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### Blasphemy Laws in Pakistan: A Tool for Interfaith Harmony and Social Cohesion

#### Nasir Majeed

Assistant Professor, School of law, University of  
Gujrat, Punjab Pakistan.

Email: [nasir.majeed@uog.edu.pk](mailto:nasir.majeed@uog.edu.pk)

#### Tabinda Rani

Lecturer, Department of Law, Hazara University Masehra, KP Pakistan.

Email: [mylawdocuments79@gmail.com](mailto:mylawdocuments79@gmail.com)

#### Sadia Nazir Ahmad

Head Department of Law, International Institute of Science, Arts and  
Technology,

Gujranwala, Punjab Pakistan

Email: [sadia.nazir@iisat.edu.pk](mailto:sadia.nazir@iisat.edu.pk)

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## ABSTRACT

*The purpose of this study is to develop the arguments that blasphemy laws as outlined in Pakistan penal code, 1860 (hereinafter PPC) might be serve as a potential tool to bring interfaith harmony and social cohesion in Pakistan. The given framework in PPC was inherited from the British which was subsequently amended and refined. However, these amendments and changes invited internal and external severe criticism alleging that these laws are sever in nature, source of disorder in society, in violation of human rights, hurdle in freedom of expression and a tool to settle personal grudges. Adopting doctrinal legal research, the present study demonstrated that the various provisions of PPC related to offences against religion work as a tool to maintain law and order in the society. The study also reveals that these provisions ensure respect for all religions, preserves inter and intra-religious conflicts, halt hate speech and hostility, and safeguards the religious believes of both majority and minority communities. Additionally, it advocates to provide penal clause in PPC if blasphemy laws are misused. It is strongly expected that the present study will make substantial contribution to the ongoing debate on the suitability of blasphemy laws in Pakistan as a mechanism to maintain law order in the society.*

**Key Words:** *Blasphemy Laws, Interfaith Harmony, Pakistan Penal Code (PPC), Religious Pluralism, Social Cohesion*

### 1. Introduction

The Pakistani society is a pluralistic society since from its inception; it is composed of different tribes, ethnic groups, races and religions (Shafqat, 2016). The “pluralistic society” refers to a society which is diverse in its composition but seek to find the features that unite it rather than divide it (Brewer, 2009). A pluralistic society has to face numerous inherent issues like failure to find common-good solution, disillusionment with democracy, and inequality (Dahl, 1978). A society may be pluralistic on various grounds and religion is one of such factors. Consequently, the religious pluralism refers to the plurality of religion in a political entity with diversified backgrounds, traditions and faiths (Khunakaro, 2023). The religious pluralistic society has evidence backed religious diversity, positive thinking about religious multiplicity, the social, or legal framework to facilitate religious diversity and relevance of religious differences (Giordan, 2014). As pointed out earlier that Pakistani society is pluralistic society, it is ethnically, culturally and even religiously pluralistic. The total population of Pakistan is more than 241.50 million having 96.35 percent Muslims, 1.37 percent Christians, 0.07 percent Ahmadiyya, 0.01 percent Sikhs, 0.002 percent Zionists and 0.03 percent other religion (National Consensus, 2023). The Muslim population is further divided into various sects and sub-sects; the Sunni constitutes 85-90%, and the Shias are 10 to 15 %. Moreover, there are many sects and sub-sects in Sunni population; the Bravelly constitute 50-60%, the Deobandi constitute 15-30% and Ahl E Hadith/Shafi constitute 5-10% (Pakistan Bureau of Statistics, 2023). These statistics indicate that Pakistan is not religiously a pluralistic society from one perspective and it is religiously a pluralistic from another perspective. For instance, the religious diversity indicates that Pakistan is not a pluralistic society as the great majority of its population is Muslim. On the other hand, the presence of sects and sub-sects in Muslim population indicates that it is religiously a pluralistic society.

A religiously pluralistic society face various issues like religious fragmentation, identity conflict, religious violence, and challenges to integration and co-existence (Melton, 2001). These problems can be addressed by religious tolerance and civic education (Khan & Mahmood, 2021), dialogues between religious sects and groups (Kawangung,

2019), integration of Madrassah, through general pluralistic framework (Zadeh et al, 2022), and through legal framework. In addition, every state having religious pluralism endeavors to bring harmony by adopting various techniques and steps. Even, the states may impose legal obligations on the individuals and the degree of justification of such legal obligations depends upon a state's view of harmony (Neo, 2019). However, while imposing legal obligation on individuals, states have to maintain neutrality and impartiality between opposing groups to ensure harmony and public order (*Lautsi and Others v. Italy*, European Court of Human Rights, 2011).

Pakistan, being a religiously pluralistic state, has also endeavored to bring harmony among inter and intra religious matters by using law as a mean to bring social change in the society. These laws have been incorporated in the Pakistan Penal code from section 295 to 298. However, these laws have been severely criticized by the human rights activists and various local and foreign organizations (Siddique & Hayat, 2008, Julius, 2017, Hayee, 2012, Badry, 2019). There is scarcity of literature arguing that these laws are a mean to ensure religious harmony among various religions and their sects. The present study intends to fill this gap by addressing the question; To what extent can the blasphemy laws in Pakistan Penal Code work as tools for promoting religious harmony and social cohesion in Pakistan? The present study argues that the blasphemy laws in Pakistan penal code are a tool to bring religious harmony in the Pakistani society. The present study has five sections other than introductory section. The second section describes the methodology, and the third section constructs the conceptual framework to analyze the blasphemy laws in Pakistan. The fourth section put forward the arguments and the last section concludes the study.

## **2. Methodology**

The present study is based on doctrinal legal research approach with the focus on interpretation and analysis of the sections 295 to 298 of PPC. The researcher have relied upon both primary and secondary sources while conducting this study. The analysis and interpretation of the primary sources (legislative text) of data were used to construct the arguments; whereas the secondary sources (peer reviewed research journals, books and reports) were utilized to develop conceptual framework and explained the law. The focus of the study was on the capacity of anti-blasphemy provisions in PPC to function as a tool to promote religious harmony in Pakistan. The researchers combined textual analysis, contextual interpretation and normative reasoning to construct an analytical lens through which anti-blasphemy laws can be viewed as means to promote religious harmony in Pakistan.

## **3. Conceptual Framework**

This section is dedicated to construct a conceptual framework to examine the legal framework provided in Pakistan Penal code (hereinafter PPC) pertaining to blasphemy laws. Most of the content in this section has been extracted from the writings and thinking of non-Muslim and western scholars to justify that the said legal framework in PPC is justified according to western and non-Muslims' criteria.

In order to properly understand religious harmony, it is necessary to determine what exactly does faith and harmony mean? The Oxford dictionary has an entry on the meaning of faith as "strong belief in the doctrines of a religion, based on spiritual conviction rather than proof" (Oxford English Dictionary). Likewise, the term, "inter-faith" is related to involving different religions or members of different religions being together (Andrabi, 2020). On the other hand, The Oxford English Dictionary defines "harmony" as a "combination or adaptation of parts, elements, or related things, so as to form a consistent and orderly whole; the dictionary also elaborates the concept by adding that the word refers to "agreement of feeling or sentiment," "peace ableness,"

and “concord (Harmony, Oxford English Dictionary). Likewise, Zuo (2013) pointed out that religious harmony refers to the harmonious and common development within and between individual religions, religious communities and the larger society. To Dalai Lama, the inter-religious harmony refers to recognizing the difference among various religions and converging them to the aim of betterment of human beings. The religious harmony in a religiously pluralistic state is necessary for proper law and order and prosperity (Ministry of Social and Family Development (Singapore), *Declaration on Religious Harmony*, 2014). The religious harmony in a pluralistic state depends upon various factors and numerous researchers have pointed out number of features which may be associated with the term “harmony”. For instance, Neo (2019) associated three features with harmony namely correlativity, contextuality, and contingency. To him, correlativity means that harmony exists in plurality, whether it is the plurality of thoughts or other things and these thoughts or things relate to one another. He adds that contextuality means that harmony can only be understood by keeping in view the social, political, and legal conditions within which it operates. Likewise, contingency of harmony depicts that the existence of harmony depends upon the balancing of interest and not of rights through negotiation at different points in time. Likewise, Li (2009) also believed that harmony possesses contextual and dynamic approach.

Moreover, the religious harmony in a society is to be ensured for number of purposes and objectives. For instance, Zink (1944) highlights that maintaining order or creating the possibility of co-existence of different groups in a society is the main objective of the harmony since it is opposite to strife in a society. On the same line of thinking, Hussain (2016, 2018) holds the view that harmony in the context of religion is meant to avoid inter-religious conflict and it is different from tolerance and liberty when it is viewed as a mean to create order in a society. Neo (2019) added that harmony when taken as a mean to maintain order in a society simply means putting obligations on groups, keeping them in their segregated spheres and preventing them in situations of possible conflicts. Likewise, Zuo (2013) believed that religious harmony requires recognizing religious diversity as a reality, understanding each other with compassion (through dialogue), sharing the responsibility of maintaining peace and justice in a society. He added that the relationship between various religious groups and governments may be controlled by separating the religion and state and ensuring that religious groups and governments fulfill their respective obligations and promote virtuous interactions between them. He further added that various religious groups should obey the laws and should respect public customs and contribute to social development by putting into full play their unique advantages. According to the Declaration on Religious Harmony, Singapore, the religious harmony in a society requires acknowledging the secular nature of state, promoting cohesion within society, respecting each other’s freedom of religion, growing common space while respecting diversity and fostering inter-religious communications.

There are numerous ways in which religious harmony may be ensured in a society. For instance, Ludovic and Tonlieu (2021) believe that religious harmony may be ensured by promoting social justice involving, just allocation of resources, social fairness, and respecting human rights in religiously pluralistic societies (Ludovic, and Tonlieu, 2021). Laue (2000) pointed out that by curbing religious intolerance being advocated in schools, community and media, and promoting inter-faith dialogues, religious harmony in a society may be ensured. It is also thought that religious harmony may be guaranteed by relying on religious teachings emphasizing the need and significance of various means of resolving the religious conflicts (Nimer & Orellana, 2005). Moreover, the states may use law to bring religious harmony in a society. A state, whether it is liberal or non-liberal, plays the key role in ensuring religious harmony in a society when laws are used as a mean to bring religious harmony in a society. A liberal state faces more

challenges to use law to bring religious harmony in a society since it is theoretically and ideologically is constrained by liberal values, neutrality (Walker, 1994) and concerned with ordering individual rights (Ahdar & Leigh, 2013). On the other hand, non-liberal states are not neutral and even sometimes claim to advance goodness that is based on religion, morality, ethnicity or political ideology (Walker, 1996). Owing to this, Neo (2017) is of the view that a non-liberal state does not face such challenges while using laws to bring religious harmony since it has more liberty to impose laws to ensure religious harmony (Neo, 2017). He added that the law in the form of constitutional or legal norms may be used by the state to legitimize its actions to manage the religious diversity in a state by imposing obligations on various religious groups (Neo, 2019).

There are numerous constitutions in the world which, directly or indirectly, speak about safeguarding the religious harmony. For instance, Article 51-A of the Indian Constitution states that it shall be the fundamental duty of every citizen “to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities.” Likewise, the Malaysian constitution declared Islam as the state religion; however, it also affirms that other religions may be practiced in peace and harmony.” The same is the case with Sri Lankan constitution that provides that the freedom of speech and expression, peaceful assembly, and association may be limited in the interests of “racial and religious harmony.” Similarly, the constitution of Bangladesh states that the state religion is Islam but “other religions may be practiced in peace and harmony”; and further restricts the constitutional right to form any association or union “for the purposes of destroying the religious, social and communal harmony among the citizens.” It is significant to mention that the Irish constitution is the only constitution in Europe that speak about the religious harmony. It speaks of “harmony and friendship, to unite all the people who share the territory of the island of Ireland, in all the diversity of their identities and traditions.” However, the Grand Chamber of the European Court of Human Right in *Lautsi & Others versus Italy* have promoted the idea of religious harmony, though by using different words like “living together” (Wade, 2018). Apart from the constitutional framework dealing with the religious harmony, the states also use legislative laws and governmental policies to promote, safeguard and ensure religious harmony in a country. For instance, Singapore has introduced “Maintenance of Religious Harmony Act, 1990” to maintain the religious harmony in Singapore. The act authorizes a minister to make a restraining order against any office bearer of registered religious group that promote who causes religious hatred, feeling of enmity or hostility among different religious group or who does subversive acts under the disguise of propagating religious teaching (section 8).

#### **4. Legal Framework of Blasphemy Laws in Pakistan Penal Code**

This section describes the legal framework given in chapter XV of PPC containing ten sections which deal with the various offences relating to religions. These sections may be classified into three categories; the section which protect all the religions, the sections protecting the Muslims only and the section which place numerous restrictions on Qadianies.

As far as the first category is concerned, it contains five sections which restrict all the person from insulting any religion, or religious believes, or outraging or wounding the religious feelings of any class of person and protects the religious gatherings of any religion or disrespect to human corpses. As far as the prohibition on insulting any religion or religious feelings of any class of person is concerned, the code restricts the individuals from insulting any religion or religious feelings by destroying, defiling or damaging any place of worship of any religions, or their sacred-objects, by written or

verbal words or by visible representation or by trespassing upon any place for worship or funeral rites or indignity to any human corpse. For instance, section 295 states that whoever destroys, damages or defiles any place of worship, or any object held sacred by any class of persons with the intention of thereby insulting the religion of any class of persons or with the knowledge that any class of persons is likely to consider such destruction damage or defilement as an insult to their religion shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both. Similarly, section 295-A provides that whoever, with deliberate and malicious intention of outraging the 'religious feelings of any class of the citizens of Pakistan, by words, either spoken or written, or by visible representations insults the religion or the religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to ten years, or with fine, or with both. Likewise, section 297 states that whoever, with the intention of wounding the feelings of any person, or of insulting the religion of any person, or with the knowledge that the feelings of any person are likely to be wounded, or that the religion of any person is likely to be insulted thereby, commits any trespass in any place of worship or on any place of sculpture, or any place set apart for the performance of funeral rites or as a, depository for the remains of the dead shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both. Likewise, section 298 of the code restricts everybody from uttering words which may wound the religious feelings of any person. The section states that whoever, with the deliberate intention of wounding the religious feelings of any person, utters any word or makes any sound in the hearing of that person or makes any gesture in the sight of that person or places any object in the sight of that person, shall be punished with imprisonment of either description for a term which may extend to one year or with fine, or with both. Similarly, section 296 of the code requires the people not to disturb any religious assembly for the purposes of worship or religious ceremonies. The section states that whoever voluntarily causes disturbance to any assembly lawfully engaged in the performance of religious worship, or religious ceremonies, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both. Likewise, section 297 states that whoever offers any indignity to any human corpse or causes disturbance to any persons assembled for the performance of funeral ceremonies, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Likewise, there are various section in the code which are meant to avoid religious conflicts among various sects of the Muslims only. For instance, section 298 forbids to use derogatory remarks in respect of holy and sacred personalities for the Muslims including the companions, wives, the family member of the holy prophet (PBUH), and the four caliphs. The section states that 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 any wife (Ummul Mumineen), or members of the family (Ahle-bait), of the Holy Prophet (peace be upon him), or any of the righteous Caliphs (Khulafa-e-Rashideen) or companions (Sahaaba) of the Holy Prophet (peace be upon him) shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both. Similarly, section 295-B protects the respect and honor of the holy book of Muslims. It provides that whoever willfully defiles, damages or desecrates a copy of the Holy Qur'an or of an extract therefrom or uses it in any derogatory manner or for any unlawful purpose shall be punishable with imprisonment for life. Likewise, section 295-C prohibits the use of derogatory remarks about the holy prophet. It states that 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 (peace be upon him) shall be punished with death, or imprisonment for life, and shall also be liable to fine.

Similarly, the code contains two sections namely section 298-B and 298-C that are specifically applicable upon Ahmadies or Qadianies. These two sections put certain restrictions on the Qadianies. For instance, section 298-B restricts the Qadianies to use certain words which the Muslims use for the holy personalities. At the first place, it restricts the Qadianies to refer to any person (other than the companions of the holy prophet) by using the words "Ameer-ul-Mumineen", "Khalifatul-Mumineen", "Khalifatul-Muslimeen", "Sahaabi" or "Razi Allah Anho", Ummul momineen (other than the wives of the holy prophet), and Ahle e bait (other than the family members of the holy prophet). Likewise, the section prohibits them from using the word masjid, and azan for the place of their worship and call for prayer. The section provides that whoever violates this section will be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine. Similarly, section 298-C prohibits the Qadianies to call themselves as Muslims, name their religion as Islam, preach or propagate their religion and outraging the religious feelings of Muslims. It states that the Qadianies will not directly or indirectly, pose himself as a Muslim, or call, or refers to, his faith as Islam, or preach or propagates his faith, or invites others to accept his faith, by words, either spoken or written, or by visible representations, or in any manner whatsoever outrages the religious feelings of Muslims. It further states that whoever violates this section will be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine.

## **5.How PPC Ensures Religious Harmony**

### **5.1. A Mean to Ensure Mutual Respect of all Religion**

According to Zuo (2013), the harmony in a religiously pluralistic society depends upon the mutual respect of all the religious communities and groups in a society. This mutual respect reduces inter-faith tensions and ensures peaceful co-existence and mutual growth and development in a society of all religions and religious communities. In this backdrop, the numerous sections of the PPC ensure mutual respect of all religions by prohibiting certain conduct, speech and acts which may insult or injure the religious feelings of any religion or religious sects. For instance, section 295-A puts general restrictions on Pakistani citizen not to insult any religion or religious beliefs of any religions. Likewise, section 295 specifically prohibits insulting the religious feeling of any religion by destroying or defiling or damaging any place of worship, or sacred-object. Similarly, section 296 prohibits disturbing religious assembly of any religion for the purposes of worship or performance of religious ceremonies. Likewise, section 297 ensures that no religion will be insulted by trespassing the place of worship, placing or keeping sculpture, place for the performance of funeral rites, and the place for the depository of dead. The section also prohibits all the person in Pakistan not to offer any indignity to human corpse of any religion. On the same line of reasoning, section 298 of PPC prohibits wounding or outrageous religious feelings of any person by uttering words through loud speakers, amplifier or any other device. Likewise, the same section prohibits to make any gesture which may wound or outrage feelings of the follower of any religion. All these sections are intended to prevent the deliberate insult or outraging the religious feelings of the followers of any religion, individually or collectively. These sections are practical tool to avoid social friction and religiously retaliatory violence in any form in Pakistani society.

### **5.2. Conflict Preservation**

It has been pointed out in section 2 that religious harmony may be ensured or guaranteed in a society if religious conflicts are avoided by putting obligations on the communities

instead of just granting rights to various religious communities (Neo, 2019). The constitution of Pakistan has granted the fundamental right to all the followers of religions to express their feelings. However, this freedom of expression has been reasonably restricted by PPC in section 295-A and 298-A to avoid sectarian or religious hatred. Section 295-A controls the freedom of expression by providing that nobody will outrage or insult the religious feelings of any person by spoken or written words or by making visible representations which may insult or outrage the religious feelings of any person. Similarly, section 298 prohibits wounding, and outraging any religion by uttering words or inciting hatred between religions or religious sects by using loud speakers, amplifiers and other devices or making any sound in the hearing of that person. Similarly, the section also prohibits making any gesture in sight of any person which may wound or outrage his religious feelings. Similarly, section 298-B prohibits the Qadianies or Lahori groups to use descriptions and titles reserved for certain holy personages or places. Accordingly, the section restricts the qadianies to use the title *ameer ul momineen* (other than the four caliphs), *khalifatul muslimeen* ‘Sahaabi’ or ‘Razi Allah Anho’, *Ummul-Mumineen* (other than the wives of holy prophet), *Ahle-bait*) or calls their place of worship as ‘Masjid’, and ‘Azan’ for their call for prayer.

### **5.3. Ensure Religious Equality**

The concept of religious equality is a complex notion encompassing various elements including treating all the religions equally without discrimination (Schwartzman, 2014), and protecting all religions from hate speech (Temperman, 2010), and protection from defamation and insult (Schwartzman, 2014). The religious equality in all its forms is necessary and essential to ensure dignity of individual (Bhargava, 2010), freedom of conscience (Sullivan, 2005) and to maintain peace and social cohesion (Temperman, 2010). The legal framework in PPC ensures and guarantee the equality of all religions in Pakistan. The harmony in a religiously pluralistic society may be brought by ensuring the equality of all the religions. The various sections of PPC ensure and guarantee the equality of all religion in Pakistan. For instance, section 298 restricts to wound the religious feelings of any follower of any religion by using abusive words about any religion. This section indicates that the state intends to protect the religious feelings of all religions in Pakistan. This gives a feeling to all the religion in general and minority religion in particular that their religion is protected in Pakistan which is necessary to bring harmony in religiously pluralistic society.

### **5.4. As a Deterrent Against Hate Speech**

Hate speech refers to a speech in the form of written or verbal words or expression which is intended to humiliate, defame or incite negative feelings in the public based on religion, ethnicity, race or orientation (Waldron, 2012). It is generally abusive, insulting, intimidating or inciting (Parekh, 2006). Hate speech in a religiously pluralistic society may jeopardize religious harmony on numerous accounts; it may trigger hostility and violence among various religious entities (Waldron, 2012), may introduce religious mistrust among religious groups (Parekh, 2006), may marginalize religious groups (Gelber, 2011), or it may endanger peaceful co-existence (Temperman, 2010). There are numerous sections in PPC which restricts hate speech in respect of religions in general and in specific. For instance, section 295-A restrict the hate speech in the form of written or verbal words in respect of any religion which is intended or have the protentional to wound, insult or incite the religious feelings of any person. Similarly, section 295-C is specifically meant to protect hate speech in respect of holy prophet. The section prohibits to use any written or verbal derogatory remarks about the holy prophet (PBUH) and also provides death as penalty in case of violation of the section. It has been pointed out in section 1 that Muslims constitute 98 percent of the population of Pakistan. The death penalty in case of outraging the religious feelings of



Muslims work as deterrence in the society not to use any written or verbal words to defame the holy prohibit and this penalty work as deterrence in the society which is necessary for proper law and order situation in the country. Similarly, section 298-A prohibits defiling the sacred name of any wife (Ummul-Mumineen), or members of the family (Ahle-bait) of the Holy Prophet (peace be upon him), or any of the righteous Caliphs (Khulafa-e-Raashideen) or companions (Sahaaba) of the Holy Prophet (peace be upon him). The section also provides that whoever defiles the sacred names of above-mentioned holy personalities shall be punished with three years' imprisonment. These sections protect hate speech in respect of inter-religions and intra-religions and protect all religions from hate speech since it restricts all individuals including Muslims and non-Muslims in indulging such conduct which may lead incitement of religious feelings of the followers of all religions and sects.

### **5.5. Aligning Public Morality with Legal Norms**

It has been pointed out in section 2 (conceptual frame work) that the states may be liberal and non-liberal and it will not be unjustified that non-liberal states use the law to promote moral or religious values (Walker, 1994). It is usual and justified practice in non-liberal states to use law as a mean to protect collective religious feelings or ideas (Ahdar, & Leigh, 2013). While protecting collecting religious feelings, even the states may incorporate the collective values in codified laws which may curtail the personal liberties and freedoms (Fox, 2008). Pakistan is a non-liberal state in a sense that article 2 of the constitution declares that Islam shall be the state religion. However, there are other articles in the constitution which protect other religions in Pakistan and offer freedom of religion to them. In this backdrop, the legal frame work provided in PPC incorporates the shared values of the great majority of population. The shared values of the population include the faith in the holy prophet as the last messenger of God, the respect for the family members and the companion of the holy prophet. These shared moral values have been incorporated in PPC in various sections. For instance, sections 298-A prohibits the use of verbal or written derogatory remarks, directly or indirectly, in respect of any wife or members of the family of the Holy Prophet (peace be upon him), or any of the righteous Caliphs or companions (Sahaaba) of the Holy Prophet (peace be upon him).

### **5.6. Prevention of Mob justice**

The anti-blasphemy legal framework in PPC serves as a tool to prevent mob justice. The issue of mob justice is a direct threat to existing judicial systems and freedoms; it is not Pakistan specific rather it is a universal phenomenon (Hussain, Khan, & Chandio, 2023). Mob justice is motivated due to various reasons and one of the major reasons is the absence of legal remedy available to mob which justify their actions (Malik et al, 2022) and mob justice is resorted to as a mean of punishment (Salihu & Gholami, 2018). The anti-blasphemy legal framework provided in PPC categorically provide defining and penal sections which ensure that if sensitive religious lines are crossed, the perpetrators will not be able to escape punishment.

## **6. Conclusions**

The study concludes that the anti-blasphemy laws in the Pakistan Penal Code (PPC) can be viewed as rational, justified, and as a means to ensure religious harmony in Pakistan. It emphasizes that Sections 295 to 298-C of the PPC covers a numerous offences against all religions, including specific concerns related to various Islamic sects and particular limitations for Ahmadiyya community. The study also reveals that the legal provisions incorporated in PPC not only provides punishments but also ensures respect for all religions, contributing to the preservation of both inter- and

intra-religious harmony. These provisions are helpful in avoiding hostility and maintaining public order, as several sections explicitly penalize hate speech. By protecting the sanctity of all religions, these laws reflect the state's commitment to safeguarding the religious beliefs of both majority and minority communities. Furthermore, the prevailing provisions of PPC may also prevent mob justice by offering a structured legal mechanism for prosecuting and penalizing offenders.

## References

- Ahdar, R., & Leigh, I. (2013). *Religious freedom in the liberal state*. Oxford University Press
- Andrabi, A. A. (2020). Interfaith dialogue: Its need, importance and merits in the contemporary world. *International Journal of Academic Studies*, 2(3), 264–271.
- Badry, R. (2019). The dilemma of “blasphemy laws” in Pakistan – Symptomatic of unsolved problems in the post-colonial period? *Politeja*, 16(59), 91–106.
- Bhargava, R. (2010). The promise of India's secular democracy.
- Brewer, M. B. (2009). Social identity and citizenship in a pluralistic society. In *The political psychology of democratic citizenship* (pp. 153–175).
- Dahl, R. A. (1978). Pluralism revisited. *Comparative Politics*, 10(2), 191–203.
- European Court of Human Rights. (2011). *Lautsi and Others v. Italy*, App. No. 30814/06, Grand Chamber judgment of 18 March 2011. <https://hudoc.echr.coe.int/eng?i=001-104040>
- Fox, J. (2008). *A world survey of religion and the state*. Cambridge University Press.
- Gelber, K. (2011). *Speech matters: Getting free speech right*. Univ. of Queensland Press.
- Giordan, G. (2014). Introduction: Pluralism as legitimization of diversity. In *Religious pluralism: Framing religious diversity in the contemporary world* (pp. 1–12). Cham: Springer International Publishing.
- Global Centre for Pluralism. (2012). *Defining pluralism. Pluralism Papers No.1*, 1. [https://www.pluralism.ca/wp-content/uploads/2017/10/defining\\_pluralism\\_EN.pdf](https://www.pluralism.ca/wp-content/uploads/2017/10/defining_pluralism_EN.pdf)
- Graham Walker. (1994). The new mixed constitution: A response to liberal debility & constitutional deadlock in Eastern Europe. *Polity*, 26, 503–506.
- Hayee, B. (2012). Blasphemy laws and Pakistan's human rights obligations. *U. Notre Dame Austl. L. Rev.* 14, 25-54. [https://www.scirp.org/\(S\(i43dyn45teexjx-455qlt3d2q\)\)/reference/referencespapers?referenceid=3685661](https://www.scirp.org/(S(i43dyn45teexjx-455qlt3d2q))/reference/referencespapers?referenceid=3685661)
- Hussain, N., Khan, A., & Chandio, L. A. (2023). Legal safeguards against mob justice: An analysis of blasphemy laws in Pakistan and international human rights norms. *Al-Qamar*, Volume 6(1).13-26. <https://pdfs.semanticscholar.org/e82a/84fd337e912f879b9b788970d71f9a4b3c16.pdf>
- Hussin, I. (2018). ‘The new global politics of religion’: Religious harmony, public order, and securitisation in the post-colony. *Journal of Religious and Political Practice*, 4(1), 93–106.
- Hussin, I. R. (2016). *The politics of Islamic law: Local elites, colonial authority, and the making of the Muslim state*. University of Chicago Press.
- Julius, Q. (2017). *Ahmadi and Christian socio-political responses to Pakistan's blasphemy laws: A comparison, contrast and critique with special reference to the Christian Church in Pakistan*. Langham Publishing.
- Kawangung, Y. (2019). Religious moderation discourse in plurality of social harmony in Indonesia. *International Journal of Social Sciences and Humanities*, 3(1), 160–170.
- Khan, A. A., & Mahmood, S. (2021). Pakistan: A laboratory of religious pluralism, tolerance, and diversity – Critical analysis in historical perspective. *International Journal of Islamic Thought*, 19(2), 55–72.

- <https://doi.org/10.24035/ijit.19.2.2021.209>
- Khunakaro, P. S. (2023). Religious harmony: The harmony among the differences. *Remittances Review*, 8(4).
- Lautsi & Others v. Italy, App. No. 30814/06, para. 60 (Mar. 18, 2011). <http://hudoc.echr.coe.int/app/conversion/pdf/?library=ECHR&id=001-104040&filename=001-104040.pdf>
- Li, C. (2009). Harmony as a guiding principle for governance. In *Governance for Harmony in Asia and Beyond* (pp. 37–57). Routledge.
- Maintenance of Religious Harmony Act, 1990.
- Malik, S., Waseem, M. A., Khan, U., & Hussain, N. *The menace of mob justice: An analysis of legal provisions and high-profile cases in Pakistan*. [Duplicate removed; listed once]
- Melton, J. G. (2001). Religious pluralism: Problems and prospects. *BYU Law Review*, 2001(2), 619–630. <https://digitalcommons.law.byu.edu/lawreview/vol2001/iss2/10>
- Ministry of Social and Family Development. (2014). *Declaration on Religious Harmony*. Retrieved from <http://app.msf.gov.sg/Policies/Archived-Topics/Caring-and-Active-Community/Promoting-Community-Involvement/Community-Relations-Social-Harmony/Declaration-on-Religious-Harmony#sthash.LXnKCiw9.dpuf>
- Neo, J. L. (2017). Secularism without liberalism: Religious freedom and secularism in a non-liberal state. *Michigan State Law Review*, 333-370.
- Neo, J. L. (2019). Dimensions of religious harmony as constitutional practice: Beyond state control. *German Law Journal*, 20(7), 966–985.
- Oxford English Dictionary.
- Pakistan Bureau of Statistics. (2023). *Population and Housing Census 2023: National Results*. Government of Pakistan. <https://www.pbs.gov.pk>
- Parekh, B. (2006). Hate speech. *Public Policy Research*, 12(4), 213–223. <https://doi.org/10.1111/j.1070-3535.2005.00405.x>
- S.A.S. v France, App. No. 43835/11, para. 127 (Jul. 1, 2014).
- Salihu, H. A., & Gholami, H. (2018). Mob justice, corrupt and unproductive justice system in Nigeria: An empirical analysis. *International Journal of Law, Crime and Justice*, 55, 40–51.
- Schwartzman, M. (2014). Religion, equality, and public reason. *Boston University Law Review*, 94, 1321.
- Shafqat, S. (2016). Pluralist society vs. monist state. In *Pakistan's Democratic Transition* (pp. 138–151). Routledge.
- Shelby, L. W. (2018). “Living together” or living apart from religious freedoms? The European Court of Human Right’s concept of “living together” and its impact on religious freedom. *Case Western Reserve Journal of International Law*, 50, 411.
- Siddique, O., & Hayat, Z. (2008). Unholy speech and holy laws: Blasphemy laws in Pakistan – Controversial origins, design defects, and free speech implications. *Minnesota Journal of International Law*, 17, 303.
- Sullivan, W. F. (2005). *The impossibility of religious freedom*. The Immanent Frame.
- Temperman, J. (2010). *State-Religion relationships and human rights law: Towards a right to religiously neutral governance* (Vol. 8). Brill. [Duplicate removed]
- The Dalai Lama, His Holiness. (2010). *Toward a true kinship of faiths: How the world’s religions can come together*. New York: Doubleday.
- THE PAKISTAN PENAL CODE,(1860). [https://sherloc.unodc.org/cld/uploads/res/document/pak/1860/pakistan\\_penal\\_code\\_1860\\_html/Pakistan\\_Penal\\_Code\\_1860\\_incorporating\\_amendments\\_to\\_16\\_February\\_2017.pdf](https://sherloc.unodc.org/cld/uploads/res/document/pak/1860/pakistan_penal_code_1860_html/Pakistan_Penal_Code_1860_incorporating_amendments_to_16_February_2017.pdf)

- Waldron, J. (2012). *The harm in hate speech*. Harvard University Press. [Duplicate removed]
- Walker, G. (1996). The mixed constitution after liberalism. *Cardozo Journal of International and Comparative Law*, 4, 311.
- Zarrabi-Zadeh, S., Omerika, A., Gugler, T. K., & Asbury, M. E. (Eds.). (2022). *Dynamics of Islam in the modern world: Essays in honor of Jamal Malik* (Vol. 130). Brill.
- Zink, S. (1944). The good as harmony. *The Philosophical Review*, 53(6), 557–574.
- Zuo'an, W. (2013). Religious harmony: A fresh concept in the age of globalization. *Procedia-Social and Behavioral Sciences*, 77, 210–213.