



Briefing note presented to UN Special Procedures mandate holders

September 2014

Religious Minorities in Pakistan: Scheduled Caste Hindus

Discrimination, persecution and violence against religious minorities and a steady erosion of their citizenship rights is on the rise in Pakistan. Growing extremism and a heightened sense of religious identity among the majority population, at the expense of identity as citizen of a state, has deepened the minorities' sense of alienation from the mainstream society. Rising incidents of mob violence, target killings, cases of alleged blasphemy, forced conversion of minor girls and the inability of the State to curb violations of rights against minorities indicate a very disturbing reality. The level of violence and the extent of threat to their identity, culture, religion, to their life and property have reached a point where the minorities are pushed to live a life in perpetual fear and anxiety of an impending disaster.

The majority Muslim (officially 96.28 per cent) population is divided into Sunni sect (80 per cent) comprising various sub-sects (i.e. Deobandi, Brelvi), and a sizeable Shia minority sect (20 per cent) and its off-shoots (i.e. Bohra, Ismaili). The non-Muslim minority, 3.7 per cent of the total population, includes Hindus, Christian, Sikh, Parsis, Jains, Kalashas and the Ahmedis.

Hindus are the largest religious minority group with a population of more than two million. Officially, the Hindu population is categorized under Hindu (jati) and scheduled caste (dalits). The last population census conducted in 1998, cited a very low population, 0.25 per cent, of scheduled caste (dalits) against 1.6 percent Hindu (jati or upper castes) of the total religious minorities population. These figures have been challenged by human rights activists. The figures on the ground indicate a greater number of scheduled caste Hindus who suffer discrimination from the Muslim majority and from upper caste Hindus as well.

Constitutionally and legally, scheduled caste Hindus have equal rights to education, health, housing, public services and infrastructure but social discrimination translates in to exclusionary practices and procedures, depriving the minority communities of full benefit of the facilities. Scheduled caste Hindus, one of the most vulnerable communities, are concentrated in rural areas of Sindh, mostly in semi-arid zones or in the districts deprived of physical and social infrastructure. Prejudices against minorities run deep and various forms of untouchability, including restriction on access to private/public spaces and public services, are practiced against scheduled caste by both upper caste Hindus and Muslims. Scheduled caste communities are mostly landless, asset-less peasants, often in debt bondage.

In the National Assembly, out of a total of 342 seats, 10 are reserved for religious minorities while four seats are allocated in the Senate (out of 104). In the Provincial Assemblies, Punjab has 8 reserved minority seats out of 371; Sindh 9 out of 168; Khyber Pakhtoonkhwa has 3 out of 124; Balochistan has 3 out of 65. Minority parliamentarians tend to give party politics priority over minority issues and are either unwilling or unable to raise concerns related to religious minorities. In the 2013 general election scheduled caste Hindus held demonstrations protesting against political

parties giving tickets only to upper-caste Hindus. Currently, there are only three scheduled caste members; one in the National Assembly and one each in Sindh and Punjab assemblies.

In recent years, abduction and forced conversion of young Hindu girls has emerged as a serious issue. The majority of such cases pertain to scheduled caste poor communities. In one such case that happened in 2010, an entire settlement of 71 Meghwar families left their ancestral village Thar Murk and relocated to the outskirts of Mithi because one of their girls was forcibly taken in to marriage and converted to Islam by the son of the landlord. Rights activists maintain that because there has never been a court ruling on forced conversions in support of the aggrieved Hindu families, there is no precedent to deter the crime.

The forced conversion issue is aggravated in the absence of Hindu personal laws. An absence that has lasted 67 years, since the creation of the country. These are not priority issues for the majority of parliamentarians and the minority Hindus who have served as parliamentarians have belonged to the upper caste and tended to have a patriarchal and orthodox mentality.

Desecration of dead bodies of the scheduled caste Hindu community who bury their dead has emerged as an issue in the Badin district. Two such incidents were reported in 2013. Dead bodies of Bhuro Bheel, a folk singer, and of another Bheel member, were removed by zealots on the pretext that they were buried in the Muslim area of the graveyard.

Incidences of rape of scheduled caste young girls are also frequently reported. In a horrific incident in October 2013, a young scheduled caste girl named Kaku Kolhi was killed by the son of a local landlord against whom she had lodged a rape case two weeks prior to her murder. The PDSN members provided legal assistance but the family withdrew the case at a later stage explaining that they had forgiven the killer. Obviously, the poor family was pressured and paid some amount of money. There is an urgent need to have an independent mechanism in place to pursue such cases and bring the culprits to justice.

In a latest incidence of violence against minorities, two brothers Heera Lal and Ashok Kumar belonging to the Malhi community (a sub caste of Hindus) were killed in Umerkot city on 1st August 2014. Umerkot district borders with India and has a sizeable population of Hindus, including a large number of scheduled castes. The incident has created fear among the local Hindu population and the police has failed to arrest the killers despite the passage of almost two months. Local community leaders fear that such incidents will result in further harassment of the already marginalized community.

There are also reports of the migration of a number of Hindu families to India due to increasing violence against them. No credible data is available on this but it requires attention and action.

Challenges and constraints

The Constitution of Pakistan (Articles 8 to 28) grant fundamental rights to all citizens, yet there are ingredients in the Constitution that lay the ideological ground for inequality and discrimination between Muslims and non-Muslims. The judiciary and the personnel manning the judicial system and the law enforcement system, by and large, work under a mind-set discriminatory against minorities.

The scheduled caste Hindus are discriminated the most due to four elements of their status in Pakistan—being Hindu, low-caste, poor and rural. Their lack of education is the biggest hindrance.

Lack of voice and representation is another critical constraint for the scheduled caste Hindus. They have no representation in either majority or minority decision-making bodies because minority representation is taken up by the upper-caste and wealthy Hindus.

The issues confronted by the lower judiciary range from weak and outdated legal education, inadequate infrastructure, ad-hoc policies, politically motivated postings and transfers to the absence of security and safety of the judicial personnel from threats, harassment and violence inflicted by the disgruntled parties and extremist groups.

Positive developments

In June 2014, the Supreme Court of Pakistan announced a landmark judgment. The three member bench headed by Chief Justice Tusadiq Hussain Gilani, declared that the freedom of belief and practice of religion of choice is a fundamental right of all citizens. The court also ordered the government to ensure that compensations are paid to the victims of a bomb blast in a Church in Peshawar, that a special force is constituted to protect religious places of minorities, and that quotas in employment for minorities are ensured. The judgment also provides for the formation of a permanent bench of the Supreme Court to entertain complaints on a regular basis and ensure that the judgment is implemented.

Minority rights lawyers, including Hindus, have reported positive changes in the judiciary in recent years as the Judicial Policy 2009 and its revisions in 2010, 2011, and 2012 have sought to expedite dispensation of cases. Most cases are settled now within two to three months. Emphasis is placed on strict adherence to the code of conduct prescribed for judges and the principles and criteria spelled out for recruitment of judicial officers and for neutrality and objectivity as essential for dispensing justice. The policy has a provision that bars judges who display bias against non-Muslims from taking up such cases.

Recommendations to the Government of Pakistan

- Enforcement of the constitutional clauses that guarantee fundamental rights to the minorities.
- Constitutional reform to remove anomalies vis-à-vis minority.... Article 41 disqualifies non-Muslim for the position of President; Article 91 (3) disqualifies non-Muslim for the position of Prime Minister.
- Induction of lawyers and judges from minority communities in to the judicial system.
- Promotion of the concept of equal citizenship and human rights of minorities in the curriculum of legal education/training of judges.
- Strict implementation of laws against hate speech.
- Enactment of a law to address forced faith conversion inclusive of the clause setting the minimum age of faith conversion at 18 years.
- Drafting and enactment of anti-discrimination legislation to protect minority communities with the consensus of respective groups.
- Declare caste discrimination a crime; enact legislation to prohibit discrimination on the basis of caste with special provisions for effective protection and law enforcement

Useful links

UN observations and recommendations on caste-based discrimination in Pakistan

- [IDSN Compilation of UN references to caste](#)
- [UPR observations and recommendations on caste for Pakistan](#)

- [Treaty Body observations and recommendations on caste for Pakistan](#)

IDSN Pakistan briefing note May 2014 comprising key human rights concerns for Dalits in Pakistan and related recommendations as well as relevant resources and references

- [IDSN Pakistan briefing note May 2014](#)

IDSN appeal to UN Special Procedures with a number of requests and recommendations for UN Special Procedures

- [IDSN Appeal to UN Special Procedures on caste discrimination 2014](#)

PDSN and IDSN Urgent Appeal on the brutal killing of two traders belonging to the Hindu community and general threat and violence against the non-Muslim community of Umerkot, Sindh September 2014

- [Urgent Appeal – PDSN and IDSN - September 2014](#)