia Bibi Case and Kot Radha Kishan Couple Case. Cumulative case studies allow us to gather past aggregate information from several sites and different times, since we wanted to ensure generalizability and to avoid additional time and cost to be expended on new and repetitive research.

The third major case study is a **Critical Instance Case Study**, namely, Mashal Khan Case, which is used in the research paper to familiarize readers with the research topic and to emphasize on the criticality of the issue by establishing appropriate relevance of the case to the research problem.

For both, cumulative and critical instance case studies, structured and semi-structured expert interviews and focus group interviews are helpful in extracting information about the three cases of blasphemy, and to find rationalizations for the judgements passed in each case.

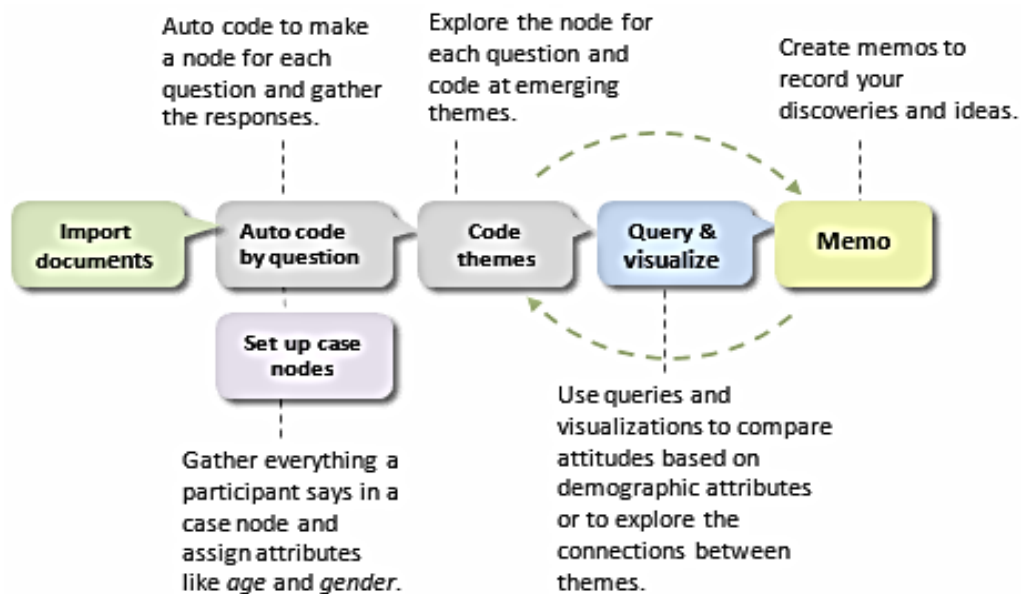
### **Narrative analysis, Content Analysis and Constant Comparative Method of Grounded Theory**

These techniques are employed to extract results and interpretations from the interviews. The constant comparative method involves identification of a phenomenon of interest, and of local concepts and principles, to engage in theoretical sampling of a large social unit in order to develop a grounded theory.

Narrative analysis, on the other hand, helps to understand the personal, social, cultural, ethical and academic contexts in which focus group participants share elicited stories and narratives about blasphemy cases (Patton, 2002).

More popular in organizational research is Content Analysis which is a technique for converting purely qualitative data into quantitative, using nodes, theme generation and coding. Software like NVIVO, specifically employed in this study, are working for the purpose of qualitative analysis of socio-cognitive and perceptual constructs by identifying recurrent patterns of thinking that occur repeatedly.

The process of coding and content analysis in this study is illustrated in **Figure 3**, below:



**Figure 3: Process of Content Analysis in NVIVO Software**

#### 4.2.2 SAMPLE AND DATA

##### RANDOM PROBABILITY SAMPLING VS. PURPOSIVE SAMPLING

Conceivably, nothing arrests the difference between quantitative and qualitative research than the sampling methods. It is so because different reasons undergird these approaches. (Patton, 230).

The focus of a qualitative research is an “in depth” study of the phenomenon, so much so that it can even

study single cases(N=1). On the other hand, a quantitative study focuses larger samples which are randomly selected. The random sampling technique has its roots in “statistical probability theory”. A randomly selected population/sample has the capacity to yield results which can be generalized to the whole population. Hence, it is a popular method in quantitative research.

Furthermore, the **Central Limit Theorem** asserts that if a random sample of N cases is drawn from a population with mean ( $\mu$ ) and standard deviation ( $\sigma$ ) then the sampling distribution around the mean will be *normal*.

If the population distribution is normal, that is, there is a bump in between and no strong or extreme skewing, then a modest sample of N=30, will have a distribution that is close to normal. However, if there are many outliers then it may be necessary to draw a large sample (N=500).

Contrastingly the qualitative research **uses purposive or judgment sampling**. “In judgment sampling, you decide the purpose you want informants (or communities) to serve, and you go out to find some” (Patton, 2002).

The motive and vigour of purposeful sampling is in selecting information-rich cases. “Info-rich cases are those from which one can learn a great deal about issues of central importance to the purpose of the inquiry, thus the term purposeful sampling.” (Patton,230).

*Since this research is based in both quantitative and qualitative methods, so both random sampling and purposive sampling are used.*

For quantitative research, surveys were distributed to a random population of students studying in different alma maters of Pakistan. The research further makes use of “Stratified random sampling” and “Maximum variation (heterogeneity) sampling” in this regard. Here are the definitions of both these kinds of sampling:

### **STRATIFIED RANDOM SAMPLING:**

“Stratified samples are samples within samples. A stratified random sample, for example, might stratify by socioeconomic status within a larger population as to make generalizations and statistically valid comparisons by social class as well as to generalize to the total population.” (Patton, 240).

### **MAXIMUM VARIATION (HETEROGENEITY) SAMPLING:**

“How does one maximize variation in a small sample? One begins by identifying diverse characteristics or criteria for constructing the sample. Suppose a statewide program has project sites spread around the state, some in rural areas, some in urban areas, and some in suburban areas. The evaluator can study a few sites from each area and at least be sure that the geographical variation among sites is represented in the study. While the evaluation would describe the uniqueness of each site, it would also look for common themes across sites. Any such themes take on added importance precisely because they emerge out of great variation. For example, in studying community –based energy conservation efforts statewide using a maximum heterogeneity sampling strategy, a researcher can construct a matrix sample of 10 communities in which each community was as different as possible from every other community on such characteristics as size, form of government (e.g., strong mayor/ weak mayor), ethnic diversity, strength of the economy, demographics and region. In the analysis, what stands out across these diverse cases was the importance of a local, committed, cadre of people who make things happen.” (Patton, 235).

Hence, survey questionnaires were distributed **primarily to students in educational institutions (universities and Islamic institutes)**, and secondarily to faculty, administrative staff and general staff members, and local Muslim and non-Muslim neighbourhood communities, based on a random mix of criterion such as age, gender, ethnicity, religious affiliation and educational background.

The questionnaires were distributed to a sample of N=500 people, belonging to different religions,

ethnicities, educational backgrounds and neighborhoods across Pakistan, selected randomly. Diversity of these characteristics reflects and accounts for the heterogeneity of the Pakistani people and socio-cognitive differences of opinion. It also satisfies the definitions of Stratified and Maximum variation sampling.

Following is the distribution of this sample:

NUST, S3H: 100 participants

NUST, NBS: 100 participants

SEECs/ SCME/ IESE: 50 participants

OTHER UNIVERSITIES AND RELIGIOUS INSTITUTES ACROSS PAKISTAN: 150 participants

NEIGHBORHOOD COMMUNITIES (MUSLIM/NON-MUSLIM): 100 Participants

**TOTAL SAMPLE SIZE:** 500 Participants

#### **4.3 Ethical Considerations in Research:**

When using human beings as subjects of research there are several issues to address with regards to the integrity, safety, respect and privacy of subjects. Babbie highlights four main considerations in the ethics of research (Babbie, 1983):

- 1) Voluntary Participation
- 2) No harm to participants
- 3) Anonymity and Confidentiality
- 4) **Disclosure of Technical Shortcomings in Analysis and Reporting**

It is vital for the researcher to respect the voluntariness of the subject's participation in research activities.

If the respondent is reluctant to respond, then the researcher must not force them to do so either

aggressively, or passively.

Moreover, the research should not harm the participants, physically, mentally or emotionally. For example, exposure to longitudinal psychological studies in a controlled research environment may permanently damage the ability of research subjects to behave and react naturally, and some may even go in depression if the topic under study is intense and emotionally challenging. Research must not risk the safety of human subjects, and consider the voluntariness of participants once full disclosure of associated risks to the participants has been made.

A third thing requiring respect for the human subjects is anonymity and confidentiality issues. Researchers must conceal the identity of the participants if they wish so. Topics of social science research, such as the idea of blasphemy in this particular research paper, are often tabooed, complex, sensitive and risky. Many scholars and lawyers interviewed for this study instructed the researchers not to disclose their names and other personal details because of the nature of the topic, and of the fear of criticism and harassment by any extremist elements.

The final ethical consideration is the disclosure of technical shortcomings and various limitations of the study to be reported in the analysis section of the thesis. It must “tell the truth” about all the technical pitfalls in the research, including the lack of availability of resources and technical expertise, errors in data aggregation and interpretation, problems of accessing the research sample, and any legal or moral shortcomings accounted so far. It is human to make mistakes, so this disclosure is essential, as it identifies weaknesses in the study (which can be rectified and avoided in future studies), outlines the limitations of reliability of the information collected, and increases the worth of the study overall (Babbie, 1983).

## **5. THEORETICAL FRAMEWORK**

### **5.1 GOAL OF THEORETICAL FRAMEWORK**

The goal of theoretical framework is to underpin the theories available with regard to blasphemy law. Since the Blasphemy law has been derived from the Holy Quran and the Sunnah of the Holy Prophet (P.B.U.H) and Hadith hence, the Quranic injunctions and Hadith form our Theoretical Framework. In addition to that, our Theoretical Framework is grounded in the Federal Sharia Court Judgment as well as the Supreme Court/ High Court Judgment.

#### **Normative Definition Blasphemy**

According to the Dictionary the literal meaning of Blasphemy is “The act or offense of speaking sacrilegiously about God or sacred things”

#### **Operational Definition Blasphemy**

The contextual definition, on the other hand, used in this research refers to the deliberate ‘actions’ or ‘utterances’ that defame any religion, God, prophet or any religious fundamental belief or religious artifact for that matter. The defamation of any kind regarding ALLAH or the last Messenger (Prophet SAW) is given special consideration due to its relevance in the case studies that have been chosen to be studied, under the research.

The theoretical framework will be the basis for the hypothesis of this research since it has been developed by the research team itself and has been evaluated through quantitative and qualitative research methodologies.

Due to the fact that there exists no such theory that states that the blasphemy law (295 C of the Pakistan Penal Code) has been used as a tool of political vengeance against innocent people, the ‘surveys’ and interviews conducted by the team have been used to evaluate the veracity of our hypothesis.

## **5.2. RELEVANT THEORIES AND CONCEPTS**

### **5.2.1 The Legal Context**

For underpinning our research hypothesis, it is imperative to state some of the fundamental facts that constitute our theories. It is to be noted that according to the ‘Article 2 ‘of the constitution of Pakistan, ‘Islam is the state religion’ and the Article 227 states regarding ‘Provisions relating to the Holy Qur'an and Sunnah’ that ‘All existing laws shall be brought in conformity with the Injunctions of Islam as laid down in the Holy Quran and Sunnah, in this Part referred to as the Injunctions of Islam, and no law shall be enacted which is repugnant to such Injunctions.’ (Pakistan, 1947). Hence, the constitution of Pakistan, which is partly based on the Sharia law, holds the Quran and Sunnah as the central sources of enforcing law and order.

Consequently, the ‘Blasphemy law’ has also been promulgated based on the information inferred from the Holy Quran and Sunnah of the Prophet (SAW). Section 295 (A, B and C) of the Pakistan Penal Code 1860 is the relevant law under discussion.

### **CHAPTER XV OF OFFENCES RELATING TO RELIGION**

*‘295. Injuring or defiling place of worship, with intent to insult the religion of any class*

*295-A. Deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religion or religious beliefs*

*295-B. Defiling, etc., of Holy Qur'an*

*295-C. Use of derogatory remarks, etc., in respect of the Holy Prophet (P.B.U.H) –whoever by words either spoken or written or by visible representation, or by any imputation, innuendo, or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet (SAW) shall be punished with death or imprisonment for life, and shall also be liable to fine.’*

The statutory law further states:



*'296. Disturbing religious assembly*

*297. Trespassing on burial places, etc.*

*298. Uttering words, etc., with deliberate intent to wound religious feelings*

*298-A. Use of derogatory remarks, etc. in respect of Holy personages*

*298-B. Misuse of epithets, descriptions and titles, etc. reserved for certain Holy personages or places*

*298-C. Person of Qadiani group, etc., calling himself a Muslim or preaching or propagating his faith'*

### **5.2.2 In light of the Holy Quran & Sunnah**

Hence, it can be concluded that blasphemy law of Pakistan holds any person punishable under the law, who intentionally and deliberately harms the religious feelings of any other sect or religion. The law clearly states that in the case of the defamation of the Prophet (SAW) the person shall be punished with death.' All the jurists and Ulema have consensus regarding the death penalty given in the case of defamation of the Prophet (SAW). The following verses from the Holy Quran, justify this claim.

*'And among them are men who hurt the Prophet (Muhammad SAW) and say: "He is (lending his) ear (to every news)." Say: "He listens to what is best for you; he believes in ALLAH; has faith in the believers; and is a mercy to those of you who believe." But those who hurt ALLAH's Messenger (Muhammad SAW) will have a painful torment.'* ~ **Surah Al Tauba, Verse 61**

*'Verily, those who annoy ALLAH and His Messenger (SAW). ALLAH has cursed them in this world, and in the Hereafter, and has prepared for them a humiliating torment.'* ~ **Surat Al Ahzab, Verse 57**

*'O you who believe! (Do) not raise your voices above (the) voice (of) the Prophet (P.B.U.H), and (do) not be loud to him in speech like (the) loudness (of) some of you to others, lest become worthless your deeds while you (do) not perceive.'* ~ **Surah Al-Hujraat, Verse 2**

*'Make not the summoning of the Messenger (P.B.U.H) among yourselves, like one calls the other among you. Undoubtedly, ALLAH knows those of you who slip away quietly taking shelter of any excuse; therefore, let those who do against the command of the Messenger (P.B.U.H) fear, lest some trial befall them or a painful torment overtake them.'* ~ **Surah Al-Nur, Verse 63**

*'That ye (mankind) may believe in ALLAH and His Messenger (P.B.U.H), and may honour Him and revere Him, and glorify Him at early dawn and at the close of the day'* ~ **Surat Al fath, Verse 9**

*'O you who believe! Enter not the Prophet (P.B.U.H)'s houses, except when leave is given to you for a meal, (and then) not (as early as) to wait for its preparation. But when you are invited, enter, and when you have taken your meal, disperse, without sitting for a talk. Verily, such (behavior) annoys the Prophet (P.B.U.H), and he is shy of (asking) you (to go), but ALLAH is not shy of (telling you) the truth. And when you ask (his wives) for anything you want, ask them from behind a screen that is purer for your hearts and for their hearts. And it is not (right) for you that you should annoy ALLAH's Messenger, nor that you should ever marry his wives after him (his death). Verily! With ALLAH that shall be an enormity'* ~ **Surah Al-Ahzab, Verse 53**

*'Those who oppose ALLAH and his Messenger, they will be among those most humiliated'* ~ **Surat Al Mujadala Verse 20**

*Lo! It is thy insulter (and not thou) who is without prosperity'* ~ **Surat Al Kausar, Verse 3**

*'And if they break their pledges after their treaty (hath been made with you) and assail your religion, then fight the heads of disbelief—Lo! They have no bidding oaths—in order that they may desist.'* ~ **Surat al Maida Verse 33**

*'But if they violate their oaths after their covenant, and attack your religion with disapproval and criticism*

*then fight (you) the leaders of disbelief (chiefs of Quraish - pagans of Makkah) - for surely their oaths are nothing to them - so that they may stop (evil actions).’ ~ Surat Al Tauba, Verse 12*

Some Ahadith (incidents from the life of the Prophet S.A.W.) also support the decision of the death penalty for this crime in the Sharia Law. These incidents were also quoted by the interviewees (the religious Scholars, Professors) whom the research team interviewed.

It has been related on the authority of Hazrat Ali (R.A) that Holy Prophet (SAW) said: “*Kill the person who abuses a Prophet (P.B.U.H) and whip by stripes the one who abuses my companions.*” ~(**Al-Shifa, Qazi, Ayaz Vol.11, page 194**).

It has been narrated that after the conquest of Makkah, the Holy Prophet (P.B.U.H), after giving general pardon, ordered killing of Ibn Khatal and his she slaves who used to compose defamatory poems about the Holy Prophet (P.B.U.H). ~ (**Al-Shifa by Qazi Ayaz, Vol. II, page 284 Urdu Translation**)

In another incident narrated by **Jabir bin ‘Abdullah (Sahih Bukahri Volume 5, Book 59, and Number 369)**

ALLAH’s Apostle said, “Who is willing to kill Ka’b bin Al-Ashraf who has hurt ALLAH and His Apostle (P.B.U.H)?” Thereupon Muhammad bin Maslama got up saying, “O ALLAH’s Apostle! Would you like that I kill him?” The Prophet (P.B.U.H) said, “Yes,” Muhammad bin Maslama said, “Then allow me to say a (false) thing (i.e. to deceive Ka’b).” The Prophet (P.B.U.H) said, “You may say it.” Then Muhammad bin Maslama went to Ka’b and said, “That man (i.e. Muhammad demands Sadaqa (i.e. Zakat) from us, and he has troubled us, and I have come to borrow something from you.” On that, Ka’b said, “By ALLAH, you will get tired of him!” Muhammad bin Maslama said, “Now as we have followed Him, we do not want to leave Him unless and until we see how his end is going to be. Now we want you to lend us a camel load or two of food.”

There are some differences among narrators about a camel load or two.) Ka’b said, “Yes, (I will lend you), but you should mortgage something to me.” Muhammad bin Mas-lama and his companion said, “What do you want?” Ka’b replied, “Mortgage your women to me.” They said, “How can we mortgage our women to you and you are the most handsome of the ‘Arabs?” Ka’b said, “Then mortgage your sons to me.” They said, “How can we mortgage our sons to you? Later they would be abused by the people’s saying that so-and-so has been mortgaged for a camel load of food. That would cause us great disgrace, but we will mortgage our arms to you.” Muhammad bin Maslama and his companion promised Ka’b that Muhammad would return to him. He came to Ka’b at night along with Ka’b’s foster brother, Abu Na’ila. Ka’b invited them to come into his fort, and then he went down with them. His wife asked him, “Where are you going at this time?” Ka’b replied, “None but Muhammad bin Maslama and my (foster) brother Abu Na’ila have come.” His wife said, “I hear a voice as if dropping blood is from him, Ka’b said. “They are none but my brother Muhammad bin Maslama and my foster brother Abu Na’ila. A generous man should respond to a call at night even if invited to be killed.” Muhammad bin Maslama went with two men. (Some narrators mention the men as Abu bin Jabr. Al Harith bin Aus and Abbad bin Bishr). So, Muhammad bin Maslama went in together with two men, and said to them, “When Ka’b comes, I will touch his hair and smell it, and when you see that I have got hold of his head, strip him. I will let you smell his head.” Ka’b bin Al-Ashraf came down to them, wrapped in his clothes, and diffusing perfume. Muhammad bin Maslama said. “Have never smelt a better scent than this. Ka’b replied. “I have got the best Arab women who know how to use the high class of perfume.” Muhammad bin Maslama requested Ka’b “Will you allow me to smell your head?” Ka’b said, “Yes.” Muhammad smelt it and made his companions smell it as well. Then he requested Ka’b again, “Will you let me (smell your head)?” Ka’b said, “Yes.” When Muhammad (P.B.U.H) got a strong hold of him, he said (to his companions), “Get at him!” So, they killed him and went to the Prophet (P.B.U.H) and informed him. (Abu

Rafi) was killed after Ka'b bin Al-Ashraf." Sahih Bukhari **Volume 5, Book 59, Number 372: h**

### **Narrated Al-Bara:**

ALLAH's Apostle sent 'Abdullah bin 'Atik and 'Abdullah bin 'Utba with a group of men to Abu Rafi (to kill him). They proceeded till they approached his castle, whereupon Abdullah bin Atik said to them, "Wait (here), and in the meantime, I will go and see." 'Abdullah said later on, "I played a trick in order to enter the castle. By chance, they lost a donkey of theirs and came out carrying a flaming light to search for it. I was afraid that they would recognize me, so I covered my head and legs and pretended to answer the call to nature. The gatekeeper called, 'Whoever wants to come in, should come in before I close the gate.' So, I went in and hid myself in a stall of a donkey near the gate of the castle. They took their supper with Abu Rafi and had a chat till late at night. Then they went back to their homes. When the voices vanished and I no longer detected any movement, I came out. I had seen where the gate-keeper had kept the key of the castle in a hole in the wall. I took it and unlocked the gate of the castle, saying to myself, 'If these people should notice me, I will run away easily.' Then I locked all the doors of their houses from outside while they were inside, and ascended to Abu Rafi by a staircase. I saw the house in complete darkness with its light off, and I could not know where the man was. So, I called, 'O Abu Rafi!' He replied, 'Who is it?' I proceeded towards the voice and hit him. He cried loudly but my blow was futile. Then I came to him, pretending to help him, saying with a different tone of my voice, 'What is wrong with you, O Abu Rafi?' He said, 'Are you not surprised? Woe on your mother! A man has come to me and hit me with a sword!' So again, I aimed at him and hit him, but the blow proved futile again, and on that Abu Rafi cried loudly and his wife got up. I came again and changed my voice as if I were a helper, and found Abu Rafi lying straight on his back, so I drove the sword into his belly and bent on it till I heard the sound of a bone break. Then I came out, filled with astonishment and went to the staircase to descend,

but I fell down from it and got my leg dislocated. I bandaged it and went to my companions limping. I said (to them), ‘Go and tell ALLAH’s Apostle of this good news, but I will not leave (this place) till I hear the news of his (i.e. Abu Rafi’s) death.’ When dawn broke, an announcer of death got over the wall and announced, ‘I convey to you the news of Abu Rafi’s death.’ I got up and proceeded without feeling any pain till I caught up with my companions before they reached the Prophet (P.B.U.H) to whom I conveyed the good news.”

### **5.2.3 Inferences drawn from Federal Shariat Court Judgment**

Maulana Subhan Mahmood, a jurist, at the time of passing of the judgment by the Supreme Court on the petition that was filed by Muhammad Ismael Qureshi 1990, relied upon Verses 9:65 and 66, 33:57, 49:2, 2:217, 5:75, 39:1, 65, 47:28 and stated that the blasphemer according to the ulema is considered an apostate and the punishment of apostasy is death. He has also relied upon the Hadith related by Qazi Ayaz (present in the discussion) that Holy Prophet (P.B.U.H) said “Kill the person who abuses the Prophet (P.B.U.H) and whip the one who abuses his companions.” He further stated that non-Muslims and a female blasphemer/contemnor shall be punished by life sentence and fine. In another incident relating to the companions of the Prophet (P.B.U.H) implied that death penalty would not be given to the people who defame the companions of the Prophet (P.B.U.H) (judgmnet, 1990).

‘It has been related on the authority of Abu Barzah who said, “I was sitting with Abu Bakar (R.A) when he became furious at a person.” I said to him, “O! Caliph of the Prophet (P.B.U.H) of ALLAH. “Order me to kill him”. On this he became normal and stood up and went inside and called me and said, “What did you say? I said, “Order me to kill him.” He said, “Had I ordered you, would you have killed him?” I said, “Yes.” He said, “No,” I swear 278 by ALLAH that no one other than the Holy Prophet (P.B.U.H) is in the

position that his contemnor be killed.” (ibid).’ (judgmnet, 1990)

The judgment ‘Muhammad Ismael Qureshi V. State’ 1990, hence, is very pertinent to the subject matter as it clarifies a lot of ambiguities related to the blasphemy law. One such ambiguity is whether the punishment is pardonable or not. Three out of the seven Ulema/ jurists present at this judgment stated that the aforementioned law is pardonable. Maulana Mufti Ghulam Sarwar Qadri present in the judgment quoted Verses 49:57, 9:65,66, 9:61-62, 58:8, 33:57, 4:65, 2:104 of the Holy Quran and some Hadith to say that punishment of death only is prescribed for contemnor. He further clarified that all the Hanafi jurist, especially Ibn Abidin have consensus on the acceptance of on any offense. Maulana Hafiz Salahuddin Yousaf, relied upon the views of Hanafi Jurists that the repentance of the condemner can be accepted and thereafter he will not be given the punishment of death (judgmnet, 1990).

Contrastingly, the same judgment implies that some ulema believe that the matter isn’t pardonable since they believe that only Prophet (P.B.U.H) himself has the right to pardon a blasphemmer and the Muslim Ummah does not have the right to pardon any blasphemmer on his behalf. (Assarul Maslul, Ibn Taimiyah, pages 222-223) (judgmnet, 1990).

Furthermore, the question of ‘intention’ is also very important in any crime committed under the law. The Islamic jurisprudence gives guidelines on how a crime should be analysed. The first and foremost aspect to be taken into consideration by the judge is the ‘intention’, then the action itself and its consequences and lastly the circumstances under which the crime was committed. As it is evident from the above verse quoted from the Holy Quran and the reference to Hadith, the punishment for blasphemy is considered a Hadd. However, the Sharia clearly mentions that if the crime is committed intentionally only then the Hadd penalty will be given but if there is a doubt regarding the intention, the death penalty (Hadd) is not

given. This is confirmed from the tradition of Prophet (P.B.U.H) that doubts dispel sentences of Hadd. The Holy Qur'an says: "33:5 and there is no sin for you in the mistakes that ye make unintentionally, but what your hearts purpose (that will be a sin for you), ALLAH is forgiving, merciful."

The cases of blasphemy like Salman Taseer's killing by Mumtaz Qadri, raises a very crucial question, that is whether one can take the law in his/her own hands and kill somebody accused of blasphemy. All the Ulema and other Scholars interviewed clarified that no person was allowed to kill another in any case. Islam makes it 'Haram' to criticize or harm any other person or religion. Also, it is imperative, for all the citizens to abide by the law of the land.

#### **5.2.4 Criticisms on Blasphemy Law**

The research has also addressed some of the criticisms on the blasphemy law. The international community and some Human Rights agencies argue that such laws are not humane and that Pakistan should amend or repeal such laws. Dr. Zaheer ud Din Babar Awan (Federal Minister for Law, Justice, and Parliamentary Affairs, Pakistan (2011)) has addressed such criticism in an article. He quotes the similar laws in various countries that are still present now a day namely, Afghanistan, Australia, Austria, Bangladesh, Denmark, Finland and many others. This implies that hate speech and blasphemy laws are common all around the world.

He further mentions that blasphemy is also punishable in some other religions for example in Judaism. Levities 24:16 (3<sup>rd</sup> book of Torah) states that those who speak blasphemy 'Shall surely be put to death.' (Awan, 2011)

The author clarifies that such laws meet the international human rights standards, as some individuals have



pointed out otherwise. He explains that legal system of Pakistan is surely credible in that it ensures that a fair trial and due process is carried out in any criminal case. He states that “the right to fair trial, for every accused is made fundamental right under Part II of the constitution of Pakistan” (1973 vide Constitution - 18<sup>th</sup> amendment Act 2010). Furthermore, the law regarding punishing death penalty is also on par with the international standards. An example is quoted to prove this claim where the Code of Criminal Procedure Pakistan 1898 (Act 2 of 1974 (chapter XXVIII)) is compared with the similar Indian Code of Criminal Procedure (1974) that even shares the same wordings:

‘Sentence of Death to be submitted by Court of Session’

(1) when the Court of Session passes sentences of death, the proceedings shall be submitted to the High Court and the sentence shall not be executed unless it is confirmed by the High Court’.

This, thus, confirms that the procedural law of Pakistan in giving death penalty does not violate the International Human Rights Standards.

In addition to that, Article 9 of the Constitution of Islamic republic of Pakistan (1973) mentions that ‘ No person shall be deprived of life or liberty save in accordance with law and all citizens are equal before law and are entitled to equal protection of law under clause (1) of Article 25 of the Constitution. Hence, for this very reason the section 295C of the Pakistan Penal Code 1860 is triable by the session’s court and not by a special court, which ensures that the process of trial is transparent, open, fair and credible (Awan, 2011)

At the time of the independence and the laying down of the Constitution of the Islamic Republic of Pakistan it was made very clear that a democratic country based on Islamic principles of social justice would be made where Muslims would be able to live in accordance with the Islamic teachings and citizens of all other religions would be free to follow their own religions. It is the duty of state to safeguard its citizens and to protect the legitimate interests of minorities as already mentioned in the Constitution. Article 20 of

the Constitution states that “Every citizen shall have the right to profess, practice and propagate his religion” and paragraph (b) states “Every religious denomination and every “sect” thereof shall have the right to establish, maintain and manage its religious institutions.”

## 6. QUANTITATIVE SECTION

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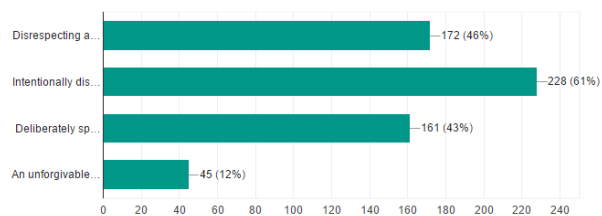
### 1- What do you think is the definition of blasphemy according to the Constitution of Pakistan?

(You may select multiple options).

- a) Disrespecting and defiling the religious sentiments, places of worship, artifacts or holy scripts of any religion
- b) Intentionally disrespecting Prophet Muhammad (PBUH) in speech/writing/animation
- c) Deliberately speaking or writing foul against the God, Prophets or Religious Leaders of any religion
- d) An unforgivable crime

What do you think is the definition of blasphemy according to the Constitution of Pakistan? (You may select multiple options).

374 responses



“An unforgivable crime” has the lowest value for “Series 1” (count 45).

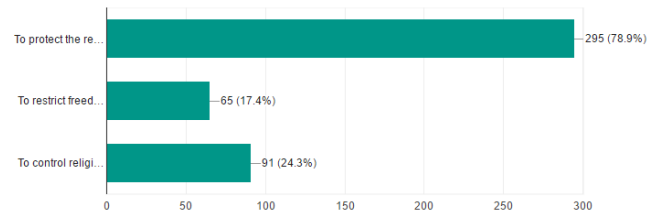
### 2- What is the purpose of blasphemy law according to you? (You may select multiple options)

- a) To protect the religious sentiments of both the religious majority as well as the minority groups of a country
- b) To restrict freedom of speech

c) To control religious extremism

What is the purpose of blasphemy law according to you? (You may select multiple options).

374 responses



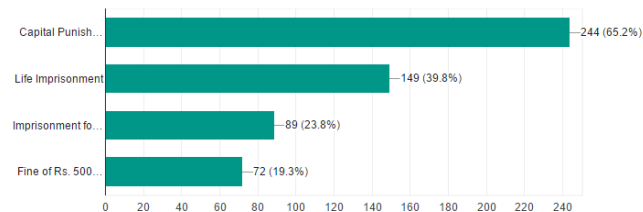
“To restrict the freedom of speech” has the lowest value (count 65)

**3- In your view, what are the punishments for committing blasphemy in Pakistan? (You may select multiple options).**

- a) Capital Punishment/ Death Penalty
- b) Life Imprisonment
- c) Imprisonment for 7 years
- d) Fine of Rs. 50000 or more

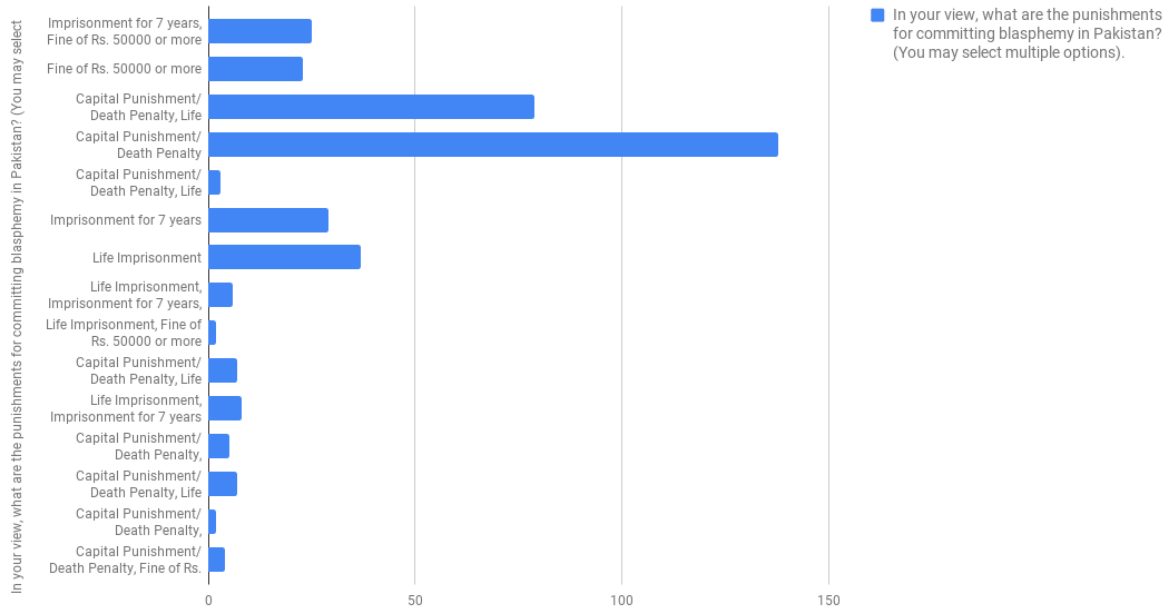
In your view, what are the punishments for committing blasphemy in Pakistan? (You may select multiple options).

374 responses



“Imprisonment for 7 years” has the lowest value and “Capital Punishment/ Death Penalty” has the highest value for “Series 1”

Count of In your view, what are the punishments for committing blasphemy in Pakistan? (You may select multiple options).



Count of In your view, what are the punishments for committing blasphemy in Pakistan? (You may select multiple options).

This

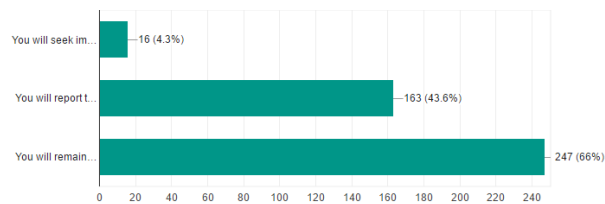
graph further shows that maximum people picked capital punishment but some also choose the combination of death penalty + life imprisonment (the 2<sup>nd</sup> highest graph)

**4- What will be your reaction if you hear or read blasphemous statements? (You may select multiple options).**

- a) You will seek immediate revenge by harming the person physically
- b) You will report the person to the police
- c) You will remain silent

What will be your reaction if you hear or read blasphemous statements? (You may select multiple options).

374 responses



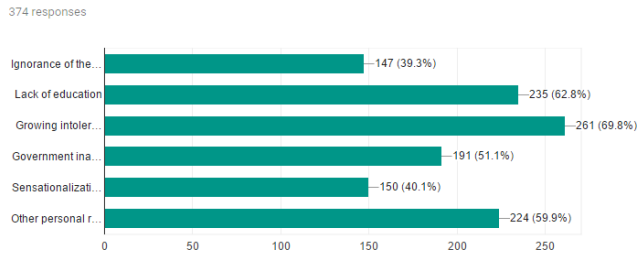
“You will remain silent” has the highest value (count 247).

**5- What do you think are the causes of false accusation of blasphemy charges in Pakistan?**

**(You may select multiple options)**

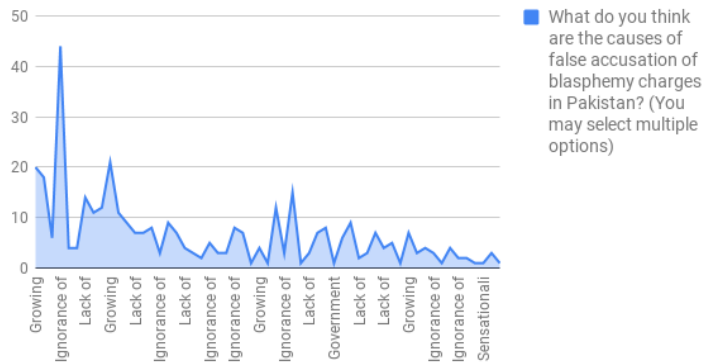
- a) Ignorance of the law
- b) Lack of education
- c) Growing intolerance and frustration
- d) Government inaction against false accusers
- e) Sensationalization of the issue on media/ social media
- f) Other personal reasons like vengeance and personal political gains

What do you think are the causes of false accusation of blasphemy charges in Pakistan? (You may select multiple options)



Overall “Growing intolerance and frustration” has the highest value (count 261).

Count of What do you think are the causes of false accusation of blasphemy charges in Pakistan? (You may select multiple options)



And Ignorance of the law is one the most selected option by the people.

The combination of “Ignorance of the law, Lack of education, growing intolerance and frustration, Government inaction against false accusers, Sensationalization of the issue on media/ social media, Other personal reasons like vengeance and personal political gains” has the highest value (44).

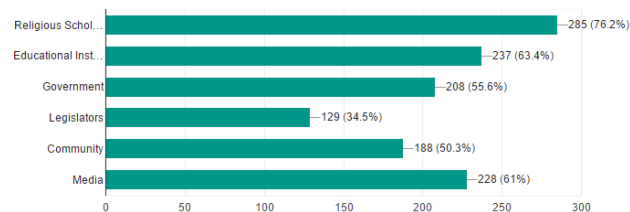
**6- What do you think are the causes of false accusation of blasphemy charges in Pakistan?**

**(You may select multiple options)**

- a) Religious Scholars
- b) Educational Institutions
- c) Government
- d) Legislators
- e) Community
- f) Media

Which of the following agencies or institutions can play a positive role in preventing and controlling the misuse of blasphemy charges for personal/political vengeance? (You may select multiple choices)

374 responses



Overall maximum number of people thinks that it is the religious scholars who are the cause of false accusation of blasphemy charges in Pakistan.



The combination of “Religious Scholars, Educational Institutions, Government, Legislators, Community, Media” has the highest value (76).

## 6.1 STATISTICAL ANALYSIS

### A) FREQUENCIES

		Gender			
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Female	222	59.4	59.4	59.4
	Male	149	39.8	39.8	99.2
	Other	3	.8	.8	100.0
	Total	374	100.0	100.0	

The frequency column of the variable (Gender 0: male; 1: female) shows that out of total of 374 observations, 59.4% are females and 39.8% are males.

		Age			
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	15-25	261	69.8	69.8	69.8
	25-35	67	17.9	17.9	87.7
	36-60+	46	12.3	12.3	100.0

Total	374	100.0	100.0
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The frequency column of the variable (Age 0: 15-25; 1: 25-35; 2:36-60+) shows that out of total of 374 observations, 69.8% falls under the age bracket of 15-25, 17.9% falls under the age bracket of 25-35 and the remaining 12.3% represents the age bracket of 37-60+

### Religious Affiliation

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Islam	319	85.3	85.3	85.3
	Christianity	50	13.4	13.4	98.7
	Hinduism	2	.5	.5	99.2
	Other	3	.8	.8	100.0
	Total	374	100.0	100.0	

The frequency column of the variable (Religious Affiliations 0: Islam; 1: Christianity; 2: Hinduism; 3: Buddhism and 4: Others) shows that out of total of 374 observations, maximum number of people belongs to the religion Islam, Christianity falls on the 2<sup>nd</sup> number then Hinduism and because there was no representation from Buddhism hence the percentage is zero and finally .8% representation from the others section.

### Level of Education:

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	No Schooling	7	1.9	1.9	1.9
	Under Matric or Equivalent	17	4.5	4.5	6.4
	Intermediate or Equivalent	37	9.9	9.9	16.3
	Bachelor's or Equivalent	247	66.0	66.0	82.4
	Postgraduate	66	17.6	17.6	100.0
	Total	374	100.0	100.0	



The frequency column of the variable (Level of Education 0: No Schooling; 1: Under Matric or Equivalent; 2: Intermediate or Equivalent; 3: Bachelor's or Equivalent and 4: Postgraduate) shows that out of total of 374 observations, people from bachelors are the highest with a percentage of 66% then comes the postgraduate students with a representation of 17.6% then Intermediate or Equivalent (9.9%) followed by Under Matric or Equivalent (4.5%) and lastly no schooling (1.9%)

**Do you feel comfortable in discussing blasphemy law in public?**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	148	39.6	39.6	39.6
	No	226	60.4	60.4	100.0
	Total	374	100.0	100.0	

The frequency column of the variable (0: Yes; 1: No) shows that out of total of 374 observations, 39.6% are comfortable in discussing the blasphemy law in public whereas the majority i.e. 60.4% are not okay with the discussion of the blasphemy law in public

**Are blasphemy laws applicable for the protection of 1n-Muslims living in Pakistan?**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	127	34.0	34.0	34.0
	No	247	66.0	66.0	100.0
	Total	374	100.0	100.0	

The frequency column of the variable (0: Yes; 1: No) shows that out of total of 374 observations, 34% are of the view that the blasphemy laws are applicable for the protection of Non-Muslims living in Pakistan too along with the Muslims, whereas most of, many of the people i.e. 66% are of the view that blasphemy laws are only meant to protect the Muslims and not the non-Muslims.

**In your opinion, is Blasphemy a pardonable offense?**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	221	59.1	59.1	59.1
	No	153	40.9	40.9	100.0
	Total	374	100.0	100.0	

The frequency column of the variable (0: Yes; 1: No) shows that out of total of 374 observations, majority of the people (59.1%) thinks that blasphemy is a pardonable offense i.e. there is a relaxation in the punishment whereas 40.9% of the people are of the opposite view.

Bar chart of our frequency table justifies our findings. The difference between the heights of the two bars is not much but still there is a slight difference and which shows that most of the people are of the view that there can be pardon in the case of blasphemy.

**Do you think it is justifiable to bypass the law and punish/kill an accused blasphemer in public?**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	29	7.8	7.8	7.8
	No	345	92.2	92.2	100.0
	Total	374	100.0	100.0	

The frequency column of the variable (0: Yes; 1: No) shows that out of total of 374 observations, a *clear majority* of the people (92.2%) are of the view that it is not okay and justifiable to bypass the law and punish/kill an accused blasphemer in public whereas only 2.8% says that it is okay.

**Should the same punishments be applied to those who blaspheme against other religions apart from 0?**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	307	82.1	82.1	82.1
	No	67	17.9	17.9	100.0

Total	374	100.0	100.0
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The frequency column of the variable (0: Yes; 1: No) shows that out of total of 374 observations, 82.1% said yes to the question asked which was - *Should the same punishments be applied to those who blaspheme against other religions apart from Islam?* Whereas 17.9% people said no.

**In your view, should the intentions or mental retardness of the accused person be considered during the trial?**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	346	92.5	92.5	92.5
	No	28	7.5	7.5	100.0
	Total	374	100.0	100.0	

The frequency column of the variable (0: Yes; 1: No) shows that out of total of 374 observations, a *clear majority* of the people (92.5) are of the view intentions or mental retardness of the accused person should be considered during the trial whereas 7.5% holds the opposite view.

**In your opinion, do blasphemy laws suppress a citizen's freedom of speech and expression?**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	173	46.3	46.3	46.3
	No	201	53.7	53.7	100.0
	Total	374	100.0	100.0	

The frequency column of the variable (0: Yes; 1: No) shows that out of total of 374 observations, 53.7% people said blasphemy law don't suppress citizen's freedom of speech and expression, whereas 46.3% said they do suppress the freedom of speech and expression.

**Do you think that Blasphemy Laws of Pakistan are discriminatory against minorities?**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	253	67.6	67.6	67.6
	No	121	32.4	32.4	100.0
	Total	374	100.0	100.0	

The frequency column of the variable (0: Yes; 1: No) shows that out of total of 374 observations, majority of the people (67.6%) thinks that the Blasphemy Laws of Pakistan are unfair to awards the minorities and only 32.4% said no, they are not biased or unfair.

**Have you ever witnessed someone committing blasphemy?**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	58	15.5	15.5	15.5
	No	316	84.5	84.5	100.0
	Total	374	100.0	100.0	

The frequency column of the variable (0: Yes; 1: No) shows that out of total of 374 observations, a clear majority of the people (84.5%) said they never witnessed someone committing blasphemy and only a few (15.5%) said they witnessed such incident

**Do you believe there is a need for a universal blasphemy law?**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	243	65.0	65.0	65.0
	No	131	35.0	35.0	100.0
	Total	374	100.0	100.0	

The frequency column of the variable (0: Yes; 1: No) shows that out of total of 374 observations, most of the people thinks that there is a need for a universal law of blasphemy – the percentage of people who are in favor of this are 65% whereas 35% said there is no need for a universal law.

**Would you support any policy which seeks to amend/ alter the law?**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	311	83.2	83.2	83.2
	No	63	16.8	16.8	100.0
	Total	374	100.0	100.0	

The frequency column of the variable (0: Yes; 1: No) shows that out of total of 374 observations, only 16.8% people didn't show any support towards the idea of bringing any amendments/alterations in the law of blasphemy, whereas 83.2% people answered in yes.

## **B) DESCRIPTIVES**

	N	Minimum	Maximum	Mean	Std. Deviation
Gender	374	0	2	.41	.509
Age	374	0	2	.43	.701
Religious Affiliation	374	0	4	.18	.503
Level of Education:	374	0	4	2.93	.789
Valid N (listwise)	374				

### **Level of Education**

There are total of 374 observations and the mean is 0.18, shows. Standard deviation is 0.789 and this shows that the values and responses of level of education are more spread out as the coding consists of 0-4 values (0: No Schooling, 1: Under Matric or Equivalent, 2: Intermediate or Equivalent, 3: Bachelor's or Equivalent and 4: Postgraduate)

### **Descriptive Statistics**

	N	Minimum	Maximum	Mean	Std. Deviation
Do you feel comfortable in discussing blasphemy law in public?	374	0	1	.60	.490

Are blasphemy laws applicable for the protection of 1n-Muslims living in Pakistan?	374	0	1	.66	.474
In your opinion, is Blasphemy a pardonable offense?	374	0	1	.41	.492
Do you think it is justifiable to bypass the law and punish/kill an accused blasphemer in public?	374	0	1	.92	.268
Valid N (listwise)	374				

### Do you feel comfortable in discussing blasphemy law in public?

There are total of 374 observations and the mean is 0.60, and the coding is of 0: Yes, 1: No

	N	Minimum	Maximum	Mean	Std. Deviation
Should the same punishments be applied to those who blaspheme against other religions apart from Islam?	374	0	1	.18	.384
In your view, should the intentions or mental retardness of the accused person be considered during the trial?	374	0	1	.07	.264
In your opinion, do blasphemy laws suppress a citizen's freedom of speech and expression?	374	0	1	.54	.499
Do you think that Blasphemy Laws of Pakistan are discriminatory against minorities?	374	0	1	.32	.468
Valid N (listwise)	374				

	N	Minimum	Maximum	Mean	Std. Deviation
Have you ever witnessed someone committing blasphemy?	374	0	1	.84	.362

Do you believe there is a need for a universal blasphemy law?	374	0	1	.35	.478
Would you support any policy which seeks to amend/ alter the law?	374	0	1	.17	.375
Valid N (listwise)	374				

### **C) CROSS TABS**

#### **1) Age & Gender**

Dependent Variable: **Age**

Independent Variable: **Gender**

<b>Dependent Variable (Age)</b>	
<b>Independent Variable (Gender)</b>	29.459***

#### **Interpretation:**

Pearson Chi-Square of 29.459 is highly significant and which means that null hypothesis is rejected.

#### **2) Religion & Do you feel comfortable in discussing blasphemy law in public?**

Dependent Variable: **Religion**

Independent Variable: **Do you feel comfortable in discussing blasphemy law in public?**

<b>Dependent Variable (Religion)</b>	
<b>Independent Variable (Do you feel comfortable in discussing blasphemy law in public?)</b>	25.244***

#### **Interpretation:**

Pearson Chi-Square of 25.244 is highly significant and which means that null hypothesis is rejected.

**3) Level of Education & Do you feel comfortable in discussing blasphemy law in public?**

Dependent Variable: **Level of Education**

Independent Variable: **Do you feel comfortable in discussing blasphemy law in public?**

<b>Dependent Variable (Level of Education)</b>	
<b>Independent Variable (Do you feel comfortable in discussing blasphemy law in public?)</b>	15.377***

**Interpretation:**

Pearson Chi-Square of 15.377 is highly significant and which means that null hypothesis is rejected.

**4) In your opinion, is Blasphemy a pardonable offense? & Religious Affiliation.**

Dependent Variable: **In your opinion, is Blasphemy a pardonable offense?**

Independent Variable: **Religious Affiliation**

<b>Dependent Variable (In your opinion, is Blasphemy a pardonable offense?)</b>	
<b>Independent Variable (Religious Affiliation)</b>	24.278***

**Interpretation:**

Pearson Chi-Square of 24.278 is highly significant and which means that null hypothesis is rejected.



**5) Do you think it is justifiable to bypass the law and punish/kill an accused blasphemer in public? & Religious Affiliation**

Dependent Variable: **Do you think it is justifiable to bypass the law and punish/kill an accused blasphemer in public?**

Independent Variable: **Religious Affiliation**

<b>Dependent Variable (Do you think it is justifiable to bypass the law and punish/kill an accused blasphemer in public?)</b>	
<b>Independent Variable (Religious Affiliation)</b>	17.109***

**Interpretation:**

Pearson Chi-Square of 17.109 is highly significant and which means that null hypothesis is rejected.

**6) In your view, should the intentions or mental retardness of the accused person be considered during the trial? & Level of Education.**

Dependent Variable: **In your view, should the intentions or mental retardness of the accused person be considered during the trial?**

Independent Variable: **Level of Education**

**Dependent Variable (In your view, should the intentions or mental retardness of the accused person be considered during the trial?)**

**Independent Variable  
(Level of Education)**

3.885

**Interpretation:**

Pearson Chi-Square of 3.885 is highly insignificant and which means that there is a failure to reject the null hypothesis.

**7) Do you think that Blasphemy Laws of Pakistan are discriminatory against minorities? & Religious Affiliation.**

**Dependent Variable: Do you think that Blasphemy Laws of Pakistan are discriminatory against minorities?**

**Independent Variable: Religious Affiliation**

**Dependent Variable (In your view, should the intentions or mental retardness of the accused person be considered during the trial?)**

**Independent Variable  
(Religious Affiliation)**

3.643

**Interpretation:**

Pearson Chi-Square of 3.885 is highly insignificant and which means that there is a failure to reject the null hypothesis.

**8) Do you think that Blasphemy Laws of Pakistan are discriminatory against minorities? & Level of Education.**

Dependent Variable: **Do you think that Blasphemy Laws of Pakistan are discriminatory against minorities?**

Independent Variable: **Level of Education**

<b>Dependent Variable (Do you think that Blasphemy Laws of Pakistan are discriminatory against minorities?)</b>	
<b>Independent Variable (Level of Education)</b>	4.234

**Interpretation:**

Pearson Chi-Square of 4.234 is highly insignificant and which means that there is a failure to reject the null hypothesis.

**9) Do you believe there is a need for a universal blasphemy law? & Level of Education**

Dependent Variable: **Do you believe there is a need for a universal blasphemy law?**

Independent Variable: **Level of Education**

**Dependent Variable (Do you believe there is a need for a universal blasphemy law?)**

**Independent Variable (Level of Education)**

22.754\*\*\*

**Interpretation:**

Pearson Chi-Square of 22.754 is highly significant and which means that null hypothesis is rejected.

**10) Would you support any policy which seeks to amend/ alter the law? & Religious Affiliation.**

Dependent Variable: **Would you support any policy which seeks to amend/ alter the law?**

Independent Variable: **Religious Affiliation**

**Dependent Variable (Would you support any policy which seeks to amend/ alter the law?)**

**Independent Variable (Religious Affiliation.)**

2.103

**Interpretation:**

Pearson Chi-Square of 2.103 is highly insignificant and which means that there is a failure to reject the null hypothesis.

**11) Would you support any policy which seeks to amend/ alter the law? & Level of Education**

Dependent Variable: **Would you support any policy which seeks to amend/ alter the law?**

Independent Variable: **Level of Education**

**Dependent Variable (Would you support any policy which seeks to amend/ alter the law?)**

**Independent Variable  
(Level of Education)**

7.604\*

**Interpretation:**

Pearson Chi-Square of 7.604 is slightly significant and which means that null hypothesis is rejected.

**D) ONE WAY ANOVA**

**1) Age & Gender**

Dependent Variable: **Age**

Independent Variable: **Gender**

**Dependent Variable (Age)**

**Independent Variable (Gender)**

13.621\*\*\*

**Interpretation:**

The combined value of sum of square is 13.621 between the groups – hence it is statistically (highly) significant.

**2) Religion & Do you feel comfortable in discussing blasphemy law in public?**

Dependent Variable: **Religion**

Independent Variable: **Do you feel comfortable in discussing blasphemy law in public?**

	<b>Dependent Variable (Religion)</b>
<b>Independent Variable (Do you feel comfortable in discussing blasphemy law in public?)</b>	4.986***

**Interpretation:**

The combined value of sum of square is 4.986 between the groups – hence it is statistically (highly) significant.

**3) Level of Education & Do you feel comfortable in discussing blasphemy law in public?**

Dependent Variable: **Level of Education**

Independent Variable: **Do you feel comfortable in discussing blasphemy law in public?**

	<b>Dependent Variable (Level of Education)</b>
<b>Independent Variable (Do you feel comfortable in discussing blasphemy law in public?)</b>	6.064**

**Interpretation:**

The combined value of sum of square is 6.064 between the groups – hence it is statistically (moderate) significant.

**4) In your opinion, is Blasphemy a pardonable offense? & Religious Affiliation.**

Dependent Variable: **In your opinion, is Blasphemy a pardonable offense?**

Independent Variable: **Religious Affiliation**

Dependent Variable (In your opinion, is Blasphemy a pardonable offense?)	
Independent Variable (Religious Affiliation)	5.869***

**Interpretation:**

The combined value of sum of square is 5.869 between the groups – hence it is statistically (highly) significant.

**5) Do you think it is justifiable to bypass the law and punish/kill an accused blasphemer in public? & Religious Affiliation**

Dependent Variable: **Do you think it is justifiable to bypass the law and punish/kill an accused blasphemer in public?** Independent Variable: **Religious Affiliation**

Dependent Variable (Do you think it is justifiable to bypass the law and punish/kill an accused blasphemer in public?)	
Independent Variable (Religious Affiliation)	1.224

**Interpretation:** The combined value of sum of square is 1.224 between the groups – hence it is statistically not significant.

**6) In your view, should the intentions or mental retardness of the accused person be considered during the trial? & Level of Education.**

Dependent Variable: **In your view, should the intentions or mental retardness of the accused person be considered during the trial?**

Independent Variable: **Level of Education**

<b>Dependent Variable (In your view, should the intentions or mental retardness of the accused person be considered during the trial?)</b>	
<b>Independent Variable (Level of Education)</b>	0.269

**Interpretation.** The combined value of sum of square is 0.269 between the groups – hence it is statistically not significant.

7) **Do you think that Blasphemy Laws of Pakistan are discriminatory against minorities? & Religious Affiliation.**

Dependent Variable: **Do you think that Blasphemy Laws of Pakistan are discriminatory against minorities?**

Independent Variable: **Religious Affiliation**

<b>Dependent Variable (In your view, should the intentions or mental retardness of the accused person be considered during the trial?)</b>	
<b>Independent Variable (Religious Affiliation)</b>	0.797



**Interpretation:**

The combined value of sum of square is 0.797 between the groups – hence it is statistically not significant.

**8) Do you think that Blasphemy Laws of Pakistan are discriminatory against minorities? & Level of Education.**

Dependent Variable: **Do you think that Blasphemy Laws of Pakistan are discriminatory against minorities?**

Independent Variable: **Level of Education**

<b>Dependent Variable (Do you think that Blasphemy Laws of Pakistan are discriminatory against minorities?)</b>	
<b>Independent Variable (Level of Education)</b>	0.927

**Interpretation:**

The combined value of sum of square is 0.927 between the groups – hence it is statistically not significant

**9) Do you believe there is a need for a universal blasphemy law? & Level of Education**

Dependent Variable: **Do you believe there is a need for a universal blasphemy law?**

Independent Variable: **Level of Education**

**Dependent Variable (Do you believe there is a need for a universal blasphemy law?)**

**Independent Variable (Level of Education)**

5.178\*\*\*

**Interpretation:**

The combined value of sum of square is 5.178 between the groups – hence it is statistically not significant.

**10) Would you support any policy which seeks to amend/ alter the law? & Religious Affiliation.**

Dependent Variable: **Would you support any policy which seeks to amend/ alter the law?**

Independent Variable: **Religious Affiliation**

**Dependent Variable (Would you support any policy which seeks to amend/ alter the law?)**

**Independent Variable (Religious Affiliation.)**

0.295

**Interpretation:**

The combined value of sum of square is 0.298 between the groups – hence it is statistically significant.

**11) Would you support any policy which seeks to amend/ alter the law? & Level of Education**

Dependent Variable: **Would you support any policy which seeks to amend/ alter the law?**

Independent Variable: **Level of Education**

<b>Dependent Variable (Would you support any policy which seeks to amend/ alter the law?)</b>	
<b>Independent Variable (Level of Education)</b>	1.065

**Interpretation:**

The combined value of sum of square is 1.065 between the groups – hence it is statistically significant.

**E) REGRESSION - ORDINAL**

**1) Age & Gender**

Dependent Variable: **Age**

Independent Variable: **Gender**

<b>Dependent Variable (Age)</b>	
<b>Independent Variable (Gender)</b>	15.092***

**Interpretation:**

The coefficient is 15.092 & p-value suggests that it is highly significant meaning null hypothesis is rejected.

**2) Religion & Do you feel comfortable in discussing blasphemy law in public?**

Dependent Variable: **Religion**

Independent Variable: **Do you feel comfortable in discussing blasphemy law in public?**

	<b>Dependent Variable (Religion)</b>
<b>Independent Variable (Do you feel comfortable in discussing blasphemy law in public?)</b>	-2.100***

**Interpretation:**

The coefficient is -2.100 & p-value suggests that it is highly significant meaning null hypothesis is rejected. And there is negative relation between the two variables.

**3) Level of Education & Do you feel comfortable in discussing blasphemy law in public?**

Dependent Variable: **Level of Education**

Independent Variable: **Do you feel comfortable in discussing blasphemy law in public?**

	<b>Dependent Variable (Level of Education)</b>
<b>Independent Variable (Do you feel comfortable in discussing blasphemy law in public?)</b>	0.604**

**Interpretation:**

The coefficient is 0.604 & p-value suggests that it is highly significant meaning null hypothesis is rejected.

**4) In your opinion, is Blasphemy a pardonable offense? & Religious Affiliation.**

Dependent Variable: **In your opinion, is Blasphemy a pardonable offense?**

Independent Variable: **Religious Affiliation**

<b>Dependent Variable (In your opinion, is Blasphemy a pardonable offense?)</b>	
<b>Independent Variable (Religious Affiliation)</b>	19.095***

**Interpretation:**

The coefficient is 19.905 & p-value suggests that it is highly significant meaning null hypothesis is rejected.

**5) Do you think it is justifiable to bypass the law and punish/kill an accused blasphemer in public? & Religious Affiliation**

Dependent Variable: **Do you think it is justifiable to bypass the law and punish/kill an accused blasphemer in public?**

Independent Variable: **Religious Affiliation**

<b>Dependent Variable (Do you think it is justifiable to bypass the law and punish/kill an accused blasphemer in public?)</b>	
<b>Independent Variable (Religious Affiliation)</b>	3.115

**Interpretation:**

The coefficient is 3.115 & p-value suggests that it is in-significant meaning there is a failure to reject the null hypothesis.

**6) In your view, should the intentions or mental retardness of the accused person be considered during the trial? & Level of Education.**

Dependent Variable: **In your view, should the intentions or mental retardness of the accused person be considered during the trial?**

Independent Variable: **Level of Education**

<b>Dependent Variable (In your view, should the intentions or mental retardness of the accused person be considered during the trial?)</b>	
<b>Independent Variable (Level of Education)</b>	-18.137

**Interpretation:**

The coefficient is -18.137 & p-value suggests that it is in-significant meaning there is a failure to reject the null hypothesis.

**7) Do you think that Blasphemy Laws of Pakistan are discriminatory against minorities? & Religious Affiliation.**

Dependent Variable: **Do you think that Blasphemy Laws of Pakistan are discriminatory against minorities?**

Independent Variable: **Religious Affiliation**

**Dependent Variable (In your view, should the intentions or mental retardness of the accused person be considered during the trial?)**

**Independent Variable  
(Religious Affiliation)**

17.711\*\*\*

**Interpretation:**

The coefficient is 17.711 & p-value suggests that it is highly significant meaning null hypothesis is rejected.

**8) Do you think that Blasphemy Laws of Pakistan are discriminatory against minorities? &**

**Level of Education.**

**Dependent Variable: Do you think that Blasphemy Laws of Pakistan are discriminatory against minorities?**

**Independent Variable: Level of Education**

**Dependent Variable (Do you think that Blasphemy Laws of Pakistan are discriminatory against minorities?)**

**Independent Variable  
(Level of Education)**

-1.361

**Interpretation:**

The coefficient is -1.631 & p-value suggests that it is in-significant meaning there is a failure to reject the null hypothesis.

**9) Do you believe there is a need for a universal blasphemy law? & Level of Education**

Dependent Variable: **Do you believe there is a need for a universal blasphemy law?**

Independent Variable: **Level of Education**

<b>Dependent Variable (Do you believe there is a need for a universal blasphemy law?)</b>	
<b>Independent Variable (Level of Education)</b>	1.822**

**Interpretation:**

The coefficient is 1.822 & p-value suggests that it is moderately significant meaning null hypothesis is rejected.

**10) Would you support any policy which seeks to amend/ alter the law? & Religious Affiliation.**

Dependent Variable: **Would you support any policy which seeks to amend/ alter the law?**

Independent Variable: **Religious Affiliation**

<b>Dependent Variable (Would you support any policy which seeks to amend/ alter the law?)</b>	
<b>Independent Variable (Religious Affiliation.)</b>	-0.966

**Interpretation:**

The coefficient is -0.966 & p-value suggests that it is highly in-significant meaning there is a failure to reject the null hypothesis.



### 11) Would you support any policy which seeks to amend/ alter the law? & Level of Education

Dependent Variable: **Would you support any policy which seeks to amend/ alter the law?**

Independent Variable: **Level of Education**

<b>Dependent Variable (Would you support any policy which seeks to amend/ alter the law?)</b>	
<b>Independent Variable (Level of Education)</b>	0.511

#### **Interpretation:**

The coefficient is 0.511 & p-value suggests that it is highly significant meaning there is a failure to reject the null hypothesis.

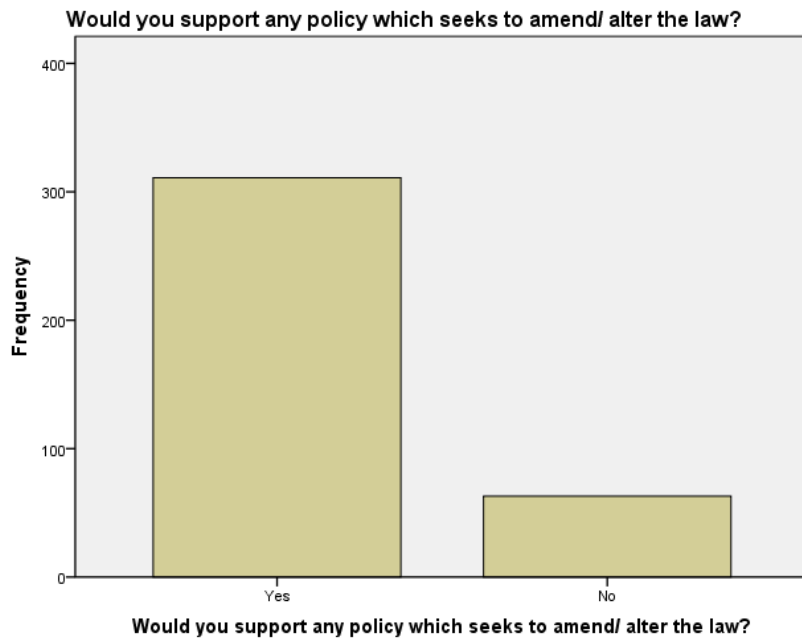
### **THEMES GENERATED FROM THE ANALYSIS**

#### **1) Possibility of Amendment and Alteration in Blasphemy Laws**

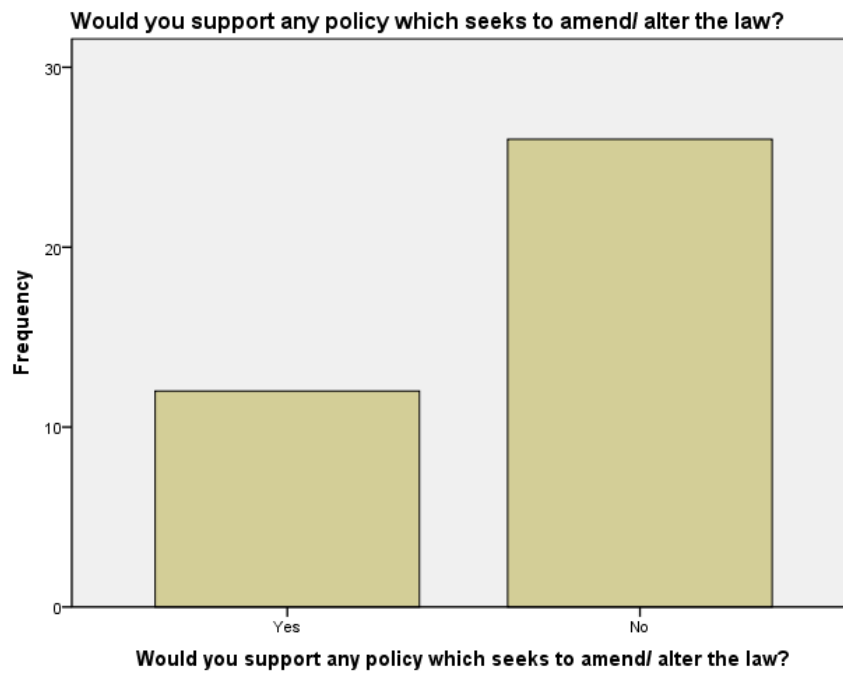
The law of blasphemy was introduced not just to protect the people of one religion but rather the sentiments of every religious community. Blasphemy law of Pakistan was not made in one day and by amateurs, rather it was a prolonged process which was presented by the top lawyers of Pakistan and this law derives its roots from the Holy Quran and Sunnah. It protects and preserves the sacred views of people from all the religions. Hence, the law can't be amended but there is a room for certain reforms.

As per our findings from the survey questionnaire, it is observed that 83.2% of respondents (from various educational institutions) are in favor of bringing a policy through which the blasphemy law of Pakistan should be amended/ altered. While, 70.3% respondent form religious institution responded against it.

The following graph 1.1 shows the responses from various educational institutions.



Responses from Madrasas, graph 1.2



## (2) Possibility of Nullifying Blasphemy Laws

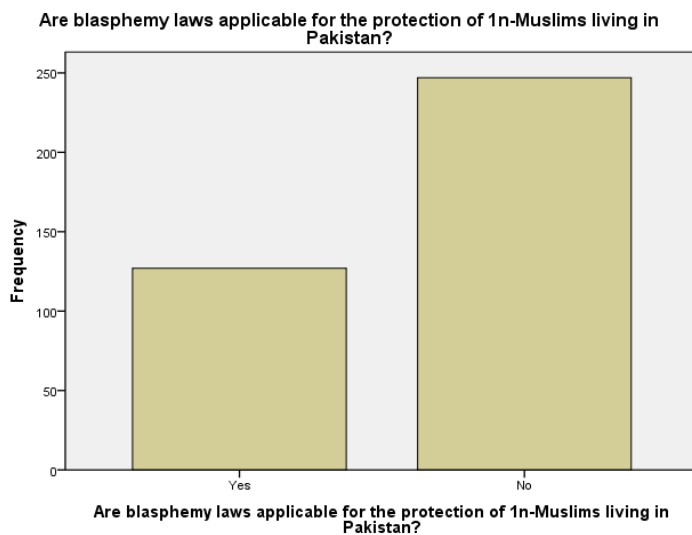
This law was made to protect the religious sentiments of the Muslims as well as the minorities living in Pakistan. Blasphemy law was even present during the British Rule so that there is no riots b/w the opposite religious communities. So, we can't cross mark this law from our Penal Code.

## 3) Equal Protection of Religious Sentiments

The law protects the religious sentiments of every citizen of Pakistan, whether from religious majority or minority, from those who want to make fun of them by mocking their religion and from those whose main purpose/intention is to create chaos (Fasad) in the society.

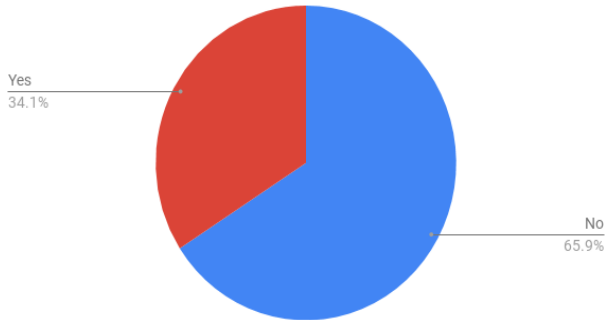
The findings of the survey shows that 66% and 24.3% of respondents (Educational institutions and madrasas, respectively) believe that blasphemy does not protect minorities living in Pakistan. Which means people from different economic social and educational backgrounds have different interpretation and understanding of Blasphemy law. The respondent having background of religious education opine that this law protects the minorities/non-Muslims as well.

*Responses from Educational institutions, graph 2.1:*



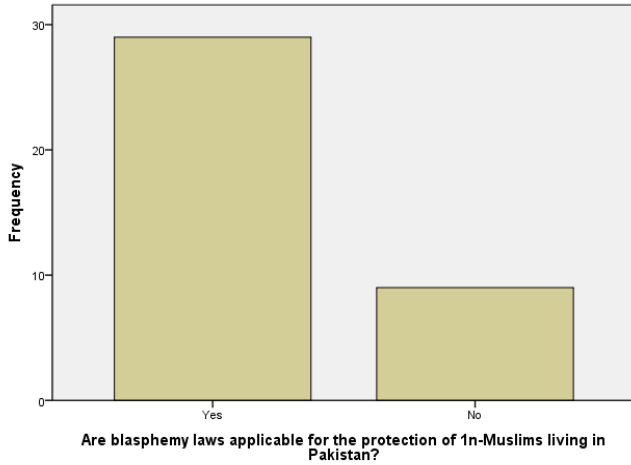
*Graph 2.2*

Count of Are blasphemy laws applicable for the protection of non-Muslims living in Pakistan?



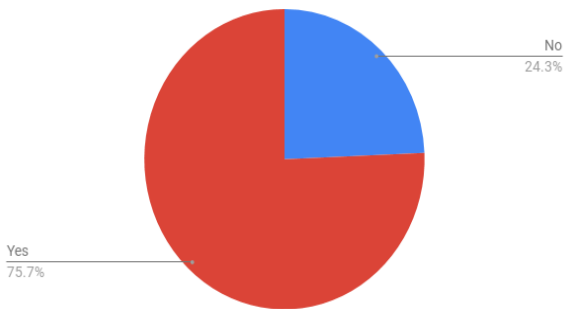
*Responses from Madrasa Students, graph 2.3:*

Are blasphemy laws applicable for the protection of 1n-Muslims living in Pakistan?



*Graph 2.4*

Count of Are blasphemy laws applicable for the protection of non-Muslims living in Pakistan?



#### **4) Procedure of Investigation, FIR and Trial**

First, FIR is registered which triggers the investigation which is done by investigation wing of police and the statements and evidences are recorded. Lastly the challan is submitted in court. The trial of the case took place in the Court of Session, with a Muslim judge presiding.

#### **5) Political inaction to implement the law**

The inaction of political leaders over false accusation of blasphemy leads to misuse/encourage its misuse. Although there is urgent need to introduce reform in the law but the government is unwilling to reform it due to fear of backlash from religious parties (the main support of central government).

The responses from our survey questionnaire shows that 51.1% of respondent are of the view that government inaction is the cause of false accusation in Blasphemy cases while only 32.4% respondents from madrasas are of the same view. (Graph 3.1, 3.2, 3.3 & 3.4)

#### **6) Misinterpretation of the law**

One of the main reason is that discussion on this topic is considered taboo. People think if they arise any question to clarify the concept they will be treat like a Blasphemer. Another reason is lack of religious education and understanding. The complex/complicated language of law is difficult to understand for a lay-man so they interpret the law without understanding it.

One of the major reason behind the misunderstanding of this law is that almost nobody has any proper information about this law. Our questionnaire shows that lack of education (62%, 35.1%) and ignorance of law (39.3% and 24.3%), education and madrasa responses, respectively, are the main contributing factor in misinterpretation of Blasphemy law. (Graph 3.1, 3.2, 3.3 & 3.4)

## 7) Misuse of the law for personal gains

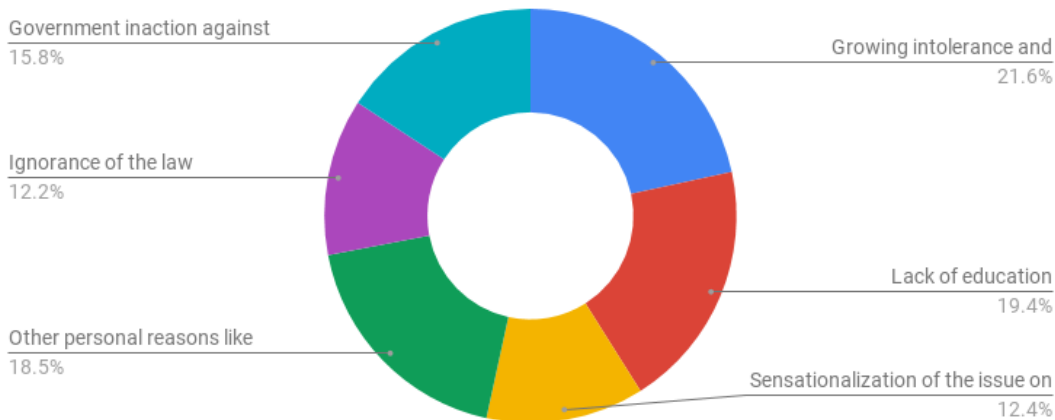
The law of blasphemy is misused the most in our country, the reason behind this is the ‘weak judiciary of Pakistan’. Our countrymen know that they can easily put a blame on anybody from whom they want a revenge and they can kill them by taking the law in their own hands because they know that they will get a full support from the religious sector and also, they don’t want to present any evidence or even if they have to, they will easily fabricate that procedure too.

59.9% (or 18.5% of all the options 100%) and 51.9% (25.7% from all options perspective) of the respondent (Educational institutions and madrasas, respectively) said that Blasphemy law is being misused for personal gain or personal reasons like vengeance. (Graph 3.1, 3.2, 3.3 & 3.4)

*Educational institutions, Graph 3.1:*

*Graph 3.2*

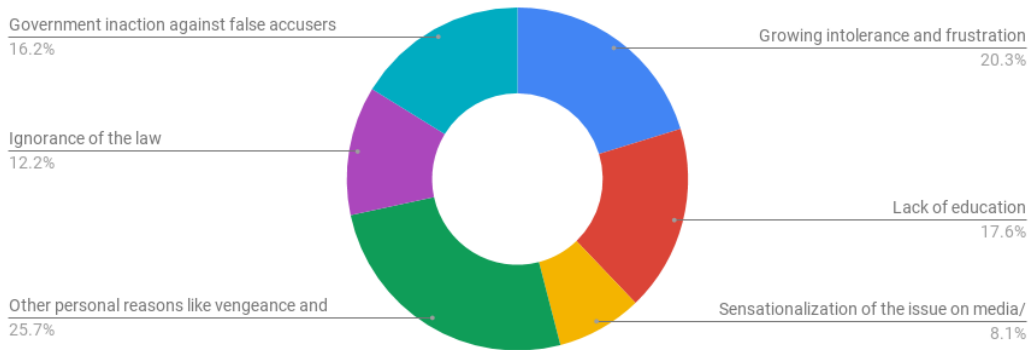
Count of What do you think are the causes of false accusation of blasphemy charges in Pakistan?  
(You may select multiple options)



*Madrasa, Graph 3.3:*

*(Error) Graph 3.4:*

Count of What do you think are the causes of false accusation of blasphemy charges in Pakistan? (You may select multiple options)



### 8) Beneficiaries of Misuse of Blasphemy Laws

The culprits, political party members, top corrupt bureaucrats, elites and most importantly the religious extremists who misguide the people and emotionally force them to kill the other people with whom they have some personal vendetta.

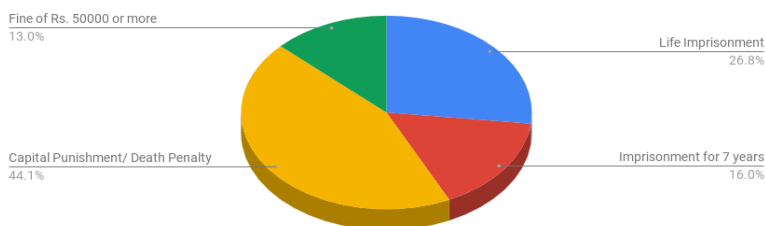
### 9) Consensus on Capital punishment

We have mentioned a dozen of Quranic verses and Hadiths and events from Holy Prophet’s (PBUH) life which proves that the person who will commit blasphemy against Holy Prophet (PBUH) and other prophets, he will not be pardoned at all, because by committing blasphemy, he will be a munafiq.

Majority of respondent from both madrasa (52.0%) and educational institutions (44.1%) concur that capital punishment is the only punishment of a blasphemer.

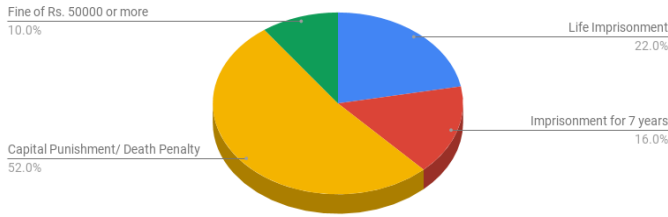
*Educational institutions, Graph 4.1:*

Count of In your view, what are the punishments for committing blasphemy in Pakistan? (You may select multiple options).



*Madrasa, Graph 4.2:*

Count of In your view, what are the punishments for committing blasphemy in Pakistan? (You may select multiple options).



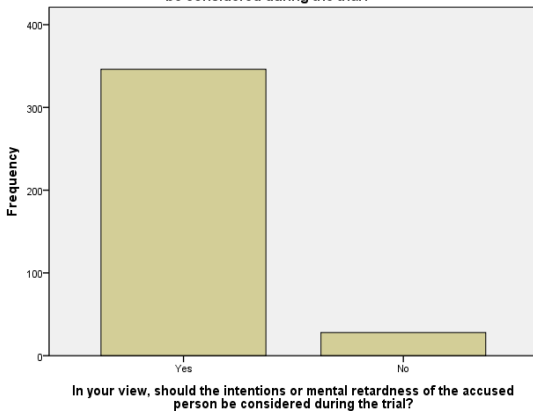
**10) Pardon in Blasphemy Cases**

In the case of blasphemy against Holy Prophet, there is no pardon. But there will be an exemption only if the person is ill or mentally retarded or in some case if he/she repents.

59.1% educational institutions respondents agreed that blasphemy is a pardonable offense while only 16.2% of madrasa respondent have same views and majority (83.8%) are of the opposite view. According to 92.5% of respondent from educational background and 67.6% of madrasa respondent mental illness and intention be considered during trial.

*Educational institution, Graph 5.1:*

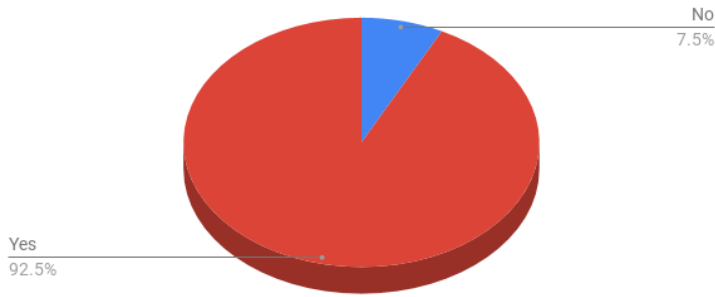
In your view, should the intentions or mental retardness of the accused person be considered during the trial?



*Graph 5.2*

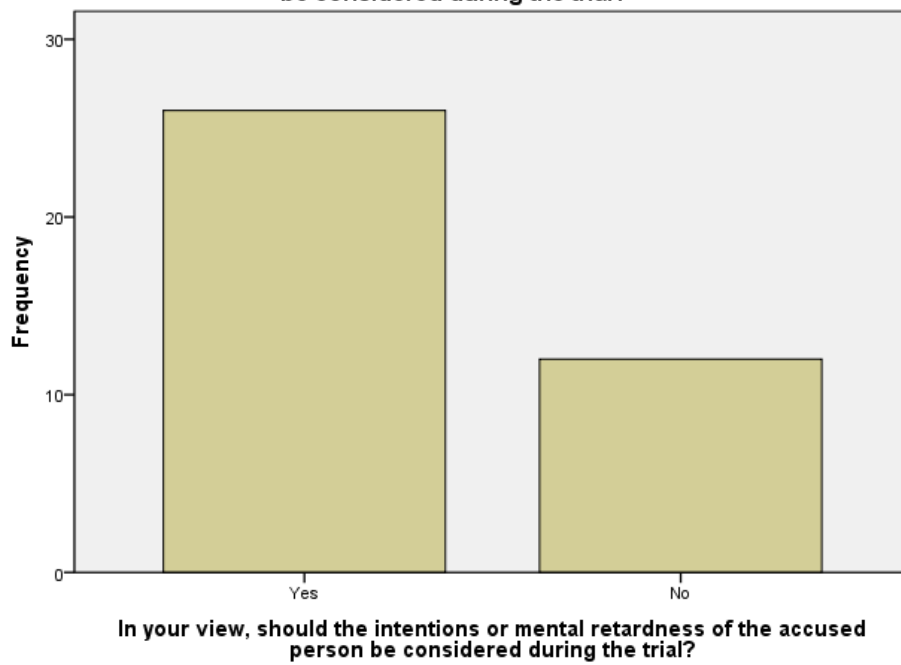


Count of In your view, should the intentions or mental retardness of the accused person be considered during the trial?



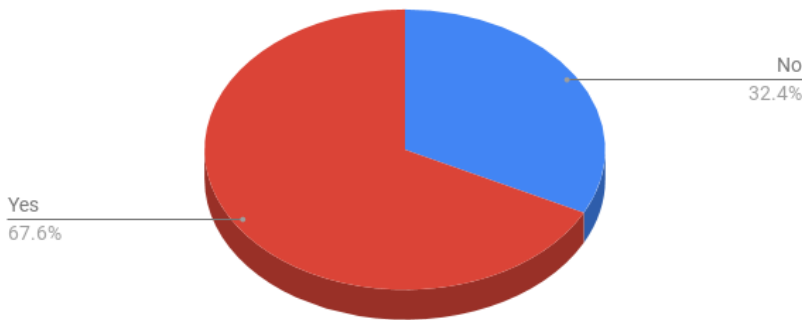
Madrasa, Graph 5.3:

In your view, should the intentions or mental retardness of the accused person be considered during the trial?



Graph 5.4

Count of In your view, should the intentions or mental retardness of the accused person be considered during the trial?



### 11) Powers of Pardoning Blasphemer

Nobody, including the president of Pakistan has the right to Pardon the Blasphemer as agreed by jurists.

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## 7 QUALITATIVE SECTION

### 7.1 BLASPHEMY LAWS-A NECESSITY OR NOT?

#### 7.1.1 Arguments against Blasphemy Laws

The debate on capital punishment has been going on for many centuries and has invoked discussions from many scholars, philosophers, jurists and theologians. The debate has been regarding the cruelty and inhuman aspect of the capital punishment and how it strips human beings of their fundamental right to life. By the end of twentieth century, over sixty states had prohibited capital punishment, especially after the **Universal Declaration of Human Rights** (UDHR) developed in 1948 which escalated this debate. (Schabas, 2000)

Organization of the Islamic Conference comprises of Muslim states which passes resolutions every year sponsored by the United Nations. These resolution address issues such as western backlash against Islam

and Muslims, terrorism and protecting the sentiments of various religious groups specifically Muslims. The resolutions are collectively called Defamation Resolution. The purpose of these resolutions is to condemn xenophobia and religious intolerance. Mostly African and Asian countries are in favour of Defamation Resolution whereas Western countries are against them. It has been argued that blasphemy laws and Defamation Resolutions only protects the religion rather than protecting the individual from discrimination. Such laws stifles the individual's' freedom of expression which is a fundamental right according to the Universal Declaration of Human Rights (UDHR). One criticism of these laws and is that it gives the Islamic states the right to suppress Anti-Islamic ideas and punish all individuals for defaming their religion. Especially in Pakistan where any action whether direct or indirect which defames Islam or hurts a Muslims' religious feelings, is punishable by life imprisonment or death. These laws target Muslims as well as non-Muslims. In some cases, individuals or groups even take law into their own hands to punish those who commit blasphemy due to which many human rights organizations such as 'Amnesty' and 'Human Rights Watch' condemn such laws and argue that capital punishment should be amended or abolished. (Dobras, 2016)

Furthermore, Blasphemy law is considered vague and ill- defined with a very broad scope due to which it is most often misinterpreted and misused. It allows extremist groups to target religious minorities. In addition to that, it lacks the element of *Intent or intention*, meaning that even if an individual does not intend to defile Islam and has merely made an indirect innuendo that sounds hateful but wasn't meant to be, then it will result in the same punishment.

It is an established fact that the punishment for Blasphemy law in Pakistan is harsher as compared to other countries, it allows the government to find a way to punish those who follow or practice their own religion other than Islam. When it comes to making a decision in the court of law in Blasphemy cases against minority, the officials or judges who are Muslims are subjective and their personal biases would prevent

them from making an objective decision. Judges and lawyers hesitate to take on Blasphemy cases for the fear of their own safety and those who do are biased or make wrong decisions under local pressure which leaves the chances of fair trial for the blasphemer next to none. (Dobras, 2016)

### **7.1.2 Arguments in Favour of Blasphemy Law**

Firstly, the Universal Declaration of Human Rights document is non-binding and although freedom of expression is binding in all states and is a fundamental human right, it can be restricted and is not absolute in terms of:

- When it is necessary to respect the rights and reputations of others
- Provided by law for the protection of national security or maintain public order.

According to the Defamation Resolutions note, freedom of expression is everyone's right but this right can be limited by reasons mentioned in International *Covenant on Civil and Political Rights* ICCPR, the main objective of which is to prevent people from defaming any religion. Freedom of expression is also considered as a restricted right according to Article 19 and 20 of Pakistan's constitution in which if the officials believe that an individual's speech poses a threat to the government or public safety then these restrictions can be invoked. Blasphemy laws are justified on the belief that these laws prevent people from religious violence as without such laws in place, people would feel obligated to defend their religion, which is a threat to public order and could lead to chaos.

Secondly, A member of Pakistan's National assembly stated that freedom of expression does not justify hurting somebody's religious feelings. For Muslims, defaming the Prophet (PBUH) and Quran is considered a crime. To allow or not punish blasphemers for saying anything that disrespects Islam means the Prophet (PBUH) and Islam would be disrespected all over the world. It creates a hostile environment and gives Muslims all over a bad name thus, the law is to protect the religion as well as the Muslim's

sentiments.

Furthermore, Many Muslim scholars are of the belief that Islamic law supersedes international human rights and hence the law has priority when it comes to punishment. And as Pakistan is an independent nation, and was founded on the basis of Islam so that the Muslims could openly practice their religion, hence departing from Islamic laws would rob them of its basic purpose and it is uncalled for international organizations to demand that Pakistan's Blasphemy laws should be repealed or amended when majority officials who have been democratically elected have agreed on these laws. Subsequently, The HRC representative from Pakistan while addressing some concerns about Blasphemy Laws stated that religious minority in Pakistan is equally represented and has equal rights under the Constitution of Pakistan. Although sometimes Blasphemy laws are misused, they are not discriminatory against minority. It applies to Muslims as well as non-Muslims. The law does not force minorities to practice Islam or convert to it. However, it forbids them from disrespecting Islam and defaming Prophet (PBUH). Therefore, being nationals of the state, it is their responsibility to follow the laws of the state.

In terms of the argument that the law promotes extremism and allow people to misuse it, the Blasphemy law provides punishment for those people who are unable to provide evidence after accusing a person of blasphemy. Such people are tried under terrorism law. On the other hand, people who provide false evidence in a blasphemy case, they are tried under section 191 of PPC. The law states that intention is imperative to prove Blasphemy. Unintentional statements do not constitute blasphemy. A board must be established in order to prove the intent behind the action. Consequently, to say that Blasphemy law is unclear and ill-defined is untrue.

## **7.2 IS THE BLASPHEMY LAW BEING USED AS A 'TOOL' FOR POLITICAL VENGEANCE?**

### **7.2.1 In favour of the argument 'Blasphemy laws -Tool of Political Vengeance'**

According to a report by Amnesty International, the Supreme Court of Pakistan has concluded that most

of the cases of blasphemy that are registered in Pakistan, involve false accusations by individuals in pursuit of achieving some hidden personal motive. Such motives are 'are rarely scrutinized by the authorities and can vary, from professional rivalry, to personal or religious disputes, to seeking economic gain.' (international, 2016)

In another newspaper article, published in 'The News', the writer states that the most of the cases where blasphemers are accused of this crime are innocent. 'She quotes that from 2005 to 2015, nine out of fourteen appeals to High courts or Supreme courts of Pakistan following convictions on charges under 295-C, resulted in acquittals' (Batool, 2017)

Hence, it is believed that the blasphemy laws of Pakistan are clearly being exploited by the 'actual criminals' to achieve their ulterior goals. The question here arises is that why the blasphemy law is so vulnerable to be used in such incidents? The answer is that the issue is considered a taboo due to it being a sensitive issue and thus even discussing it is considered perilous. Thus, the lack of knowledge among individuals about what constitute or what is blasphemy and the emotional aspect relating to the issue exacerbates the situation, which makes it easy for some people to exploit it.

Furthermore, there is a pressure from this religiously charged mobs and Ulema on the lawyers and judges to punish a person accused of blasphemy, without giving the guilty the right to defend himself. The fear and pressure, hence influences the trial and proceedings. Also, people who misuse this law to attain their hidden objectives, know that they might get way with the law by using their power or wealth or by taking advantage of the weak investigation and judicial system of the country.

There are numerous blasphemy cases registered in the country that imply that the law is exploited to attain

personal benefits or is used as a tool of vengeance. One major case that is covered in the current research is that of the 23-year-old Student of Abdul Wali Khan University, who was brutally killed by a mob on the accusation of committing blasphemy. It was later to be found out by the investigation team that he was innocent and it was a case of murder which was planned by the university administration to prevent him from voicing his opinions where he highlighted the incompetency as well as the inadequacies of the university administration. The JIT (Joint investigation report) released on 4<sup>th</sup> June 2017, states that

‘It highlighted that he was killed on fake allegations as no evidence regarding blasphemy was found during the probe. Mashal assured the angry mob that he was a Muslim, recited Kalma before them and pleaded them to shift him to a hospital. The report also stated that ‘deceased Mashal used to raise voice against irregularities in the university that posed threat to a political group’ (Report, 2017)

### **7.2.2 Argument against the claim ‘Blasphemy laws -Tool of Political Vengeance’**

It is often argued by the international Human Rights organizations, that the blasphemy laws are inappropriate in that they limit freedom of Speech or discourage healthy criticism /debate on religious issues and generally violate the fundamental human rights.

Proponents of the Blasphemy laws, state that the above claim cannot be further from the truth. They argue, that almost all the religions (involving revelations) have blasphemy laws or ‘hate speech’ laws. For example, in the religions of Christianity and Judaism. Also, almost all countries (both Muslim majority and non-Muslim majority) have such laws namely, Afghanistan, Saudi Arabia, Denmark, Canada, Bangladesh, India inter alia. The flaw isn’t in these laws but it’s in its implementation and interpretation.

The main aim of such laws is to ensure that citizens should be free to follow their own religions and no individual should harm another’s religious feeling or believes. As far as the capital punishment given for

such crimes is concerned, the severe and harsh punishment is given to deter citizens from committing such grave crimes. This implies that apart from a religious requirement, this law serves a societal purpose as well i.e. to ensure tolerance and peaceful coexistence of individuals pertaining to different religions.

The proponent's further quote the example of Saudi Arabia, which serves as a classic example where people strictly abide by the law as the country severely punishes the criminals, discouraging individuals that are likely to commit a crime. This reinstates the point that the law in itself isn't flawed but its weak implementation in Pakistan as well as the weak judiciary, leads to its widespread misuse.

Another key issue is the different interpretation of the law by the various school of thoughts (maslaq) within Islam that exist in the country that causes ambiguities regarding the law and give rise to numerous loopholes. These include ambiguities like whether the law is pardonable or not, whether the death penalty is given to a non-Muslim or women blasphemer or not and the like. It is hence, essential to address such queries by the religious scholars through forming a consensus on the subject to mitigate its exploitation.

The judiciary and the law of Pakistan, nevertheless, is clear in its religious and legal standing. As it can be proved from the judgment that was given on Malik Muhammad Mumtaz Qadri Vs the State (2011) where Mumtaz Qadri was given a death sentence for taking law in his own hands and killing the late Governor of Punjab, 'Salman Taseer'. The judgement stated

'The appellant in this case may be a pious man in his personal life but admittedly neither he is scholar nor a Qazi and it is the job of the courts to go in the depth of the words and then to declare that words attributed to a person amounts to commission of offence of blasphemy or not. The Holy Prophet (P.B.U.H) was the blessing for whole mankind and the instances where the Holy Prophet (P.B.U.H) forgave the contemnors are more in number than the instances where the contemnors were done to death. It is quite strange that appellant levelled allegations of (major sins) without any proof and merely on perceptions. This act of appellant cannot be termed as CrI. Appeal No.90 & Murder Reference No.01 of 2011 64



Islamic and moral. If the deceased had made any irresponsible statement about the blasphemy law he should have been taken to the courts of law for the trial and it was for the court to decide whether he has committed any offence or not' ~ (Judgement, 2011)

## **8 FINDINGS, DISCUSSIONS & ANALYSES:**

### **ANALYSIS OF WHITE PAPER POLICY DOCUMENT # 1**

#### **THE EXECUTIVE SUMMARY**

We interviewed Mr. Zaheer-ud-Din Babar Awan, Ex Federal Minister for Law, Justice and Parliamentary Affairs, Pakistan. Mr. Babar Awan provided us with a white paper which, according to him, was composed by himself upon the request of the Secretariat of National Assembly of Pakistan wide No.F.23 (45)/ 2010- Legis, dated 15<sup>th</sup> December 2010. This in the language of policy making is called a 'White Paper'.

'White paper is common not only to policy and politics, but also in business and technical fields. In commercial use, white papers are often used as a marketing and sales tool where the product is pitched as the 'solution' to a perceived need within a particular market. In the world of policy, white papers guide decision makers with expert opinions, recommendations, and analytical research.

Policy papers may also take the form of a briefing paper, which typically provides a decision maker with an overview of an issue or problem, targeted analysis, and, often, actionable recommendation.' (Herman, 2013)

Here is the analysis of the white paper that Mr. Babar Awan provided us with:

## **1) Motivation/ Problem Statement**

The motivation behind this white paper was all the letters sent to the then Prime Minister (Yousuf Raza Gillani) by individuals from different walks of life as well as organizations and foreigners concerning blasphemy law, which in turn were sent to the Ministry of law vide PM's Secretariat. The ministry of Foreign Affairs also sent a reference on this issue on 23<sup>rd</sup> November 2010. The Ministry of Interior also sent a reference. The references were primarily concerned with Ms. Aasia Noreen "(a convict sentenced under the blasphemy law by a court of competent jurisdiction)." Even the Ministry of Minorities sent a reference to amend the existing blasphemy laws in Pakistan.

This white paper has also addressed the queries of the National Assembly concerning Sherry Rehman's Private Member's Bill entitled "Review of Punishment for Blasphemy Amendment Bill, 2010".

### **1.1 Theoretical, Legal, and Policy Gaps:**

This policy paper highlights the theoretical and legal aspects of the 295 C which have not been raised by the member proposing amendment in the Blasphemy law of 295 C. Hence, this paper bridges the legal and policy gap for the National Assembly of Pakistan to take further action.

### **1.2 Intersection with Other Scholarly Works:**

This policy document intersects with the Federal Shariat Court's judgment of 1991. The paper takes this judgment to be the base of the argument against the proposed amendment. The intersection exists at two levels: 1) The law has already been examined by the competent Federal Shariat Court, 2) the law has already been passed by the National Assembly of Pakistan decades ago.

### **1.3 Contribution to The Field:**

This paper provides both a legal and a religious explanation for the existence of 295C and its related punishments. The legal framework for this law has been explained in the light of Noble Quran and Sunnah. The paper quoted various verses from the Noble Quran, a few of them are reproduced below:

وَمِنْهُمْ الَّذِينَ يُؤْذُونَ النَّبِيَّ وَيَقُولُونَ هُوَ أُذُنٌ قُلْ أُذُنٌ خَيْرٌ  
لَّكُمْ يُؤْمِنُ بِاللَّهِ وَيُؤْمِنُ لِلْمُؤْمِنِينَ وَرَحْمَةٌ لِلَّذِينَ ءَامَنُوا  
مِنْكُمْ وَالَّذِينَ يُؤْذُونَ رَسُولَ اللَّهِ لَهُمْ عَذَابٌ أَلِيمٌ ﴿٦١﴾

[9:61] And of them there are some who distress the Prophet, saying: "He is all ears."<sup>69</sup> Tell them: "He listens for your good.<sup>70</sup> He believes in Allah and trusts the believers,<sup>71</sup> and is a mercy for those of you who believe. A painful punishment lies in store for those who cause distress to the Messenger of Allah."

إِنَّ الَّذِينَ يُؤْذُونَ اللَّهَ وَرَسُولَهُ لَعَنَهُمُ اللَّهُ فِي الدُّنْيَا وَالْآخِرَةِ وَأَعَدَّ لَهُمْ  
عَذَابًا مُهِينًا ﴿٥٧﴾

Undoubtedly, those who annoy Allah and His Messenger, Allah's curse is upon them in the world and in the Hereafter and Allah has kept prepared for them a degrading torment.

يَتَأْتِيهَا الَّذِينَ ءَامَنُوا لَا تَرْفَعُوا أَصْوَاتَكُمْ فَوْقَ صَوْتِ النَّبِيِّ وَلَا تَجْهَرُوا  
لَهُ بِالْقَوْلِ كَجَهْرِ بَعْضِكُمْ لِبَعْضٍ أَن تَحْبَطَ أَعْمَالُكُمْ وَأَنتُمْ لَا  
تَشْعُرُونَ ﴿٢﴾

'O believers! Raise not your voices above the voice of the Communicator of unseen (the Prophet) and speak not allowed in presence of him as you shout to one another, lest your works become vain while you are unaware.

لَا تَجْعَلُوا دُعَاءَ الرَّسُولِ بَيْنَكُمْ كَدُعَاءِ بَعْضِكُمْ بَعْضًا قَدْ يَعْلَمُ اللَّهُ  
الَّذِينَ يَتَسَلَّلُونَ مِنْكُمْ لِوَاذًا فَلْيَحْذَرِ الَّذِينَ يُخَالِفُونَ عَنْ أَمْرِهِ أَنْ  
تُصِيبَهُمْ فِتْنَةٌ أَوْ يُصِيبَهُمْ عَذَابٌ أَلِيمٌ ﴿١٣﴾

Make not the summoning of the Messenger among yourselves, like one calls the other among you.

Undoubtedly, Allah knows those of you who slip away quietly taking shelter of any excuse; therefore, let those who do against the command of the Messenger fear lest some trial befall them or a painful torment overtake them.

The paper also quoted various extracts from the Sunnah of the Holy Prophet (S.A.W) which are as follows:

Narrated Anas Bin Malik (RA): On the day of the conquest, the Prophet (SAW) entered Mecca, wearing a helmet on his head. When he took it off, a man came and said, “Ibn Khattal is clinging to the curtain of the ka’ba.” The Prophet (SAW) said, “Kill him.” (Malik a sub-narrator said, “ On that day the Prophet(SAW) was not in a state of Ihram as it appeared to us, and ALLAH knows better).”

(Sahih Bukhari, Vol. V, Chapter 582, Pages 405-406)

## 2) Method of Analysis:

We have done thematic analysis to analyse this document. Our analysis has rendered the following themes:

- 1) Amendment in the Blasphemy laws
- 2) Article 203 D and the Islamic State of Pakistan

- 3) Vexing the Prophet (SAW)
- 4) Maligning ALLAH and the Prophet (SAW) means one and the same
- 5) Calling the Prophet(SAW) is not equal to your calling one another
- 6) Believing ALLAH and in His Messenger(SAW) and honoring ALLAH
- 7) Opposing ALLAH and His Prophet(SAW) will lead to hellfire
- 8) Sahih Bukhari, Vol. V, Chapter 371, Pp 251-253
- 9) The process of levying charge against the blasphemer
- 10) The mensrea
- 11) Blasphemy: a punishable act among all revelation religions
- 12) Blasphemy laws are prevalent in 23 countries including Muslim and non-Muslim states
- 13) Preamble to the Constitution of Pakistan
- 14) Safeguarding the legitimate concerns of minorities, backward and depressed classes
- 15) Islamic Republic of Pakistan: Democracy and Social Justice
- 16) Agreement on Capital Punishment
- 17) Section 374, 376 and 410 and 411 A
- 18) Presidential Pardon
- 19) No special courts for trial of blasphemy cases
- 20) Article 20 of the Constitution of Pakistan and Religious freedom
- 21) Law, public order and morality
- 22) No comments be made by governmental divisions about issues having legal consequences

**Results:**

Our analysis has rendered that the Blasphemy laws of Pakistan; in particular 295 C is not a discriminatory law against any sect or a minority living in Pakistan. Hence, the law does not need any

amendment as it does not violate the religious, social and political rights of any caste, creed or religious sect and any minority. Also, the Criminal Procedure Code of 1898 and the Pakistan Penal Code guarantee that no innocent man or woman is punished under the blasphemy law. The criminal code is quite clear about levying the charge and authorizing sentence in blasphemy cases. Also, the alleged blasphemer has the right to appeal against the court's sentence in higher courts of Pakistan. Nonetheless, we recommend that the investigation procedure must be made clear and unbiased through proper methods and techniques. For example, the FIR is launched against an alleged blasphemer without requiring the witnesses. This makes it controversial and biased as in the matter of "Hadd" cases witnesses are always required. Since Hadd amounts to Capital punishment (and all Islamic scholars have consensus on this punishment for a blasphemer), therefore prior launching an FIR or capturing an alleged blasphemer, witnesses or evidential proof must be provided.

This segment discusses the analysis of this study mined from conversational analysis of the transcribed interviews. Information extracted from the interviewees has been analysed manually as well as through NVivo software. We have used NVivo Pro for the analysis of our qualitative data. There are three editions of NVivo software 11, NVivo Starter, NVivo Pro and NVivo Plus. For our research analysis, we have used NVivo Pro. NVivo helps manage, explore and find patterns in your data but it cannot replace your analytical expertise."

Qualitative researchers are engrossed in estimating, inferring and elucidating social phenomena. They examine unstructured or semi-structured data like interviews, surveys, field notes, web pages, audio visual material and journal articles—and they work in a variety of divisions from social sciences and education to healthcare and business. Researchers usually employ a qualitative methodology to ensemble their research question. Grounded theory approach is used by those researchers who want to explore

innovative conceptions or models. The use of evaluation techniques is common among those qualitative researchers who study program design. “NVivo doesn’t favor a particular methodology—it’s designed to facilitate common qualitative techniques no matter what method you use.”

## **Coding**

Coding' your sources is a way of gathering all the references to a specific topic, theme, person or other entity.” “All these references can be coded in a single node. “

## **What is a Node?**

A node is a collection of references about a specific theme, case or relationship. You gather the references by 'coding' sources to a node. We can create two types of nodes in NVivo: Theme nodes and case nodes.

### **Theme Nodes:**

“Themes or topics that you find in your source material. A **theme node** is a collection of references about a specific **theme**, topic, concept, idea or experience. You gather references to the **theme** by 'coding' sources at the **node**.”

These nodes might be descriptive (*this text is about that topic*) or more analytical (*this issue matters because...*).

### **Case Nodes**

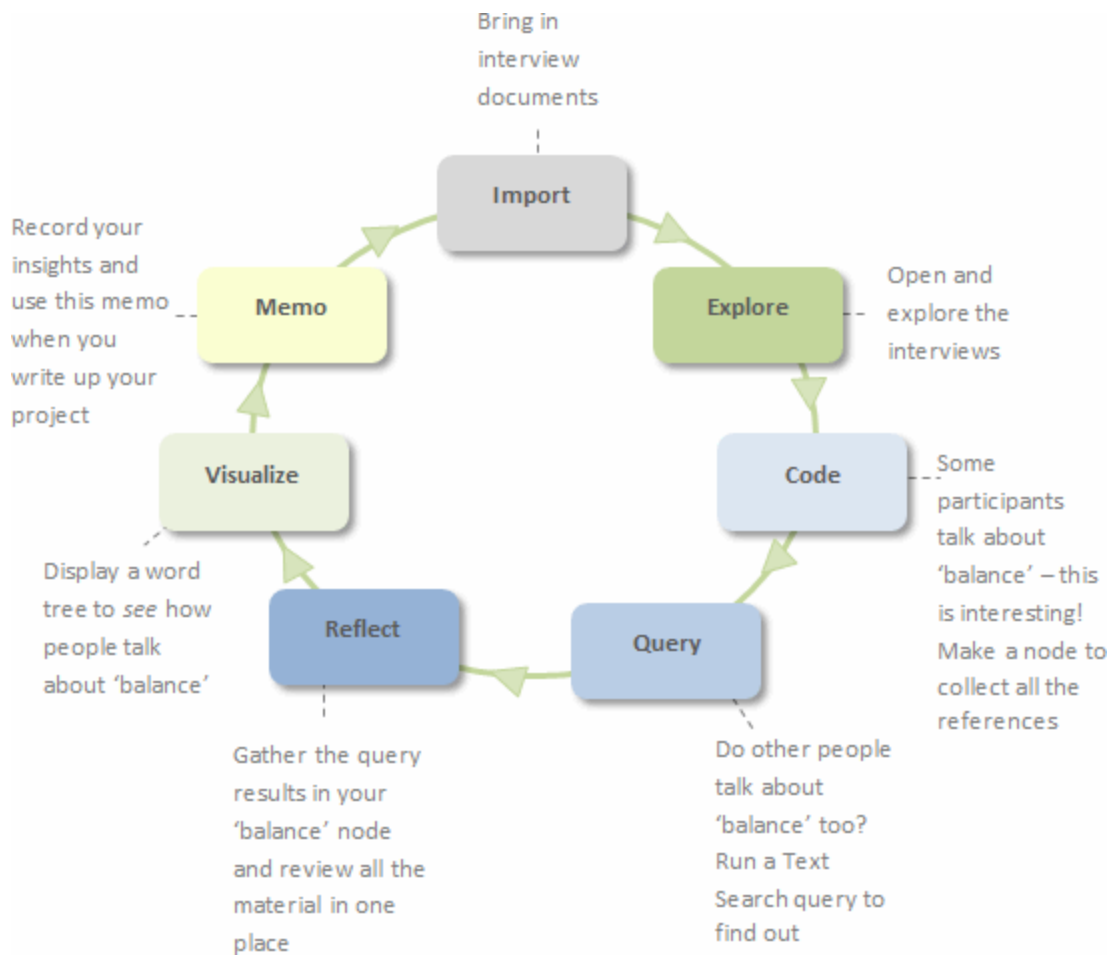
“Your units of observation' that might include people, places, sites or organizations. You can assign demographic attributes to the cases in your project and use them as the basis for comparison.” “In NVivo, **cases** are **nodes** that represent ‘units of observation’—for example, the people you interviewed or the communities you studied. “Cases differ from other **nodes** because they can have attributes (variables) such as age, gender or location. Using queries, you can compare **cases** based on these attributes.”

For our data analysis, we created case nodes both for the interviewees and the interviewers. A total of ten cases had been created. These cases contain the interviewees' demographic details as well as their pertinent organizational details. Six separate cases carrying the demographic details of the interviewers were also created. The case nodes were cross tabulated with theme nodes for evaluating the responses of interviewees along different angles. For example, one interview question was to understand the concepts of blasphemy and apostasy. We created matrix nodes for evaluating the differences in responses across different age groups of interview experts. Thus, the cases helped in cross analyzing data from various perspectives. **Please see Appendix for illustration of the case nodes.**

#### **Identification of Themes in NVivo:**

The following picture represents the path that a qualitative researcher takes to identify a theme in his/ her data:





### THEME NODES:

Following nodes were created through NVivo Pro 11. The nodes have been created through the process of Coding. Each sentence in the interviews was coded. First the sentence was highlighted and then it was coded. There have been instances where a sentence was coded twice to reflect all possible themes in that sentence. The nodes represent emerging themes from our interviews with the scholars. The coding was done in NVivo. Following are the nodes in alphabetical order.

- AHLE-BAITE-RASOOL(SAW) and blasphemy
- Alleged blasphemers
- Actions speak louder than words
- 295 C and protection of minorities

- 295C and all fiqhs of Islam
- 295C and its abolition
- A Muslim judge vs a non-muslim blasphemer
- Agreement of all Fiqhs on Capital Punishment
- AHLE-BAITE-RASOOL(SAW) and blasphemy
- Apostasy and killing
- Blasphemy law and pardon
- Blasphemers were punished in the life of the HOLY PROPHET(SAW)
- Blasphemy and Apostasy are equal
- Blasphemy law and its misuse
- Blasphemy law is a fair law
- Blasphemy, a discriminatory law
- Blasphemy, a political tool
- Blasphemy, Capital punishment and the consensus of all sects of Islam
- Bypassing 295C
- Bravery and silence
- Corrupt Systems
- Capital punishment must be announced by the courts
- Capital punishment and 295 C
- Definition of 295 C
- Difference of opinion among Fiqhs regarding repentance
- Davison in Islamic society leads to anarchy
- Extra judicial killing is equal to the law of Qasas or Diyat

- Extremism & discontent
- False accusations of blasphemy and punishments
- Fiqah-Jafaria on blasphemy
- Forgiveness in Islam
- Fake Facebook account
- Hadd and Tazeer
- Humanism
- Ideologies
- Imams are not qualified
- Imams have different agendas
- Iman Abu Hanifa on blasphemy
- Islam's social, economic and political systems
- Ismail Qureshi Vs. The Government of Pakistan
- Lack of adequate knowledge
- Mashal's family and political parties
- Mashal means Light
- Mashal's murder was planned
- Murdad and capital punishment
- Muslim state vs a non-muslim blasphemer
- Muslims are ordered not to blaspheme against other religions
- Non-state authority and the blasphemer
- No Racism
- Policy Recommendations by Interviewee no 13

- Policy Recommendations by interviewee no 7
- Position of Imam
- Punishment for enforced blasphemy
- Punishing Illiterate People
- Punishment of a blasphemer according to all fiqhs
- Punishments of blasphemy and apostasy
- Qasas or Diyat
- Raising questions to clarify doubts
- Religion and law
- Religious Extremism
- Repentance and forgiveness
- Self-education vs Imam
- Sowing of discord by Imams
- State can suspend the capital punishment
- State's right to initiate change in the Blasphemy law
- Security Threats
- Tauheen and Tanqeed
- The evolution of 295C
- The HOLY PROPHET (PBUH) and blasphemy
- The investigation of 295C
- The Islamic form of government
- The role of intention and blasphemy
- The stoppage of misuse of blasphemy law

- The trial of 295C and special courts
- The university administration and Mashal
- Weak Judiciary and flawed processes

### **Word Frequency Query:**

Word frequency queries are accomplished to find recurring concepts and words in our data.

This test is conducted for the following:

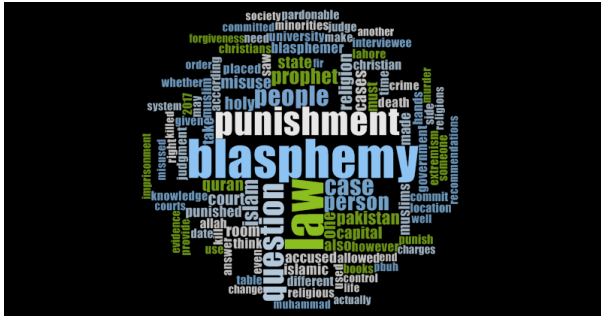
- “Identify possible themes, particularly in the initial stages of a project.”
- “Analyze the most frequently used **words** in a particular demographic. For example, analyze the most common **words** used by farmers. You could do a coding **query** to gather all content coded at case nodes with the attribute *farmer*—then select the result node as the criteria for the **Word Frequency query**.”

The word frequency query yields up to four result tabs which are the **Summary, Word Cloud, Tree Map** and **Cluster Analysis**. The summary analysis is provided in the appendix. The word cloud, tree map and cluster generated for the analysis of our interviews are given below:

### **Understand the Results of Word Frequency**

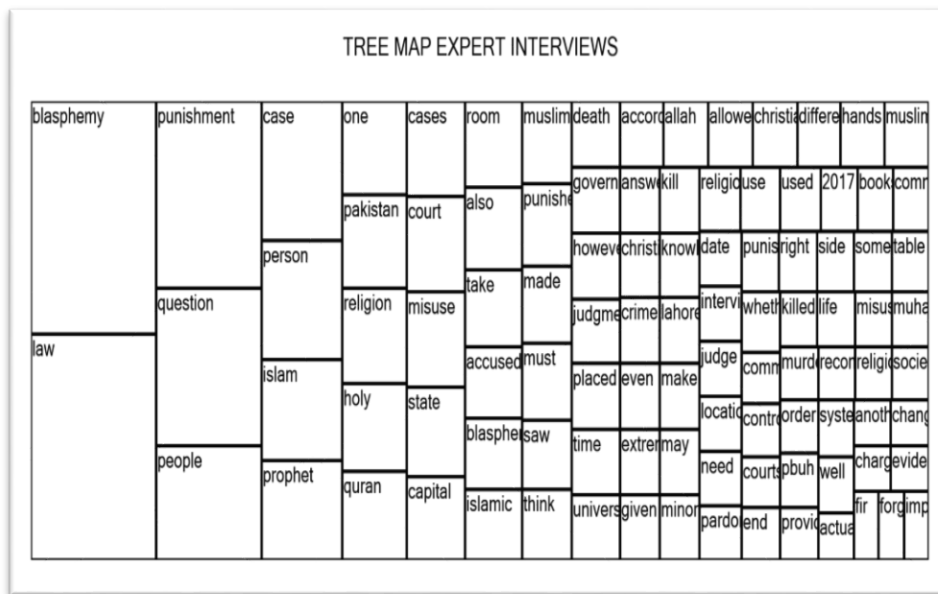
#### **Word Cloud**

Following is the word cloud which was generated through running the word frequency query. This word cloud carries more than 100 frequent occurring words in our interviews the word cloud depicts the most recurrent words in our data.



### Tree Map

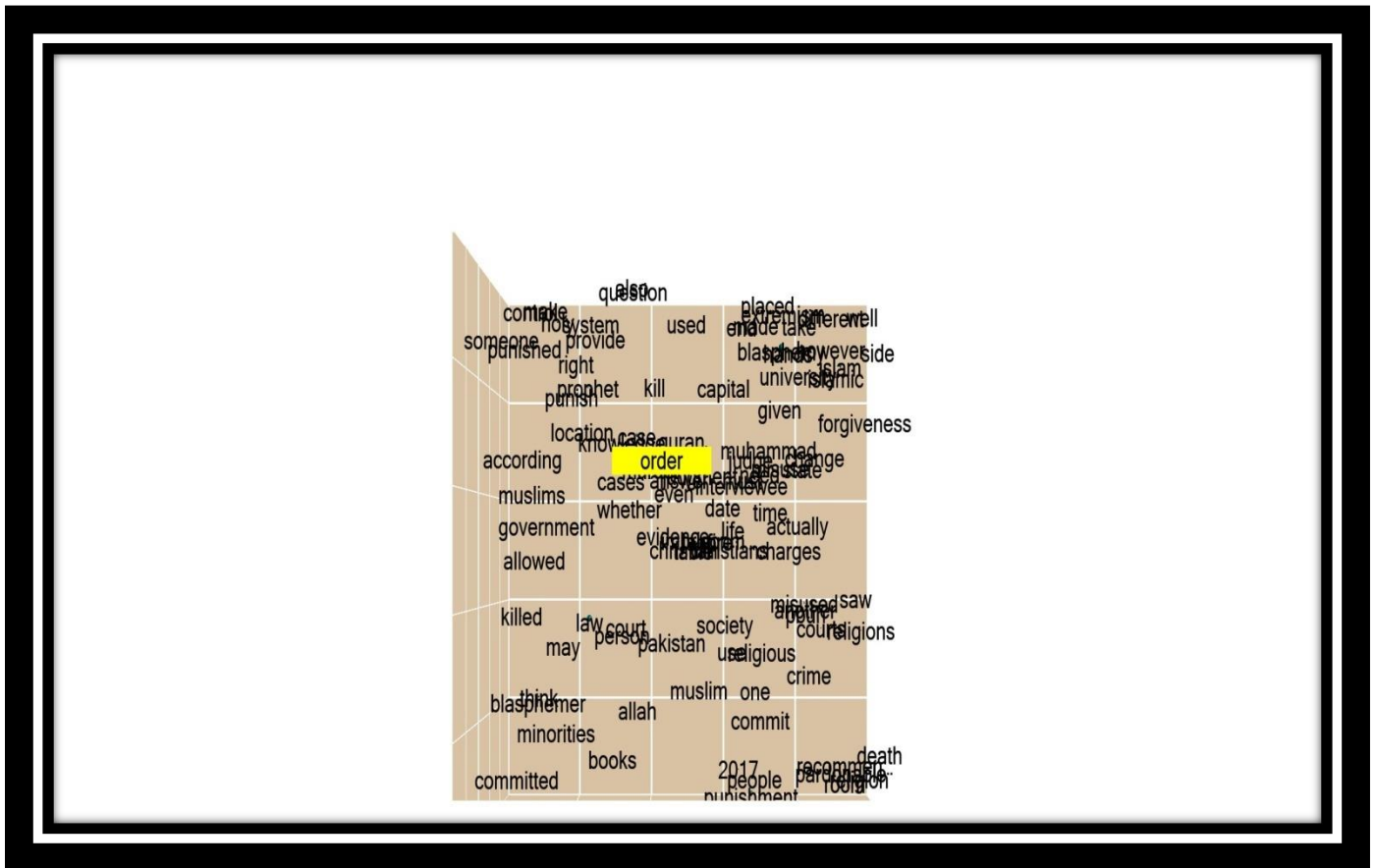
The next result under the word frequency is the Tree Map. Our tree map carries smaller and larger rectangles. The smaller rectangles represent those conversational items which were less frequent in our interview data. The larger rectangles represent recurrent items/ words in our data.

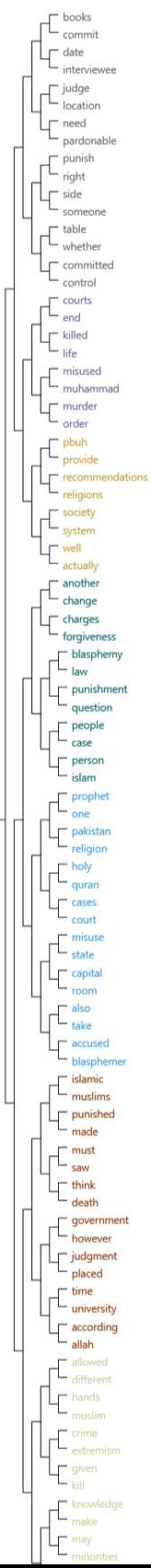


### Cluster Analysis:

The cluster analysis helps the researchers understand the intersection points where most frequent ideas, concepts and words co-occur. Following is the 3D cluster analysis map of our interviews. The next cluster analysis map shows **life** and **killed** under the same cluster. Also, **society** and **system** have been

clustered together. Society and system have been clustered together not because both these words begin with the same letter, but as our interviews depict society forms systems and hence there is a cause and effect relationship between these two words. Similarly, life and killed are antithetical words, yet clustering them together means that they are linked with each other. Hence, there is a symmetrical relationship between these two words. Also, **misused and murder** are in the same cluster, which shows the relationship between misuse of blasphemy law and the extra judicial murders.







## RELATIONSHIP TYPES

Relationships record our proclamations about our data. Relationships can be created to show how participants in a study are with each other. For example, Samina employs Bushra. Relationships also define how concepts in a study are related with each other, for example environmental conditions impact suicidal rates. Here, environmental conditions are related to suicidal rates.

“Relationships are made up of three parts: "from", "to" and the "type" of relationship. You can create relationships using sources, nodes, cases and sets—and the "from" and "to" parts don't have to be the same type of project item”

There are three kinds of relationships which are as follows:

- **Associative** An associative relationship can be used to demonstrate that items are in some way affiliated. Associative relationships between two items must always hold both ways—for example, *Anna 'knows' Ken*, Ken must also know Anna.
- **One-way** A one-way relationship can be used to demonstrate a relationship between items which has a definite direction, an agent and a recipient—for example, *industrial waste 'degrades' water quality*.
- **Symmetrical** A symmetrical relationship demonstrates a two-way activity between the items. These relationships imply they hold both ways, such as *'being married to'* or *'being a sibling of'*.

Keeping with the above-mentioned kinds we have identified various relationships between different theme nodes in our data. Following are the details of these relationships.

- There is a one-way relationship between blasphemy and political vengeance tool.
- A Muslim judge vs a non-Muslim blasphemer have a one-way relationship.
- There is a one-way relationship between blasphemy and freedom of speech.
- There is a one-way relationship between blasphemy: a discriminatory law and minorities blasphemy cases.
- Blasphemy law and pardon also carry one way relationship.
- Blasphemy law is a fair law and Islamic injunctions have an associative relationship.
- Taking law into their own hands and anarchy have one way relationship.
- Extra judicial killing and Qasas or Diyat have symmetrical relationship.
- There is an associative, and one-way relationship between blasphemy, repentance and forgiveness.
- There is an associative relationship between 295 C, its abolition and blasphemy and apostasy.
- There is a symmetrical relationship between killing and apostasy and blasphemy and apostasy.
- There is an associative relationship between blasphemy law, pardon and blasphemy and apostasy.
- There is an associative relationship between blasphemers were killed during PROPHET'S (PBUH) era and blasphemy a political tool.
- There is an associative relationship between blasphemy is a fair law and blasphemy and its misuse.
- There is an associative relationship between blasphemy, its misuse and extra judicial killings.
- There is an associative relationship between blasphemy, capital punishment and court's announcement of capital punishment.
- There is a symmetrical relationship between extremism, discontent, and false accusations of blasphemy.

- There is a symmetrical relationship between Imams, their different agendas and divisions in society.
- There is a symmetrical relationship between Imam Abu Hanifa on blasphemy and punishing illiterate people.
- There is a symmetrical relationship between Ismail Qureshi vs Government and blasphemy law and its misuse.
- There is a symmetrical relationship between Position of Imam and sowing of discord in society by Imams.
- There is an associative relationship between the role of intention and Imam Abu Hanifa on blasphemy.
- There is a symmetrical relationship between behavior change, positivism and forgiveness in Islam.

### **Node Matrices:**

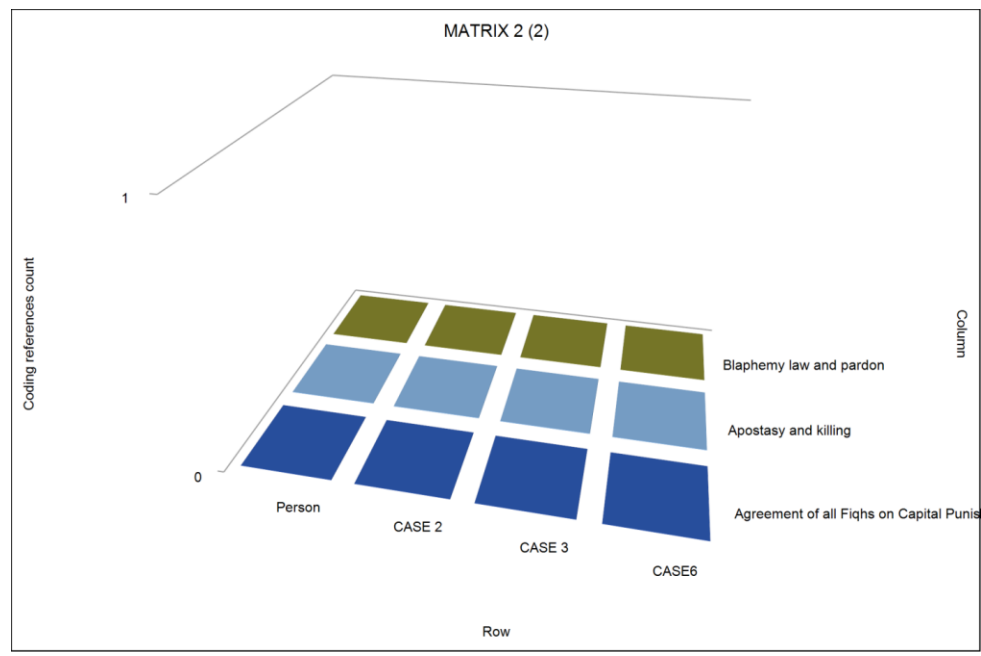
“Node matrices provide a way to cross-tabulate the coded content in your project.

For example, a node matrix can be used to cross-tabulate what *small businesses* and *large businesses* say about different forms of *renewable energy*. Each cell in the matrix represents a node containing the content coded at the intersection of the row and column. Node matrices are created when you:

- Run a matrix coding query With matrix coding queries, you can ask a wide range of questions about patterns in the data and gain access to the content that shows those patterns.
- Use pattern-based auto coding. When you auto, code using existing coding patterns, the results can be saved into your project in the **Node Matrices** folder. “

We have created matrices for several different nodes. The following chart shows the matrix node for

three themes: Blasphemy law and pardon, Apostasy and killing and Agreement of all fiqhs on capital punishment. This illustration clearly shows that there is a consensus among four interview experts about these themes.



Although our analysis has revealed several different themes, however, we are going to discuss a few major ones here.

**295 C: A Fair Law**

It is pertinent to mention here that at the onset of our research we all believed 295 C was a discriminatory law and that there were problems with the law itself. However, our analysis of the interviews has exposed that the law itself is not discriminatory. One interviewee shared with us the definition of the Blasphemy law which is as follows:

**“Use of derogatory remarks etc. in respect of Holy Prophet (PBUH)--whoever by words, either spoken or written, or by visible representation, or by any imputation, innuendo, or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet Muhammad (P.B.U.H) shall be**

**punished with death”.**

One verse which has been quoted in the MUHAMMAD ISMAIL QURESHI ..... Petitioner versus PAKISTAN, and which was relied upon by all the Juris consults in this case is as follows:

**“33:57 Lo! those who malign Allah and his Messenger, Allah hath cursed them in the world and the Hereafter, and hath prepared for them the doom of the disdained.”**

Ibn Taimiyyah explains the above-mentioned verse and says that: **“Verse 9:62 denotes that the malignment of the Prophet (PBUH) is the opposition (مشافه - مباحاة) (of Allah and His Prophet”.**

(Assarim-ul-Maslol, pages 20, 21)

It was also suggested in the same above-mentioned judgment to include a clause “to make the same acts or things when said about other Prophets, also offence with the same punishment.”

This guarantees that the sacred personalities of other religions are also being protected under this law.

#### **Agreement of All Islamic Fiqhs on Capital Punishment**

Although our literature review delivered that all Islamic fiqhs do not agree on the capital punishment as the premium punishment for blasphemy, however, our analysis suggests that all fiqhs have consensus on this punishment. Almost all the consultants in this case (who were the leading scholars and representatives of their sects) agreed upon death punishment for a contemnor.

**Maulana Muhammad Abdu-hu Al-Falah, among other verses relied upon Verse 4:46 of the Holy**

**Quran**

**“Say, [O Muhammad], "If your fathers, your sons, your brothers, your wives, your relatives, wealth which you have obtained, commerce wherein you fear decline, and dwellings with which you are pleased are more beloved to you than Allah and His Messenger and jihad in His cause, then wait until Allah executes His command. And Allah does not guide the defiantly disobedient people.”**

**Maulana Syed Abdul Shakoor cited Verses 9:24:** Indeed, those who abuse Allah and His Messenger - Allah has cursed them in this world and the Hereafter and prepared for them a humiliating punishment.

**He also quoted Hadith of the Holy Prophet that the punishment of contemnor is death and that he did punish his condemners with death.**

**Maulana Fazle Hadi, relied upon Verses 49:2:** “O you who have believed, do not raise your voices above the voice of the Prophet or be loud to him in speech like the loudness of some of you to others, lest your deeds become worthless while you perceive not.”

**58:22:** “You will not find a people who believe in Allah and the Last Day having affection for those who oppose Allah and His Messenger, even if they were their fathers or their sons or their brothers or their kindred. Those - He has decreed within their hearts faith and supported them with spirit from Him. And We will admit them to gardens beneath which rivers flow, wherein they abide eternally. Allah is pleased with them, and they are pleased with Him - those are the party of **Allah**. Unquestionably, the party of Allah - they are the successful”

**9:65 and 66:** And if you ask them, they will surely say, "We were only conversing and playing." Say, "Is it Allah and His verses and His Messenger that you were mocking?"

“Make no excuse; you have disbelieved after your belief. If We pardon one faction of you - We will punish another faction because they were criminals.”

**Maulana Saeed-ud-Din Sherkoti, quoted Verses 48:9:** “That you [people] may believe in Allah and His Messenger and honor him and respect the Prophet and exalt Allah morning and afternoon.”

**3: 53:** “Our Lord, we have believed in what You revealed and have followed the messenger Jesus, so register us among the witnesses [to truth].”

**4:13:** “These are the limits [set by] Allah, and whoever obeys Allah and His Messenger will be admitted by Him to gardens [in Paradise] under which rivers flow, abiding eternally therein; and that is the great attainment.”

**Our interview experts also had consensus on death as the punishment of the blasphemer.** All fiqhs; i.e. Hanafi, Maliki, Shafi etc. agree on capital punishment for blasphemy, although there are different opinions regarding punishment after repentance.

### **Blasphemy and Apostasy Are Equal Crimes**

Our literature review had proven that both blasphemy and apostasy are considered equal crimes in the light of Quran and Sunnah. Our interview analysis also confirms the same. Among two of the interviewees, one supported this opinion. However, the other mentioned that among the two fiqhs of Islam, one sustains forgiveness, while the other does not.

**“Hazrat Abu Bakr Siddique (R.A.) ordered the killing of two people who declared themselves apostate and thus were killed for turning their backs on Islam. The only punishment for the people who leave the fold of Islam is death. Furthermore, he waged Jihad against a tribe when they refused to pay Zakat professing themselves Muslims. One cannot call himself a Muslim while refusing to follow the pillars of Islam. This is tantamount to blasphemy.”**

It is a very important theme as it tells that both crimes are of equal nature, and if an apostate could be investigated, then a blasphemer can also be.

**Ibn Qudaamah said in *al-Mughni*, 9/18: The apostate should not be put to death until he has been asked to repent three times. This is the view of most scholars, including ‘Umar, ‘Ali, ‘Ata’, al-Nakhaii, Maalik, al-Thawri, al-Awzaa’i, Ishaq and others. Because apostasy comes about because of doubt, and cannot be dispelled in an instant. Time should be allowed for the person to rethink the matter, and the best length of time is three days.**

Imam Abu Hanifa is of the view that a person who blasphemes once or twice and repents then he can be forgiven but this must not become a habit. It depends upon the situation and varies case to case.

However, capital punishment can only be given by a judge or the state with proper investigation and proof.

#### **Punishing Illiterate People and the state of illiteracy in Pakistan**

One interviewee, advocate Riaz Anjum, while collecting his thoughts about Nabeel Masih (an alleged blasphemer) mentioned the following:

**“But the person could not read or write but how could he use social media. Moreover, the complainants did not see him commit the crime. It was only a fight between a group of boys.”**

#### **Another interviewee remarked:**

**“People without adequate knowledge have been given these positions and are sowing extremism and discontent in the society.”**

#### **Weak Judiciary and flawed processes**

Mr. Riaz Anjum remarked about Nabeel Masih’s case:

**“FIR was not filed through due process because individual cannot be a complainant, thus, the bail**



**should have been approved on lower level but this could not have been done due to pressure in the village.”**

**“No action was taken against them by the court. His friends were Muslims and they jokingly made his profile and when they had a fight they put the picture of a pig on ka’aba and then blamed it on Nabeel.”**

### **Misuse of Blasphemy Law**

One interviewee remarked:

**“Islam strictly forbids the misuse of law. Nobody can take law into their own hands and that person would be punished who kills the person accused of blasphemy rather than letting the judiciary do its job.**

### **Another Said:**

**“Law provides punishment for people who are unable to provide evidence after accusing a person of blasphemy. Such people are tried under terrorism law. On the other hand, people who provide false evidence in a blasphemy case, they are tried under section 191 of PPC.”**

Although the law does punish false accusers, however, our analysis of alleged blasphemy cases including that of Mashal’s divulge that no false accusers have been punished so far. Although the JIT has released its report declaring Mashal to be innocent of the charges levied against him, his family and public at large are still awaiting the accusers to meet the punishment.

Our qualitative data analysis has disclosed that the law has been misrepresented both in the case of majority and minorities. Our survey questionnaire respondents had similar responses. They also opined that the law has been subject to misuse. So, at the end of our analysis we would recommend probing into

the paraphernalia of the system through which the law functions and thereby create immediate and necessary remedies to prevent its misuse further.

## **9 LIMITATIONS OF THE STUDY:**

There are limitations in every study that must be disclosed as a matter of research ethics. The main problems in data analysis arose in this study due to a lack of **technical expertise** in operating sophisticated software like SPSS and NVIVO for data analysis. However, with the experience and guidance of the faculty this limitation was overcome to some extent. Yet, there definitely is some room for correcting the weaknesses of this research in future studies.

A second limitation of this research is a **lack of data** that was intended to be collected from a large number of religious seminaries, which was not possible due to security issues and involuntariness of the participants to engage in such a sensitive topic. Whatever limited access to seminaries there was, had been received through personal contacts, but on the whole, admission to such institutions was denied.

Finally, the **sensitivity of the issue** prevented respondents and experts from giving a courageous point-of-view, so they were very careful in their responses and forbade the researchers from publishing certain parts of the interviews that could invite dangerous criticism. Although not critical to the study, but some opinions have been omitted from the report to maintain research ethics.

## **10 CASE STUDIES**

### **10.1 AASIA BIBI CASE**

Aasia Noreen also known as Aasia Bibi is a 37-year-old Christian woman. She worked in a farmland in a village 60 miles west of Lahore called Ittanwali. She is married to Ashiq Masih and is a mother of five children. She was arrested by the police on Friday June 14, 2009 for committing blasphemy against the

Holy Prophet (PBUH). One day she was asked by her landlord Muhammad Idrees to bring water for all her fellow workers. They were all sharing the bucket of drinking water but when Aasia dipped her cup in the bucket, her fellow workers got offended saying that it had been touched by a Christian and hence considered 'unclean'. It angered Aasia and she got into a bad-tempered argument with the three Muslim women and according to evidence presented by the prosecution and two eyewitnesses named Mafia Bibi and Asma Bibi, she made derogatory remarks about Prophet (PBUH). Mafia Bibi and Asma Bibi along with a local resident, Muhammad Afzal also claimed that they had witnessed Aasia Bibi confess to committing blasphemy in a public gathering a few days later. The Local cleric, Qari Muhammad Salaam was another witness who claimed he had heard the complaints from Mafia and Asma and filed a complaint with the police (News, 2013).

In Aasia's defence; according to her, upon the refusal of the Muslim women to share the water just because she drank from it, some heated words were exchanged. But she said that she had great respect for the Prophet (PBUH) and did not insult Him. She claimed that it was all a ploy by Qari Salaam, his wife, Mafia Bibi and Asma Bibi. They purposefully fabricated it all into a blasphemy case against her. (News, 2013).

During the court's trial, Aasia's statement about exchanging 'hot words' was taken as an admission of guilt and it was considered that the hot words exchanged most definitely consisted of blasphemous remarks. Her statement regarding Muslims trying to fabricate blasphemy allegations against her was rejected as the altercation over water could not be considered as sufficient motive for the Muslims to falsely implicate her of committing blasphemy. Consequently, Maqsood Ahmed Masoomi, a cleric in the mosque stated that whoever commits blasphemy shall be killed on the spot. Similarly, Imam Yousaf Qureshi from Muhabbat Khan Mosque Peshawar announced a reward of 500,000 for anyone who kills Aasia Bibi if the court's verdict is not applied. (Polymenopoulou, 2013).

## Judgement

On June 6, 2009, Aasia Bibi was prosecuted under article 295 C of Pakistan Penal Code. She was sentenced to death penalty with a fine of Rs. 100,000 by Additional session judge Muhammad Naveed Iqbal, Nankana Sahib Court. On November 8th, 2010, Lahore High Court on the basis of direct evidence provided by the prosecution and confessions recorded by three witnesses also passed its verdict for death penalty. President Zardari was restricted by Lahore High Court from taking any part in issuing Presidential pardon to Aasia Bibi. She had appealed to the Supreme Court of Pakistan and her death sentence has been suspended until the decision of her appeal. (Court, 2014).

The decision for Aasia Bibi's case is still pending. She has been on the death row since 2010. The judges of Supreme Court of Pakistan will sit down and decide Asia Bibi's fate. She is 51 years of age, she was arrested in 2009 and has been in prison for over six years for allegedly making blasphemous remarks about the Holy Prophet (P.B.U.H). Ever since the Lahore High Court announced death penalty for her, the decision has been strongly opposed by international as well as national human rights organizations due to the severity of the punishment and the prevailing cases of mistreatment of religious minorities in Pakistan.

An Islamabad based civil society activist, Imran Nafees Siddiqui said: *“The blasphemy law is a man- made doctrine and not a divine revelation. That is why rights groups continue to demand Bibi's freedom. The media should play an active role. The public opinion carries a lot of weight and can also influence courts' decisions. We gave to create an alternative narrative to defeat the extremist discourse in the country. It is a test case for the rights of minorities in Pakistan.”* However, those people who want Aasia Bibi to be hanged for blasphemy claim that it is a domestic matter and it should be dealt with according to the state's laws.

Due to the worldwide opposition of Bibi's case, it is no longer the matter of religion; it is a political matter now. Especially after a few months of Aasia Bibi's arrest, when the former Governor of Punjab, Salman Taseer who made efforts for the amendment of the Blasphemy law and showed support towards Aasia Bibi by declaring the Blasphemy law as 'Black Law'. He was assassinated on 4<sup>th</sup> January 2011 by his body guard Mumtaz Qadri who shot Taseer 28 times in broad daylight and showed no remorse over murdering him because he believed it was justified as Taseer was trying to repeal the law against the Holy Prophet (P.B.U.H). The right- wing Muslim groups appreciate the assassination and showers Qadri with rose petals as he was being taken to prison by authorities. Even now, after Qadri has been executed for the murder, he is considered a martyr, a hero, with mosques named after him.

His supporters believe that he was executed by Nawaz Sharif's government under international pressure. And if Aasia Bibi's death sentence is to be reversed now, it will not be accepted by the right-wing parties. The leader of Jamaat-i-Islami Fareed Paracha said in an interview: *"We just want to say that the law should be enforced properly. There should be no amendment to the Blasphemy law. We will not tolerate or accept this."*

Aasia's family has been living under constant fear ever since her arrest. Her husband, Ashiq Masih has asked President Mumnoon Hussain for presidential pardon for her and seeking permission to move her to France where they have been granted honorary citizenship by Council of Paris. According to Masih: *"Our lives are being threatened, we receive death threats constantly and are moving from one place to another and we try to support each other"*. "Our family life has been destroyed," he said. *"I spend almost 45 years of my life in my native village. I had many friends there but now I do not want to go back."* (Shams, 2016)

## **10.2 KOT RADHA KISHAN CASE**

On November 24, 2014, an enraged mob dragged Shama and Shehzad across the village, shattered their bones, ripped their clothes, broke their legs so that they could not flee then were thrown into the burning

furnace of a brick kiln they both worked in as bonded labours to catch fire and burn alive. Shama Bibi was 24 years of age and married to Shehzad Masih who was 27 years old. The Couple had two sons; Soloman Masih six years of age and Zeeshan Masih who was four and two daughters; Sonia and Ponam three and 18 month respectively. Shama was four months pregnant at the time the attack took place. This incidence occurred in Chak 59 in a town called Kot Radha Krishan, District Kasur which is located 60 kilometres outside of Lahore. They were both accused of allegedly desecrating the Holy Quran which was found in the garbage outside their house. The mosque's Imam was held accountable for inciting and aggravating the mob that attacked the couple. (Desk, 2014).

Nazir Masih, father of Shehzad was a faith healer who had died a weeks ago. Shama, his daughter in law was cleaning his room and threw away his belongings. But she was illiterate and did not know what some of those things were. A few pages of Quran were found outside their house, upon seeing the desecrated Quranic verses, the local clergy was informed. The matter was announced in the village on loudspeakers. There was no procedure, no trial, the five policemen who tried to rescue the couple were held hostage, the mob comprising of at least 2,000 people attacked the couple's house in a frenzy and dragged them out to beat and kill them. The brick kiln owner Muhammad Yousaf Gujjar along with his two employees Afzal and Shakeel were accomplices in the murder, they had removed the lid from the furnace of the kiln the couple was thrown into. (Imran Gabol, 2016). Eyewitnesses claimed that Shama was wearing clothes that did not burn therefore her clothes were ripped off by the mob and she was wrapped in cotton to catch fire easily. There six-year-old son told the media that his parents were tied behind a tractor and dragged on the roads of the village before they were burnt. (Tarar, 2014).

Judge Chaudhry Muhammad Azam of an Anti-Terrorism Court convicted five men to pay rs. 100,000 to the victim's family and two year jail terms to each of the eight other convicts for aiding and abetting the murders. These men were identified as Mehdi Khan, Riaz Kambo, Muhammad Hanif, Hafiz Ishtiaq and

Irfan Shakoor. Eight other men identified as Muhammad Hussain, Muhammad Arsalan, Noorul Hasan, Muhammad Haris, Muhammad Muneer, Muhammad Ramazan, Irfan and Hafiz Shahid were also arrested and sentenced to two years in prison. These were only some of the men involved in the brutal killing of Shama and Shahzad in Kot Radha Krishan village. (Imran Gobal, 2014). The lawyer representing the couple's family Riaz Anjum said that *"The five awarded the death sentence were involved in dragging, beating and burning the couple while the other eight played a supportive role according to the judgement."* the ruling was also confirmed by Senior Prosecutor Khurram Khan. (Agencies, 2016)

A hundred and six people who had been accused of murdering the Christian couple by throwing them into a brick kiln after accusing them for committing blasphemy, have been indicted by the Anti- terrorism court. They were produced before the court and were guilty of the heinous crime under different sections of the Pakistan Penal Code in the challan submitted by the police. After framing charges against the accused, the court summoned ten prosecution witnesses and the doctor who had performed the post-mortem of the deceased couple. The challan submitted by the police read a tractor trolley, broken TV, papers including amulet, broken lock, torn police uniforms and wooden rods as case properties. (Nation, 2015)

Parveen bibi, wife of Shehzad's elder brother told in an interview that Shehzad's late father Nazar Masih used to do black magic for which he used amulets and documents that might have contained Quranic verses. She said that Shehzad was still alive when he was thrown into the kiln with his wife. According to Parveen: *"Shama burned the amulets and some other related material, assuming that this was the best way to get rid of 'evil stuff,' she later threw the ashes on a garbage heap outside their quarters when Muhammad Irfan, a Muslim co-worker, noticed some half-burnt pieces of paper from the amulets and raised a clamour, claiming that Shehzad's family had desecrated Quranic pages."* (Aqeel, 2014)

The owner of the brick kiln, Yousaf Gujjar wanted the couple to pay him back the bond money that he had given to them in advance. Their family was worried Gujjar will get them arrested so Parveen got Shama

and Shehzad to spend the night at her home. The next morning they went back to their house in order to prepare for work when the angry mob began pouring into their quarters. Most of their relatives fled upon sensing the danger But Shama's sister Yasmeen who was married to Shehzad's brother stayed put. She told in an interview that a few people knocked on the door and asked about Shama.

*"They entered the house and one of them dragged Shama out. She had their youngest daughter Poonam in her arms. The man snatched Poonam and threw her on the floor. That is when the brick kiln guard Muhammad Akram rescued Shama, he took her to the kiln office and locked her inside to save her from the attackers. She was crying and screaming for help. The guard then went after her husband and asked him to join Shama in the room to console her while assuring them both that they would be taken out once the protesters dispersed."* said Yasmeen. (Aqeel, 2014)

The guard had locked the main kiln door from outside, but the angry protesters broke in anyway. They failed to break the iron door of the office, as had been locked from inside by the couple. But the enraged mob found their way to them by breaking the roof which was made of wood straw and mud. They opened the door and brought the couple out in the open in front of the entire mob. *"They beat them with wooden clubs on their heads and hatchets before they were both tied to a tractor and dragged onto a road which was under construction and covered with crushed stones. I think they were unconscious but still breathing, but the mob was unwilling to leave them alone,"* said Yasmeen. *"They took some petrol from a tractor and doused their bodies in it then threw them into the kiln. I lost all hope and fled from there with my children."*

According to Yasmeen, a police van was present during this entire incident but there were very few of them and the police did not take charge. She said: *"Some men asked them to fire into the air to quell the protesters, because the mob had no weapons to fire back. Shama and her husband might have survived if the police had taken timely action."* (Aqeel, 2014)



The Chief Minister of Punjab Shahbaz Sharif formed a three- member committee to expedite the investigation of the killings and ordered police to strengthen the security in Christian community in Punjab. According to Capt. Jawad Qamar, who told Reuter’s news agency during an interview that the murder of the Christian couple was incited by the local mullah of the mosque. The police filed FIR on its own accord without consulting their family even though they wanted to file a formal complaint for their loved ones. Sources in Punjab Inspector General office revealed that the government did not want the family to become the complainants in the case because it would keep media focused on the developments of the case and cause global embarrassment to the Punjab government and Prime Minister Nawaz Shariff whose three terms in office had already been tainted with extreme violence against non-Muslims especially, Christian minority. Their case did not even reach Lahore High Court for appeal to provide justice to the heinous lynching of the couple. (Correspondent, 2014)

No judgement or punishment is powerful enough, it will not help the couple’s children who are left without a family and have to live with their maternal grandparents after the incident. Shahzad and shama bibi’s death caused an uproar all over Pakistan. The Christian community living near their home had to flee the area for fear of their lives. Critics believe that blasphemy laws are abused to wage war against the Christians to fulfil personal vendettas. According to the constitution of Pakistan: “All citizens are equal before law and are entitled to equal protection of law.” Hence, our law does not discriminate, the state has to do a lot in order to ensure the equal rights and treatment of both the Muslims and the minority in Pakistan. (Tanveer, 2016)

### **10.3 MASHAL KHAN CASE**

Through a long and congested alley, we were guided to a village residence where the family of Mashal Khan welcomed us inside a room, decorated with memories of the deceased. Simplicity and modesty

reflected off the walls, the sheets, the curtains and the charpoys.

When asked about the likes, dislikes, hobbies and ideologies of her brother, Stories Khan, younger sister of Mashal Khan, lovingly recalled the ideologies of her brother:

*“Ideologies. ‘Where do ideologies come from?’ that is the main question to ask. They come from the soil where one is born, and from one’s parents. Mashal Khan’s ideology was Humanism. And Humanism is what he inherited from our Father.”* recollected the bright-eyed girl.

The story of Mashal Khan, a student of Abdul Wali Khan (AWK) University Mardan, who was cunningly and pitilessly murdered on the 13<sup>th</sup> of April 2017 by a mob of hundred violent protesters, who claimed that Mashal committed blasphemy, is now known over the world. It is a classic case of misuse of blasphemy as a tool of political vengeance in Pakistan.

The case is filed under Article 164, in the Anti-Terrorism Court of Justice Younis Khan. On June 4<sup>th</sup> 2017, a Joint Investigation Committee established by the government of Pakistan and Supreme Judiciary ruled that it was a carefully-plotted murder, scripted and staged by the administration of AWK University, with the aid of influential political elements in the city, while not a single charge of blasphemy could be proved against Mashal.

Several articles, editorials, video footages, television programs, interviews and shows projected the episode on media following Mashal’s murder and the social media, too, was flooded with sentiments of fury on the event and sympathy for the departed. However, it was important for us to visit Swabi to get firsthand information about the ‘truth’ behind the murder, from Mashal’s own family. Thus, we embarked upon the journey to discover the facts and opinions that were part known, part fabricated and part hidden.

According to his father, Iqbal Khan, Mashal’s only crime was that he raised his voice against the corruption

of university administration and criticized the system. He was a humanist, who believed in the equality of all human beings, regardless of race, gender, ethnicity, color, creed, caste or social class. The message clearly echoed in a photograph of him and his African friend in Moscow, which hung among other memorable pictures in his room, and said “NO RACISM”.

*Actions speak louder than words.* Mashal Khan’s social activities too were a mirror image of his progressive ideologies and his soft-heartedness. His family reminisced how he used to help people even if it meant going out of his way. He regularly donated blood, and collected funds for students in his university who could not afford to pay their university fee.

*“It was very difficult for us to send him to Russia because of financial weaknesses. Despite of doing civil engineering in Russia, Mashal discovered that he had a journalist inside of him, which could never die.”*

This is the prime reason for his activeness behind protests and campaigns against the corrupt practices going viral in AWK University Mardan. They said that Mashal was a brave man, but he had become silent after he joined AWK University. Nevertheless, whenever he got the chance, he would speak up against the injustices of society.

With particular reference to the relevance of blasphemy and blasphemy laws to his murder, his family stated that they are not against the blasphemy laws, as Islam is a religion of peace, and there is no possibility of flaw in its teachings or orders.

In Mashal’s case, blasphemy was used as a last resort because previous attempts-to-murder by his enemies had failed. The writers of the script needed a solid basis to instigate people to kill Mashal and there could be no better justification than blasphemy charges due to the sensitivity of the issue.

On December 24<sup>th</sup>, 2016, Mashal stated that there is a fake Facebook account created in his name and he

disowns it and any content posted through it. This was probably the starting point of the vicious murder plan which was laid down to trap Mashal.

Mashal's father is of the view that his interview with AVT Khyber, in which he pointed out the corrupt practices of university Provost, Fayyaz Ai Shah, and the political affiliations and under-qualification of lecturers, was the last nail in the coffin. The hundreds of people who worked on private 'hujras' of influential political leaders were given jobs inside the university only for the sake of their political loyalties. These were the people who decided that it was finally time to silence Mashal's voice before it reached the rest of the country and exposed the "politico-criminal brotherhood of Pakistan".

Iqbal Khan added that Provost Fayyaz Ali Shah released the official notices for the killing of Mashal Khan and it was not just university students that day who attacked Mashal; men were brought inside university vans to increase the size of the mob so that the real culprits could camouflage in the swarm.

*"The main negative character in the murder was played by Pakhtoon Student Federation.", Iqbal Khan named specifically.*

Even his roommate Abdullah, was forced to accuse Mashal of blasphemous statements, to which he refused and was beaten. A hundred and ten policemen present on the crime scene made no effort to rescue Mashal. The murder was so painful that Mashal's body came home unidentifiable. He was recognized by a birthmark on his left arm. When his mother kissed his hands, his bones were all broken.

*"He was a strong man", recalled his father, "so they could not push him. Hence, they first brought him down with gunshots, then took off his clothes and tortured and mutilated his dead body."*

They were also about to burn his body but then the situation was somehow brought under control. The local councillor who inflamed the mob's sentiments against alleged "Gustakh-e-Rasool Mashal Khan", is still

missing and has not been arrested to date.

When asked if they believe in the strength of the criminal justice system of Pakistan, Iqbal Khan smirked helplessly and said that they cannot even go to Mardan to pursue the case due to security issues. They are constantly appealing to shift the case proceedings to Peshawar, as powerful Khans of Mardan are involved in this event.

*“My son cannot come back, but all we want is that such callousness does not repeat with other Mashals in Pakistan.”*

Most of the eyewitnesses are hiding, including Mashal’s friend Abdullah and his professor Zia Hamdard. The hostel security guard, a decent and educated man called Engineer Ali Nawaz, first eye witness, was also attacked by the murderers of Mashal Khan, when he was on his way to the university on his bike. On the contrary, Iqbal Khan claims that the criminals are being given all the luxuries of life in the jail.

*“They have simply been shifted from one hostel to another.”*

Iqbal Khan believes that there are civilized robbers and bandits in every political party of Pakistan, which is why no party is openly announcing their sympathy for the family of the deceased, except a local wing of Awami Workers Party in Swabi.

Moreover, he believes that majority of universities in Pakistan, including AWK University are institutes of commercial education where education is sold as a business; it is neither purposeful nor implementable.

When he was asked why our nation is so easy to instigate, and why the calls for killing alleged blasphemers publicly have become so popular, Iqbal Khan, a poet and humanist himself, explained that Pakistan was a peaceful country before the period of Martial Law in 1980’s.

*“People never had doors or windows in their homes and only covered their entrances with curtains or sheets. But with the intervention of Pakistan in “foreign wars”, the fire came inside our own country and led to the rise of extremist religious elements who have nothing to do with the true message of Islam.”*

*“The one who does not have a beard is kafir, the one who does not wear his shalwar above the ankles is kafir, and the one who does not wear a turban is kafir. Do you think this kind of indoctrination can produce tolerant and stable individuals?”, he added.*

Iqbal Khan has named all of his children after light and believes that they will carry this light into the world and put an end to extremism and injustice. He states, that his children, Stories, Saba and Aimal Khan will knock at the doors of international courts and pursue Mashal’s case there.

“Mashal is not just my son. Mashal is a forum for education, now named as Shaheed Mashal Forum Lower Jirga, where we talk about education and human rights. Mashal means Light, light of education, from my children and you, will eradicate darkness.”

Iqbal Khan expressed sadness about the fact that an FIR has not been launched by the university yet, nor has the Minister for Education, KPK, visited Mashal’s family to express his resentment against the vicious assassination.

He has little hopes from the ruling party in KPK but looks forward to garnering the support of the party of martyrs, PPP. He requests Senator Raza Rabbani and Opposition Leader Khursheed Shah to pursue the case in Supreme Court. He has also requested the National Accountability AWK University and investigate the corruption charges placed on them by Mashal.

In his final message to the younger generation, he said the state should be separated from religion so that religion is not used as an excuse to kill people for political vengeance. He expressed that the life and

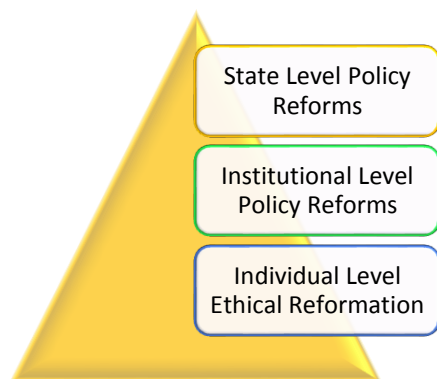
protection of an educated child is more sacred than education itself, for which the state must take positive steps i.e. to revive the education system, to make education uniform, accessible, implementable and purposeful and to help bring peaceful and progressive minded people to the forefront of leadership.

## 11 RECOMMENDATIONS

The findings of this research confirm the claim that blasphemy laws of Pakistan are widely misunderstood and misused as an excuse for extra-judicial killing, and personal and political vengeance. Myriad of socio-economic and political factors contribute to the exploitation of such laws, including a lack of education and awareness, coupled with rising intolerance and extremism in our society.

An overarching policy framework is required to address the issue at individual, institutional and state levels. This framework largely depends on the role of the state which can power institutional level and individual level changes in order to control and eradicate the misuse of blasphemy as a tool of personal and political vengeance and to inculcate the correct knowledge and understanding of the subject in all socio-economic segments of the society.

Hence, true transformation of the society lies at the interplay of policy changes on behavioural, institutional and state level.



## **STATE LEVEL POLICY REFORMS:**

For sensitive issues like Blasphemy, change begins at the state level because the role and authority of the state is extensive and vast, and it is crucial in influencing social change on a countrywide level. The state must play an active role in the investigation and conclusion of Blasphemy cases, the absence of which encourages people to take the law in their own hands. If the state can ensure that Blasphemy cases are brought to the police and courts, then people will have confidence in the deliverance of justice.

With a strong judiciary citizens can get their basic right of justice, criminals can be severely punished and the likely criminals can be discouraged. For this purpose, the state should:

- 1) Ensure the safety and security of judges, lawyers, defendants, prosecution and case relevant parties who are under threat when involved in blasphemy case proceedings
- 2) Improve investigation techniques, timely submission of the due reports by the investigation team and administration of fair trial procedures.
- 3) Safeguard the implementation of the law in true spirit and take strict action against those who levy false allegations of blasphemy, instead of nullifying the law
- 4) Create alternate social welfare mechanisms and institutions to accommodate and nourish families who are financially weak and must send their children to Madrasas for the sake of financial support and education ('kifalat').
- 5) Invest in the social sector, especially free and compulsory matriculation level education so that the whole population can have access to equal educational opportunities
- 6) Depoliticize educational institutions and their administrations by banning student union politics, and by setting board of directors and regulatory bodies for oversight and regulation



- 7) Institutionalize and regulate the Friday sermon, Eid Sermon and issuance of Fatwas at the state level, as is done in Saudi Arabia (where the cases of blasphemy are almost none), so that religious extremists in the local mosques and seminaries can be prevented from brainwashing and exploiting the naivety of local populations
- 8) Establish a platform for interfaith and intersect dialogue to develop common understanding and tolerance on such subjects
- 9) Regulate the Mass media, that includes the newspaper, radio, television and social media so to positively highlight key societal issues and control extremism, incitement and sensationalism in news reporting

Using its strong writ, the state must give a loud-and-clear message to the world about the criminalization of Blasphemy against any religion, as well as the illegalization of misuse of Blasphemy as a tool of political or personal vengeance. This is possible by ensuring that blasphemy cases get resolved and the criminals, whether blasphemers or false accusers, get the deserved punishment for trying to create chaos within the state.

#### **INSTITUTIONAL LEVEL POLICY REFORMS:**

By institutions we mean educational institutions. Since, the primary source where the general public, especially the poor gain knowledge relating to blasphemy, are the madrassas/masjids, it is hence essential to regulate such institutions.

The government should make sure that the religious scholars in these places are qualified and competent for their position, whether they are backed by any political party or not, whether the quality of education that is being given is adequate and according to the real teachings of Islam. For this purpose, a regulatory body should be made that specifically regulate the madrassas.

Education and awareness is of paramount importance to social problems like these. Blasphemy laws are exploited because people are generally less educated, and specifically unaware of the importance and nature of the religious and legal aspects of blasphemy laws.

Hence, there is a need for reforming the syllabus taught in schools, colleges, universities and even the madrasas. Blasphemy laws should be taught in these educational institutions as part of their school curriculum to create awareness and address misconceptions regarding it so that it does not become a taboo. Students should be educated on the contextual and theoretical framework of blasphemy laws in Islam (considering the Quran and Sunnah of Prophet S.A.W).

### **INDIVIDUAL LEVEL ETHICAL REFORMATION**

It is interesting to note that the trend of crime and propaganda is increasing day by day. Not only Blasphemy, but other grievous crimes such as murder, assault, money-laundering, property theft and terrorism are on the rise too. This reflects that a society is going through a total downfall in its moral standards, which means that it can be remedied only through ethical training.

It has been observed that religious issues like blasphemy stem from the poor understanding and knowledge of the religion itself. Hence, Scholars suggest that our nation, specifically Muslims, should study religion in a profound and complete manner rather than accepting certain parts of it and rejecting others. We must acquire knowledge about issues such as Blasphemy, in order to make informed judgements about the right and the wrong, and to put this knowledge to the service of the community.

The behavioural aspect of the issue at hand refers to the intolerance and religious extremism that is present among the citizens of Pakistan. It is often viewed as one of the major issues that lead to the misuse and exploitation of such laws often by people to get any political advantage or achieve an ulterior motive. It is thus suggested that individuals, from a young age, should be taught values of acceptability, fraternity and tolerance towards heterogeneous viewpoints. Also, controversial and sensitive topics should be discussed

among parents, teachers and children to clear out misunderstandings and increase awareness regarding the subject at an early stage. Personality building on an individual will supplement and counterbalance institutional and state level policy reforms, as the role of the community is essential in solving social problems.

Do Nothing/ Status Quo		—	+	—	—	—
State Level Reforms		+/_	+	+	+	+
Institutional Level Reforms		—	+/_	+	+	+/-
Individual Level Reforms		—	—	+	+	+/_
Criteria		Political Feasibility	Administrative Feasibility	Equity	Social Impact	Legal Impact

## Analysis of Recommendation

### Heuristics to Assess Competing Policy Options

This chart focuses on the problem of blasphemy, offering four possible policy options to control the misuse of blasphemy law :(1) Do Nothing/ Status Quo, (2) State Level Reforms, (3) Institutional Level Reforms, (4) Individual Level Reforms. The chart then evaluates on the whole positive and negative outcomes associated with each possible solution to divulge the dominant recommendation. We have diversified the original PEST chart to PAESL chart which shows that though all options have positive social impact, but the state level recommendations predominates all other options. State level meets the

bar of administratively feasible, and equitable to all options, as well as strong in social and legal impacts. The political feasibility, however, shows the only negative against the dominant recommendation. This is of great significance and it will bear great discussion for our presentation.

### Stakeholders Chart

Do Nothing/ Status Quo	+	-	+/-	-	-
State Level Reforms	+	-	+/_	+/_	-
Institutional Level Reforms	-	-	+/_	+	+
Individual Level Reforms	-	-	+	+	+
Criteria	Lawyers/ Judges	Politicians	Islamic Scholars	Public	Madrassas

# SWOT ANALYSIS



## 12 CONCLUSIONS

The issue of blasphemy is complex in two ways- one, there is a lack of understanding on the subject, and two, there is reluctance to make constructive debate and discussions on the subject. This is further aggravated by the fact that most of the studies on blasphemy originate in the Western World and very few studies from the Islamic World due to which we are ill-equipped in our defence against global misconceptions. As a result, blasphemy remains as an unresolved, ‘untouchable’ mystery, ready to be exploited by those who need loopholes to exercise negative agendas against persons, communities and nations.

This paper is a breakthrough in research on the issue of Blasphemy, as it shatters the silence that persists in our community. Through quantitative research methodology, this study encouraged the public to express their opinions and then through its qualitative component, it synthesized an infinite body of dispersed knowledge from high-profile scholars, lawyers and jurists in one place.

It is an issue that impacts all of us- the researchers of this thesis, its readers and those who might never know that such a study was conducted. Nevertheless, it is a comprehensive work on the legal aspect of blasphemy laws, along with the human rights aspect. If implementation is done upon the recommendations made in the end of the paper, a positive social change can be commanded by the state and the nation of Pakistan.

It is necessary to reiterate the research questions here- what are blasphemy laws; why are these laws necessary for the protection of religious sentiments and of the state (against external aggression and propaganda); and why are these laws misused as an excuse for extrajudicial killing or seeking vengeance? We discovered in depth, the historical, legal and religious context of blasphemy laws in Pakistan, and established a few facts based on rigorous quantitative and qualitative analysis:

- 1) Blasphemy Laws are necessary for the prevention of conspiracy against the state

- 2) Blasphemy Laws are used as an instrument of personal and political vengeance
- 3) The misuse of Blasphemy Laws is an issue of extremism, not an issue of law
- 4) The issue of misuse can be remedied using a comprehensive policy framework

This study equips the readers with preliminary yet precise information on Blasphemy Laws of Pakistan, which they can consult in order to form informed judgements and to analyse real world situations objectively.

It also poses a challenge- can we as a society overcome the rising extremism and misuse of Blasphemy Laws in Pakistan? Can we as Muslims persuade the global community to see the necessity and positive use of Blasphemy Laws and discourage them from weakening the principles of Islam?

## 13 APPENDICES

### 13.1 APPENDIX 1 A: INTERVIEW QUESTIONS MATRIX

Question Focus	Interview Questions
<b>Behaviours/Experiences</b>	<ol style="list-style-type: none"> <li>1. Please tell us about your son, his likes, dislikes, interests and hobbies.</li> <li>2. What kind of a student was he? Inquisitive, brilliant, enthusiastic, eager to learn or open to new ideas?</li> </ol>
<b>Opinions/values</b>	<ol style="list-style-type: none"> <li>1. Why is it necessary to have a law on blasphemy?</li> <li>2. Do you think that there is a possibility of changing or mitigating the law of blasphemy?</li> <li>3. What should be done to control the misuse of Blasphemy Charges? Please give us some policy recommendations.</li> <li>4. Do you think this law protects the minority in Pakistan?</li> <li>5. What were Mashal Khan views about religion? Did you ever find him questioning the orthodox customs of our society?</li> <li>6. What do you think were the exact reasons behind his cold-blooded murder?</li> <li>7. Who according to you are the culprits of the incident, and what punishment do you wish to see them receiving from the court of justice?</li> <li>8. What are the reasons behind misuse of blasphemy charges in Pakistan? Why is the trend increasing?</li> <li>9. Do you think the judiciary and criminal justice system of Pakistan is strong enough to deliver justice without being succumbed to political pressures?</li> <li>10. Being an educated and open-minded person, we would like you to give us recommendations on how the rising extremism in our society can be controlled and turned into tolerance, constructive criticism and exchange of ideas, and how the understanding of blasphemy laws can be improved within the public.</li> </ol>
<b>Feelings/emotions</b>	<ol style="list-style-type: none"> <li>1. Before Mashal's tragic murder, did you notice any events or a change in your son's behavior that you think seemed different, abnormal or extraordinary? Did he share anything unusual with you?</li> </ol>



<b>Knowledge</b>	<ol style="list-style-type: none"> <li>1. What is the process of investigation of the crime as defined by the law (CRPc)?</li> <li>2. Which courts can conduct trial for blasphemy cases? Please illustrate the trial procedure.</li> <li>3. What punishments are prescribed in Pakistani law for the crime?</li> <li>4. What are the origins of Blasphemy Laws in Pakistan and how has it evolved or changed historically?</li> <li>5. What can be the procedure to lead and create change in blasphemy law, if there is a possibility for change?</li> <li>6. Which laws/sections can be applied to punish people who bypass the law and illegally kill an alleged blasphemer (e.g. Mashal Khan and Salman Taseer)</li> <li>7. What are the different interpretations of the law according to different fiqh?</li> <li>8. Please explain the Islamic component of the law i.e. 295C (what and how much have we borrowed from the rulings of Quran/Hadith/Ijma/Qiyas to create Blasphemy Laws of Pakistan and how has the law evolved into its contemporary form?</li> <li>9. Can the blasphemer be pardoned?</li> <li>10. If a person passes bad comments for Hazrat Muhammad's wives, what is the punishment for such a person? (Capital punishment in this case too?)</li> </ol>
<b>Sensory</b>	<ol style="list-style-type: none"> <li>1. Is there any case in which a Muslim committed blasphemy by passing bad comments about another religion?</li> </ol>

### Expert Questions - Analysis

- **Why is it necessary to have a law on blasphemy?**

The question aimed at asking the legal experts (lawyers and Judges) as well as the religious scholars (Ulema) about the necessity, importance and purpose of the law in light of their knowledge and expertise.

The religious scholars answered with respect to the Islamic injunctions (The Holy Quran and Sunnah P.B.U.H) and the lawyers gave their opinions based on the legal footing of this law.

- **Do you think that there is a possibility of changing or mitigating the law of blasphemy?**

It was asked from the lawyers/Judges whether there this a need or any prospect, in their opinion, for the amendment of the blasphemy law to address any loopholes in it, which might be the cause of misuse and exploitation. They replied that the law is comprehensive and clear, but it is the uneducated and unaware public that tend to misinterpret it and hence, exploit it.

- **What should be done to control the misuse of Blasphemy Charges? Please give us some policy recommendations.**

The question again was directed to both the religious and legal experts, to seek their advice and opinion on how to mitigate and prevent the law being misused. Backing by their valuable experiences and knowledge, the experts recommended short term as well as long term policy recommendations for both the public and the government to implement at the individual and national level, respectively.

- **Do you think this law protects the minority in Pakistan?**

Giving the interviewer, their views and opinion, the Ulema and the Lawyers/Jurists stated that the law serves a societal as well as religious purpose. The religious aspect ensures that none of the individuals should harm or defame any religion and its followers, whereas the legal aspect or societal purpose is to establish harmony and stability in the society, where the basic fundamental rights of all the individuals (majority and minority) shall be protected and valued.

- **What are the reasons behind misuse of blasphemy charges in Pakistan? Why is the trend increasing?**

This interviewer wanted to get to know, what the experts believed to be the reasons behind the worsening of this issue. It was an attempt to figure out the key issues according to the interviewee that are fuelling the violence related to blasphemy cases.

- **Do you think the judiciary and criminal justice system of Pakistan is strong enough to deliver justice without being succumbed to political pressures?**

This opinion-based question asked the legal experts their views regarding the strength and performance of the judiciary in this particular case. Whether there is any sign of politicization present in the judiciary and if it one of the major issues that is leading to the misuse of the blasphemy law.

- **Is there any case in which a Muslim committed blasphemy by passing bad comments about another religion?**

This was a sensory oriented question that was asked from the lawyers/judges whether they came across any incident that involved a Muslim blasphemer defaming another religion. The question aimed to analyse the number and frequency of occurrences of such incidents where a Muslim desecrates any religion other than Islam, as compared to the frequency of incidents that involve an individual defaming the religion 'Islam'.

- **What is the process of investigation of the crime as defined by the law (CRPc)?**

This was a knowledge based question that was asked from the legal experts to inform the interviewer of the systematic criminal procedure for the crime of blasphemy as stated in the legal documents i.e. the Code of Criminal Procedure of Pakistan.

- **Which courts can conduct trial for blasphemy cases? Please illustrate the trial procedure.**

The interviewer wanted to know the kind of court that deals with blasphemy cases and the details of the trial procedure with the aim of identifying any key issue areas (if present) in the legal procedure.

- **What punishments are prescribed in Pakistani law for the crime?**

The question was asked to find out what punishment was given to the blasphemers according to the country's law and to check whether the prescribed punishment is in accordance Islamic principles since the law claims to be based on the Quranic and Ahadith injunctions.

- **What are the origins of Blasphemy Laws in Pakistan and how has it evolved or changed historically?**

The interviewer asked the interviewee to impart his knowledge and the relevant information regarding the inception and evolution of the blasphemy laws. In what context were the laws promulgated and for what purpose the aim of the question was to educate oneself regarding the history of the blasphemy law.

- **What can be the procedure to lead and create change in blasphemy law, if there is a possibility for change?**

This question again was asked from the lawyers to outline the proper procedure for suggesting and carrying out an amendment to the blasphemy law or any law for that matter so that the interviewer could be educated about the legal procedure for carrying out such act.

- **Which laws/sections can be applied to punish people who bypass the law and illegally kill an alleged blasphemer (e.g. Mashal Khan and Salman Taseer)**

The question attempted to figure out the punishment that is given to a person according to the law, who disregards the law by taking it in his/her own hands and killing another individual on blasphemy allegations.

- **What are the different interpretations of the law according to different fiqh?**

This knowledge based question was asked from the religious scholars to inform the interviewer of the different type of schools of thought that are present in the religion of Islam and how they interpret this law. Whether they have a consensus on the punishment of the blasphemer or they differ in some regards. The purpose was to find out any conflict that is present among the differing schools of thought that causes ambiguity regarding the blasphemy law and hence leads it to its misuse.

- **Please explain the Islamic component of the law i.e. 295C (what and how much have we borrowed from the rulings of Quran/Hadith/Ijma/Qiyas to create Blasphemy Laws of**

### **Pakistan and how has the law evolved into its contemporary form?**

This question directed to the lawyers and judges who have the legal knowledge of the making of the law, was asked to explain the extent to which the blasphemy law incorporates the Islamic teachings and whether the law was edited along the way to bring it in more conformity with the Islamic teachings. This was a repetitive question in a way that again involved the discussion on the evolution of the law through the course of history.

- **Can the blasphemer be pardoned?**

The interviewer wanted to know whether the crime is pardonable both in the Islam as well as according to the law of the country.

- **If a person passes bad comments for Hazrat Muhammad's wives, what is the punishment for such a person? (Capital punishment in this case too?)**

The question was asked from the experts to inform the interviewer; in light of their expertise and knowledge, whether the same punishment is given to the person who blasphemes the wives or companions of the prophet (P.B.U.H.)

### **MASHAL KHAN CASE ANALAYSIS**

- **Please tell us about your son, his likes, dislikes, interests and hobbies.**

This behavioural based question was asked to get an idea of the kind of views, principles and values that Mashal held so that any underlying theme could be identified. Behavioural type questions seek to study the behaviour, the experiences, actions and activities of an individual.

- **What kind of a student was he? Inquisitive, brilliant, enthusiastic, eager to learn or open to new ideas?**

This leading question helped the team to retrieve more information from the family of the deceased

regarding Mashal's personality by narrowing down the question to his academic performance. This another behavioural question was asked with the purpose of examining his personality traits.

- **What were Mashal Khan's views about religion? Did you ever find him questioning the orthodox customs of our society?**

The idea behind asking this opinion based question was to find out controversial views (if any) of Mashal, pertaining to religion so that any link (if present) could be identified that led to his killing on the allegation of blasphemy. The question helped to highlight the opinions, the interpretation and judgment of the family regarding Mashal's views.

- **What do you think were the exact reasons behind his cold-blooded murder?**

The question was asked to identify the possible reasons (according to the family) that led to Mashal's killing. The question again helped to discover the views, opinions of the interviewee in relation to his/her past experiences regarding the subject under discussion.

- **Who according to you are the culprits of the incident, and what punishment do you wish to see them receiving from the court of justice?**

The question was asked to find out who were the likely culprits behind this incident, in the eyes of the family and what punishments do they want for the criminals. The idea behind asking the opinion based question was to understand their (family's) perspective, opinions and expectations with respect to the incident.

## QUANTITATIVE QUESTIONNAIRE ANALYSIS

Question Focus	Interview Questions
<b>Behaviours/Experiences</b>	1. What will be your reaction if you hear or read blasphemous statements?
<b>Opinions/values</b>	2. Are blasphemy laws applicable for the protection of non-Muslims living in Pakistan? 3. What is the purpose of blasphemy law according to you? 4. In your opinion, is Blasphemy a pardonable offense? 5. Do you think it is justifiable to bypass the law and punish/kill an accused blasphemer in public? 6. Should the same punishments be applied to those who blaspheme against other religions? 7. In your view, should the intentions or mental of the accused person be considered during the trial? 8. In your opinion, do blasphemy laws suppress a citizen's freedom of speech and expression? 9. What do you think are the causes of abuse of blasphemy charges in Pakistan? 10. Do you believe there is a need for a universal blasphemy law? 11. What should be the way forward?
<b>Feelings/emotions</b>	12. Do you feel comfortable in discussing blasphemy law in public?

<b>Knowledge</b>	<p>13. What do you think is the definition of blasphemy according to the Constitution of Pakistan?</p> <p>14. In your view, what are the punishments for committing blasphemy in Pakistan?</p> <p>15. Which agencies or institutions can play a positive role in preventing and controlling the misuse of blasphemy charges for personal/political vengeance?</p>
<b>Sensory</b>	<p>16. Have you ever witnessed someone committing blasphemy?</p>

- **What will be your reaction if you hear or read blasphemous statements?**

This is a behavior based question in order to discover what both the educated/uneducated, muslims/non-muslims' immediate reaction is when they hear blasphemous statements which aims to determine people's behaviors, actions, experiences and response towards such incident.

- **Are blasphemy laws applicable for the protection of non-Muslims living in Pakistan?**

The purpose of asking this opinion oriented question is to get an idea of what people think, what is their understanding and interpretation of the law. Whether it is Muslim centric or does it protect the religious sentiments of each and every person (irrespective of their religion or faith). To observe both Muslims and minorities' opinion about the blasphemy law and whether or not they think that it is discriminatory.

- **What is the purpose of blasphemy law according to you?**

This is to be asked, so as to know what people really think about the blasphemy law and to what extent do they know about the blasphemy law currently existing in Pakistan Penal Code. It was important for our research to ask this question in order to solicit the opinion of the general public about their awareness of the blasphemy law.

- **In your opinion, is Blasphemy a pardonable offense?**



This question will help us understand how many people are pro-Blasphemy Laws or Anti-Blasphemy Laws.

- **Do you think it is justifiable to bypass the law and punish/kill an accused blasphemer in public?**

The question helps us to get to know how many individuals respect the law, what they think about the actions of people bypassing the laws in order to determine how many individuals in our sample population are tolerant and do not promote extremism by taking the law into their own hands.

- **Should the same punishments be applied to those who blaspheme against other religions?**

This question gives an idea of the extent as to what population of our sample size respects religions other than Islam.

- **In your opinion, do blasphemy laws suppress a citizen's freedom of speech and expression?**

This refers to whether the interviewee considers the blasphemy law as a violation or hindrance to the freedom of speech laws of the country. This in turn helps to gauge whether the respondent is aware of the real demarcations between freedom of speech and blasphemy law.

- **In your view, should the intentions or mental illness of the accused person be considered during the trial?**

This question aims to determine whether the individual either Muslim or non-Muslim considers intentions and mental instability as relevant factors regarding the Blasphemy trial or not..

- **What do you think are the causes of abuse of blasphemy charges in Pakistan?**

This question aims to identify the likely causes of misuse of the law and use that information to formulate recommendations regarding the abuse of blasphemy laws.

- **Do you believe there is a need for a universal blasphemy law?**

Since some international agencies consider Blasphemy law against human rights of an individual.

This question will indicate whether people think there should be such laws to protect the religious beliefs or indeed these laws are against the fundamental rights of a human being.

- **What should be the way forward?**

This question will help us understand the public view about the resolution of the issue of blasphemy. Through incorporating the public's stand viewpoint we were able to develop a better suited policy for this issue.

- **Do you feel comfortable in discussing blasphemy law in public?**

The purpose of asking this question was to judge and assess the feelings of the individuals in order to determine how many of them were comfortable and how many were reluctant to discuss this issue in public due to the associated sensitivity of the topic as well as it being a taboo.

- **What do you think is the definition of blasphemy according to the Constitution of Pakistan?**

This question focused on assessing the knowledge and gaining insight into how informed were the respondents about the legal facts of the Blasphemy law. The quality of the response did not lie in the individual's' feelings or opinions but on the information that they had acquired through their knowledge on the subject and awareness regarding legal definition of the law.

- **In your view, what are the punishments for committing blasphemy in Pakistan?**

This question gave an idea as to how many people know and are informed about the various punishments accorded for committing blasphemy in Pakistan.

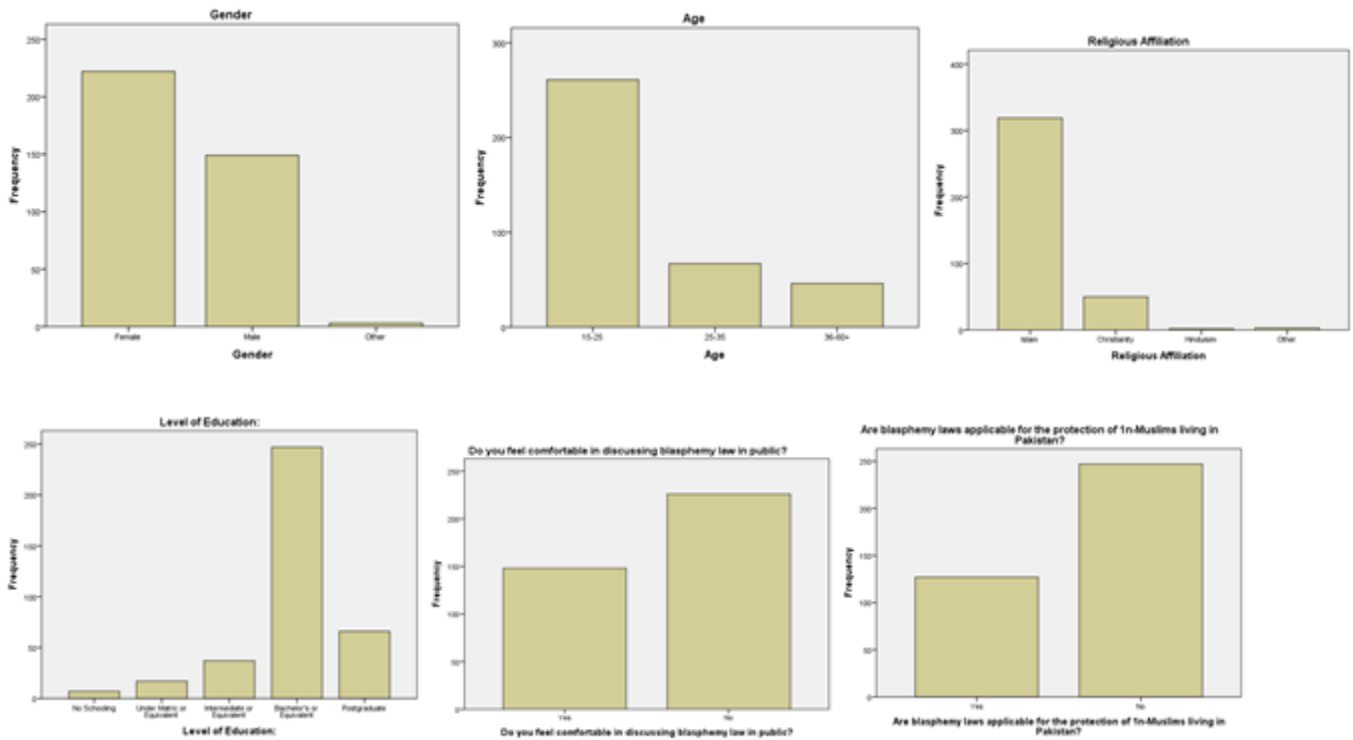
- **Which agencies or institutions can play a positive role in preventing and controlling the misuse of blasphemy charges for personal/political vengeance?**

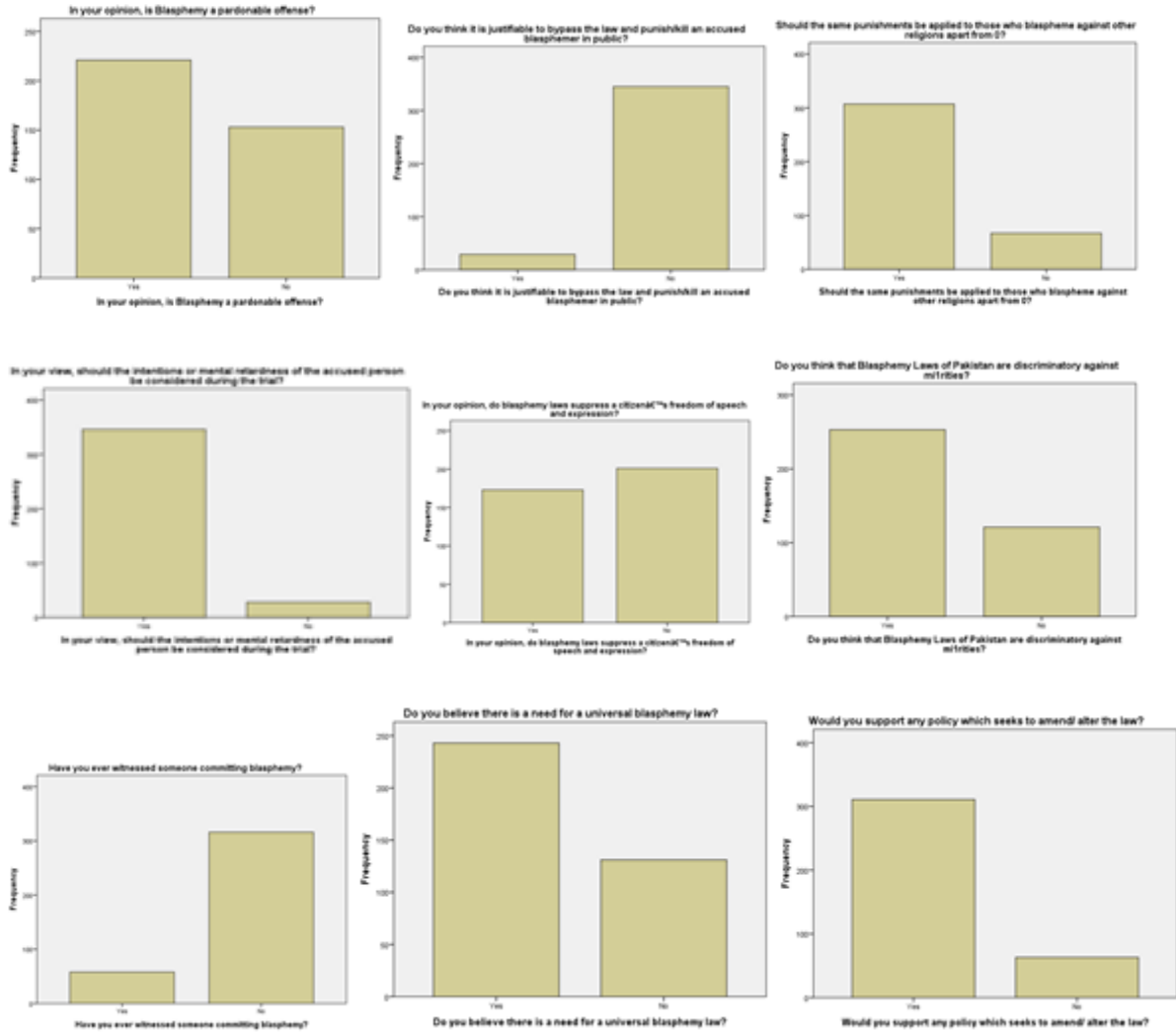
This question helped us underpin the important state institutions that could play a part in curbing the violence relating to blasphemy by drawing upon the knowledge and information provided by the respondents.

- **Have you ever witnessed someone committing blasphemy?**

To gather information about how many people had witnessed someone committing blasphemy, we asked this question to draw upon the respondent’s senses; what had they seen or heard as well as to describe the stimuli in order to capture the experience of their witnessing the phenomenon of blasphemy.

### 13.2 APPENDIX 1 B: SURVEY QUESTIONNAIRES DATA ILLUSTRATIONS





### 13.3: APPENDIX 2: NVIVO DATA

	A	B	C	D	E
1	Organization	Industry	ORGANIZATIONS	Sector	Size
2	Cases\ORGANIZATION	MADRASA	AL-KHALIL QURAN COMPLEX,	RAWALPINDI	HUGE
3	Cases\ORGANIZATION 10	Think Tank	Christian Thinkers Forum Pakistan	Lahore	HUGE
4	Cases\ORGANIZATION 11	Law	Lahore High Court	Lahore	HUGE
5	Cases\ORGANIZATION 2	Law	Lawyer's Chamber	SATELLITE TOWN, RAWALPINDI	Medium
6	Cases\ORGANIZATION 3	MADRASA	IDARA MINHAJ UL HUSSAIN	Lahore	HUGE
7	Cases\ORGANIZATION 4	UNIVERSITY	Sheikh Zayed Islamic Centre	University of the Punjab	HUGE
8	Cases\ORGANIZATION 5	UNIVERSITY	Institute of Islamic Studies	University of The Punjab, Lahore	HUGE
9	Cases\ORGANIZATION 6	UNIVERSITY	Institute of Islamic Studies	University of the Punjab	HUGE
10	Cases\ORGANIZATION 7	UNIVERSITY	BahauddinZakariya University	Multan	HUGE
11	Cases\ORGANIZATION 8	MADRASA	JamiaAshrafia	Lahore.	HUGE
12	Cases\ORGANIZATION 9	UNIVERSITY	International Islamic University	Islamabad	HUGE

	A	B	C	D	E	
1	Person	Age Group	Country of Birth	Email address	Name	Occupation
2	Cases\\CASE 7	40-65	Pakistan	Not Applicable	FaheemThanviSahab, Chairperson Jar	Ulemas
3	Cases\\CASE 1	40-65	Pakistan	Not Applicable	Hafiz Naseem Khalil	Ulema
4	Cases\\CASE 10	40-65	Pakistan	Not Applicable	Chaudhry Kashif Naimat	Lawyer
5	Cases\\CASE 2	40-65	Pakistan	Not Applicable	HAFIZ SA RAHMAN	Lawyer
6	Cases\\CASE 3	40-65	Pakistan	Not Applicable	Allama Akbar Hussain	ALAM/ MUFTI
7	Cases\\CASE 4	40-65	Pakistan	Not Applicable	Dr. Saad Siddiqui	Teacher
8	Cases\\CASE 5	25-40	Pakistan	Not Applicable	Professor Dr. Hassan Madni,	Teacher
9	Cases\\CASE 8	40-65	Pakistan	Not Applicable	Dr. NaseemRazi	Teacher
10	Cases\\CASE 9	40-65	Pakistan	Not Applicable	RIAZ ANJUM	Lawyer
11	Cases\\CASE6	40-65	Pakistan	Not Applicable	Dr. Abdul QuddoosSohaib	Teacher
12	Cases\\INTERVIEWER NO 1	18-25	Pakistan	aimansaeed17@gmail.com	Aiman Saeed	Student
13	Cases\\INTERVIEWER NO 2	18-25	Pakistan	aaishatabeer1@gmail.com	Aaisha Tabeer	Student
14	Cases\\INTERVIEWER NO 4	18-25	Pakistan	zuhamujib1995@gmail.com	Zuha Mujib	Student
15	Cases\\INTERVIEWER NO 5	18-25	Pakistan	shamsa001234@hotmail.com	Shamsa Saleem	Student
16	Cases\\INTERVIEWER NO 6	18-25	Pakistan	humza.a.barlas@gmail.com	Hamza Ahmad Barlas	Student
17	Cases\\INTERVIEWERNO 3	18-25	Pakistan	syedaridajuniad@gmail.com	Rida Junaid	Student

## Relationships

From Name	Type	To Name
295C and its abolition	Associated	Blasphemy and Apostasy are equal\295 C and protection of mino
Apostasy and killing	Symmetrical	Blasphemy and Apostasy are equal
Behaviour change, positivism and diminishing extremism	Symmetrical	Forgiveness in Islam
Blaphemy law and pardon	Associated	Blasphemy and Apostasy are equal
Blaphemy law and pardon	Pardon	CASE 1
Blasphemers were punished in the life of the HOLY PROP	Associative	Blasphemy, a political tool
Blasphemy and Apostasy are equal\295 C and protection	One Way	Blasphemy, a discriminatory law
Blasphemy law is a fair law	Associated	Blasphemy law and its misuse
Blasphemy, a discriminatory law	One Way	MINORITIES BLASPHEMY CASES
Blasphemy, a political tool	Associated	Extra judicial killing is equal to the law of Qasas or Diyat
Blasphemy, Capital punishemnt and the consensus of all s	Associated	Capital punishemnt must be announced by the courts
EXPERT INTERVIEWS BPA 2K13	RELATIONSHIP 1	Mashal Khan's Case
Extremism & discontent	Symmetrical	False accusations of blasphemy and punishments
False accusations of blasphemy and punishments	Symmetrical	Increase in blasphemy charges against minorities
Imams have different agendas	Symmetrical	Divison in Islamic society leads to anarchy
Iman Abu Hanifa on blasphemy	Symmetrical	Punishing Illiterate People
Ismail Qureshi Vs. The Government of Pakistan	Symmetrical	Blasphemy law and its misuse\295C and all fiqhs of Islam
Position of Imam	Symmetrical	Sowing of discord by Imams
The role of intention and blasphemy	Associated	Iman Abu Hanifa on blasphemy
Weak Judiciary and flawed processes	One Way	The university administration and Mishal

## Nodes

Name	Sources	References
Zuha	1	1
Weak Judiciary and flawed processes	1	1
The university administration and Mishal	1	1
The trial of 295C and special courts	1	1
The stoppage of misuse of blasphemy law	1	1
The role of intention and blasphemy	1	4
The Islamic form of government	1	1
The investigation of 295C	1	1
The HOLY PROPHET(PBUH) and blasphemy	1	1
The evolution of 295C	1	1
Tauheen and Tanqeed	1	1
Strong Judiciary	1	1
State's right to initiate change in the Blaphemy law	1	1
State can suspend the capital punishment	1	1
Sowing of discord by Imams	1	1
Separation of State from Religion	1	1
Self education vs Imam	1	1
Security Threats	1	1
Rida	1	1
Repentance and forgiveness	1	1
Religious Extremism	1	1
Religion and law	1	1
Raising questions to clarify doubts	1	1

Name	Sources	References
Punishments of blasphemy and apostasy	1	1
Punishment of a blasphemer according to all fiqhs	1	1
Punishing Illiterate People	2	2
Punishment for enforced blasphemy	1	1
Position of Imam	1	1
Political loyalties of univeristy administration	1	1
Policy Recommendations by Interviewee no 8	1	2
Policy Recommendations by interviewee no 7	1	1
Policy Recommendations by Interviewee no 13	1	1
Non state authority and the blasphemer	1	1
Non Muslim States and Blasphemy laws	1	1
No Witness was found	1	1
No Racism	1	1
New Node (2)	1	1
New Node	1	1
Muslims are ordered not to blaspheme against other religions	1	2
Muslim state vs a non muslim blasphemer	1	1
Murtad and capital punishment	1	2
MINORITIES BLASPHEMY CASES	1	1
Mashal's murder was planned	1	2
Mashal means Light	1	1
Mashaal's family and political parties	1	1
Makkah Madina	1	1

Name	Sources	References
Lower courts vs High Courts	1	1
Lack of adequate knowledge	1	1
Ismail Qureshi Vs. The Government of Pakistan	1	2
Islam's social, economic and political systems	1	1
Increase in blasphemy charges against minorities	1	1
Iman Abu Hanifa on blasphemy	1	1
Imams have different agendas	1	1
Imams are not qualified	1	1
Ideologies	1	1
Humanism	1	1
Hadd and Tazeer	1	1
Forgiveness in Islam	1	3
Fiqh-Jafaria on blasphemy	1	1
False accusations of blasphemy and punishments	2	2
FALSE ACCUSATIONS AND RETRIBUTION	1	1
Fake facebook account	1	1
Extremism & discontent	1	1
Extra judicial killing is equal to the law of Qasas or Diyat	1	1
Division in Islamic society leads to anarchy	1	2
Difference of opinion among Fiqhs regarding repentance	1	1
Definition of 295 C	1	1
Defaming the HOLY PROPHET (SAW)	1	1
Corrupt Systems	1	1

EXPERT INTERVIEWS BPA    EXPERT INTERVIEWS BPA    Weak Judiciary and flawed pr    295C and its abolition (Associ    Person

	A : Name	B : Sex	C : Age Group	D : Occupation	E : Country of Birth	F : Email address
1 : CASE 7	FaheemThanviSahab, Chai	Males	40-65	Ulemas	Pakistan	Not Applicable
2 : CASE 1	Hafiz Naseem Khalil	Male	40-65	Ulema	Pakistan	Not Applicable
3 : CASE 10	Chaudhry Kashif Naimat	Male	40-65	Lawyer	Pakistan	Not Applicable
4 : CASE 2	HAFIZ SA RAHMAN	Male	40-65	Lawyer	Pakistan	Not Applicable
5 : CASE 3	Allama Akbar Hussain	Male	40-65	ALAM/ MUFTI	Pakistan	Not Applicable
6 : CASE 4	Dr. Saad Siddiqui	Male	40-65	Teacher	Pakistan	Not Applicable
7 : CASE 5	Professor Dr. Hassan Madn	Male	25-40	Teacher	Pakistan	Not Applicable
8 : CASE 8	Dr. NaseemRazi	Male	40-65	Teacher	Pakistan	Not Applicable
9 : CASE 9	RIAZ ANJUM	Male	40-65	Lawyer	Pakistan	Not Applicable
10 : CASE6	Dr. Abdul QuddoosSohaib	Male	40-65	Teacher	Pakistan	Not Applicable
11 : INTERVIEW...	Aiman Saeed	Female	18-25	Student	Pakistan	aimansaeed17@gmail.com
12 : INTERVIEW...	Aaisha Tabeer	Female	18-25	Student	Pakistan	aaishatabeer1@gmail.com
13 : INTERVIEW...	Zuha Mujib	Female	18-25	Student	Pakistan	zuhamujib1995@gmail.com
14 : INTERVIEW...	Shamsa Saleem	Female	18-25	Student	Pakistan	shamsa001234@hotmail.co
15 : INTERVIEW...	Hamza Ahmad Barlas	Male	18-25	Student	Pakistan	humza.a.barlas@gmail.com
16 : INTERVIEW...	Rida Junaid	Female	18-25	Student	Pakistan	syedaridajuniad@gmail.co

	ORGANIZATIONS	Sector	Size	Industry
1 : ORGANIZATI...	AL-KHALIL QURAN COMP	RAWALPINDI	HUGE	MADRASA
2 : ORGANIZATI...	Christian Thinkers Forum P	Lahore	HUGE	Think Tank
3 : ORGANIZATI...	Lahore High Court	Lahore	HUGE	Law
4 : ORGANIZATI...	Lawyer's Chamber	SATELLITE TOWN, RAWA	Medium	Law
5 : ORGANIZATI...	IDARA MINHAJ UL HUSSA	Lahore	HUGE	MADRASA
6 : ORGANIZATI...	Sheikh Zayed Islamic Centr	University of the Punjab	HUGE	UNIVERSITY
7 : ORGANIZATI...	Institute of Islamic Studies	University of The Punjab, L	HUGE	UNIVERSITY
8 : ORGANIZATI...	Institute of Islamic Studies	University of the Punjab	HUGE	UNIVERSITY
9 : ORGANIZATI...	BahauddinZakariya Univers	Multan	HUGE	UNIVERSITY
10 : ORGANIZA...	JamiaAshrafia	Lahore.	HUGE	MADRASA
11 : ORGANIZA...	International Islamic Univer	Islamabad	HUGE	UNIVERSITY

## Reports

Name

- Coding Summary By Node Report
- Coding Summary By Source Report
- Node Classification Summary Report
- Node Structure Report
- Node Summary Report
- Project Summary Report
- Source Classification Summary Report
- Source Summary Report

7/2/2017 5:26 AM

## Project Summary

### EXPERT INTERVIEWS BPA 2K13

7/2/2017 5:26 AM

Hierarchical Name	Item Type	Created By Username	Created On	Modified By Username	Modified On
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C:\Users\user\Documents

**Created By:** FINAL ANALYSIS

**Created On:**

## Last Modified By:

### Nodes

Nodes\\295C and its abolition	Node	user	6/21/2017 2:27 AM	user	6/21/2017 2:27 AM
Nodes\\A Muslim jidge vs a non muslim blasphemer	Node	user	6/21/2017 1:51 AM	user	6/21/2017 1:51 AM
Nodes\\Aaisha	Node	user	6/22/2017 12:29 AM	user	6/22/2017 12:30 AM
Nodes\\Actions speak louder than words	Node	user	6/22/2017 7:18 PM	user	6/22/2017 7:18 PM
Nodes\\Agreement of all Fiqhs on Capital Punishment	Node	user	6/21/2017 1:49 AM	user	6/21/2017 1:49 AM
Nodes\\AHLE-BAITE-RASOOL(SAW) and blasphemy	Node	user	6/21/2017 2:32 AM	user	6/21/2017 2:46 AM
Nodes\\Aiman	Node	user	6/22/2017 12:30 AM	user	6/22/2017 12:31 AM
Nodes\\Alleged	Node	user	6/21/2017 11:44 PM	user	6/21/2017 11:44 PM
Nodes\\Apostasy and killing	Node	user	6/21/2017 1:35 AM	user	6/21/2017 1:35 AM
Nodes\\Behaviour change, positivism and diminishing extremism	Node	user	6/22/2017 6:33 PM	user	6/22/2017 6:33 PM
Nodes\\Blaphemy law and pardon	Node	user	6/21/2017 1:30 AM	user	6/21/2017 1:30 AM
Nodes\\Blasphemers were punished in the life of the HOLY PROPHET(SAW)	Node	user	6/21/2017 2:44 AM	user	6/21/2017 3:48 AM
Nodes\\Blasphemy and Apostasy are equal	Node	user	6/21/2017 1:36 AM	user	6/23/2017 5:06 AM
Nodes\\Blasphemy and Apostasy are equal\\295 C and protection of minorities	Node	user	6/21/2017 2:34 AM	user	6/21/2017 2:34 AM
Nodes\\Blasphemy law and Islam's teachings are fair	Node	user	6/22/2017 7:19 PM	user	6/22/2017 7:19 PM
Nodes\\Blasphemy law and its misuse	Node	user	6/21/2017 1:40 AM	user	6/22/2017 12:24 AM
Nodes\\Blasphemy law and its misuse\\295C and all fiqhs of Islam	Node	user	6/21/2017 2:30 AM	user	6/21/2017 2:30 AM
Nodes\\Blasphemy law is a fair law	Node	user	6/21/2017 1:37 AM	user	6/21/2017 11:49 PM
Nodes\\Blasphemy, a discriminatory law	Node	user	6/21/2017 2:43 AM	user	6/21/2017 2:43 AM
Nodes\\Blasphemy, a political tool	Node	user	6/21/2017 2:43 AM	user	6/22/2017 7:20 PM

Reports\\Project Summary Report

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7/2/2017 5:26 AM

Hierarchical Name	Item Type	Created By Username	Created On	Modified By Username	Modified On
Nodes\\Blasphemy, Capital punishemnt and the consensus of all sects of Islam	Node	user	6/21/2017 1:41 AM	user	6/21/2017 1:41 AM
Nodes\\Bravery and silence	Node	user	6/22/2017 7:19 PM	user	6/22/2017 7:19 PM
Nodes\\Bypassing 295C	Node	user	6/21/2017 2:58 AM	user	6/21/2017 2:58 AM
Nodes\\Capital punishemnt must be announced by the courts	Node	user	6/21/2017 1:42 AM	user	6/21/2017 11:49 PM



Nodes\\Capital punishment and 295 C	Node	user	6/21/2017 1:40 AM	user	6/21/2017 1:40 AM
Nodes\\Corrupt Systems	Node	user	6/22/2017 7:17 PM	user	6/22/2017 7:17 PM
Nodes\\Defaming the HOLY PROPHET (SAW)	Node	user	6/21/2017 11:56 PM	user	6/21/2017 11:56 PM
Nodes\\Definition of 295 C	Node	user	6/21/2017 2:20 AM	user	6/21/2017 2:20 AM
Nodes\\Difference of opinion among Fiqhs regarding repentance	Node	user	6/21/2017 1:50 AM	user	6/21/2017 1:50 AM
Nodes\\Divison in Islamic society leads to anarchy	Node	user	6/21/2017 1:24 AM	user	6/21/2017 1:44 AM
Nodes\\Extra judicial killing is equal to the law of Qasas or Divat	Node	user	6/21/2017 1:25 AM	user	6/21/2017 1:25 AM
Nodes\\Extremism & discontent	Node	user	6/21/2017 1:21 AM	user	6/21/2017 1:21 AM
Nodes\\Fake facebook account	Node	user	6/22/2017 7:20 PM	user	6/22/2017 7:20 PM
Nodes\\FALSE ACCUSATIONS AND RETRIBUTION	Node	user	6/21/2017 11:57 PM	user	6/21/2017 11:57 PM
Nodes\\False accusations of blasphemy and punishments	Node	user	6/21/2017 2:29 AM	user	6/22/2017 12:17 AM
Nodes\\Fiqah-Jafaria on blasphemy	Node	user	6/21/2017 2:36 AM	user	6/21/2017 2:36 AM
Nodes\\Forgiveness in Islam	Node	user	6/21/2017 1:25 AM	user	6/21/2017 1:47 AM
Nodes\\Hadd and Tazeer	Node	user	6/21/2017 2:39 AM	user	6/21/2017 2:39 AM
Nodes\\Humanism	Node	user	6/22/2017 7:16 PM	user	6/22/2017 7:16 PM
Nodes\\Ideologies	Node	user	6/22/2017 7:15 PM	user	6/22/2017 7:16 PM
Nodes\\Imams are not qualified	Node	user	6/21/2017 1:22 AM	user	6/21/2017 1:22 AM
Nodes\\Imams have different agendas	Node	user	6/21/2017 1:23 AM	user	6/21/2017 1:23 AM
Nodes\\Iman Abu Hanifa on blasphemy	Node	user	6/21/2017 3:49 AM	user	6/21/2017 3:49 AM
Nodes\\Increase in blasphemy charges against minorities	Node	user	6/22/2017 12:23 AM	user	6/22/2017 12:23 AM
Nodes\\Islam's social, economic and political systems	Node	user	6/21/2017 2:53 AM	user	6/21/2017 2:53 AM
Nodes\\Ismail Qureshi Vs. The Government of Pakistan	Node	user	6/21/2017 2:23 AM	user	6/21/2017 2:24 AM
Nodes\\Lack of adequate knowledge	Node	user	6/21/2017 1:20 AM	user	6/21/2017 1:20 AM
Nodes\\Lower courts vs High Courts	Node	user	6/21/2017 11:46 PM	user	6/21/2017 11:46 PM
Nodes\\Makkah Madina	Node	user	6/21/2017 11:45 PM	user	6/21/2017 11:45 PM
Nodes\\Mashaal's family and political parties	Node	user	6/22/2017 7:25 PM	user	6/22/2017 7:25 PM
Nodes\\Mashal means Light	Node	user	6/22/2017 7:25 PM	user	6/22/2017 7:25 PM
Nodes\\Mashal's murder was planned	Node	user	6/21/2017 1:33 AM	user	6/21/2017 3:52 AM
Nodes\\MINORITIES BLASPHEMY CASES	Node	user	6/21/2017 11:52 PM	user	6/21/2017 11:52 PM
Nodes\\Murtad and capital punishment	Node	user	6/21/2017 1:47 AM	user	6/21/2017 1:49 AM
Nodes\\Muslim state vs a non muslim blasphemmer	Node	user	6/21/2017 2:06 AM	user	6/21/2017 2:06 AM

Hierarchical Name	Item Type	Created By Username	Created On	Modified By Username	Modified On
Nodes\\Muslims are ordered not to blaspheme against other religions	Node	user	6/21/2017 1:37 AM	user	6/21/2017 2:16 AM
Nodes\\New Node	Node	user	7/2/2017 3:44 AM	user	7/2/2017 3:44 AM
Nodes\\New Node (2)	Node	user	7/2/2017 3:45 AM	user	7/2/2017 3:45 AM
Nodes\\No Racism	Node	user	6/22/2017 7:17 PM	user	6/22/2017 7:17 PM
Nodes\\No Witness was found	Node	user	6/21/2017 11:58 PM	user	6/21/2017 11:58 PM
Nodes\\Non Muslim States and Blasphemy laws	Node	user	6/22/2017 12:25 AM	user	6/22/2017 12:25 AM
Nodes\\Non state authority and the blasphemer	Node	user	6/21/2017 1:32 AM	user	6/21/2017 1:32 AM
Nodes\\Policy Recommendations by Interviewee no 13	Node	user	6/21/2017 3:54 AM	user	6/21/2017 3:54 AM
Nodes\\Policy Recommendations by interviewee no 7	Node	user	6/21/2017 2:51 AM	user	6/21/2017 2:51 AM
Nodes\\Policy Recommendations by Interviewee no 8	Node	user	6/21/2017 11:53 PM	user	6/22/2017 12:27 AM
Nodes\\Political loyalties of univeristy adminsitration	Node	user	6/22/2017 7:21 PM	user	6/22/2017 7:21 PM
Nodes\\Position of Imam	Node	user	6/21/2017 1:19 AM	user	6/21/2017 1:19 AM
Nodes\\Punishemnt for enforced blasphemy	Node	user	6/21/2017 2:55 AM	user	6/21/2017 2:55 AM
Nodes\\Punishing Illiterate People	Node	user	6/21/2017 3:53 AM	user	6/21/2017 11:46 PM
Nodes\\Punishment of a blasphemer according to all fiqhs	Node	user	6/21/2017 2:52 AM	user	6/21/2017 2:52 AM
Nodes\\Punishments of blasphemy and apostasy	Node	user	6/21/2017 2:54 AM	user	6/21/2017 2:54 AM
Nodes\\Qasas or Diyat	Node	user	6/21/2017 1:24 AM	user	6/21/2017 1:24 AM
Nodes\\Raising questions to clarify doubts	Node	user	6/21/2017 1:22 AM	user	6/21/2017 1:22 AM
Nodes\\Religion and law	Node	user	6/21/2017 1:19 AM	user	6/21/2017 1:19 AM
Nodes\\Religious Extremism	Node	user	6/22/2017 7:24 PM	user	6/22/2017 7:24 PM
Nodes\\Repentance and forgiveness	Node	user	6/21/2017 2:57 AM	user	6/21/2017 2:57 AM
Nodes\\Rida	Node	user	6/22/2017 12:31 AM	user	6/22/2017 12:31 AM
Nodes\\Security Threats	Node	user	6/22/2017 7:23 PM	user	6/22/2017 7:23 PM
Nodes\\Self education vs Imam	Node	user	6/21/2017 1:21 AM	user	6/21/2017 1:21 AM
Nodes\\Separation of State from Religion	Node	user	6/22/2017 7:26 PM	user	6/22/2017 7:26 PM
Nodes\\Sowing of discord by Imams	Node	user	6/21/2017 1:23 AM	user	6/21/2017 1:23 AM
Nodes\\State can suspend the capital punishment	Node	user	6/21/2017 1:42 AM	user	6/21/2017 1:42 AM
Nodes\\State's right to initiate change in the Blaphemy law	Node	user	6/21/2017 1:31 AM	user	6/21/2017 1:31 AM
Nodes\\Strong Judiciary	Node	user	6/22/2017 12:26 AM	user	6/22/2017 12:26 AM
Nodes\\Tauheen and Tanqeed	Node	user	6/21/2017 2:42 AM	user	6/21/2017 2:42 AM

Nodes\\The evolution of 295C	Node	user	6/21/2017 2:31 AM	user	6/21/2017 2:31 AM
Nodes\\The HOLY PROPHET(PBUH) and blasphemy	Node	user	6/21/2017 1:43 AM	user	6/21/2017 1:43 AM
Nodes\\The investigation of 295C	Node	user	6/21/2017 2:21 AM	user	6/21/2017 2:21 AM
Nodes\\The Islamic form of government	Node	user	6/21/2017 1:45 AM	user	6/21/2017 1:45 AM
Nodes\\The role of intention and blasphemy	Node	user	6/21/2017 1:45 AM	user	6/21/2017 2:53 AM

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Hierarchical Name	Item Type	Created By Username	Created On	Modified By Username	Modified On
Nodes\\The stoppage of misuse of blasphemy law	Node	user	6/21/2017 2:33 AM	user	6/21/2017 2:33 AM
Nodes\\The trial of 295C and special courts	Node	user	6/21/2017 2:21 AM	user	6/21/2017 2:21 AM
Nodes\\The university administration and Mashal	Node	user	6/21/2017 1:35 AM	user	6/21/2017 1:35 AM
Nodes\\Weak Judiciary and flawed processes	Node	user	6/21/2017 2:50 AM	user	6/21/2017 2:50 AM
Nodes\\Weak Judiciary and flawed processes\\295 C and freedom of speech	Node	user	6/21/2017 3:52 AM	user	6/21/2017 3:52 AM
Nodes\\Zuha	Node	user	6/22/2017 12:30 AM	user	6/22/2017 12:30 AM

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## Node Summary

### EXPERT INTERVIEWS BPA 2K13

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Source Type	Number of Sources	Number of Coding References	Number of Words Coded	Number of Paragraphs Coded	Duration Coded
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#### Node

**Nickname:** Nodes\\295C and its abolition

**Classification:**

**Aggregated:** No

Document	1	1	31	2
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**Nickname:** Nodes\\A Muslim judge vs a non muslim blasphemer

**Classification:**

**Aggregated:** No

Document	1	1	35	1
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**Nickname:** Nodes\\Aaisha

**Classification:**

**Aggregated:** No

Document	1	3	58	3
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**Nickname:** Nodes\\Actions speak louder than words

**Classification:**

**Aggregated:** No

Document	1	1	61	1
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Source Type	Number of Sources	Number of Coding References	Number of Words Coded	Number of Paragraphs Coded	Duration Coded
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**Nickname:** Nodes\\Agreement of all Fiqhs on Capital Punishment

**Classification:**

**Aggregated:** No

Document 1 1 22 1

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**Nickname:** Nodes\\AHLE-BAITE-RASOOL(SAW) and blasphemy

**Classification:**

**Aggregated:** No

Document 1 2 43 3

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**Nickname:** Nodes\\Aiman

**Classification:**

**Aggregated:** No

Document 1 2 33 2

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**Nickname:** Nodes\\Alleged

**Classification:**

**Aggregated:** No

Document 1 1 1 1

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**Nickname:** Nodes\\Apostasy and killing

**Classification:**

**Aggregated:** No

Document 1 1 46 1

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Source Type	Number of Sources	Number of Coding References	Number of Words Coded	Number of Paragraphs Coded	Duration Coded
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**Nickname:** Nodes\\Behaviour change, positivism and diminishing extremism

**Classification:**

**Aggregated:** No

Document	1	1	6	1	
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**Nickname:** Nodes\\Blaphemy law and pardon

**Classification:**

**Aggregated:** No

Document	1	1	9	1	
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**Nickname:** Nodes\\Blasphemers were punished in the life of the HOLY PROPHET(SAW)

**Classification:**

**Aggregated:** No

Document	1	3	272	10	
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**Nickname:** Nodes\\Blasphemy and Apostasy are equal

**Classification:**

**Aggregated:** No

Document	1	2	81	2	
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**Nickname:** Nodes\\Blasphemy and Apostasy are equal\295 C and protection of minorities

**Classification:**

**Aggregated:** No

Document	1	1	40	2
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Reports\\Node Summary Report

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Source Type	Number of Sources	Number of Coding References	Number of Words Coded	Number of Paragraphs Coded	Duration Coded
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**Nickname:** Nodes\\Blasphemy law and Islam's teachings are fair

**Classification:**

**Aggregated:** No

Document	1	1	44	2
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**Nickname:** Nodes\\Blasphemy law and its misuse

**Classification:**

**Aggregated:** No

Document	2	6	459	9
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**Nickname:** Nodes\\Blasphemy law and its misuse\295C and all fiqhs of Islam

**Classification:**

**Aggregated:** No

Document	1	1	61	2
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**Nickname:** Nodes\\Blasphemy law is a fair law

**Classification:**

**Aggregated:** No

Document	2	2	37	2
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**Nickname:** Nodes\\Blasphemy, a discriminatory law

**Classification:**

**Aggregated:** No

Document	1	1	22	1
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Source Type	Number of Sources	Number of Coding References	Number of Words Coded	Number of Paragraphs Coded	Duration Coded
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**Nickname:** Nodes\\Blasphemy, a political tool

**Classification:**

**Aggregated:** No

Document	2	2	103	2
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**Nickname:** Nodes\\Blasphemy, Capital punishemnt and the consensus of all sects of Islam

**Classification:**

**Aggregated:** No

Document	1	1	29	1
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**Nickname:** Nodes\\Bravery and silence

**Classification:**

**Aggregated:** No

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**Nickname:** Nodes\\Bypassing 295C

**Classification:**

**Aggregated:** No

Document	1	1	125	2
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**Nickname:** Nodes\\Capital punishemnt must be announced by the courts

**Classification:**

**Aggregated:** No

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Source Type	Number of Sources	Number of Coding References	Number of Words Coded	Number of Paragraphs Coded	Duration Coded
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**Nickname:** Nodes\\Capital punishment and 295 C

**Classification:**

**Aggregated:** No

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Document	1	1	29	1
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**Nickname:** Nodes\\Corrupt Systems

**Classification:**

**Aggregated:** No

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**Nickname:** Nodes\\Defaming the HOLY PROPHET (SAW)

**Classification:**

**Aggregated:** No

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Document	1	1	41	1
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**Nickname:** Nodes\\Definition of 295 C

**Classification:**

**Aggregated:** No

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Document	1	1	87	2
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**Nickname:** Nodes\\Difference of opinion among Fiqhs regarding repentance

**Classification:**

**Aggregated:** No

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Document	1	1	22	1
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Source Type	Number of Sources	Number of Coding References	Number of Words Coded	Number of Paragraphs Coded	Duration Coded
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**Nickname:** Nodes\\Divison in Islamic society leads to anarchy

**Classification:**

**Aggregated:** No

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**Nickname:** Nodes\\Extra judicial killing is equal to the law of Qasas or Diyat

**Classification:**

**Aggregated:** No

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**Nickname:** Nodes\\Extremism & discontent

**Classification:**

**Aggregated:** No

Document	1	1	18	1	
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**Nickname:** Nodes\\Fake facebook account

**Classification:**

**Aggregated:** No

Document	1	1	45	1	
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**Nickname:** Nodes\\FALSE ACCUSATIONS AND RETRIBUTION

**Classification:**

**Aggregated: No**

Document	1	1	34	1
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Source Type	Number of Sources	Number of Coding References	Number of Words Coded	Number of Paragraphs Coded	Duration Coded
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**Nickname: Nodes\\False accusations of blasphemy and punishments**

**Classification:**

**Aggregated: No**

Document	2	2	85	2
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**Nickname: Nodes\\Fiqah-Jafaria on blasphemy**

**Classification:**

**Aggregated: No**

Document	1	1	181	6
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**Nickname: Nodes\\Forgiveness in Islam**

**Classification:**

**Aggregated: No**

Document	1	3	13	3
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**Nickname: Nodes\\Hadd and Tazeer**

**Classification:**

**Aggregated: No**

Document	1	1	146	1
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**Nickname: Nodes\\Humanism**

**Classification:**

**Aggregated: No**

Document	1	1	19	1
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Source Type	Number of Sources	Number of Coding References	Number of Words Coded	Number of Paragraphs Coded	Duration Coded
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**Nickname: Nodes\\Ideologies**

**Classification:**

**Aggregated: No**

Document	1	1	27	1
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**Nickname: Nodes\\Imams are not qualified**

**Classification:**

**Aggregated: No**

Document	1	1	37	2
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**Nickname:** Nodes\\Imams have different agendas

**Classification:**

**Aggregated:** No

Document	1	1	37	2
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**Nickname:** Nodes\\Iman Abu Hanifa on blasphemy

**Classification:**

**Aggregated:** No

Document	1	1	57	2
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**Nickname:** Nodes\\Increase in blasphemy charges against minorities

**Classification:**

**Aggregated:** No

Document	1	1	45	1
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Source Type	Number of Sources	Number of Coding References	Number of Words Coded	Number of Paragraphs Coded	Duration Coded
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**Nickname:** Nodes\\Islam's social, economic and political systems

**Classification:**

**Aggregated:** No

Document	1	1	73	2
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**Nickname:** Nodes\\Ismail Qureshi Vs. The Government of Pakistan

**Classification:**

**Aggregated:** No

Document	1	2	164	3
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**Nickname:** Nodes\\Lack of adequate knowledge

**Classification:**

**Aggregated:** No

Document	1	1	18	1
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**Nickname:** Nodes\\Lower courts vs High Courts

**Classification:**

**Aggregated:** No

Document	1	1	13	1
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**Nickname:** Nodes\\Makkah Madina

**Classification:**

**Aggregated:** No

Document	1	1	12	1
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Source Type	Number of Sources	Number of Coding References	Number of Words Coded	Number of Paragraphs Coded	Duration Coded
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**Nickname:** Nodes\\Mashaal's family and political parties

**Classification:**

**Aggregated:** No

Document	1	1	95	2	
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**Nickname:** Nodes\\Mashal means Light

**Classification:**

**Aggregated:** No

Document	1	1	94	2	
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**Nickname:** Nodes\\Mashal's murder was planned

**Classification:**

**Aggregated:** No

Document	1	2	28	2	
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**Nickname:** Nodes\\MINORITIES BLASPHEMY CASES

**Classification:**

**Aggregated:** No

Document	1	1	220	25	
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**Nickname:** Nodes\\Murtad and capital punishment

**Classification:**

**Aggregated:** No

Document	1	2	28	2	
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Source Type	Number of Sources	Number of Coding References	Number of Words Coded	Number of Paragraphs Coded	Duration Coded
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**Nickname:** Nodes\\Muslim state vs a non muslim blasphemer

**Classification:**

**Aggregated:** No

Document	1	1	35	1	
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**Nickname:** Nodes\\Muslims are ordered not to blaspheme against other religions

**Classification:**

**Aggregated:** No

Document	1	2	112	2	
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**Nickname:** Nodes\\New Node

**Classification:**

**Aggregated:** No

Document	1	1	12	1	
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**Nickname:** Nodes\\New Node (2)

**Classification:**

**Aggregated:** No

Document 1 1 12 1

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**Nickname:** Nodes\\No Racism

**Classification:**

**Aggregated:** No

Document 1 1 52 1

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Source Type	Number of Sources	Number of Coding References	Number of Words Coded	Number of Paragraphs Coded	Duration Coded
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**Nickname:** Nodes\\No Witness was found

**Classification:**

**Aggregated:** No

Document 1 1 62 1

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**Nickname:** Nodes\\Non Muslim States and Blasphemy laws

**Classification:**

**Aggregated:** No

Document 1 1 75 1

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**Nickname:** Nodes\\Non state authority and the blasphemers

**Classification:**

**Aggregated:** No

Document	1	1	24	1
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**Nickname:** Nodes\\Policy Recommendations by Interviewee no 13

**Classification:**

**Aggregated:** No

Document	1	1	122	8
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**Nickname:** Nodes\\Policy Recommendations by interviewee no 7

**Classification:**

**Aggregated:** No

Document	1	1	80	3
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Source Type	Number of Sources	Number of Coding References	Number of Words Coded	Number of Paragraphs Coded	Duration Coded
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**Nickname:** Nodes\\Policy Recommndations by Interviewee no 8

**Classification:**

**Aggregated:** No

Document	1	2	153	10
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**Nickname:** Nodes\\Political loyalties of univeristy adminsitration

**Classification:**

**Aggregated: No**

Document	1	1	100	2
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**Nickname: Nodes\\Position of Imam**

**Classification:**

**Aggregated: No**

Document	1	1	11	1
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**Nickname: Nodes\\Punishment for enforced blasphemy**

**Classification:**

**Aggregated: No**

Document	1	1	93	1
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**Nickname: Nodes\\Punishing Illiterate People**

**Classification:**

**Aggregated: No**

Document	2	2	63	2
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Source Type	Number of Sources	Number of Coding References	Number of Words Coded	Number of Paragraphs Coded	Duration Coded
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**Nickname:** Nodes\\Punishment of a blasphemer according to all fiqhs

**Classification:**

**Aggregated:** No

Document	1	1	82	4
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**Nickname:** Nodes\\Punishments of blasphemy and apostasy

**Classification:**

**Aggregated:** No

Document	1	1	45	2
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**Nickname:** Nodes\\Qasas or Diyat

**Classification:**

**Aggregated:** No

Document	1	1	18	1
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**Nickname:** Nodes\\Raising questions to clarify doubts

**Classification:**

**Aggregated:** No

Document	1	1	17	1
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**Nickname:** Nodes\\Religion and law

**Classification:**

**Aggregated:** No

Document	1	1	12	1
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Source Type	Number of Sources	Number of Coding References	Number of Words Coded	Number of Paragraphs Coded	Duration Coded
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**Nickname:** Nodes\\Religious Extremism

**Classification:**

**Aggregated:** No

Document	1	1	103	4	
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**Nickname:** Nodes\\Repentance and forgiveness

**Classification:**

**Aggregated:** No

Document	1	1	188	1	
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**Nickname:** Nodes\\Rida

**Classification:**

**Aggregated:** No

Document	1	1	14	1	
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**Nickname:** Nodes\\Security Threats

**Classification:**

**Aggregated:** No

Document	1	1	57	1	
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**Nickname:** Nodes\\Self education vs Imam

**Classification:**

**Aggregated:** No

Document	1	1	15	1
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Source Type	Number of Sources	Number of Coding References	Number of Words Coded	Number of Paragraphs Coded	Duration Coded
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**Nickname:** Nodes\\Separation of State from Religion

**Classification:**

**Aggregated:** No

Document	1	1	86	1
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**Nickname:** Nodes\\Sowing of discord by Imams

**Classification:**

**Aggregated:** No

Document	1	1	37	2
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**Nickname:** Nodes\\State can suspend the capital punishment

**Classification:**

**Aggregated:** No

Document	1	1	33	1
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**Nickname:** Nodes\\State's right to initiate change in the Blaphemy law

**Classification:**

**Aggregated:** No

Document	1	1	56	1
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**Nickname:** Nodes\\Strong Judiciary

**Classification:**

**Aggregated:** No

Document	1	1	86	4
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Source Type	Number of Sources	Number of Coding References	Number of Words Coded	Number of Paragraphs Coded	Duration Coded
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**Nickname:** Nodes\\Tauheen and Tanqeed

**Classification:**

**Aggregated:** No

Document	1	1	108	2
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**Nickname:** Nodes\\The evolution of 295C

**Classification:**

**Aggregated:** No

Document	1	1	158	3
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**Nickname:** Nodes\\The HOLY PROPHET(PBUH) and blasphemy

**Classification:**

**Aggregated:** No

Document	1	1	23	1
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**Nickname:** Nodes\\The investigation of 295C

**Classification:**

**Aggregated:** No

Document	1	1	51	1
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**Nickname:** Nodes\\The Islamic form of government

**Classification:**

**Aggregated:** No

Document	1	1	35	2
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Source Type	Number of Sources	Number of Coding References	Number of Words Coded	Number of Paragraphs Coded	Duration Coded
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**Nickname:** Nodes\\The role of intention and blasphemy

**Classification:**

**Aggregated:** No

Document	1	4	184	4
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**Nickname:** Nodes\\The stoppage of misuse of blasphemy law

**Classification:**

**Aggregated:** No

Document	1	1	47	1
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**Nickname:** Nodes\\The trial of 295C and special courts

**Classification:**

**Aggregated:** No

Document	1	1	24	1
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**Nickname:** Nodes\\The university administration and Mashal

**Classification:**

**Aggregated:** No

Document	1	1	20	1
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**Nickname:** Nodes\\Weak Judiciary and flawed processes

**Classification:**

**Aggregated:** No

Document	1	1	172	2
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Source Type	Number of Sources	Number of Coding References	Number of Words Coded	Number of Paragraphs Coded	Duration Coded
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**Nickname:** Nodes\\Weak Judiciary and flawed processes\\295 C and freedom of speech

**Classification:**

**Aggregated:** No

Document	1	1	41	1	
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**Nickname:** Nodes\\Zuha

**Classification:**

**Aggregated:** No

Document	1	1	32	2	
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### 13.4: APPENDIX 3: CONVERSATIONAL ANALYSIS

#### Conservation Analysis / Discourse Analysis

GRAMMAR				
Nouns			Adjective	Action Verbs
Blasphemy	Law	Religion	Islamic	Pardonable
University	Room	Institutions	Ground	Abhors
Floor	Madrassa	School	Top	Premeditated
State	Government	Police	First	Waged
Interview	Pakistan	Book	Second	Tomhat
Court	Trial	Punishment	LCD	Unjustifiable
Hindu	Christian	Islam	Vocational	Non-compromisable

Death	Citizen	People	Religious	punishable
Holy Quran	Holy Prophet	Public	Technical	Controlled
Makkah	Blasphemer	Fiqh	Inadequate	Justifiable
Mashal Khan	Asia Bibi	Office	Wrong	Directed
Doors	Authority	System	Discontent	Tried
Repentance	Opinion	Judge	Different	Reported
Training institute	office	cameras	Discord	
Quaid-e-Azam	Gender	TV	Qualified	
Wall	Education	Society	Qasas	
Muslim	Division	Imams/Imam	Diyat	
Positions	Hands	Fiqh	Capital	
Islamabad	Gordon College Rawalpindi	F.A	Proper	
Lahore	Interviewee	Interviewer	Local	
Children	Extremism	Disunity	Personal	
Stories	Questions	Concepts	Criminal	
Murtad	Apostasy	Citizen	Aalim e Deen	
Garbage	Gojra	Verses	Additional	
Islam	Discipline	Patience	Sufficient	
Chaos	Public	Investigation	Alleged	
295-C	Non-Muslims	Sects	Three	
Church	Places	Problem	Proper	
Prayed	Jihad	Tribe	Legal	
Zakar	Apostate	Hazrat Abu Bakr Siddique	Secret	
Administration	Score	Turmoil	Strong	
Authority	Forgiveness	Anyone	Few	
Chairs	Desk	A.C	Four	

Table	Shelf	PPC	Very	
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Nouns			Adjective	Action Verbs
Man	Community	Session	Free	
Hadith	Murderer	Family	Brilliant	
Saudi Arabia	Agendas	Writ	Bright	
Vengeance	CrPC	Library	Special	
Salman Taseer	Sikh	Child	derogatory	
Mr.Singh	FIR	M. Ismail Qurashi	Disdained	
Federal Shariat Court	Zia	Death	Adequate	
Ulemas	Terrorism	ALLAH	Four	
Messenger	Shariah	Sunnah	Respect	
Penal Code	Constitution	Prophets	False	
April	Junaid Jamshed	Shahista Wahdi	Tolerance	
Scholars	Teachers	Sectarianism	Old	
Imam Bargha	Sofas	Calligraphy	Fear	
PC	Surah Kafiroon	Fatima Bibi	Hot	
Deen	Ayat	Mauizah Hasanah	Haram	
Righteous Caliphs	Hadd	Tazeer	Blind	
Akhirah	Companion	President	30 years	
HoD	Centre	Kitchen	6	
Fan	Anybody	Ibn e Khatal	9	
Urdu Literature	Window	Student	Flawed	
Classroom	Principle	Turban	CCTV	
Life	Shatem-e-Rasool	Article	Qualified	
Geo TV	Ahl e Kitaab	Thief	15 years	

Someone	Lady	Cupboards	Appropriate	
Tea	Haraam	Difference	Different	
tanqeed'	tauheen'	Minorities	Discord	
Poems	Qazi Ayaz	Wife	sacred	
Allama Ibn e Taimiyah	Multan	Hazrat Umer	insane	
Day	Justice	Land	Discriminatory	
Country	judiciary	Businessman	Islamic injunctions	
Asr	Lack	educational institutes	Illiterate	
Media	Crime	Allegation	Internationally	
Economics	Social	Society	Tolerant	
Forgiveness	Humanist	Atheist	Crucial	
Concepts	Placed	Fun	Prohibited	
Mirror	Sin	person	Studied	
Bahauddin Zakariya University	Professor	Dr. Abdul Quddoos Sohaib	Vital	
Interviewee	Interviewer	Hunger	Small	
Droght	Situation	Theft	Big	
Arabic	M.A	Islamiat	25	
Students	Women	Dr. Naseem Razi	4	
White House	U.S	Islamic University	15000	
Queen	England	Administration	very	
Judiciary	Town	Angels	Literate	
Village	Dr. Abdul Quddoos Sohaib	Bahauddin Zakariya University	99, 70%	

Dr. Hassan Madni	Institute of Islamic Studies University of Punjab	Mahnama Muhaddis	80 lashes	
Editor	Dr. Saad Siddiqui	Sheikh Zayed Islamic Centre	Strength	
Ahl-e-Bait	Surah Kafiroon	Momineen	33:57	
Quranic Verses	Idara Minhaj ul Hussain	Allama Akbar Hussain	Once or twice	
Sunnah	Qiyas	Ijma	Large	
Shatem-e-Rasool	Mr. Hafiz SA Rahman	SATELLITE TOWN	section 191	
Circumstances	Al-shifa	Extremist	complete	
Repealed	Mufti Sahab	Faheem Thanvi Sahab	Justified	
Chairperson	Jamia Ashrafia	Mughal	4,5 Times	
Hafiz Naseem Khalil	Fight	Minds	Anonymous	
Hour	Masjid	Prayer	Merciful	
Building	Steel	Degree	Entire	
Girls	Boys	Campuses	6 observations	
Story	Human Being	Fath e Makkah	Intolerance	
Political Leaders	Bulbs	Courtyard	3 km	
Environment	Leaders	Pardon	Weakness, weak	
Father	Politics	Saudia	Repugnant	
Hanfi	Maliki	Shafi	Cooler	
Riyasat	Pakistani	Flag	Unintentional	
Anybody	License	Notification	Chilly	
Alim	Afterlife	Sinner	Underage	
Duty	Attitude	Benefit	Elder	
Eye		Start	Pious	

			Ignorance	
			Much	

Colloquial Words / Slangs	Metaphors / Similes
Mullah	
Gupshup	
Kaahaniyan	
Riyasat	
Kisi k mazhab ho Chairho nahi aur apne mazhab ko Chorho nahi.	
Akhiya	
Tauba	

<b>Non-Verbal Cues</b>
<b>Physical Setting ( Interview: 1,3,4,5,6,7,8,10,11,12)</b>
Spacious Rooms
U-shaped setting of the tables and chairs
Windows and doors were closed
Functioning air conditioners.

<b>Non- Verbal Cues</b>
<b>Physical Setting ( Interview: 2,9,13)</b>
Small rooms
No air conditioners
Low ceilings



<b>Non Verbal Cues</b>	<b>Verbal Cues</b>
<b>Interview # 1</b>	
Approachable	Let me tell you; You can come at any time
Friendly	Offered food and drinks
Maintained Eye Contact	Exactly; Yes
Welcoming	Received at the door.
<b>Posture:</b>	
Sitting back relaxed with hands resting on arms of his chair.	
<b>Facial Gestures:</b>	
Serious expression on face.	
<b>Dress:</b>	
Shalwar Kamiz with a waistcoat along with prayer cap on his head.	

<b>Non-Verbal Cues</b>	<b>Verbal Cues</b>
<b>Interview: 2</b>	
Uncooperative	Read my article and come back later.
Unfriendly	I can't answer this
Disrespectful	You don't have knowledge to talk about this.
<b>Posture:</b>	
Sitting back relaxed; using gestures	
<b>Facial Gestures:</b>	

Condescending looks	
<b>Dress:</b>	
Suit with oxford shoes.	

Non- Verbal Cues	Verbal Cues
<b>Interview: 3</b>	
Approachable	Let me tell; come at any time
Friendly	Will you have water or tea?
Showed Interest	No no
Welcoming	Let me show you my library
<b>Posture:</b>	
Inclined forwards with legs crossed.	
<b>Facial Gestures:</b>	
Serious face	
<b>Dress:</b>	
Safari Suit	

Non-Verbal Cues	Verbal Cues
<b>Interview:4</b>	
Friendly	This food is for you.
Supporting	Come at any time
Cooperative	These Holy Quran are for you to understand our perspective.

Relaxed	
<b>Posture:</b>	
Sitting back relaxed	
<b>Facial Gestures:</b>	
Calm, smiling and eye contact.	
<b>Dress:</b>	
White Shalwar Kameez and prayer cap on head.	

Non-Verbal Cues	Verbal Cues
<b>Interview: 5,7,8</b>	
Constant Smile on face	We think
Despite being busy gave an hour for the interview	We really want
Showed interest	Share with us your questionnaires
<b>Posture:</b>	
Sitting upright	
<b>Facial Gestures:</b>	
Smiling and concerned.	
<b>Dress:</b>	
Simple pant with shirt; Shalwar Kameez.	

Non-Verbal Cues	Verbal Cues
<b>Interview: 9</b>	
Fearful	Do not disclose our name
Stressed	We should not discuss this
Welcoming	Should I bring cold drink or water?
<b>Posture:</b>	
Upright	
Serious and concerned	
<b>Facial Gestures:</b>	
Serious and concerned	
<b>Dress:</b>	
Black coat with black pant and white shirt.	

Non-Verbal Cues	Verbal Cues
<b>Interview 10, 11 , 12</b>	
Friendly	Let us share our personal experiences
Cooperative	We should all
Showed Interest	No no
<b>Posture:</b>	
Sitting back relaxed	
<b>Facial Gestures:</b>	
Laughing	

<b>Dress:</b>	
Shalwar Kameez with waistcoat.	

Non-Verbal Cues	Verbal Cues
<b>Interview: 13</b>	
In a hurry	I have to leave
Fearful	No comments
Unacknowledged fears	We should not discuss.
<b>Posture:</b>	
Tilted forwards	
<b>Facial Gestures:</b>	
Stressed	
<b>Dress:</b>	
Shalwar Kameez	

### 13.5 APPENDIX 4: TRANSCRIBED INTERVIEWS

Sr No.	Key	
1	Nouns	Highlighted in Green
2	Adjectives	Highlighted in Blue
3	Action Verbs	Highlighted in Yellow
	Verb	Highlighted in Teal
4	Common Themes	Strike through
5	In text citation	Highlighted in Pink

6	Colloquial words / slangs	Highlighted in Grey
7	Metaphor / Simile	Highlighted in Red
8	Nonverbal Cues	Highlighted in Violet
9	Verbal Cues	Highlighted in Dark Yellow
10	First pair parts and second pair parts	Underlined in Black
11	Pre Expansion	Underlined in Brown
12	Insert Expansion	Underlined in Dark Green
13	Post Expansion	Underlined in Light Blue
14	Jargons	Bold & Italic

**INTERVIEWERS:** Aaisha Tabeer, Aiman Saeed, Syeda Rida Junaid, Hamza Ahmed Barlas, Shamsa Saleem and Zuha Mujib

**INTERVIEWEE #1:** Hafiz Naseem Khalil, Head of AL-KHALIL QURAN COMPLEX, RAWALPINDI

**DATE:** May 16th, 2017

**TIME:** 3 PM - 4 PM

**Location:** AL-KHALIL QURAN COMPLEX, RAWALPINDI

#### EDUCATIONAL DETAILS:

F.A (Gordon College Rawalpindi)

Bachelor's (The Islamic University of al-Madinah al-Munawarah)

#### AREA OF SPECIALIZATION:

Fiqh and Islamic Law

#### OVERALL OBSERVATIONS OF THE LOCATION, OFFICE AND WHEREABOUTS:

The institution is a combination of Madrasa, School and Technical training institute where ground floor is specified for use of imparting religious education (Madrasah), first floor designated for official use like offices, at the second floor there school for children under less than 15 years of age and the top floor was committed to provide vocational training to both the genders. The office where the interview was conducted had two doors side by side. Chairs were placed against the walls and there was a LCD TV which showed the live feed from the CCTV cameras. There was a Pakistani flag placed on the table and a photo of Quaid-e-Azam on the front wall. There were various books on the shelf which was at the right side of the room.

**Question: Why is this topic so controversial? What in your opinion are the main reasons?**

There is lack of education and inadequate knowledge about religion and law. The position of the Imam has fallen into the wrong hands. People without adequate knowledge have been given these positions and are sowing extremism and discontent in the society. People nowadays do not focus on educating themselves but instead just rely on the Imam. People just love to listen stories (khaaniyan) from Imam Sahab without raising appropriate question to clarify the concepts. Since the Mullahs are not qualified themselves or have different agendas, they sow discord in the society and create division within the religion resulting in disunity of the Muslim Ummah and leading to a state of anarchy.

**Critical Themes:**

- Lack of Education
- Lack of Knowledge of Islam
- Disunity in religion

**Question: What is the punishment for those who take the law into their own hands?**

Anyone who kills another person, Islam allows the family of the deceased to either seek Qasas or Diyat. The same rule applies to a person who is murdered extra judicially on charges of blasphemy. However Islam prefers forgiveness. He quoted the following ayah from Holy Quran:

“Eye for an eye...” (To stress upon the fact that the one who murders without reason, can be killed to take revenge of the murder, but the best of actions as prescribed by the Holy Quran is to forgive the murderer).

He recommended us to buy a book relevant to our thesis entitled “Blasphemy in the Light of Islamic Teachings” to get the exact quotes from Holy Quran and Hadith.

**Critical Themes:**

- Killing / Extrajudicial killings

**Question: Is blasphemy a pardonable act or not?**

It is pardonable on the condition that he repents. However, our current law has no place for pardon. The only punishment is the capital punishment but the state has the authority to change it i.e. whether to pardon him or not (The interviewee opinionated that even though capital punishment is the only premium punishment, however, the state reserves the right to initiate change in the law and henceforth award pardon to the blasphemer). However, if this authority is given to any other institution than the state it

would give rise to extremism and **turmoil** which **Islam** **abhors**.

**Critical Themes:**

- Capital Punishment

**Question: What is your take on Mashal's case?**

According to my knowledge **Mashal's murder** was **premeditated**. He had not **committed blasphemy** and these charges were **brought against** him by the **university administration** to settle **personal score**

**Critical Themes:**

- Personal Vengeance

**Question: Can you mention instances in which the Sahaba punished someone for blasphemy?**

Yes, there is one such instant where **Hazrat Abu Bakr Siddique (R.A.)** **ordered** the **killing** of **two people** who **declared** themselves **apostate** and thus were **killed** for **turning** their backs on **Islam**. The only **punishment** for the **people** who leave the fold of **Islam** is **death**. Furthermore he **waged Jihad** **against** a **tribe** when they **refused** to pay **Zakat** while professing themselves **Muslims**. One cannot call himself a **Muslim** while **refusing** to **follow** the **pillars** of **Islam**. This is **tantamount** to **blasphemy**.

Muslims are **ordered** not to blaspheme **against** other religions as well. E.g. **Hazrat Umar e Farooq (R.A.)** **after capturing** Bait ul Muqaddas, set the precedence of **protecting** the **worship places** of **Christians** by **offering** Asr prayers on the stairs of the **Church**, rather than inside the **Church**, fearing that if he **prayed** inside the **Church** then the next **generation** of Muslims might not **protect** the sacred **places** of non-Muslims. {**blasphemy** = **apostasy**}

**Critical Themes:**

- Blasphemy & apostasy are equal.

**Question: Do you believe that there is a problem with the Blasphemy law?**

No. There isn't any **problem** with the **law**. The **law** is based on the **Islamic** injunctions. The **problem** lies with the **people** who **misuse** it. We need to **change** the mindset of the **people** and **punish** those who **misuse** it.

**Critical Themes:**

- Misuse of blasphemy law.



**Question: What is the punishment for those who commit blasphemy as prescribed in Islam?**

Overall, whether the blasphemer is Muslim or Non-Muslim, the main punishment is capital punishment and all the sects agree on it, especially in the case of 295-C, however, this must be announced through proper investigation and trial by the courts and the State (Riyasat), and *can even be suspended if the blasphemer is insane, intoxicated, underage or begs for pardon.*

When it comes to committing blasphemy against the Holy Prophet (P.B.U.H), there is no forgiveness for that person despite of his/her repentance. Also the citizens cannot take the law into their own hands, which would lead to anarchy. The system of government that Islam promotes is patience and discipline and by taking it into their own hands people disrupt that discipline and cause chaos. *The public CANNOT take the law in their hands.*

**Critical Themes:**

- Unity of Muslim sects with respect to blasphemy law.
- The special case of Holy Prophet (P.B.U.H) & blasphemy.

**Question: What is the punishment if someone commits blasphemy unintentionally? Is it forgivable?**

Asia Bibi was illiterate and had no knowledge about Islam or who the Holy Prophet (P.B.U.H) was and she claimed she would never even consider offending The Prophet as she did not know about Him. Same is the case in Gojra where some papers were found in the garbage and among those there were some Verses from Holy Quran. Two Christians were accused of intentionally throwing those Verses away and committing blasphemy but by talking to them it was discovered they had no idea what Holy Quran was and what those Verses meant. Islam teaches forgiveness before Punishment.

**Critical Themes:**

- Investigation

**Question: What is the punishment for apostasy?**

There is a death punishment for 'murtad' i.e. a person who commits apostasy.

**Question: Who can carry out the punishment in the case of apostasy?**

It is the responsibility of the state, a local citizen cannot kill the murtad.

**Critical Themes:**

- Misuse of law.

**Question: What is the opinion of different Fiqhs on punishment for blasphemy?**

All fiqhs; i.e. Hanafi, Maliki, Shafi etc. agree on capital punishment for blasphemy, although there are different opinions regarding punishment after repentance.

**Critical Themes:**

- Capital Punishment

**Question: Do you think it is unfair that a Muslim judge decides the case of a person from another religion who has committed blasphemy?**

If a Hindu commits blasphemy then the Muslim judge has the right to make a decision about him especially if he is living in a Muslim state and has disrespected the religion of their state. In the same way Muslims do not have the right to disrespect someone else's religion according to both the Holy Quran and law. "Do not disrespect someone else's God or they will Disrespect your God" ..... "Kisi k mazhab ho Chairho nahi aur apne mazhab ko Chorho nahi"

**MAIN POLICY RECOMMENDATIONS BY THE EXPERT:**

- Strengthening of the criminal justice system in Pakistan.
- There should be a committee consisting of an Aalim e Deen and an Additional Session judge to evaluate blasphemy cases, who have sufficient knowledge of Islamic law in light of Holy Quran and Hadith and in order to stop its misuse they should properly implement the laws by punishing those who falsely accuse people of blasphemy for their own secret agendas and those who take the law into their hands and kill people.
- Strengthening the writ of the state and supremacy of law so that the common man does not kill the legal channel and punish any alleged blasphemer. Saudi Arabia has very strong laws and punishments against blasphemy where a three days window is provided for repentance. Only one Mufti, Mufti Azam has the right to send out a fatwa. People only follow one mufti unlike in Pakistan where there is so much division within one religion. Very few people who call themselves Aalim e Deen have proper knowledge about what Holy Quran actually teaches us and all they do is tell stories not convey actual facts.

- **Punishment** for the false accuser should be there in order to stop the **misuse** of the **law** by **wrong people** who are using it for their **personal vengeance**. Example of implementation and **punishment** as done in **Saudia**. He also stated that **Islam teaches** ‘Jaza before Saza’ **hence** if the **blasphemer repents** he should be pardoned.

### **Critical Themes:**

- Lack of authentic ulemas and muftis in Pakistan.
- Jaza before Saza.
- Difference in procedural investigations between two Islamic countries.

### **INTERVIEW#03 - HAFIZ SA RAHMAN**

**DATE:** May 20th, 2017

**TIME:** 11 AM - 1PM

**Location:** SATELLITE TOWN, RAWALPINDI

### **Description of the room:**

There was a huge **desk** placed in the **room**. Certificates and degrees were hung on the **walls** on all four corners. There were 9 **chairs**. A lot of books were placed on the **table** and in a **shelf** alongside the **wall**. There was also a **window A.C.** behind the **desk**. There was a **library** upstairs which consisted of shelves on **Islamic law** and **Urdu literature** about **Islam**. One part of the **library** consisted of all volumes of **CrPC** and another for **PPC** and other **law** related books and judgements.

### **Experience:**

He has been teaching **law** since 30 years but in the beginning of every class he tells the **student** that they are not allowed to ask any **question** related to 3 things, 1) **Blasphemy law** 2) **Politics** 3) **Religions**. This is because he is afraid that this will lead to hysteria in **classroom**. He presents himself as free from any **sect** and **religious** dogma.

### **Response by Mr. Hafiz SA Rahman:**

The **interview** started with a discussion on **Salman Taseer** that how he **wanted** to reform this **law** of **blasphemy** but his words were misinterpreted on various platforms and ultimately he was **murdered**. He quoted a case “**Sikh turban case**” in which a **Sikh** went to a **school** for his child’s admission. The **child** and **father** both were wearing **turban** as its part of their **religion**. The **principle** said “Mr. **Singh** your **child**

is very brilliant and bright minded but he have to take off his turban in order to get the admission in this school. Mr. Singh refused to do so and the dispute lead to court involvement where principal said that he is the owner/head of the institution and there are certain rules he can't compromise, this rule is one of them and if he allow his child to wear the turban then the Hindu, Muslim and Christian will also conform to their religious identities thereby promoting religious divide. The case was settled in favor of the principal.

**Critical Themes:**

- The Sikh Turban, a religious identity.
- Salman Taseer; an alleged blasphemer.

**Question: Why is it necessary to have a law on blasphemy? What exactly is the definition of blasphemy in the law of Pakistan?**

He referred the judgment of Muhammad Ismail Qureshi vs. the Government of Pakistan to make us understand the exact definition of law. He explained all the aspects of the Section 259-C of the constitution which states;

“Use of derogatory remarks etc. in respect of Holy Prophet (P.B.U.H)--whoever by words, either spoken or written, or by visible representation, or by any imputation, innuendo, or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet Muhammad (P.B.U.H) shall be punished with death”.

**Critical Themes:**

- Blasphemy Law.

**Question: What is the process of investigation of the crime as defined by the law (CRPC)?**

There is no special procedure for the trial of blasphemy cases. The same procedure that is applied to other crimes is applied to this crime as well. First an FIR is registered after which the formal investigation process begins. Police must determine the facts and later submit a challan in the court.

**Critical Themes:**

- Investigation Process.

**Question: Which courts can conduct trial for blasphemy cases? Please illustrate the trial procedure.**

No special courts exist to try cases of blasphemy. The same courts (trial courts, high courts and the Supreme Court) have jurisdiction over it.

**Critical Themes:**

- Trial of Blasphemy Cases & Jurisdictions of Courts

**Question: What punishments are prescribed in Pakistani law for the crime?**

Before the judgment of Muhammad Ismail Qureshi vs. the Government of Pakistan capital punishment or life imprisonment and fine was the punishment of a Blasphemer but after the judgment was passed life imprisonment and fine had been deemed un-Islamic and now capital punishment is the only punishment. In the law there is no space to pardon the Blasphemer.

**Critical Themes:**

- Islamic Punishment Pivot 295C

**Question: What are the origins of Blasphemy Laws in Pakistan and how has it evolved or changed historically? (Pre-Partition vs Post Partition)**

During Zia's regime, an advocate Muhammad Ismail Qureshi petitioned in Federal Sharia Court (who was very active at that time), he petitioned that what is the punishment for Shatem-e-Rasool (i.e. Blasphemer). The court gave the judgment that Death is the punishment (and gave the judgment in the context of Holy Quran and Ahadis). On the basis of this judgment law was formulated and finalized. This judgment was formulated after the consensus of various Ulemas from different sects and under the supervision of 5 Federal Shariat Court Judges (judgment of Muhammad Ismail Qureshi vs the Government of Pakistan). He was part of this petition.

**Critical Themes:**

- 295C & Pardon
- 295C & Capital Punishment

**Question: Do you think that there is a possibility of changing or mitigating the law of blasphemy?**

**What can be the procedure to lead and create this change?**

The law can't be repealed. Proper procedural rules need to be adopted to ensure the implementation of 295-C section in its true spirit e.g. definition of blasphemy and blasphemers.

### Critical Themes:

- Retracting 295C.

**Question: Which laws/sections can be applied to punish people who kill the law and illegally kill an alleged blasphemer (e.g. Mashal Khan and Salman Taseer)**

Law provides punishment for people who are unable to provide evidence after accusing a person of blasphemy. Such people are tried under terrorism law. On the other hand, people who provide false evidence in a blasphemy case, they are tried under section 191 of PPC.

### Critical Themes:

- Section 191 of PPC; Punishments for false accusations.

**Question: What are the different interpretations of the law according to different fiqh?**

He provided us the judgment of Ismail Qurashi vs government of Pakistan which states, all fiqahs are of the same opinion that the only punishment for blasphemy is capital punishment. Reference of the verse: "33:57 Lo! Those who malign ALLAH and His Messenger, ALLAH hath cursed them in the world and the Hereafter, and hath prepared for them the doom of disdained."

### Critical Themes:

- Chapter 133:57, verse 57.
- Capital Punishment/ Ismail Qureshi

**Question: Please explain the Islamic component of the law i.e. 295-C (what and how much have we borrowed from the rulings of Holy Quran/Hadith/Ijma/Qiyas to create Blasphemy Laws of Pakistan and how has the law evolved into its contemporary form?)**

The Blasphemy law is not a man-made law but borrowed from the Holy Quran and the Sunnah; it is a Shariah law.

Penal code (XLV of 1860)

Section 295-C Constitution of Pakistan 1973, Article 203D. Repugnant to injunctions of Islam---- use of derogatory remarks in respect of Holy Prophet, alternate punishment of life imprisonment as provided in section 295-C PPC 1860 being repugnant to the injunctions of Islam as given in Holy Quran and Sunnah, Federal Shariat Court directed that the words 'life imprisonment' were to be deleted from S. 295-C with a further direction that a clause may further be added to S. 295-C so as to make same act or things when

said about other Prophets, also an offence with the same punishment by 30th April, 1991. After this, the only punishment that remained for blasphemy is the capital punishment. It is a non-pardonable offence and all the fiqhs have agreement over it

#### Critical Themes:

- Blasphemy Law: A Shariah Law.
- Blasphemy Law: Is derived from Shariah & Hadith
- Constitution of Pakistan 1973, section 295C, article 203D
- Evolution of 295C, 203D (1860) 295C 1982)
- Deletion of life imprisonment
- Inclusion of death punishment in place of life imprisonment
- 295C also punishes blasphemy acts against all other Prophets
- 30<sup>th</sup> April 1991, 295C

**Question: If a person pass bad comments for Hazrat Muhammad's wives, what is the punishment for such a person? (Capital punishment in this case too?) - Examples of Junaid Jamshed & Shahista Wahdi (GEO TV)**

In this case, the punishment is not capital punishment. The punishment is 80 lashes and is pardonable if the person repents.

#### Critical Themes:

- Blasphemy against Ahl-e-Bait-Rasool (PBUH)
- 80 lashes
- Pardo after repentance

**Question: What should be done to control the misuse of Blasphemy Charges? Please give us some policy recommendations.**

Religious scholars and leaders need to play an important role to control the misuse of this law. Teachers should promote an environment of tolerance and learning thereby controlling extremist thoughts. The Federal Shariat Court should take responsibility and ownership of the law, to help provide further direction.

#### Critical Themes:

- Tolerance

- Learning
- Religious Scholars
- Extremist Thoughts
- Responsibility of Federal Shariat Court & the ownership of the 295C

**Question: Do you think this law protects the minority in Pakistan?**

The law does not provide protection to minorities as it being misused against them and the government has failed to take adequate steps to stop its misuse. Intolerance, extremism and religious division (Sectarianism) are the main reason of the misuse.

**Critical Themes:**

- Misuse of blasphemy law
- Failure of the government to stop misuse of blasphemy law
- Religious divisions

**INTERVIEWEE #04: - Allama Akbar Hussain, IDARA MINHAJ UL HUSSAIN**

**DATE:** May 21st, 2017

**TIME:** 5:25 PM - 4 PM

**Location:** Idara Minhaj ul Hussain, Lahore

**Description of the room:**

A wide room of Imam Bargha was designated for administrative functions, well decorated, 3 A.Cs. Sofas were placed against the walls of the room. At the far end there was a big table on which books were placed. There was a book shelf at the far end behind the table which was full of books on Islam. On one side of the wall, there was a frame in which the complete Holy Quran was written in calligraphy form. There was also a small mirror on the left side of the wall which was along the door with words denoting Fatima Bibi. There was a traditional chandelier which was fully lit. There were four tube lights and there were 6 tables placed in front of the 25 sofas and 2 chairs. There was also an old PC.

**Question: What is the opinion of fiqh Jafria on blasphemy?**

There are two aspects of blasphemy: 1) religion, 2) Tauheen-e-Rasalat, Ahl-e-Bait, and Momineen. Surah Kafiroon to explain the religion aspect. Islam does not allow disrespect of any religion. He supported this point by mentioning the following Ayat: "La Ikraha Fiddeen".



Not to exercise compulsion against any religion, conveying of message, no insult to another religion. Holy Quran has ordered to live with Ahl e Kitaab in peace, however the only Deen is now Islam; ALLAH's favourite Deen is Islam. Other religions have expired because several changes have been introduced in these various religions as well as several inventions.

It is not allowed to buy or keep books of other religions for the fear of distraction from Islam, but insulting them is not allowed but only the experts in their field are allowed to consult these books to make comparisons and answer nonbelievers with proof from Holy Quran. He mentioned the ayat "lakum dinukum waliyadin" and said this Ayat is to convey us the message that Blasphemy of any religion is not allowed. However discussion while remaining in the moral and professional confines (Mauizah Hasanah) is allowed.

### Critical Themes:

- Kinds of Blasphemy according to Fiqh Jafariah; Religious blasphemy and Tauheen-e-Risalat, Ahl-e-Bait, Momineen
- Surah Kafiroon
- La Ikraha Fideen
- Compulsion in Religion
- Peaceful Coexistence with Ahl-el-Kitab according to the Quran
- All other religions have become obsolete
- Mauizah Hasanah

**Question: What is the punishment for blasphemy against Holy Prophet (P.B.U.H) and for his companions?**

The law of blasphemy has been made by ALLAH, Prophet and Righteous Caliphs. First we need to understand punishments as prescribed in Islam; Hadd (punishment has been fixed for example cutting of hands of a thief) and Tazeer (A maximum limit of punishment has been prescribed which the judge is allowed to decide). Insulting a Prophet is punished by Hadd and a Companion's insult is set by Tazeer. The punishment for blasphemy against prophets is death. However it does not mean the public can carry out this punishment. The decision must be made within the system and law i.e. only the state can carry out the punishment. Tauba (repentance) is for Akhirah but punishments are necessary to regulate the system of society and set examples for people to avoid crimes and mistakes. Due to this reasoning a person cannot be forgiven even if they repent.

### **Critical Themes:**

- Allah, Prophet (PBUH), Righteous Caliphs and the Blasphemy law
- Hadd
- Tazeer
- Capital Punishment
- Only state has the right of the Blasphemer
- Taubah
- Akirah
- Systems of Punishment

### **Recommendations:**

**Investigation** of the incident must be made before an **FIR** is launched an inquiry must be **conducted** by senior officials who cannot be pressurized to make decisions on other **people's** wishes. If someone is found to have launched a **false FIR** or **falsely accused someone** of **blasphemy**, they must also be given **capital punishment**. Unlike in other cases where the President can grant clemency, **President** should not have any **authority** to grant clemency in cases of **blasphemy**. This is because we do not have the **authority** to decide matters related to the **Prophet** as they have been already settled in **Sunnah** and the **Holy Quran**.

### **Critical Themes:**

- False accusers should meet capital punishment
- Change in investigation process
  - Investigation prior launch of FIR
  - Investigation by senior officials
  - Clemency by President not to be acceptable in blasphemy cases
  - Do not bypass the decisions already set in Quran & Sunnah

**Location: - Sheikh Zaved Islamic Centre - University of Punjab**

**DATE: May 22nd, 2017**

**TIME: 12- 1 PM**

### **Description of the **room**:**

The **room** was the **office** of the **HoD** of the **Centre**. At the right side, 10 sofas were placed with **two** of them at the far end. At the left side was a **table** on which an **old PC** was **placed**. There were also **office**

files on the table. At the wall behind the table was an A.C which was turned off. The left side of the room was being used as a kitchen and a separator was placed there. A lady was making tea there. There were 3 cupboards placed in the room which seemed to be full of office files. The room was very hot as it was filled with a lot of people and the fan was turning very slowly.

**INTERVIEWEE #5: Dr. Saad Siddiqui, Chairperson Institute of Islamic Studies University of Punjab, Lahore**

After inquiring about the reason for our visit he started off with asking “What is Blasphemy?”. He defines blasphemy as any remark or action which is insulting towards the Prophets and Islam. It is haram to insult any religion in Islam as it invites insult for Islam. However it does not mean we cannot raise or question different aspects of religion. There is a difference between questioning and insulting and this difference between ‘tauheen’ and ‘tanqeed’ must be observed. There is no haram in raising questions but degrading a religion is not allowed. However unintentional statements do not constitute blasphemy. A board must be established to prove intention.

**Critical Themes:**

- Insulting any other religion is Haram in Islam
- Tauheen & Tanqeed
- Unintentional Statements
- What is blasphemy?
  - Insulting remarks or actions against the Holy Prophet (PBUH)
  - Insulting remarks or actions against ISLAM

**INTERVIEWEE #6: Professor Dr. Hassan Madni, Professor Institute of Islamic Studies University of Punjab and Editor Mahnama Muhaddis, Lahore**

**Question: Do you think the law is discriminatory against the minorities?**

Minorities are not discriminated against because of the law. Most of the cases are reported against Muslims by other Muslims, almost 70%.

### Critical Themes:

- Blasphemy law is not discriminatory

**Question: Do you think that in Mashal's case blasphemy was used as a political tool?**

It is a clear attempt of murder and exploitation of the law despite of the fact that Mashal's viewpoint was different, but blasphemy charges have not been proven. Anybody who takes the law in the hand is a murderer/criminal and all fiqhs agree on this (article copy to be used).

### Critical Themes:

- Murder
- Exploitation
- Mashal's Divergent views

**Question: Can you provide us with an example from the life of Holy Prophet (P.B.U.H) in which a person who committed blasphemy and they were punished?**

He quoted an instance in which a person used to pass derogatory or insulting remarks whenever the Prophet was delivering a sermon. After 4, 5 times, Holy Prophet ordered the person to be killed. After the conquest of Makkah, the Holy Prophet (P.B.U.H), after giving pardon, ordered killing of Ibn Khatal and his she-slaves who used to compose defamatory poems about the Holy Prophet (P.B.U.H). (Al-Shifa by Qazi Ayaz, Vol.II, page 284 Urdu Translation).

### Critical Themes:

- Derogatory remarks, poetry, and Ibn-e-Khatal

**Question: Whether blasphemy is pardonable or not?**

It is not pardonable. He supported his view by mentioning the event in which a blind man murdered his wife. His case was taken to the court of Holy Prophet (P.B.U.H) to which he proved that his wife insulted Prophet (SAW). The case was examined, the instigation was proven and the criminal (blind man) was granted relief. Allama Ibn e Taimiyah made 6 observations from this case but it does not infer anybody is allowed to kill.

### Critical Themes:

- Blasphemy is not pardonable
- The blind's man case
- Ibn-e-Tehmiya's six observations

**Question: If a person passed derogatory comments against the wives of the Holy Prophet (P.B.U.H) and Sahaba (R.A), what is the punishment for such person?**

That person is not given the capital punishment but instead given the punishment of up to 80 lashes and/or a fine.

**INTERVIEWEE #7: Dr. Abdul Qudoos Sohaib, Professor Bahauddin Zakariya University, Multan**

**Question: Whether the court looks at the intention of the accused?**

Intention of the blasphemer matters. Hazrat Umer (R.A) suspended the punishment for theft in times of hunger and drought keeping in view the circumstances of the day. Thus, punishment cannot be awarded without proof of intention in the court and the circumstance or situation in which act is done should be considered. This also shows that Islam is based on social justice.

**Critical Themes:**

- Intention; an important consideration in awarding punishment
- Social Justice

**Question: Whether extra-judicial killing is justified or not?**

The case of blasphemy cannot be decided or punishment inflicted by the public, the case must be taken to court. Those who kill unlawfully also deserve punishment. (Mavra e adaalat qatl)

**Critical Themes:**

- Unlawful practices
- Mavra-e-Adalat Qatal

**Question: Do you think blasphemy law is discriminatory against Non-Muslims?**

The law is not discriminatory as Blasphemy Law is the Law of the land in Pakistan it applies to all the people residing in the country but this law is being misused for personal revenge or motives. E.g., a Sikh businessman from Multan is being threatened of being accused of blasphemy for personal issues. People are exploiting blasphemy to use for their benefit.

The procedure is flawed not the law. Our judiciary is not strong enough to implement this law truly as

they pass the judgment under pressure of **extremists**. Due to which this **law** is **considered discriminatory against minorities**. It only applies to those who actually **commit blasphemy**; **disrespect** any of our **Prophets**, it is not fundamentally **against** the **minorities**. So it can't be **said** that the **law** is **against** their rights as **citizens** of **Pakistan** and it should be **amended** or **repealed** instead it is the **misuse** of this **law** or the **people** who use it as an excuse to fight their **personal** battles is what should be **controlled**.

#### **Critical Themes:**

- Personal Revenge
- Exploitation of Blasphemy
- Flawed criminal procedures
- Weak judiciary creates doubts about blasphemy law
- Blasphemy and personal scores

#### **Question: What would you like recommend as a solution to this issue?**

Need of the hour is to allow **people** to learn about **religion**, to **change** the minds of **people** to the right and **tolerant** mindset towards **society** in order to avoid the **misuse** of **blasphemy** charges in **Pakistan**. Learn about the **Deen** (**religion**). **Deen** itself is **complete**, and does not exist in **isolation**, the **problem** is of misunderstanding or **lack** of **religious knowledge**. Must be **studied** completely.

In this case the roles of **educational institutes**, **media** and **state** are most **crucial**.

#### **Critical Themes:**

- Enhance religious education for masses
- Change of mind sets' from extremism to tolerance
- Learning of Deen
- Lack of religious knowledge
- Educational Institutions
- Media
- State

#### **Question: What is the punishment of a Blasphemer according to different Fiqhs?**

All **fiqhs** in **Islam** agree that the **punishment** for **blasphemy** is **Capital punishment**.

**Hadd** and **Tazeer punishment** issues: **Blasphemy** is a **crime**, just as placing **tohmat/unjustifiable allegation**

is a **crime**, not a **SIN**. Since the right of **ALLAH**, **Prophet Muhammad (SAW)** and **Muslims** are **hurt**, the **crime** becomes **non-comprisable**.

In **Islam**, **disrespecting** any **religion** is **prohibited**, but when it comes to **punishment** for **blasphemy** against the **Prophet** (PBUH) and all other prophets is **punishable** by **death** according the Pakistani **law**. Intention is **vital** in the **law** of **Pakistan**, it varies case to case. There's no equal **punishment** for all **blasphemy** cases but rather it depends on the **intention** of the **person**. **Islam's** **entire** **social**, **economic**, **political**, all systems are based on **justice** and equality. If someone who **commits** **blasphemy** and **repents**, **forgiveness** can be **granted** but it depends upon the **intentions** or varies case to case.

**Atheists** call themselves as **humanists** and make **fun** of our **Prophets**. They do not have any **concept** of **religion** which is why they feel so strongly **against** the **capital** **punishment** for **blasphemy** but the **punishment** can't be **amended**.

#### **Critical Themes:**

- Intention; an important consideration
- Capital Punishment
- Hadd and Tazeer
- All blasphemers don't deserve capital punishment
- Forgiveness & Repentance
- Atheists and blasphemers

#### **Question: What is the difference between the **punishments** of **apostasy** and **blasphemy**?**

Both are **crimes** and depend upon reasoning. It is not a **sin** but a **crime**, some **sins** are **pardonable** and some aren't and cannot be repented. In **apostasy** there are **two** **opinions**. According to one **school** of thought **forgiveness** is possible but the other's **disagree**.

#### **Critical Themes:**

- Apostasy and blasphemy

#### **Question: What is the **punishment** for a **person** who forces another to commit **blasphemy**?**

If a **person** is forced to commit **blasphemy** than the **person** forcing him/her also has to be **punished** by the **court** according to **Islamic** **law**. But no **person** can take **law** in their hands, it is the **court's** responsibility to **punish**. In case of **Mashaal Khan**, the **university** shouldn't have issued the notice about him **committing** **blasphemy** which riled up the **students** and basically gave **people** the **license** to openly attack him. In this

case the **administration** should be given **punishment** as all this happened because of the **notification** issued by **admin**.

#### **Critical Themes:**

- Enforced blasphemy
- Mashal Khan

#### **Question: Whether **repentance** can lead to **forgiveness**?**

A **person** had **committed 99 sins** and when he finally **wanted** to **repent** he went to an **elder** to seek his advice, but he told him there is no **repentance** for him and hellfire awaits him in the **afterlife**. So he **killed** that **elder** as well. After a while he went to an **Alim** who told him to **repent** his sins and leave his **town** and move to another one to have a fresh **start**. When he did **repent** and left to travel to the other **town** he fell sick, he wasn't able to walk all the way to the new **town** and died halfway. When the time for his judgment came the **Angels** were confused whether to count him among the **pious** ones or the **sinners** and they asked **ALLAH**. **ALLAH** **said** to measure the **ground** and determine how close he is to the **pious village**. When they did, he was one point closer to the new **village** than the one he left behind and **hence ALLAH** forgave his **sins** and **said** to count him among the **pious** ones because he is the most **merciful** and forgiving.

#### **Critical Themes:**

- Repentance and Forgiveness
- 99 sins story

#### **Question: Do you think it is justifiable to **kill** the **law** and **kill** or **punish** a Blasphemer?**

**Islam** strictly forbids the **misuse** of **law**. Nobody can take **law** into their own hands and that **person** would be **punished** who **kills** the **person accused** of **blasphemy** rather than letting the **judiciary** do its job.

The **person** who takes **law** into his own hand to **kill** someone depends on whether or not the **accused** actually did **commit blasphemy** or not. If he did, then the **person** will only be **punished** for misusing the **law**, but if the **accused** did not **commit blasphemy** then that **person** will be **punished** for **murder**. In **Mashal's** case **blasphemy** was clearly used as a tool and it's clearly a **murder**, the **murderer** should be **punished** according to the **law** as there is no proof that he actually **committed blasphemy**.

#### **Critical Themes:**

- Islam forbids the misuse of the law
- False Accusers must be punished



**INTERVIEWEE #10, #11 and #12 - Faheem Thanvi Sahab, Chairperson Jamia Ashrafia,**

**Anonymous Mufti Sahab and Anonymous**

**DATE: May 22nd, 2017**

**TIME: 7 PM- 8 PM**

**Location: Jamia Ashrafia, Lahore.**

The madrasah is composed of a main entrance, countless rooms and a prayer hall (*masjid*). One section of the madrasah is assigned for administrative use. The entrance consists of a wooden large Mughal style steel door. All rooms are of different dimensions Small windows over the doors are used for ventilation and lighting. The building showcases the classical architecture of a madrasah: the courtyard gives access to the rooms, prayer room and the library. The room where the interview was conducted was very large and consisted of 25 sofas placed along the walls. The room had 4 large A.Cs turned on which made the room very chilly. On one end a water cooler was placed. At one end there was a large table on the back of which there was a huge shelf which was full of books on Islamic law and jurisprudence. The room was fully lit with bulbs.

Jamia Ashrafia Degree is equivalent to MA Islamiyat and Arabic from any accredited university of Pakistan.

Girls and boys campuses together school a total of 15000 students

**Question: Can you provide us with an example from the life of Holy Prophet (P.B.U.H) in which a person who committed blasphemy and they were punished?**

We are Muslims and the love and respect of the Prophet (SAW) is more important to us than our own lives (Al Holy Quran).

- Ibn e Khatal Story (General amnesty during Fath e Makkah)

The time when Holy Prophet (P.B.U.H) announced certain people to be killed. He became Muslim first and then Murtad. Used to keep a group of dancing women who sang to his songs containing insults against ALLAH Rasoolallah (he did not forgive him because he made fun of him as a Prophet of ALLAH, not as a human being)

- Kaab bin Ashraf a Jew merchant who made fun of Prophet (SAW) was ordered to be killed and the one who killed would enter Jannah. (Bukhari)

### Critical Themes:

- Murtad
- Kaab bin Ashraf
- Bukhari

### Question: Do you think Blasphemy is pardonable?

Imam Abu Hanifa is of the view that a person who blasphemes once or twice and repents then he can be forgiven but this must not become a habit. It depends upon the situation and varies case to case. However, capital punishment can only be given by a judge or the state with proper investigation and proof.

### Critical Themes:

- Imam Abu Hanifah on Blasphemy
- Repentance after 1 or 2 instances of blasphemy
- Capital punishment can only be awarded by a judge/state
- Proper investigation is a must

### Question: Do you think this Law is being misused?

Yes, this law is being misused mostly by the influential people. People take the law into their hands probably because there are loopholes in the law. The law must be strengthened so that the criminal can be punished by the system and people have confidence in the law.

### Critical Themes:

- Influential people and the blasphemy law
- Probable loopholes in the law
- Law needs to be strengthen
- People's confidence in the law

### Recommendations:

The role of the state is very important in order to control the misuse of this law because it is the duty of a state to solve the issue and control the misuse of law. Implementation of the law is weak which is why it is being misused. Proper implementation of law is one of the recommendation to control the situation, also there is need to control extremism and intolerance in the society which could be done only with combined efforts of religious scholar, political leaders and government or state actors.

The **state** must lend support to the **people** **falsely** **accused** of this **crime** especially the minorities. E.g. **government** should appoint a **lawyer** or plead the case on **state**'s behalf since most lawyers are afraid to take up cases of **blasphemy**.

**Critical Themes:**

- Cause of Misuse of Blasphemy Law
- State is an important actor
- State can curb the misuse of the blasphemy law
- Implementation of the law is weak
- Delimiting extremism and intolerance

**Recommendations:**

- Consolidated efforts of religious scholars, political leaders and state actors
- State appointed the lawyer to plead the cases of the minorities

**INTERVIEWEE #13 - Dr. Naseem Razi**

**DATE:** May 26th, 2017

**TIME:** 3:05 PM- 3:40 PM

**Location:** International **Islamic** University, **Islamabad**.

**Description of the room:**

**Question: Is the law against the freedom of expression?**

In the **U.S** it is not allowed to make a speech within **3 kms** of the **WHITE HOUSE**. Similarly one cannot pass **derogatory** remarks **against** the **Queen** of **England**. The same way, this **law** is not **against** freedom of expression.

**Critical Themes:**

- Freedom of Speech in USA
- Queen of England & Freedom of Speech
- Blasphemy law of Pakistan & Freedom of Speech

**Question: Your views about **Mashal Khan's** case?**

This case is clear example of **misuse** of **blasphemy law**. It was **premeditated murder** and the **university administration** was involved.

**Critical Themes:**

- Mashal Khan; a case of misuse of blasphemy
- University administration killed him

**Question: Do you think it is justifiable to punish a person who don't have any knowledge?**

There are Quranic Verses related to the difference b/w literate and illiterate people to support the argument that we can't punish those people who don't have any knowledge.

**Critical Themes:**

- Difference between illiterate and literate people
- Lack of knowledge and punishment

**Recommendations and Conclusions:**

Blasphemy is not an issue of law or religion in Pakistan. It is an issue of weakness of the government's writ, rule of law, poor strength of the criminal justice system and ignorance/illiteracy of the public due to which cases of misuse of the law occur. Hence, to improve the situation, following things are needed:

- Condemn whatever ill is going on in our society.
- Awareness should be created by all the institutions via students
- Being a Muslim we should control ourselves
- Strengthen the government and justice system to punish outlaws
- Educate the people so that they can develop tolerance and shed extremism
- Basically we are afraid of the accountability and this along with the attitude of the people should be controlled.

**Critical Themes:**

- Factual issues
- Blasphemy law is no issue
- Lack of government's writ
- Lack of rule of law
- Weak criminal Justice system
- Illiterate & ignorant public

## **Recommendations**

- Call a spade a spade
- Awareness among the students
- Muslims must practice patience
- Strengthening of justice system
- Educate Public to curb extremism

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