



# KNOWLEDGE, ATTITUDES, AND PRACTICES:

JUSTICE SYSTEM'S RESPONSE TO  
LEGAL ISSUES OF  
**RELIGIOUSLY MARGINALIZED  
COMMUNITIES**

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Legal Aid Society has started the Religious Minorities (RM) project to build a holistic understanding of barriers against Access to Justice for RM communities in Sindh, Pakistan. Corollary to the research activities, the project also aims to add to the literature on Freedom of Religion & Belief (FORB) in Pakistan. The two main objectives of the project are: (i) Legally empower RM communities through education and provision of legal aid and support; and (ii) Assess the effectiveness of the justice system in responding to legal needs and protecting the legal rights of religious minority communities. This gap analysis is an in-depth and evidence-based study to capture justice system's response to the legal issues of religiously marginalized communities (RMC).

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# Acronyms

<b>RMC</b>	Religiously Marginalized Communities
<b>KAP</b>	Knowledge, Attitude, and Practices
<b>LNA</b>	Legal Needs Assessment
<b>FGD</b>	Focus Group Discussions
<b>LAS</b>	Legal Aid Society
<b>APG</b>	Additional Prosecutor General
<b>DPP</b>	District Public Prosecutor
<b>ADPP</b>	Additional District Public Prosecutor
<b>DIG</b>	Deputy Inspector General of Police
<b>SSP</b>	Senior Superintendent of Police
<b>DSP</b>	Deputy Superintendent of Police
<b>DPO</b>	Divisional Police Officer
<b>SHO</b>	Station House Officer
<b>ASI</b>	Assistant Sub-Inspector
<b>SD</b>	Standard Deviation
<b>IQR</b>	Interquartile Range
<b>PPC</b>	Pakistan Penal Code 1860

# Executive Summary

Despite Pakistan’s obligations on safeguarding freedom of thought, conscience and religion under various international instruments, the right to profess, practice and propogate his religion enshrined in the Constitution of the Islamic Republic of Pakistan of 1973 as fundamental agent, passage of various domestic laws on different aspects of rights of Religious Marginalized Communities (RMC), systematic discrimination and imbalance of powers between Muslims and RMC remain rife and embedded in Pakistan’s systems and society.

There has long been a presumption that this discrimination and bias starts from the attitudes and behaviors of those bearing decision making powers and yielding influence in the corridors of the administrative and justice systems in Pakistan. It is in the context of this presumption, that this Knowledge, Attitude and Practice (KAP) survey was designed with a view to assess the extent of this situation and either confirm or disprove it. This survey is part of a larger project designed to examine the legal needs of RMC and the State’s response to them with a view to contributing quantitative and qualitative data to the ongoing discourse which can improve legal and administrative mechanisms for the protection and promotion of rights of RMC.

Hence, this research paper seeks to respond to i.e.: **“What are the Knowledge, Attitudes and Perceptions of Muslim administrative and justice sector actors with regards to the laws and processes pertaining to religiously marginalized communities in Sindh, Pakistan.”**

Through this research, we found three very clear determinations which are analysed in greater detail further on. These are;

1. Lack of knowledge of specific laws and processes relating to RMC;
2. An inclination and a preference for Islamic laws, principles and beliefs to be used to govern the personal lives and choices of RMC; and
3. An ‘otherization’ of RMC i.e. an ‘Us’ vs. ‘Them’ rehtoric.

The KAP survey was conducted with 165 Muslim members of the administrative and justice sectors across 10 districts in Sindh, Pakistan.

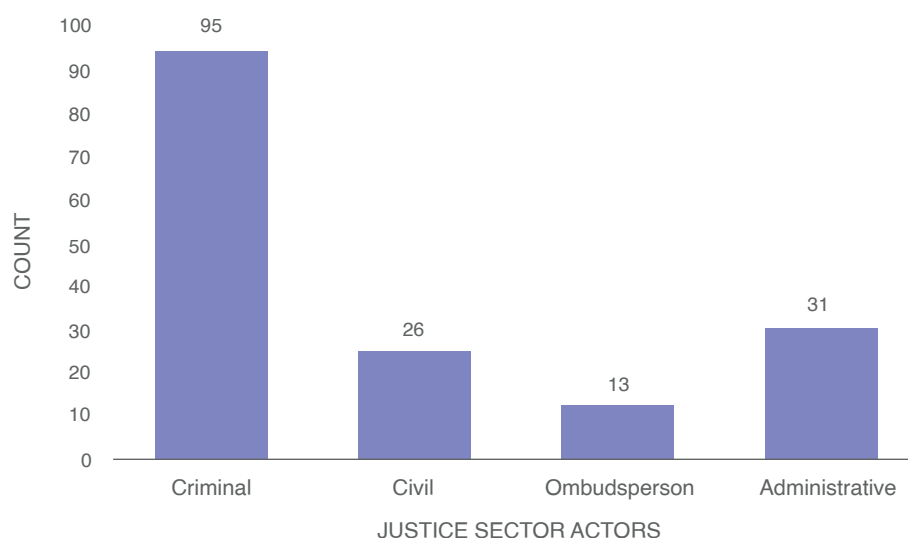


Figure 1 Sample Size Distribution



A mixed method approach was utilized for this study, using four primary methods: an expansive literature review, a close-ended survey conducted with all participants followed with in person discussions, and the researcher's observations.

Three thematic areas were derived from the results of the survey, i.e. a significant gap on the subject in legal knowledge of the justice sector actors; palpable otherization of the RMC's by the concerned legal actors; and a strong inclination to use Islamic laws for matters pertaining to the RMC's.

Actors in the administrative and justice systems are required to pass through extensive training and capacity building in order to be able to practice the correct application of law. It is an expectation of these institutions to have updated knowledge of law and practice given their professions involves application of law. Awareness about the correct use of each law results in factual and honest practice by these justice sector actors, however, as observed in our survey results and field observations, lack of knowledge is evident amongst actors across all categories.

Overall, officials within the office of the Ombudspersons had the highest percentage scores, followed by civil actors, criminal actors, and administrative actors. Lack of knowledge was most significantly highlighted in questions pertaining to age in an underage marriage scenario. As per the Sindh Child Marriage Restraint Act 2013, marriage of any person below the age of 18 is prohibited. However, a few respondents wrongly stated that age does not matter in the Hindu Law, wherein, the Sindh Hindus Marriage (Amendment) Act 2018 sets an age limit for 18. Additionally, Sindh Child Marriage Restraint Act 2013 also does not differentiate based on religion.

In Pakistan, Muslims are governed under the principles of shari'a, whereas RMC's have their own set of religiously defined personal laws. However, irrespective of this, many participants made constant, specific, and undue references to Islam and Islamic law. In fact, not only did many of the participants not even consider that other laws may exist, or that their individual personal religious laws should be used, many expressly stated a preference for the use of Islamic law and principles, and stated that it is sufficient to provide required protection and rights. As demonstrated below, a higher percentage of both civil lawyers and judges believed that Islamic laws pose the best solution to a legal problem concerning an RMC family matter.



Figure 2 Use of Islamic legal law as best practice for RMC cases

All of the aforementioned contribute to an us vs them dichotomy, as Muslim legal actors consider RMC as an out-group while adjudicating on their legal matters. A few responses hinted towards the respondents feeling a sense of superiority over RMC. This attitude presumably stems from their incorrect understanding and assumptions about the customs and traditions of these marginalized communities, further adding to this dichotomy.

# 1. Introduction

*“If hate incidents are not tackled in time, those groups targeted will likely experience permanent injuries to their feelings of self-esteem and wider sense of belonging within their societies, making them even more marginalized.”*

*Another important threat is that without concerted action to confront hatred, majority communities themselves may gradually become desensitized, to the point where they begin to accept the hostility in their societies and the myth of ethnic, racial or religious inferiority of those targeted minority groups.”<sup>1</sup>*

On the eve of Pakistan’s independence, Muhammad Ali Jinnah made an iconic speech<sup>2</sup> highlighting the ideals of religious freedom for all without persecution, emphasizing the concepts of non-discrimination and equality of all citizens and ideals of religious regardless of caste, creed, and religious affiliations. The Constitution of the Islamic Republic of Pakistan 1973, in its chapter on fundamental rights, expressly provides for the right to profess, practice and propagate religion, and manage religious institutions,<sup>3</sup> religious education institutions,<sup>4</sup> and the right to equality and non-discrimination.<sup>5</sup> Whilst the chapter on Islamic Provisions (Part IX)<sup>6</sup> of the Constitution states that ‘All existing laws shall be brought in conformity with the injunctions of Islam as laid down in the Holy Quran and Sunnah’ and ‘No law shall be enacted which is repugnant to such injunctions’, it also specifically provides that nothing in Part IX would affect the personal laws of non-Muslims or their status as citizens.

Thus, as per the Constitution, the RMC’s in Pakistan have been afforded the highest protection through the Constitution itself. However, in today’s Pakistan, Jinnah’s ideals seem like a utopian discourse, where the country is “A divided, hierarchical society in which status and access to opportunity are shaped by intersecting class, gender, religious, ethnic, and caste identities.”<sup>7</sup>

The roots of Pakistan’s formation and thereafter its political rhetoric have resulted in the concepts of citizenship and identity in Pakistan being largely defined by religion. The urge to establish a national identity on the basis of a single religious identity often leads to inadequate recognition, and marginalization of RMC. This has indeed been the Pakistani experience. There has been a systematic and structural movement in Pakistan’s legal and political history which effectively worked to not only disempower the RMC, but also established a supremacy or preference for Muslims in terms of power, access, and decision-making.

The ‘otherization’ and marginalization of RMC has been systematically filtered into the socio-cultural fabric of the Pakistani society, through political, cultural and education systems. Limited political representation despite quotas results in minimal contribution to the larger political decision-making process, but is further limited to upper class/caste members with some wealth. Cultural and social intolerance continues to grow as Pakistani society exhibits increased radicalism on insignificant interactions, between

1. Rita Izsak, ‘State of the World’s Minorities and Indigenous Peoples’ – Foreword (Minority Rights Group International 2014). 9  
 2. Muhammad Ali Jinnah, Founder of Pakistan, ‘Address to First Constituent Assembly,’ (11 August 1947) <<https://na.gov.pk/en/content.php?id=74>>  
 3. Constitution of the Islamic Republic of Pakistan art 20  
 4. Constitution of the Islamic Republic of Pakistan art 22  
 5. Constitution of the Islamic Republic of Pakistan art 25-27  
 6. Id. art 227  
 7. BTI, 2022. Pakistan Country Report. [online] <<https://bti-project.org/en/reports/country-report/PAK>> accessed 20 July 2022.

Muslims and RMC; which in fact is also the reason behind the infamous Asia Bibi case.<sup>8</sup>

While incidents of violence, forced conversion and blasphemy have a community wide impact resulting in fear and continued threat, there remain numerous challenges within the daily lives and opportunities in the lives of the RMC that receive little to no attention. There's continued discrimination in key crucial areas including the acquiring of national identity cards, access to resources<sup>9</sup> and adequate representation in the media<sup>10</sup>. This in turn further undermines the community's economic growth and potential and negatively affect their livelihoods and political participation and social capital. Significant numbers of the RMC live under the poverty line resulting in a socio-economic loop, putting further constraints on their access to quality education, health care and employment, especially gainful employment.

The laws and legal processes, formulated under the umbrella of the Constitution are meant to provide a protection framework and access to protection and promulgation of the justiciable rights of the RMC. However, as evidenced by their current socio-economic status and its challenges, the law and legal processes have not been able to do so.

The legal framework in Pakistan is based on colonial British law, updated to cater to a modern-day Pakistani scenario. It includes two types of law:

- (i) laws applicable to all persons, irrespective of religion e.g. administrative laws or criminal laws and

- (ii) Personal laws. Under General Zia ul Haq, the legal framework underwent a significant 'Islamization' process, whereby Islamic principles, terminologies, punishments, and ideals were put into legal texts and processes, resulting in laws and jurisprudence emerging based on Islam, but applicable to religious groups. These include criminal laws such as murder,<sup>11</sup> and bodily harm<sup>12</sup> in the Pakistan Penal Code (PPC) 1860. Whereas, personal laws are formulated and applied as per the individual religious laws of different religious groups.

With the promulgation of the 18th Amendment, personal laws became provincial subject matters. With the exception of Muslim, Christian and Parsi laws, no personal laws of other RMC had been codified before the 18th Amendment, and the Christian and Parsi laws had not been amended or updated since the 1800s and early 20th century. There has been a lack in mobilization of said laws on a provincial basis. Sindh is the only province that has passed a law on Hindu marriage and divorce<sup>13</sup> with the rest of the provinces implementing a federal statute.<sup>14</sup> However, to date, the knowledge and implementation of these laws, if any at all, remains extremely weak, with the required processes not yet having been put in place or lack of knowledge resulting in lack of use. Thus, while formal equality could be said to have been achieved, substantive equality has not.

Within the existing socio-political scenario and marginalization of the RMC, the concern

8. The Guardian, 2020. Asia Bibi, Pakistani accused of blasphemy, yearns to return home. [online] <<https://www.theguardian.com/world/2020/feb/25/asia-bibi-the-pakistani-christian-exiled-to-canada-still-dreams-of-going-home>> accessed 20 July 2022.

Asia Bibi was alleged for "defamatory and sarcastic" statements about the Prophet (PBUH) on June 14, 2009, during an argument with Muslim women. A trial court convicted Asia Bibi for blasphemy in November 2010 and sentenced her to death. However, she was later acquitted in Oct 2018 after facing 8 years in detention.

9. Kashmala Tahir, 'Justice and Rights for Religious Minorities in Sindh, Pakistan: A Legal Needs Assessment Report' (Legal Aid Society 2021). 17 <<https://www.las.org.pk/wp-content/uploads/2021/10/LNA-Justice-Rights-for-Religious-Minorities-in-Sindh-Legal-Aid-Society.pdf>> accessed 1 March 2022.

10. Pakistan Institute for Peace Studies, 'Annual Report 2014.' 12. <[https://www.pakpips.com/web/wp-content/uploads/2017/11/Annual\\_Report\\_2014.pdf](https://www.pakpips.com/web/wp-content/uploads/2017/11/Annual_Report_2014.pdf)> accessed 20 July 2022.

11. Pakistan Penal Code 1860, s 302

12. Pakistan Penal Code 1860, s 332

13. Sindh Hindu Marriage (Amendment) Act 2018

14. Hindu Marriage Act 2014

that arises is whether

- a) The existing laws and processes are not being implemented due to lack of institutional systems, structural breakdowns or inefficiencies, as is an issue that affects all persons in Pakistan, particularly those who are more vulnerable, marginalized and powerless for any number of reasons, or;
- b) As is as is often presumed, is there a more substantial issue regarding the attitudes and behaviours of the actors within the administrative and justice system which is supposed to provide access to justice for all persons, including the RMC.

It is this question that this research paper seeks to respond to i.e.: **“What are the Knowledge, Attitudes and Perceptions of Muslim administrative and justice sector actors with regards to the laws and processes pertaining to religiously marginalized communities in Sindh, Pakistan.”**

## 2. Methodology

A mixed-method approach was adopted for this study using a five-step data collection process. First, an extensive literature review was conducted to examine the breadth and intensity of problems faced by RMC in Pakistan. Second, primary data collected and published for a Legal Needs Assessment (LNA) of RMC by Legal Aid Society (LAS) in 2021 was examined<sup>15</sup>. Thirdly, a Knowledge, Attitudes and Perceptions (KAP) survey was developed and deployed across 10 districts of Sindh. Fourthly, unstructured interviews and discussions with the respondents of the KAP survey were conducted. Lastly since the data collection was carried out by the research team, observer notes were categorically noted down to record real-time statements during the participants filling out the KAP survey.

A Knowledge Attitudes and Perception (KAP) survey is a quantitative tool used to evaluate what the respondents know (Knowledge), what they think (Attitude), and what they do (Practice). It provides access to quantitative and qualitative information, and reveals misconceptions or misunderstandings that may represent obstacles and potential barriers to behavioral change.<sup>16</sup>

While traditionally KAP surveys are prevalent in public health research, in this iteration we applied the principles of the survey tool to socio-legal research to access the beliefs and behaviors of various justice sector actors in Sindh, Pakistan. This is, based on our literature review and to the best of our knowledge, the first time such surveys have been used for socio-legal research.

	Definition	Analysis Tool
<b>Knowledge</b>	What is the level of information justice sector actors have about laws applicable to RMC's in Sindh	<p><b>Quantitative Analysis:</b> Close-ended survey questions</p> <p>Statistical comparisons (basic frequencies, crosstabs)</p> <p>Calculation of knowledge scores</p>
<b>Attitude</b>	What are the perceptions of justice sector actors towards RMC's in Sindh	<p><b>Quantitative Analysis:</b> Close and open ended questions</p> <p><b>Qualitative Analysis:</b> Direct quotations Observer notes</p>
<b>Practice</b>	What are the legal practices of justice sector actors pertaining to the RMC's in Sindh	<p><b>Quantitative Analysis:</b> Open-ended questions</p>

Table 1 Analytical methods

15. Kashmala Tahir, 'Justice and Rights for Religious Minorities in Sindh, Pakistan: A Legal Needs Assessment Report' (Legal Aid Society 2021). 17
16. 'The KAP Survey Model (Knowledge, Attitudes, And Practices)' (SPRING, 2011) <<https://www.spring-nutrition.org/publications/tool-summries/kap-survey-model-knowledge-attitudes-and-practices>> accessed 6 April 2022.

The basic premise of this KAP survey was to answer a fundamental question, i.e. **“What are the Knowledge, Attitudes and Perceptions of Muslim administrative and justice sector actors with regards to the laws and processes pertaining to religiously marginalized communities in Sindh, Pakistan”**.

For this study, convenience sampling was done in ten districts in Sindh, Pakistan, where the LAS is currently active; Karachi, Hyderabad, Dadu, Sanghar, Larkana, Khairpur, Sukkur, and Shaheed Benazirabad (SBA). Owing to Karachi’s size and its number of districts and justice actors within each district, we did not include Karachi as a single district. Instead, Karachi Central, Karachi East, and Karachi South were added to the same list as

the rest of the seven districts which are a part of the study. This decision was based on LAS’ existing contacts in the aforementioned districts. Furthermore, these three Karachi districts helped us cover the rural, semi-rural and urban areas of the city. Multiple actors, with varying skills and knowledge set form the complete administrative and justice system. In light of their assorted expertise and areas of legal concern, we divided the actors into four broad categories; Criminal, Civil, Office of the Ombudsperson, and Administrative actors, and devised a separate survey tool for each group. These respondent groups and the questions posed to them were derived from the range of justiciable issues and their concerned legal actors, exhibited in the LNA.

Category	Sub-Category	Actor	Areas of Legal Concern		
Non-Litigious Actors	Administrative Actors	District Commissioner	<ol style="list-style-type: none"> <li>1. Inter-religious marriages</li> <li>2. Registering a nikkah with a Union Council</li> <li>3. Maintenance of public spaces</li> <li>4. Encroachment upon a communal land</li> <li>5. Budget for religious festivals</li> <li>6. Representation of RMC in local government bodies</li> </ol>		
		Assistant Commissioner			
	Office of the Ombudsperson	Federal Ombudsperson		<ol style="list-style-type: none"> <li>1. Functions and duties of the Office of the Ombudsperson</li> <li>2. Procedure to register a complaint</li> <li>3. Encroachment upon a communal land</li> <li>4. Sexual harassment at the workplace</li> <li>5. Discriminatory policies at the workplace</li> </ol>	
		Provincial Ombudsperson			
	Litigious Actors	Criminal Actors		Police	<ol style="list-style-type: none"> <li>1. Child marriage</li> <li>2. Dowry</li> <li>3. Domestic abuse</li> <li>4. Blasphemy</li> <li>5. Murder</li> <li>6. Restricting a woman’s inheritance</li> </ol>
				Prosecutors	
Criminal lawyers					
Criminal judges					
Civil Actors		Civil lawyers	<ol style="list-style-type: none"> <li>1. Child marriage</li> <li>2. Marriage and divorce</li> <li>3. Domestic abuse</li> <li>4. Child custody</li> </ol>		
		Civil judges			

Table 2 Areas of questioning



The respondents were approached through formal letters explaining the purpose of the research and requiring permission to conduct the same. There were no gender or age restrictions on the selection of respondents. Overall, there were only three criteria set for the selection of respondents; they must be Muslim, they must be currently practicing or serving in either of the 10 districts mentioned above, and they must be high court enrolled (only for civil and criminal lawyers).

The questions in each of the survey tool<sup>17</sup> were based on case studies,<sup>18</sup> pertaining to the types of cases dealt by the respective groups. These case study narratives were broken into different parts, each covering one distinct aspect of the law, for example, the survey catered towards civil actors centered on one case study that covered a case of a Hindu couple over the years, covering matters of underage marriage, abuse, divorce, maintenance, and custody throughout the narrative. Other case studies included cases of blasphemy, women’s right to

inherited property, and harassment at work places. These themes were specifically included because of their common recurrence, number of reported cases, and existence of particular religious laws related to these issues; the latter is particularly helpful to assess their level of knowledge about specific religious laws, as discussed in further detail in the lack of knowledge section.

Since the population of justice service actors in the districts is unknown, the Cochran formula<sup>19</sup> was used to calculate the sample size. By taking our confidence level at 95% and margin of error at 5%, the sample size was calculated at n=384. According to the population census 2017, Sindh’s population is 47.85 million.<sup>20</sup> For this report, we assumed the province's population to be equal to our sample size, i.e. 384, while the sample size per district was calculated against the district’s proportionate population to the province. Following this, a total of 165 surveys were conducted in ten districts across Sindh.<sup>21</sup>

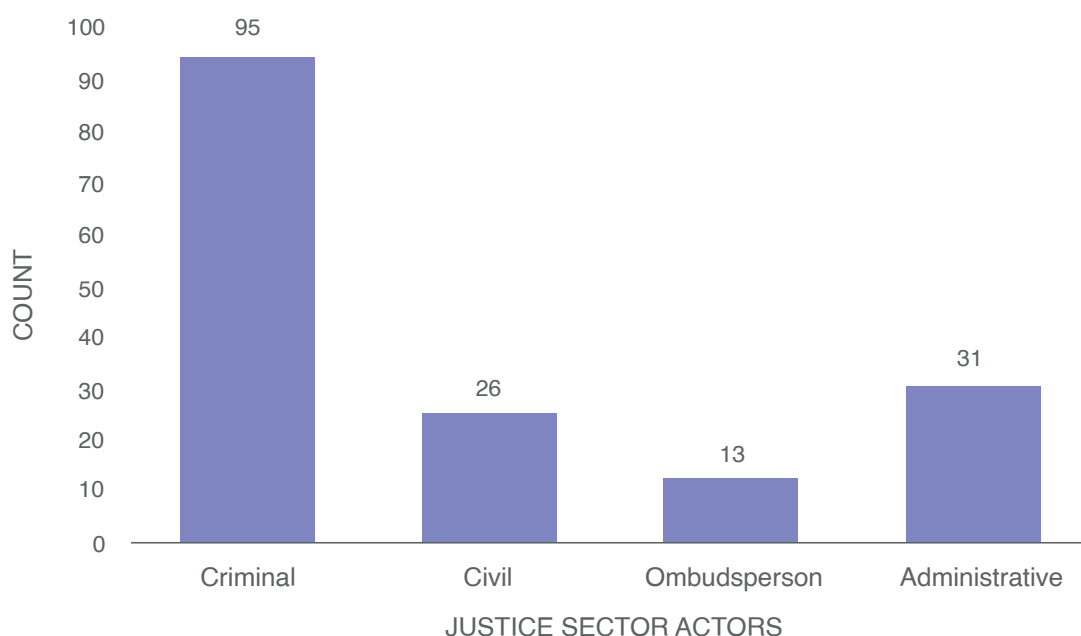


Figure 3 Sample size distribution

17. Appendix C - F  
 18. The case studies were fictionalized versions of the legal cases dealt with by the project’s field advocates.  
 19. The Cochran formula allows us to calculate an ideal sample size given a desired level of precision, desired confidence level, and the estimated proportion of the attribute present in the population.  
 20. Khalid Hasnain, ‘Pakistan’s Population Is 207.68M, Shows 2017 Census Result’ DAWN (2021)  
 21. Appendix A



Data was collected using SurveyCTO. The survey form was available offline and in English and Urdu. The data collector could choose the language in which the respondent was most comfortable. Through SurveyCTO, data was collected on the enumerator's tablet and automatically transferred via the main server to the program team to ensure data security and confidentiality. The research team acted as enumerators throughout the process, and data was collected via numerous frequent visits to the field.

The analysis was divided into three steps. First, quantitative data from the survey was imported into the data processing and analysis software SPSS, and cleaned, grouped, and re-coded for analysis. The first step was to analyze the knowledge scores. Each correct answer from the knowledge based questions were denoted the value of 1, while the wrong answer was scored 0. All of these questions were then computed together into a new variable, for each of the four surveys. Further on, the scores were divided on the basis of profession and designations.

Similarly, MAXQDA was used to analyze qualitative data acquired through open-ended questions in the survey tools, and observatory notes. Data was imported into the software and recurring themes were identified, which are extensively discussed in the following section.

### 3. Limitations

The findings of this study are subject to some limitations. Firstly, while multiple steps to maintain anonymity were undertaken, such as ensuring that no personally identifiable data was collected, no pictures were taken, and the respondents were asked to complete the survey themselves, there were some exceptions. A few of the respondents asked the enumerators to read out the questions and type in their answers for them. As data collection was done by the research team responsible for analyzing the data, this created a breach of anonymity for a limited number of respondents. However, throughout the data collection process, the respondents were reminded of the anonymity principle and the consequences that could possibly arise from their request to defer the response-entry task.

Secondly, a majority of our respondents are male. While the letters to authorities requesting for participants of the survey requested both male and female participants, primarily male participants were nominated. Although, an active search was conducted to locate female respondents, the lack of women appointed to the high-ranking judiciary or administrative positions made it difficult.

Thirdly, gaining formal access to current sitting judges proved difficult. This was addressed by approaching judges alternatively through capacity building training for civil law and criminal law judges organized by LAS at the Sindh Judicial Academy.

Owing to a lack of access to judges, both civil and criminal, data collection was completed by conducting surveys with judges in other districts within Karachi, mainly Malir and Karachi West, to achieve the target. As judges are posted around the province during their service, it was assumed that this substitution would not negatively affect the data.

Fourthly, despite LAS contacting the office of

the Prosecutor-General, Sindh, multiple times, we did not receive a response from them. Without formal access to the Additional Prosecutor Generals (APG), District Public Prosecutors (DPP), and Additional District Public Prosecutors (ADPP) in the districts, the team relied on personal contacts of the field teams. However, in districts where this was impossible or when the target number of respondents could not be achieved solely on personal connections, Prosecutors were substituted with criminal lawyers within the same district.

Lastly, the data collection was restricted to 10 districts across Sindh. This is primarily due to administrative and logistical constraints, allowing for data collection only in the districts where the project is active. However, as government-appointed actors such as Deputy and Assistant Commissioners, Judges, Prosecutors, and Police staff are re-posted to different districts across the province during their service, it is assumed that this restriction would not negatively impact the data.

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## 4. Ethical Considerations

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Researching systematic biases against RMC raises unique ethical questions and considerations. For this study, we ensured the inclusion of the principle to do no harm to the respondents as well as the RMC's.

Informed verbal and written consent was obtained from all respondents regarding their participation. Respondents were provided with the option to withdraw their participation or not answer a question. Complete anonymity of all respondents was ensured as no personal identifiers were noted in the KAP. Data was stored in an offline system only accessible to specific program team members. Pictures were not taken throughout the process unless expressly requested by the respondents.

## 5. Thematic Analysis: Emerging Patterns Of Thought And Unconscious Bias

Despite the varied professions, ranks and hierarchies of the respondents, there were three very clear determinations which will be further analysed below:

1. Lack of knowledge of specific laws and processes relating to RMC;
2. An inclination and a preference for Islamic laws, principles and beliefs to be used to govern the personal lives and choices of RMC; and
3. An 'otherization' of RMC i.e. an 'Us' vs. 'Them' rhetoric.

### 5.1 Lack of Knowledge

Actors in the administrative and justice systems are required to pass through extensive training and capacity building in order to be able to practice the correct application of law. It is an expectation of these institutions to have updated knowledge of law and practice—given their professions involves application of law. Yet, as observed in our survey results and field observations, lack of knowledge is evident amongst actors across all categories.

We found that officials from the offices of the Ombudsperson had the highest level of awareness of laws and procedures, and the lowest level was attributed to those who worked in administration. The following graph shows the percentages, for which we calculated mean scores; all scores were nominally distributed. Ombudspersons had the highest score percentage (67.9%) as compared to their counterparts; civil (64.3%), criminal (55%), and administrative actors (47.7%).

The police was further segregated in to categories based on an individual's rank within the system, comprising of junior to high ranking officials.<sup>22</sup> Mid-ranking police officials exhibited the highest knowledge levels amongst the ranks<sup>23</sup>, however, senior level officers were the most confident with their answers. They were also candid with discussions about sensitive laws such as blasphemy, whereas the hesitation continued to grow as the ranks decreased further on. Since the junior level officers are the ones on ground, this raises a further question of the required level of sensitivity and oversight of officers having direct contact with the communities.

Administrative actors displayed a prominent knowledge gap as compared to their counterparts. Their questions pertained to mostly logistical issues, such as budgetary allocations for RMC events and seat allocation for minority members, however, most of the respondents exhibited varying levels of apathy. They were largely unconcerned about the intricacies of law and procedures, and their attitude indicated an unwillingness or disinterest in gaining any further knowledge on these matters.

We also observed a stark difference between the responses and attitudes of Deputy and Assistant Commissioners. The former demonstrated more concern for RMC and showed consideration of their problems, status and concerning laws and procedures, however most of the Assistant Commissioners we interviewed showcased a general tenacity for constantly referencing Islam, hence showcasing a lack of knowledge. We did not come

22. Senior level police officers: DIG, SSP  
Mid-level police officers: DSP, DPO

Low-ranking police officers: SHO, Inspector, ASI,

23. The highest score achieved by an individual was by a junior-level officer

across any apparent patterns to account for this difference in attitude, and thus, it warrants further research to understand this attitudinal difference.

		KNOWLEDGE									
			N	Highest Possible Score	Mean	SD	Min	Max	Median	IQR	
Civil actors	Total		26		14.8	4.5	6	22	15	(19 -12)	
	Civil Lawyers		15	23	13.8	5	6	20	14	(18 -7)	
	Civil Judges		11		16.2	3.6	10	22	16	(19 -13)	
Criminal Actors	Total		95		18.7	6.9	2	30	20	(24-13)	
	Criminal lawyers		24		15.9	6.3	6	25	17	(21.7 - 8.2)	
	Criminal Judges		10	34	16.8	5.1	11	25	16	(22.2 - 12.5)	
	Prosecutors		7		20	7.6	7	29	23	(26-13)	
	Police	Police (total)		54		20.2	7	2	30	21	(26-16)
		Senior Level		7		22.8	3.2	17	26	24	(26-20)
		Mid - Level		17	34	22.5	5.5	11	29	24	(27- 19.5)
Junior Level			29		18.8	7.3	7	30	20	(25-12)	
Ombudsman	Total		13		16.3	3.1	10	20	17	(19 -14)	
	Federal Ombudsman		4	24	14.7	4.5	10	20	14.5	(19.2 - 10.5)	
	Provincial Ombudsman		9		17.1	2.3	12	19	17	(19 -16)	
Administrative Actors	Total		31		10.5	3.6	2	17	11	(13 -8)	
	Deputy Commissioners		12	22	11.5	3	5	17	12	(13 -11)	
	Assistant Commissioners		19		9.8	3.8	2	16	11	(13 - 8)	

Table 3 Knowledge score of justice sectors actors

Although the survey respondents were mostly male, there were different age groups within our sample, exhibiting a pattern through their knowledge scores. Respondents above the age of 41 were more knowledgeable regarding the laws applicable to RMC, showing a lower level of discrimination. This indicates

that experience in the field is directly proportional to level of knowledge. People in the younger sample, between the ages of 20 and 30 were comparatively fewer in number and also had a lower average score compared to the rest of their colleagues.

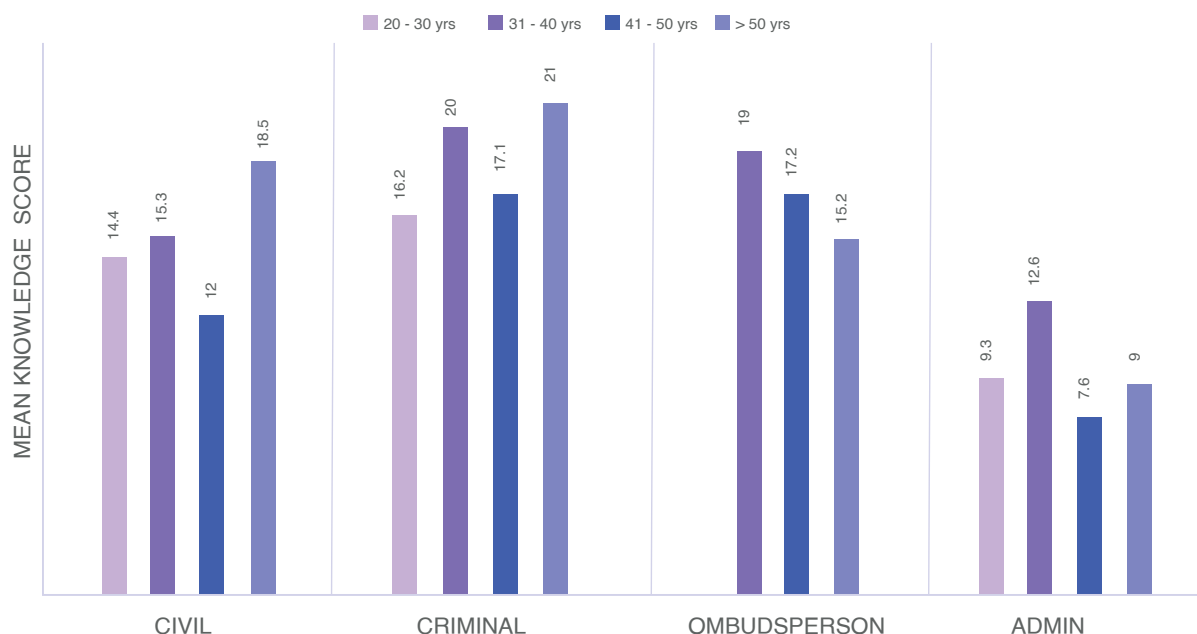


Figure 4 Knowledge score by age

Lack of knowledge was most significantly highlighted in questions pertaining to age in an underage marriage. There were multiple discrepancies about the respondent’s justification of legality of such marriage of minors (either one or both parties), each based on contesting ages.

As per the Sindh Child Marriage Restraint Act 2013, marriage of any person below the age of 18 is prohibited. However, in our survey, varying arguments related to age were observed. The most common incorrect answer included:

- The marriage is legal at the age of 15 or 16, based on the federal age limit<sup>24</sup> rather than the age limit set in Sindh law;<sup>25</sup>
- Only focusing on the girl being a minor, rather than both the girl and boy. This was observed in answers of criminal lawyers

and police officials. Terms like ‘age of puberty’ and ‘biological maturity’ for girls were commonly used as justification to their claims; while there was little or no discussion on the boys;

- Some respondents also mentioned that age does not matter in the Hindu Law. Whereas, the Sindh Hindus Marriage (Amendment) Act 2018 sets an age limit for 18. Additionally, Sindh Child Marriage Restraint Act 2013 also does not differentiate based on religion. However, many respondents casually stated that minor marriages are allowed in Hinduism. In such instances, the focus therein lies on the use of the word “allowed”, used in a formal setting by legal professionals, and on the word “minor”, which implies that they refer to a definition of the word, either the federal or provincial.

24. Child Marriage Restraint Act 1929, s 2(a)  
 25. Sindh Child Marriage Restraint Act 2013, s 3

Their attitudes to early marriages were further apparent through their responses to the question inquiring if they think Hindu girls in particular should be married early. For the purpose of this research, “early” marriage was defined as per the Sindh Hindus Marriage (Amendment) Act 2018.

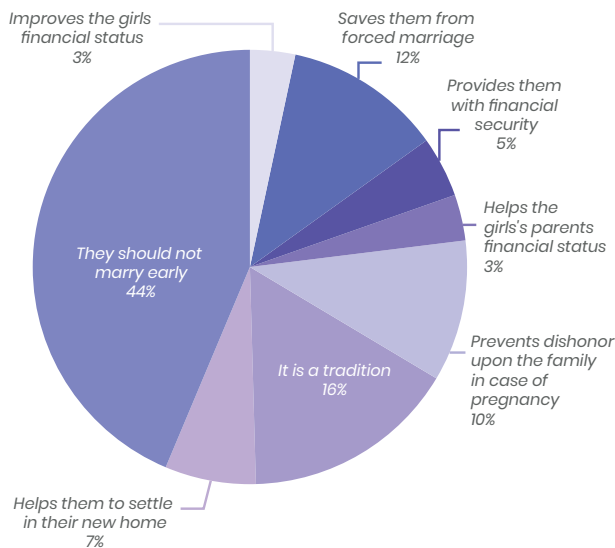


Figure 5 Reasons for early marriage for Hindu girls

While a significant number of respondents stated that Hindu girls should not marry early (42%, n=66), it did not even meet even 50% of the total sample. Furthermore, 70% (n=7) of judges of the criminal justice sector said that Hindu girls should be married early, and majorly believed that this is in accordance with their traditions. These views are especially concerning in light of rampant cases of alleged forced marriages and inadequate conditions of child protection in the country.- This concern also extends to the public prosecutors we interviewed; 100% said on the survey they should not be married early, how

ever, during discussions with the data collectors, they clearly gave their outright support for underage marriage.

Police officials also had varying attitudes in accordance to their ranks; 29.6% (n=16) of police officials did not agree with the statement that girls should not marry early. Out of this, the highest percentage was of junior level officers (62.5%, n=10), then mid-level officers (25%, n=4), and finally 12.5% (n=2) of senior level officers. Protection of girls from early or forced marriage is the responsibility of the justice sector actors, however, 16.7% (n=9) of police officials and 30% (n=3) judges agreed with the statement that it protects them from forced marriages.

Lack of, and incorrect, legal knowledge pertaining to applicable laws in different situations was not evident merely in issues concerning personal law or private family matters, but also extended to other spheres of law applicable to all citizens. This included knowledge regarding murder and blasphemy, which are criminalized within the PPC 1860

Most respondents in the section regarding murder committed under the garb of an alleged blasphemy accusation <sup>26</sup> agreed that that this killing is a legally punishable offence, however majority of them wrongfully assumed that the murderer should be investigated under section 298 PPC,<sup>27</sup> whereas it would actually be used to investigate the accused, who has already been killed without any proof. A majority of these respondents failed to distinguish between the difference between section 298 PPC and section 302 PPC, <sup>28</sup> as they only reference the former when dealing

26. Appendix D

27. “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.”

28. Punishment of qatl-i-amd: “Whoever commits qatl-e-amd shall, subject to the provisions of this Chapter be:  
 (a) punished with death as qisas;  
 (b) punished with death or imprisonment for life as ta’zir having regard to the facts and circumstances of the case, if the proof in either of the forms specified in Section 304 is not available; or  
 (c) punished with imprisonment of either description for a term which may extend to twenty-five years, where according to the injunctions of Islam the punishment of qisas is not applicable  
 Provided that nothing in this clause shall apply to the offence of qatl-i-amd if committed in the name or on the pretext of honour and the same shall fall within the ambit of (a) and (b), as the case may be.”



with any case related to blasphemy, hence disregarding the nuances of the particular case. Similar misinformation was found pertaining to section 498A PPC.<sup>29</sup> Relevant justice sector actors were either oblivious to law or believed that the matter did not fall within the ambit of criminal law.

## 5.2 Undue Reliance on Islamic Law

The response evidenced a pattern whereby a majority of the participants exhibited use of Islamic principles, beliefs and language in the context of resolving personal/ family related matters of RMC to the exclusion of their personal religion, laws and practices. Throughout the tools, across all categories, the participants made constant and specific references to Islam and Islamic law. In fact, not only did many of the participants not even consider that other laws may exist, or that their individual personal religious laws should be used, many expressly stated a preference for the use of Islamic law and principles, and stated that it is sufficient to provide required protection and rights.

In Pakistan, Islam is the official religion of the State<sup>30</sup> and the Constitution requires that all enacted laws be subservient to the shari'a, which is however not binding on the RMC. Traditionally, shari'a<sup>31</sup> is God's eternal and immutable will for humanity but has evolved to be understood as, and applied to, all Islamic legislation.<sup>32</sup> As it is constantly evolving and subject to various changes and interpretations, it is applied in different forms across the globe. Shari'a primarily lays down guidelines for Muslims on how to live an ideal life; the personal laws for Muslims, how they should interact with other individuals, and how a Muslim State should govern its citizens.

Shari'a, therefore, allows RMC living under an Islamic State to be governed by personal laws dictated by their own religious customs.

### 5.2.1. Family Law: Age of Marriage, Child Custody, Divorce and Domestic Violence

Many justice sector actors, including lawyers and judges, inquired if they should base their answers on the shari'a or the State's law for case studies about RMC. For example, many respondents were unsure if they should answer about the legality of underage marriage according to shari'a, which as many believe, allows marriage at the age of 15, whereas in actuality Pakistani law in Sindh requires people to be over the age of 18. Interestingly, we also observed a further stratification between the legal age accepted by the law of the State and the age accepted by some clerics (molvis). The general consensus is for the acceptable age to be completely reliant on Islamic law, evidenced through multiple statements along the lines of, "age of marriage for both (majority and minority) should be as per shari'a law".

However, this discourse on the legal age when a person is allowed to marry has not remained entirely theoretical. While discussing the matter with an Assistant Commissioner in Karachi, our team discovered a material lacuna in the system. Currently, there exist multiple legally acceptable minimum ages to marry across the country, with the minimum age at eighteen in Sindh for both parties, at sixteen for a female and eighteen for males for the rest of Pakistan, and at 15 for both parties under shari'a. Despite the different legally acceptable minimum ages to marry, NADRA's automated marriage registration system accepts a marriage in which the

29. Prohibition of depriving woman from inheriting property: "Whoever by deceitful or illegal means deprives any woman from inheriting any movable or immovable property at the time of opening of succession shall be punished with imprisonment for either description for a term which may extend to ten years but not be less than five years or with a fine of one million rupees or both"

30. Constitution of Pakistan art 2

31. Constitution of Pakistan PRMBL, art 31

32. Ludwig W. Adamec, *Historical Dictionary of Islam* (3rd edn, Rowman & Littlefield 2017) 214



parties are at least fifteen years of age. This demonstrates that the legal protection afforded to children in Sindh and across Pakistan is rendered effectively redundant. References to specific Islamic terms (as illustrated in fig 6)

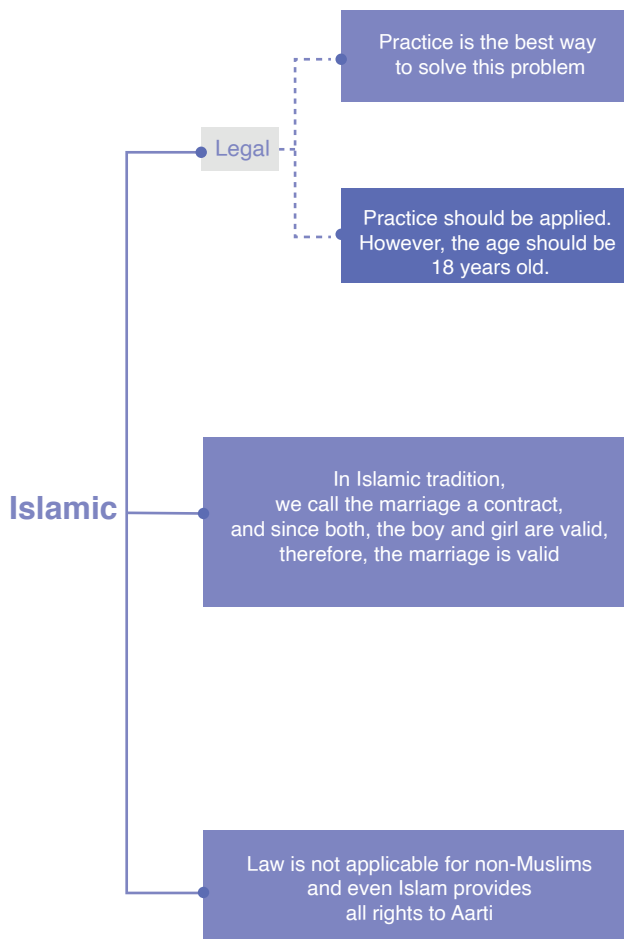


Figure 6 Repeated Reference to Islam in matters concerning RMC [civil actors]

were often made by the respondents to discuss the situation at hand; e.g. the term Nikah was used to refer to the questions relating to marriage across all four surveys. The frequent use of such terminologies appear to have become an umbrella under which all cases are reviewed. We inquired about the use of Islamic terms from RMC’s leaders. They mentioned that

although shaadi is the correct word for marriages in Pakistan, the community does not necessarily object to the use of the word nikah, especially in Christian settings. Over the years, such Islamic terms have become colloquial in nature, and although the use of incorrect rhetoric appears trivial onset, it might potentially be leading to blurring of lines between the laws particular to each religion.

At multiple occasions, respondents explicitly stated that there are problems in Hindu and Christian law, whereas ‘our’ [shari’a] law does not have any problem and is applicable to all. For the respondents, Islamic practices and regulations are not only an improvement over those of other religions, they are also perceived as saviors of other communities, which supposedly do not enjoy adequate rights by their own religions. They believe that shari’a is not only limited to Muslims, but the solutions derived through it are also the only acceptable and ‘best’ out of the lot, hence RMC ‘do not have to worry’. One police officer in Sukkur stated, “Hamaray jo laws hai wo shari’a pe based hain aur wo sub kay liye buhat ache hain. Kisi ko fiqr karnay ki zarorat nae hai” (Our [Pakistani] laws are based on shari’a, and are great for everyone [all religions]. No one needs to be worried).

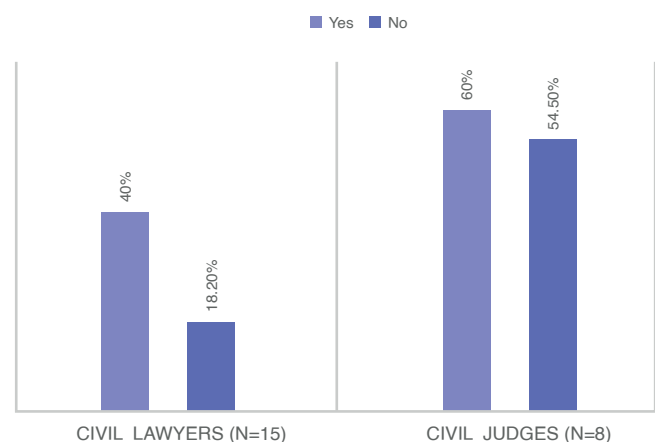


Figure 7 Use of Islamic legal law as best practice for RMC cases

In the civil survey, the only time we explicitly referenced Islamic law, the respondents were asked if they believed that Islamic legal practice is the best way to resolve the issue faced by characters in the case study, i.e. physical and mental abuse towards the wife in a Hindu-marriage. Overall, 57.7% (n=15) agreed that it was. The breakdown between the designations is illustrated in fig 7. A higher number of District and Session Judges believed that it was acceptable to use Islamic law to resolve this issue, while 11.5%

(n=3) judges chose not to answer the question.

Islamic law was routinely referred to as the 'best way' to resolve any matter in light of its extensive procedures and outlines for problem solving. Despite distinctively charting out extensive methods of engaging with RMC's, some respondents with similar sentiments, as aforementioned, routinely fail to acknowledge these differences in between applicable laws.

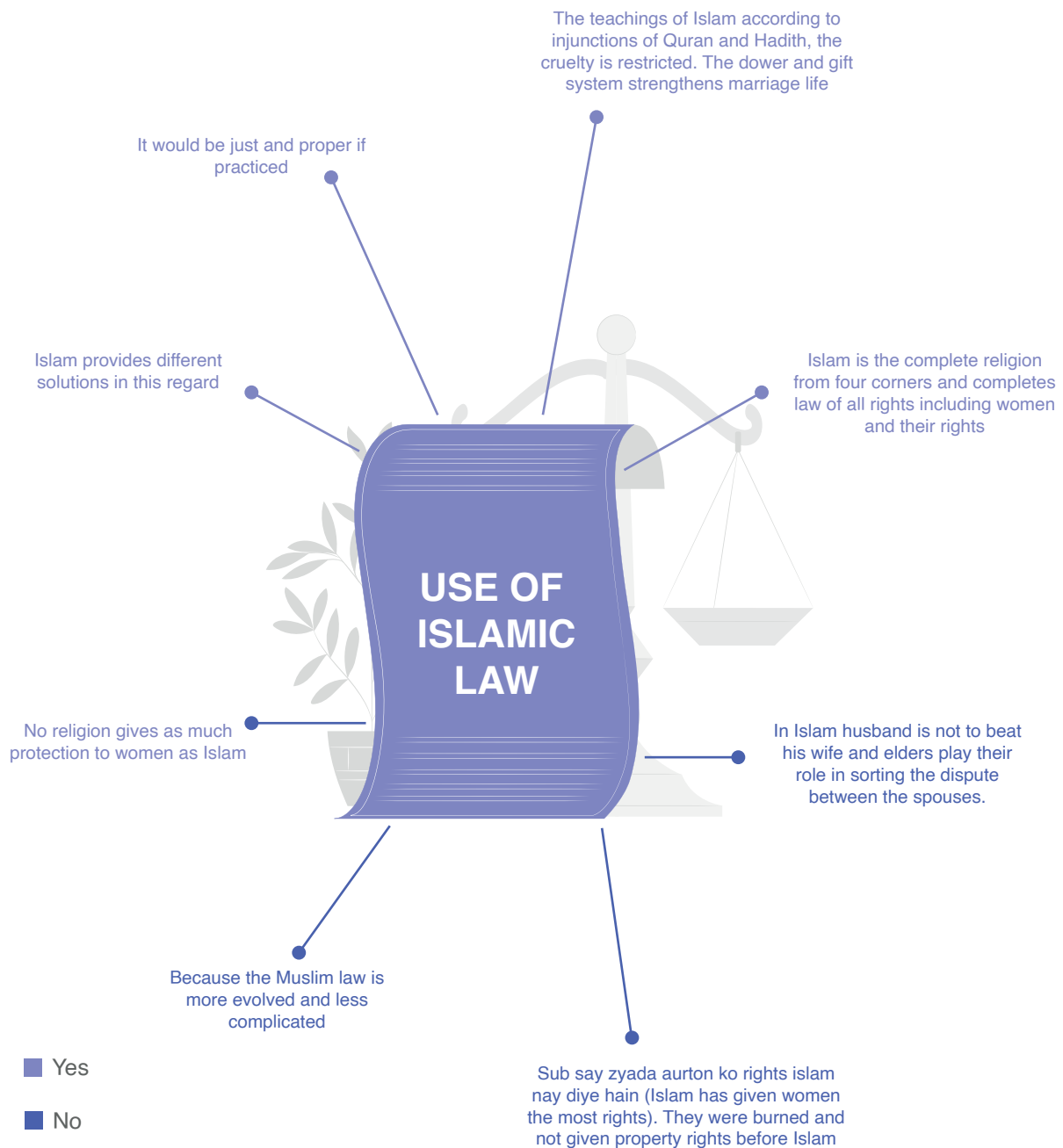


Figure 8 Statements justifying the use of Islamic law

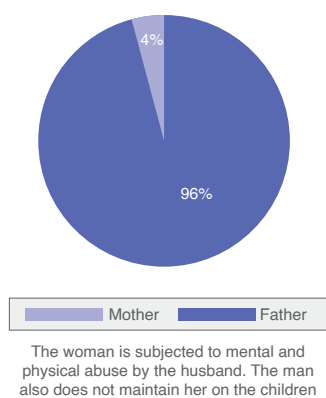
As aforementioned, Islamic law provides family law provisions only for Muslims, and as the subjects in our case study are Hindus, shari'a principles does not apply. Irrespective of this, some respondents chose to apply these principles, accompanied by various justifications focused on the belief that Islamic law is applicable to all. This was illustrated in the civil survey, in which we presented the respondents with three alternate situations based on a case study of a Hindu couple, Aarti and Kabir, regarding the custody of their children. The three situations were based on levels of abuse, religion and financial standing:

- **Situation A:** Aarti is subjected to physical and mental abuse by her husband and his family. The husband refuses to maintain her and their children, while also being an alcoholic and involved in an extra marital affair;
- **Situation B:** Aarti and Kabir finalized their divorce in October 2026. Aarti is now married to a Hindu man named Dinesh. Kabir converted to Islam and changed his name to Khurram. He also remarried and is now married to a Muslim woman named Maryam;

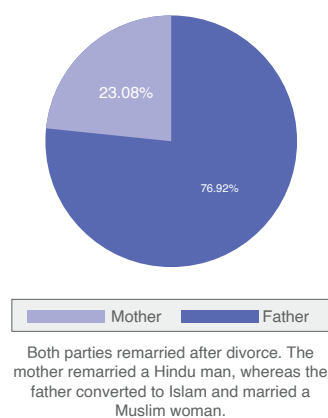
• **Situation C:** Aarti is currently an executive at a nationwide bank and is a rising star. Additionally, due to her senior rank, she has a hefty income and is able to manage her expenses and save, while living a very comfortable life. Khurram, on the other hand, is an errand boy at a local start-up and does not earn enough to sustain himself or his family.

In the first situation, all respondents, barring one civil lawyer, selected to grant custody of the children to the mother, basing their decision on the welfare of the child. However, the number of people who granted custody to the father increased by 19.08% (n=5) when he changed his religion to Islam in the alternate situation B. Interestingly, barring one respondent, the percentage remained largely unchanged between situation B and C, indicating that the major factor influencing their decision was based on religion and not financial stability of the concerned parent. However, majority of the respondents correctly chose for the custody to be granted to the mother in light of the well-established judicial principle of welfare of the children. However a few choices were

Custody: Situation A



Custody: Situation B



Custody: Situation B

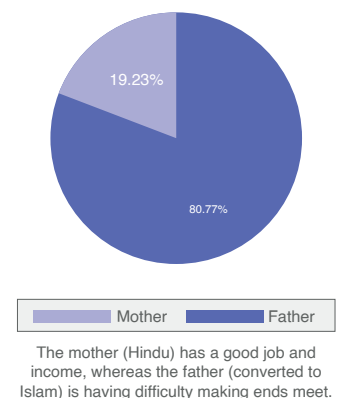


Figure 9 Custody choice in Hindu marriage [case study- civil actors]

based on Islamic precepts, such as age of *hizanat*<sup>33 34</sup> and condition of the step-father being a 'mehram'<sup>35</sup> to the daughter.

The respondent's bias towards their own religion was apparent through their change in attitude towards Kabir when he converted to Islam. As part of their answers, one of the District and Session Judge changed their statement regarding custody. In the first instance, they chose to grant custody to the mother, "Because Kabir abandoned Aarti and her children and stop maintaining them properly. He is a drug addict and has affiliation with another woman", whereas, their choice changed to grant custody to the father, with the following justification, "As Aarti has married to second husband and Kabir converted to Islam. Being father and neutral guardian of children, the custody should be given to Kabir / Khurram" Similarly, another respondent, a Civil lawyer from Khairpur, also changed their choice. Between both the situations, their justification changed from; "Mother is better suited to care for the child in young age. The most important consideration is the welfare of the child" to now stating that since "the father is now Muslim, hence as per Islam the custody will go to the father". The primary consideration, thus, for the legally acceptable principle of 'welfare of the child' was demonstrated to be only religion, as opposed to any other factors.

It is also interesting, that while the majority of the respondents advocated for the use of Islamic law, their own knowledge of Islamic law and sharia was observed to be lacking, as shari'a specifically allows for RMC to live according to their own religion and customs,

and not have shari'a imposed upon them. Thus, assertions of the respondents that Islam and Islamic principles should be applied are in fact contrary to Islamic jurisprudence and beliefs. Further, with regards to child custody, Islamic law and jurisprudence specially gives allowances for custody to be given to a non-Muslim parent if it is in the best interests of the child<sup>36</sup> and that the disentanglement of the mother from the custody of her children due to a second marriage is not an absolute rule.<sup>37</sup> Thus, the assertion and bias towards what respondents believe are absolute Islamic principles, are also partially incorrect as respondents demonstrate a lack of complete knowledge of Islamic law.

33. Mst. Tahmina Ansari v. Rafique Ahmed [2020] C.P No. S-827 of 2019 (SHC Lkr) [10]

34. In Pakistani law, the child custody of a minor is given to the mother. This right is called as right of *hizanat*. But at the age of seven years, mother's right over the son ends. However, it is not an absolute right, it is made in the interest of the boy (Lawsocietypakistan.com. 2022. Right of *Hizanat*. [online] Available at: <<https://lawsocietypakistan.com/right-of-hizanat-in-pakistan-child-age/#:~:text=In%20Pakistani%20law%2C%20the%20child,female%20child%20is%20explained%20below.>> [Accessed 28 July 2022])

35. In Islamic law, *Mahram* means a person who you are not allowed to marry ('Who Is Your *Mahram* and Non *Mahram*?' (Al-Islam.org, 2022) <<https://www.al-islam.org/media/who-your-mahram-and-non-mahram>> accessed 28 July 2022)

36. Peggy Collin v Muhammad Ishfaq Malik and 6 others [2010] PLD Lah. 48

37. Mst. Hifsa Naseer v ADJ Gujar Khan [2017] PLD Lah. 153

## 5.2.2. Acceptance of Repercussions of Alleged Blasphemy Accusations

As evidenced in multiple previous local and international reports,<sup>38 39</sup> false blasphemy charges are not an isolated incident in Pakistan, but rather the law is used as a weapon to scrutinize and discriminate against RMC. In the survey aimed at criminal justice sector actors, a situation specifically pertained to false blasphemy charges used as a tool for personal vendetta against a member from a Christian community.<sup>40</sup> We observed varying stances across professional groups and also within them too; however largely 82.3% (n=79) of our sample stated that the murder committed in this case cannot be justified.

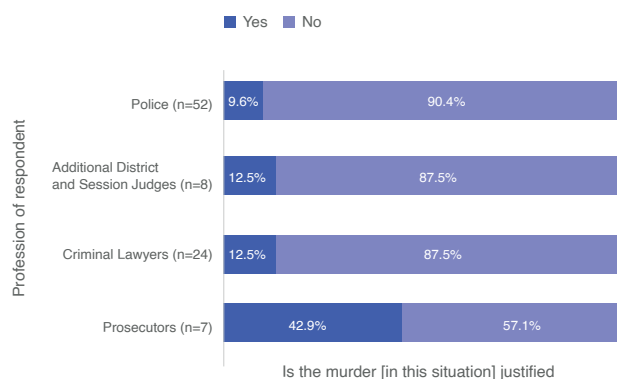


Figure 10 Justification of murder (on blasphemy accusations) by profession

Prosecutors displayed the highest level of acceptance of violence in these questions, as during the data collection and informal discussions, many of them explicitly mentioned that they think that murdering the accused in such case is acceptable and should be even lauded, because “us”

Muslims get emotional in these matter which results in mob justice”. As prosecutors, they are aware that it is a crime, however, as Muslims, their emotions in the matter take a higher precedence, over law and public order. One Public Prosecutor, justified their agreement to the question by stating that “as a Muslim, murder [for blasphemy] is allowed because we get emotional and do it [commit murder], but yes, it’s not allowed in law.” Some prosecutors were open in stating their views, however others were resistant in explicitly stating their views; “shari’a mai tou agar koi tauheen-e-risaalat kare toh maar saktay hain magar ab mai kya bolun” [In shari’a, we are allowed to kill in case of blasphemy against the Prophet, but what do I say now].

There is no definite indicator regarding why prosecutors in our survey were more vocal about their justification for murder for alleged blasphemy. It is possible that this pattern was a coincidental result of our random sampling. However, regardless of the aforementioned, prosecutors, as state representatives need to be more wary of their stance towards such sensitive matters.

Apart from prosecutors, we observed a general resentment for the murderer in this case study by majority of the respondents. High ranking police officials (such as DIGs, SSPs) explicitly expressed their disdain towards such behaviours and cases, and stressed that a proper legal course of action should be allowed to take place in these cases, and highlighted the abuse of blasphemy laws to settle personal vendettas, as mentioned in our case study. Level of discrimination had an inverse relationship with level of rank; 9.6% (n=5) of police offers agreed that murder in this case was justified, with majority of these police officials being junior level police officers,

38. “On Trial: The Implementation of Pakistan’s Blasphemy Laws” (International Commission of Jurists, 2015)

39. “‘As Good as Dead’ The Impact of the Blasphemy Laws in Pakistan” (Amnesty International, 2016)

40. Case study: Nazir Masih, a Christian man, and Abdul Qureshi, a Muslim man, have been working together at the same bank for over seven years. Both of them were up for the same promotion, which caused some animosity between the two. About two months ago, Nazir got the promotion. A few days later, Abdul visited Nazir at his home. The two were heard arguing, followed by the sound of two gunshots. When people ran in to see what had happened, they saw Nazir lifeless on the ground and Abdul standing over it with a gun in his hand. Abdul claimed to have killed Nazir over committing blasphemy, saying that the deceased had “insulted the prophet”.



including SHOs, ASIs and Inspectors. A larger in-depth study is required to understand this pattern; is the police training curriculum varies significantly across ranks, or are other factors, such as age (as exhibited in fig 4), education and socio-economic background of the officials the reasons for this difference in perception?

### 5.3. Otherization of Religiously Marginalized Communities - The Us vs Them Dichotomy

Otherization is the act of viewing people within the same society as either a part of the 'in-group' or the 'out-group', the normal, ideal citizens or the deviants. This creates an Us vs. Them mindset that forces the in-group to only focus on the marginalized characteristics of the "other's" social identity, leading to a further denial of rights. While the dimensions of othering are not restricted to these factors, they are often influenced by religion, sex, race, ethnicity, and socioeconomic status. We observed this phenomenon repeating itself during our data collection.

Increasingly, the use of language, particularly exclusionary language, is an essential indicator in the global literature on us vs. them. While the literature identifies that a dichotomy may be a result of multiple factors such as religion, race, or gender; a vast majority of it is limited to race and ethnicity. Nonetheless, it dictates that the us vs. them dichotomy is not a mere feeling of exclusion but a systematic barrier constructed and further perpetuated by various types of legal actors, and is mostly exhibited by their exclusionary rhetoric.

The language employed by our respondents

when referring to the fictional characters in our surveys revealed a clear division of groups in the attitude of the respondents. Most of them constantly referred to the RMC characters as another group. This might have stemmed from the surveys themselves which asked question about RMC specific laws. However, that cannot be taken as a major factor as the language revealed an innate bias and attitude and a derogatory view of RMC. Throughout data collection, and particularly during candid conversations, our respondents said phrases like "hum tou ye nae kartay", "unki communities mai tou is tarah ki cheezain chalti hain", "unka tou right of property nae hai". ["We don't do this," "such things are routine in their communities," "They do not have a right to property."] These 'casual' phrases create an us vs. them attitude, otherizing one group on the basis of religion. A few responses also hinted towards the respondents feeling a sense of superiority over RMC. This attitude presumably stems from their incorrect understanding and assumptions about the customs and traditions of these marginalized communities, further adding to this dichotomy.

There exists a dearth of research on how the discriminatory notion of otherization impacts a society, its people, and its policies. Current research on the topic primarily focuses on the psychological effects of otherization and how group-based discrimination results in harsher penalties for the out-group.

Here, the concept of Schadenfreude (feeling pleasure at the rival's misfortune) is introduced. Most dominant when clashing social identities as in direct competition, distressed in-group members typically elicit empathy<sup>41</sup> whereas competitive rivals, the out-group members, merely by virtue of who they are and not anything they have done reliably elicit diminished perceptions of suffering, and fail to elicit equivalent physiological and affective empathic responses.<sup>42</sup>

41. "Ibid. 8

42. Mina Cikara, Emile G. Bruneau and Rebecca R. Saxe, 'Us and Them: Intergroup Failures of Empathy' (2011) 20 Current Directions in Psychological Science. 7

The lure of Schadenfreude can even overpower self-interest as people feel pleasure at rivals' misfortunes, even when the misfortunes have negative implications for themselves, and more broadly, the society. This can more aptly be understood through the recent emergence of harsher penal policies across the globe. Such policies are justified in terms of protecting the center of society from unruly peripheral groups, which are almost always either poor, ethnic or racial or religious minorities.<sup>43</sup> Thus, the harsher criminal sanctions disproportionately applied to members of subordinate minority groups clearly act as a means of tighter control and repression and also as a source of pleasure for the in-group of the orderly, suburban citizens.<sup>44</sup> If we were to adapt this to the Pakistani context, we would consider the Prevention of Electronic Crime Act (PECA), an Act introduced to bring Pakistani's blasphemy laws into the digital sphere. While the Act applies equally to Muslims and RMC, a blanket ban on alleged inappropriate content with the threat of a death sentence has not only allowed for frivolous and wrongful blasphemy accusations, but has also emboldened the mob to take the law into their own hands.<sup>45</sup> Thus, while Muslims as the in-group also face negative implications, the law is justified because it is disproportionately, and more harshly applied to their rivals.

Scholarship on otherization is already limited, but it is virtually non-existent on RMC residing in predominantly Muslim countries. Our preceding research on legal needs of these RMC is one of the few studies which adopts this lens of otherization. The research focuses on how discrimination against the RMC has its root in the word 'minority'. To them, it felt like an inherent otherization<sup>46</sup> within a nation state that places significant emphasis

on its Islamic identity, creating an us vs them dichotomy, with a special focus on the terms reserved for them, i.e. Mazhabi aqilat (religious minority), which makes it difficult for the state to take ownership of their issues.<sup>47</sup>

Moreover, in the present research, at many instances, and at whim, the us vs them translates into us and them. The latter indicates a mindset where the animosity is subsided under the pretense of equality of all before the same type of applicable law. The inherent difference between the two groups, then, is viewed dually here. Firstly, because of their religious identity, the respondents may feel superior, resulting in them engaging in and with linguistic and cultural signifiers that cement the us vs them narrative. The second perspective comes in when laws are being applied. In such instances, the Muslim actors forewent the inherent difference between the groups and opted to apply shari'a principles indiscriminately across the board, as they believe the application of Islamic law for RMC is not only acceptable, but better.

Regardless, it would be unfair to state that we observed discriminatory attitudes from all respondents, however out of those that did, justified it by using religion as a shield. As illustrated in table 4, 53.8% of the officials of Ombudsperson office believed that RMC should have separate eating areas in their workplaces because they genuinely believed that this is what Islam dictates to them, and are hence confident and oblivious of their own discriminatory attitudes. However, there were also a few respondents who chose to give no remark to the question and shied away from answering the question, presumably unconfident in their own religiously driven reasoning.

43. Christian Staerklé, 'Political Lay Thinking as Representations of Social Order', *Culture and Political Psychology: Societal Perspective*. Advances in Cultural Psychology (7th edn, Information Age Publishing 2013).

44. Jock Young, *The Exclusive Society: Social Exclusion, Crime and Difference in Late Modernity* (SAGE Publications Ltd 2013).

45. Shahid, K., 2022. Five years of PECA: The law that tried to silence Pakistan. IFEX.

<<https://ifex.org/five-years-of-peca-the-law-that-tried-to-silence-pakistan/>> accessed 20 July 2022.

46. Kashmala Tahir, 'Justice and Rights for Religious Minorities in Sindh, Pakistan: A Legal Needs Assessment Report' (Legal Aid Society 2021). 17

47. *Ibid*

<<https://www.las.org.pk/wp-content/uploads/2021/10/LNA-Justice-Rights-for-Religious-Minorities-in-Sindh-Legal-Aid-Society.pdf>> accessed 1 March 2022.

	N	Yes n (%)	No n (%)	Prefer not to say n (%)
Separate eating areas for minorities *	13	7 (53.8)	2 (15.4)	4 (30.8)
Separate graveyards for Christians *	13	10 (76.9)	0 (0)	3 (23.1)
Budget allocation for celebrating Christian festivals +	31	5(16.1)	25 (80.6)	1 (3.2)
Budget allocation for celebrating Hindus festivals <sup>+</sup>	31	6 (19.4)	24 (77.4)	1 (3.2)

Table 4 Attitudes regarding RM communities

\*Question from the Ombudsman survey

+ Question from the Administrative survey

An alarming percentage of respondents believed that there should be separate eating areas for RMC in workplaces. This belief raises a pertinent question regarding the objectivity of the justice system; can the said system dispense justice to people with whom these actors do not even want to sit and eat with? In such instances, equality between citizens ceases to exist, and the dispensed justice becomes an act of benevolence, instead of a duty. Similar sentiments were observed while discussing budget allocation for religious festivities. A larger portion of administrative actors stated that there is no need for a separate budget for these festivities, mainly because no funds are allocated to Muslims. One administrative laughingly remarked, “Hum Musalmaanoun ko alag budget nahi milta toh kia yeh Christians kia upar se aaye hain” (We Muslims don’t even get a separate budget, so are these Christians special?)

The aforementioned dichotomy also seeps into a false presumption of privilege. Respondents across all categories mentioned that RMC are not discriminated against, wherein they are ‘jealous’ of them as their problems and cases are given a higher precedence due to pressure from politicians and media attention. They also chose to conveniently slip in and out of a presumption of privilege.

As demonstrated in the preceding chapters, the respondents displayed an undue reliance on Islamic law, either due to a lack of knowledge regarding RMC specific laws, or because they believed that they are awarding RMC certain rights that they would otherwise not be allowed to claim due to their religious beliefs.

This creates a dual narrative for Muslim justice and administrative actors. In an ordinary course of action, many of them believe that Islamic law should be applied equally to all as it contains provisions for everyone. However, in instances where standard procedural delays such as during police investigations or court proceedings occur, the respondents believed that certain cases, such as blasphemy and forced conversion, involving RMC, are afforded priority. The two conflicting point of views pave way for the presumption of privilege to strengthen its roots.



## 6. CONCLUSION

Multiple researches have been conducted on religious minorities in Pakistan, however, majority of them center on forced conversions and blasphemy, with surface-level recommendations. There is also a general consensus that RMC's are discriminated by justice sector actors in all legal matters. However, our research found that the discrimination is largely centered around apathy, which is not always intentional.

Apathetic attitudes are generally influenced by, and a result of, an overwhelming and undue reliance on Islamic legal texts and traditions. As discussed earlier, this extreme reliance is based on the Muslim legal actors belief that use of Islamic law for legal concerns of RMC is not discriminatory, in fact, it is for their own benefit. The assumption does not only state that shari'a is a coherent set of laws, but rather that other religiously influenced laws lack in stature and are incomplete. In light of this belief, legal actors tend to be inconsiderate of the personal and legal significance of the personal laws of RMC.

This attitude is further perpetuated by the lack of legal knowledge about these particular laws and the apathy, as demonstrated by a few respondents. When legal actors are not enthusiastic or motivated with regards to their role, they are unlikely to put in the required effort to increase their knowledge and skill sets, in order to better facilitate an already vulnerable group. We observed that this is a two-pronged phenomenon; firstly, lack of legal knowledge results in a lack of concern in an effort to conceal the knowledge gap, and secondly, an individual's own apathetic attitude inhibits them from acquiring the relevant information about RMC's personal laws.

On the other hand, we also discovered that the apathetic attitude adopted by the respondents is selective and changes into a

self-victimization attitude when Muslims are faced with a disadvantage. However, instances timization attitude when Muslims are faced with a disadvantage. However, instances where the actors felt they were marginalized and instead RMC enjoyed a privilege were all concerning procedural and administrative delays. The respondents believed that certain cases of RMC that relate to more sensitive and 'sensationalized' matters such as forced conversion and blasphemy can surpass these delays, allowing RMC to access a systematic benefit not available to Muslims.

Although we observed a recurring bias, our findings indicate that discriminatory attitudes and practices are a result of internalization of prejudice, rather than an intentional act. The justice sector actors requires training on the importance of application of RMC's personal laws. It is the RMC's constitutional right, and as representatives of the justice system, it is integral that the concerned actors play their part in upholding the Constitution. Furthermore, while this research discovered a presumption of privilege and prejudice, additional research needs to be conducted to add to this discourse to ascertain the background to these discriminatory attitudes and practices; does it stem from school curriculums, primary socialization, media representation, or on the job training?

This research makes it abundantly clear that a blanket statement of overarching discrimination does not exist, however there are traces of discriminatory undertones in the justice and administrative sector actors, which needs to be further researched into. It remains to be clear or proven whether the covert discriminatory behaviours of these actors creates additional hoops for RMC to jump through to access justice, or if they lead to a systematic impediment to it?

# 7. BIBLIOGRAPHY

## Legislation:

1. Child Marriage Restraint Act 1929, s 2(a)
2. Constitution of the Islamic Republic of Pakistan art 2
3. Constitution of the Islamic Republic of Pakistan art 20
4. Constitution of the Islamic Republic of Pakistan art 22
5. Constitution of the Islamic Republic of Pakistan art 25
6. Constitution of the Islamic Republic of Pakistan art 26
7. Constitution of the Islamic Republic of Pakistan art 27
8. Constitution of the Islamic Republic of Pakistan art 227
9. Constitution of the Islamic Republic of Pakistan art 227(3)
10. Constitution of the Islamic Republic of Pakistan PRMBL., art 31
11. Constitution (Eighteenth Amendment) Act 2010
12. Divorce Act 1869
13. Hindu Law of Inheritance (Amendment) Act 1929
14. Hindu Marriage Act 2014
15. Pakistan Penal Code 1860, s 302
16. Pakistan Penal Code 1860, s 332khali
17. Sindh Hindus Marriage (Amendment) Act 2018
18. Sindh Child Marriage Restraint Act 2013, s 3
19. Succession Act 1925

## Legal Cases:

1. Mst. Hifsa Naseer v ADJ Gujar Khan [2017] PLD Lah. 153
2. Mst. Tahmina Ansari v. Rafique Ahmed

[2020] C.P No. S-827 of 2019 (SHC Lkr) [10]

3. Peggy Collin v Muhammad Ishfaque Malik and 6 others [2010] PLD Lah. 48
4. Zafar Khan v Muhammad Ashraf Bhatti and another [1975] PLD Lahore 234 [6]

## Books:

1. Christian Staerklé, 'Political Lay Thinking As Representations Of Social Order', Culture and Political Psychology: Societal Perspective. Advances in Cultural Psychology (7th edn, Information Age Publishing 2013)
2. Jock Young, The Exclusive Society: Social Exclusion, Crime And Difference In Late Modernity (SAGE Publications Ltd 2013)
3. Ludwig W. Adamec, Historical Dictionary of Islam (3rd edn, Rowman & Littlefield 2017) 214

## Reports:

1. Antoine Madelin and Michelle Kissenkotter, 'Minorities Under Attack: Faith-Based Discrimination And Violence In Pakistan' (International Federation for Human Rights [FIDH] & Human Rights Commission of Pakistan [HRCP] 2014) <<https://www.refworld.org/pdfid/57fb91e54.pdf>> accessed 13 April 2022
2. "As Good as Dead' The Impact of the Blasphemy Laws in Pakistan" (Amnesty International, 2016)
3. Dr. Iftikhar H. Malik, 'Religious Minorities In Pakistan' (Minority Rights Group International 2002) <<https://www.refworld.org/pdfid/469cb-fc30.pdf>> accessed 13 April 2022
4. Kashmala Tahir, 'Justice And Rights For Religious Minorities In Sindh,

Pakistan: A Legal Needs Assessment Report' (Legal Aid Society 2021). 17  
fc30.pdf> accessed 13 April 2022

5. Kashmala Tahir, 'Justice And Rights For Religious Minorities In Sindh, Pakistan: A Legal Needs Assessment Report' (Legal Aid Society 2021). 17  
<<https://www.las.org.pk/wp-content/uploads/2021/10/LNA-Justice-Rights-for-Religious-Minorities-in-Sindh-Legal-Aid-Society.pdf>> accessed 1 March 2022
6. "On Trial: The Implementation of Pakistan's Blasphemy Laws" (International Commission of Jurists, 2015)
7. Pakistan Institute for Peace Studies, 'Annual Report 2014.' 12.  
<[https://www.pakpips.com/web/wp-content/uploads/2017/11/Annual\\_Report\\_2014.pdf](https://www.pakpips.com/web/wp-content/uploads/2017/11/Annual_Report_2014.pdf)> accessed 20 July 2022.
8. Rita Izsak, 'State of the World's Minorities and Indigenous Peoples' - Foreword (Minority Rights Group International 2014). 9
9. United States Department of State, Office of International Religious Freedom, International Religious Freedom Report for 2021 (2021). 4

## Journal Articles:

1. Christian Staerklé, 'Political Lay Thinking As Representations Of Social Order', Culture and Political Psychology: Societal Perspective. Advances in Cultural Psychology (7th edn, Information Age Publishing 2013)
2. Mina Cikara, Emile G. Bruneau and Rebecca R. Saxe, 'Us And Them: Intergroup Failures Of Empathy' (2011) 20 Current Directions in Psychological Science. 7

## News Articles:

1. Butt Q, 'Non-Muslims Entitled To Follow Own Personal Laws: CII' The Express Tribune (2017)  
<<https://tribune.com.pk/story/1288629/non-muslims-entitled-follow-personal-laws-cii>> accessed 6 April 2022
2. Khalid Hasnain, 'Pakistan's Population Is 207.68M, Shows 2017 Census Result' DAWN (2021)
3. Shahid, K., 2022. Five years of PECA: The law that tried to silence Pakistan. IFEX.  
<<https://ifex.org/five-years-of-peca-the-law-that-tried-to-silence-pakistan/>> accessed 20 July 2022.
4. The Guardian, 2020. Asia Bibi, Pakistani accused of blasphemy, yearns to return home. [online]  
<<https://www.theguardian.com/world/2020/feb/25/asia-bibi-the-pakistani-christian-exiled-to-canada-still-dreams-of-going-home>> accessed 20 July 2022.

## Web Articles:

1. BTI, 2022. Pakistan Country Report. [online] <<https://bti-project.org/en/reports/country-report/PAK>> accessed 20 July 2022.
2. 'The KAP Survey Model (Knowledge, Attitudes, And Practices)' (SPRING, 2011)  
<<https://www.spring-nutrition.org/publications/tool-summaries/kap-survey-model-knowledge-attitudes-and-practices>> accessed 6 April 2022
3. 'Sample Size In Statistics (How To Find It): Excel, Cochran's Formula, General Tips' (Statistics How To, 2022)  
<<https://www.statisticshowto.com/probability-and-statistics/>

find-sample-size/#:~:tex-  
t=The%20Cochran%20formula%20al-  
lows%20you,in%20situations%20with  
%20large%20populations.>

## Speeches:

1. Muhammad Ali Jinnah, Founder of Pakistan, 'Address to First Constituent Assembly,' (11 August 1947)  
<<https://na.gov.pk/en/content.php?id=74>>

# 8. APPENDIX

## Appendix A: Sample Distribution

Total Sample			165
Civil Actors	Total Civil Actors		26
	Civil Lawyers		15
	Civil Judges		11
Criminal Actors	Total Criminal Actors		96
	Police	Police Total	54
		Senior Level	8
		Mid-Level	17
		Junior Level	29
	Prosecutor		7
	Criminal Lawyers		24
	Criminal Judges		10
Office of the Ombudsman	Total Ombudsman Actors		13
	Federal Ombudsman		4
	Provincial Ombudsman		9
Administrative Actors	Total Administrative Actors		31
	Assistant Commissioner		19
	Deputy Commissioner		12

## Appendix B: Research Findings

What steps should Aarti take to resolve the matter						
N=26	She should forgive Kabir and his parents & not leave him	She should reconcile with Kabir	No legal action needs to be taken in this situation. It is a family matter	She should leave Kabir's house with her children	She should file a complaint against Kabir for domestic abuse	She should file for divorce from Kabir
n	3	7	1	8	23	10
%	11.5	26.9	3.8	30.8	88.5	38.5
Which options may be considered valid for the termination of a Hindu marriage?						
N=26	Cruelty against the partner	The partner being of unsound mind	Failure of husband to maintain his wife for 2 years	Imprisonment of a partner for four years or upwards	If either party was below the age of 18 at the time of solemnization	Mutual consent
n	24	18	15	8	11	14
%	92.3	69.2	57.7	30.8	42.3	53.8

## Appendix C: KAP Survey - Civil

**Aarti and Kabir, a Hindu couple, live in Hyderabad. They have been married since January 2017. At the time of the marriage, Aarti was fifteen years old and Kabir was eighteen years old.**

**Aarti and Kabir's parents arranged the marriage, and the couple were married by a Hindu pandit. One month later, Aarti and Kabir submitted four copies of the filled out Marriage Certificate to the local Union Council to register their marriage.**

1. Is Aarti and Kabir's marriage valid?
    - a. The marriage is valid;
    - b. The marriage is void;
    - c. The marriage is voidable.
  2. Please explain your answer to Q1.
  3. What are the requirements to solemnize a Hindu marriage in Sindh? Select all that apply:
    - a. Free consent of both parties;
    - b. Both parties to be eighteen years or older;
    - c. If either party is under the age of eighteen then their parents'/guardians' consent is required;
    - d. Parties to not be within the prohibited degree of relationship;
    - e. Either party to not have a living spouse at the time of the marriage;
    - f. At least two witnesses;
    - g. The parents or guardians of either party.
  4. Was Aarti and Kabir's marriage solemnized properly?
    - a. Yes
    - b. No
  5. Please explain your answer to Q4.
  6. How and when can a Hindu marriage be registered? Select all that apply:
    - a. To be registered within 45 days of solemnization;
    - b. To be registered within 60 days of solemnization;
    - c. Four copies of the marriage certificate;
    - d. Six copies of the marriage certificate.
  7. Was Aarti and Kabir's marriage registered properly?
    - a. Yes
    - b. No
- After a few years of marriage, Kabir started coming home intoxicated and physically and mentally torturing Aarti. Additionally, Kabir and his family used to beat Aarti too. They beat her so often and with such force that she ended up in the hospital with broken bones multiple times.**
8. Identify what steps Aarti should take to resolve the matter [Select all that apply]:
    - a. Aarti should forgive Kabir and his parents and not leave Kabir
    - b. Aarti should go to her parents and reconcile with Kabir
    - c. No legal action needs to be taken in this situation, it is a private family matter
    - d. Aarti should leave Kabir's house with her children
    - e. Aarti should file a complaint against Kabir for domestic abuse
    - f. Aarti should file for divorce from Kabir
    - g. Other: \_\_\_\_\_
  9. What is the legal practice for Hindu citizens in case of divorce?
  10. Do you think using Islamic legal practice is the best way to reach a solution in this situation?
    - a. Yes
    - b. No
  11. Please justify your answer to Q11:



**It is now June 2026. Kabir has stopped maintaining Aarti and their two children, Rajkumar and Indra, who are seven and four and seven years old respectively. Moreover, Kabir has been involved with another woman since August 2024 and has deserted Aarti since then.**

12. If you were advising Aarti on the possibilities open to her in this situation, what would you advise her to do?

13. Currently, what possible legal avenues are open to Aarti? [select all that apply]

- a. Aarti can claim maintenance from Kabir;
- b. Aarti can file for separation from Kabir;
- c. Aarti can access court-annexed mediation to better her and Kabir's relationship;
- d. Aarti can claim a portion of Kabir's earnings as compensation for raising their children;
- e. Aarti can file a claim to recover her dowry articles;
- f. Aarti can ask Kabir for rent for a separate residence;
- g. Aarti can claim custody of her children.

14. Can Aarti, as a Hindu woman, claim maintenance while married?

- a. Yes
- b. No

**Aarti has complained to Kabir, his parents, the community leaders, and the police, but no one helped her. Aarti wants to divorce Kabir, obtain custody of her children and also recover Rs. 5,00,000-00 and gold weighing 1-1/2 tula that she had brought with her as her dowry.**

15. Please select all options that may be considered valid for the termination of a Hindu marriage:

- a. Cruelty against the partner;

- b. The partner being of unsound mind;
- c. Failure of husband to maintain his wife for two years;
- d. Imprisonment of a partner for four years or upwards;
- e. If either party was below the age of eighteen at the time the marriage was solemnized;
- f. Mutual consent.

16. Is there any law that will help Aarti recover her dowry? If yes, please state the law.

17. If you were the judge presiding over the custody case of Aarti and Kabir's children, what legal considerations would take into account? [select all that apply]

- a. The age of Hiznat;
- b. The custody should be given to a mahram;
- c. Where the children's best interest lies;
- d. Who can financially support the children;
- e. Which parent the children are emotionally attached to;
- f. Which parent is more educated;
- g. Which parent has a better moral character;
- h. The sanity and mental status of the parents;
- i. The residence of the parents.

18. Considering only the information that has been provided, if you were the judge presiding over the custody case of Aarti and Kabir's children, which parent would you grant the custody of the children?

- a. Aarti
- b. Kabir

19. Please justify your answer to Q18:

**Aarti and Kabir finalized their divorce in October 2026. Aarti is now married to a Hindu man named Dinesh.**

Kabir converted to Islam and changed his name to Khurram. He also remarried and is now married to a Muslim woman named Maryam.

20. Considering only the information that has been provided to you, who do you think should be awarded the custody of Rajkumar and Indra?
- Aarti
  - Khurram

21. Please justify your answer to Q20:

**Aarti is currently an executive at a nationwide bank and is a rising star. Additionally, due to her senior rank, she has a hefty income and is able to manage her expenses and save, while living a very comfortable life. Khurram, on the other hand, is an errand boy at a local start-up and does not earn enough to sustain himself or his family.**

22. Considering only the information that has been provided to you in this alternate situation, who do you think should be awarded the custody of Rajkumar and Indra?
- Aarti
  - Khurram

23. Please justify your answer to Q22:

## Appendix D: KAP Survey - Criminal

### SITUATION 1:

Rani and Mukesh, a Hindu couple, live in Sukkur. They have been married since January 2017. At the time of the marriage, Rani was fifteen years old and Mukesh was seventeen years old.

The marriage was arranged by Rani and Mukesh's parents and the couple were

married by a Hindu pandit and the marriage was registered with the local Union Council two weeks later.

- Is Rani and Mukesh's marriage legal?
  - Yes
  - No
  - Other: \_\_\_\_\_
- Please justify your answer to Q1.
- Is the marriage valid?
  - Yes
  - No
  - Other: \_\_\_\_\_
- Please justify your answer to Q3.
- Can Rani file a criminal complaint against Mukesh for demanding dowry when they got married?
  - Yes
  - No
- Hindu girls should be married early because: [select all that apply]
  - It improves the girls' financial status;
  - It saves them from forced marriage;
  - It provides them with financial security;
  - It helps the brides' parents' financial status;
  - If the girls get pregnant out of marriage, it will bring dishonor to her family;
  - It is a tradition;
  - It will help them settle into their new home;
  - They should not marry early.
- Assuming that Rani and Mukesh's marriage is illegal, would any of the following be liable for possible criminal charges to be levied? Select all that apply.
  - Against Rani for entering into a marriage with Mukesh;
  - Against Mukesh for entering into a marriage with Rani;
  - Against the pandit for solemnizing the marriage;

- d. Against Rani's parents for arranging the marriage;
- e. Against Mukesh's parents for arranging the marriage.

**After a few years of marriage, Mukesh started coming home intoxicated and physically and mentally torturing Rani. Additionally, Mukesh and his family used to beat Rani too. Her husband also stopped maintaining her and their two children, Huma and Ram, who are four and two years old respectively. Moreover, Mukesh has been involved with another woman since August 2020 and has deserted Rani since then.**

- 8. If you were advising Rani on the possibilities open to her in this situation, what would you advise her to do?
- 9. Currently, what possible legal avenues are open to Rani? [Select all that apply]
  - a. Rani can file a criminal complaint about domestic abuse against Mukesh;
  - b. Rani can file a criminal complaint about adultery against Mukesh;
  - c. Rani can file an FIR for threats;
  - d. Rani can file a direct complaint before a magistrate;
  - e. Due to the mental torture she suffered, Rani can claim damages from Mukesh;
  - f. Due to the physical torture she suffered, Rani can claim damages from Mukesh;
  - g. Obtain a protection order against Mukesh;
  - h. Obtain a protection order against both of Mukesh's parents;
  - i. Obtain a protection order against Mukesh's father;
  - j. There are no legal avenues open for Rani.

**For the past two months, Mukesh's father, Sanjay, has been threatening Rani claiming that if Rani takes legal action against Mukesh, her will kill her or file a bogus criminal complaint against her.**

- 10. If you were advising Rani on the possibilities open to her in this situation, what would you advise her to do?
- 11. Currently, what are the possible legal avenues open to Rani? [Select all that apply]
  - a. Rani can file a criminal complaint against Sanjay for harassment;
  - b. Rani can claim protection before a court;
  - c. Rani can register an FIR with the Station House Officer;
  - d. Rani cannot file any criminal complaints against Mukesh;
  - e. Rani can forgive Mukesh and his parents.

**Rani complained to Mukesh, his parents, the community leaders, and the police, all in vain. Rani wants to divorce Mukesh, obtain custody of her children and also recover Rs. 5,00,000-00 and gold weighing 1-1/2 tula that she had brought with her as her dowry.**

- 12. If you were advising Rani on the possibilities open to her in this situation, what would you advise her to do?

#### **SITUATION 2:**

**Nazir Masih, a Christian man, and Abdul Qureshi, a Muslim man, have been working together at the same bank for over seven years. Both of them were up for the same promotion, which caused some animosity between the two. About two months ago, Nazir got the promotion. A few days later, Abdul visited Nazir at his home. The two were heard arguing, followed by the sound of two gunshots. When people ran in to see what had happened, they saw Nazir lifeless on the ground and Abdul standing over it with a gun in his hand.**

**Abdul claimed to have killed Nazir over committing blasphemy, saying that the deceased had "insulted the prophet".**

1. If you were advising Nazir's family in this situation, what would you advise them to do?
  2. Currently, what are the legal avenues open to Nazir's family? [select all that apply]
    - a. To lodge an FIR for murder;
    - b. To forgive Abdul Qureshi;
    - c. To accept diyya (blood-money) from Abdul Qureshi.
  3. If you were advising Abdul Qureshi in this situation, what would you advise him to do?
  4. Currently, what are the legal avenues open to Abdul Qureshi? [select all that apply]
    - a. He can claim self-defense;
    - b. He can apologize to Nazir's family;
    - c. Admit to murder but argue that it is justified due to blasphemy;
    - d. He can offer to pay diyya (blood-money) to Nazir's family
    - e. Abdul Qureshi does not have to worry about any legal consequences;
    - f. He can admit to murder.
  5. What criminal charges (if any) can be levied against Abdul Qureshi?
  6. Can Abdul Qureshi be investigated under section 298 of the Pakistan Penal Code?
    - a. Yes
    - b. No
  7. Please justify your answer to Q6.
  8. Is the murder committed by Abdul Qureshi justifiable in this situation?
    - a. Yes
    - b. No
  9. Please justify your answer to Q8.
  10. If you were the judge presiding over the case of Nazir Masih's death, what legal considerations would take into account? [select all that apply]
    - a. Abdul Qureshi's motive to commit the murder;
    - b. The murder investigation conducted by the police;
    - c. The challan;
    - d. The charge levied against Abdul Qureshi;
    - e. Abdul Qureshi's intention to cause grievous harm;
    - f. The eyewitnesses' testimonies;
    - g. The medical officer's testimonies;
    - h. The premeditated nature of the murder;
    - i. The facts of the case.
- Nazir's daughter, Seema, has been trying to claim her share of inheritance from her father, but her father's brothers, Anthony and Noman, have taken over her share of the property and refuse to give it to her. Seema claims that she has a claim over Nazir's bank account that contains about 300,000 rupees and his apartment where they lived.**
11. Is there any law that can help Seema recover her share of the inheritance?
    - a. Yes
    - b. No
  12. Please justify your answer to Q11?
  13. Currently, what possible legal avenues are open to Seema? [select all that apply]
    - a. She can file a Succession Miscellaneous Application;
    - b. She can file a suit for Partition;
    - c. Seema can obtain a declaration that states that she is Nazir's daughter;
    - d. She can file a suit for possession of Nazia's share of the inheritance;
    - e. She can file a complaint against her uncles under section 498A PPC;
    - f. (Other)
  14. Can Anthony and Noman be charged under section 498A of the Pakistan

Penal Code?

- c. Yes
- d. No

15. Please justify your answer to Q14

## Appendix E: KAP Survey - Ombudsperson

### SITUATION 1:

**In May 2021, a group of Muslim landlords encroached upon the Christian community's graveyard in Hyderabad. Akmal, a Christian community leader, had complained against the encroachment before the Deputy Commissioner and Assistant Commissioner. However, they are not acting on the complaint and are not assisting the Christian community in removing the encroachment. Akmal has contacted them multiple times, but availed no response.**

1. Akmal now wants to approach the Office of the Ombudsperson for help, but he wants to make a complaint anonymously. Can he do so?
  - a. Yes
  - b. No
2. How many days does Akmal have to make an application?
  - a. 15 days;
  - b. 30 days;
  - c. 60 days;
3. What are the different ways in which Akmal can submit his application? Select all that apply:
  - a. Submit a written complaint to the nearest Ombudsperson's office;
  - b. Submit an online complaint;
  - c. Post a written complaint to the Ombudsperson's office;
  - d. Call the Ombudsperson's office to register a complaint;
  - e. Other: \_\_\_\_\_

4. When can Akmal expect to hear back from the Ombudsperson's office?
  - a. 15 days;
  - b. 30 days;
  - c. 45 days;
  - d. 60 days;
  - e. 90 days.
5. Assuming that Akmal has made an application to the Ombudsperson, what powers can the Ombudsperson rely on while evaluating his complaint? Please select all that apply:
  - a. Summoning and enforcing the attendance of any person and examining him on oath;
  - b. Compelling the production of documents;
  - c. Receiving evidence on affidavits;
  - d. Issuing commission for the examination of witnesses.

**During the investigation process, the Deputy Commissioner refuses to appear before the Mohtasib, claiming that he will not remove any encroachments from the graveyard.**

6. Can the Mohtasib compel the Deputy Commissioner to appear before him?
  - a. Yes
  - b. No
7. If yes, how?
8. Does the Mohtasib have any power to punish the Deputy Commissioner for contempt in this situation?
  - a. Yes
  - b. No
9. If yes, what punishment(s) can be levied by the Ombudsperson?
10. Assuming that the Ombudsperson punished the Deputy Commissioner for refusing to appear before him, can the Deputy Commissioner appeal this decision before any authority?
  - a. Yes
  - b. No



11. If yes, before which authority can the Deputy Commissioner appeal the Ombudsperson's decision? [Select all that apply]
    - a. The Governor of Sindh;
    - b. The President of Pakistan;
    - c. The Prime Minister of Pakistan;
    - d. The Minister for Law and Justice;
    - e. The Supreme Court of Pakistan;
    - f. Any of the five High Courts of Pakistan.
  12. Do you feel that there should be separate graveyards for the Christian community?
    - a. Yes
    - b. No
  13. Where do you think these graveyards should be?
  14. Do you think that a legal amendment should be introduced to allocate a separate graveyard for Christians?
    - a. Yes
    - b. No
1. Can Nazia file a complaint with an Ombudsperson?
    - a. Yes
    - b. No
  2. Is there a special Ombudsperson's office set up that deals with complaints such as Nazia's?
    - a. Yes
    - b. No
  3. If yes, what is that office named?
    - a. Banking Ombudsperson;
    - b. Federal Insurance Ombudsman;
    - c. Federal Tax Ombudsman;
    - d. The Ombudsperson for Protection against Harassment of Women at Workplace.
    - e. Federal Ombudsman
  4. Which of the following Ombudspersons should Nazia approach?
    - a. Federal Ombudsperson for Protection against Harassment of Women at Workplace
    - b. Provincial Ombudsperson for Protection against Harassment of Women at Workplace

## SITUATION 2:

**Nazia Massih currently works as an accountant at a National Savings [Qoumi Bachat] branch in Karachi. On 25th May 2021, her manager, Asif Khan, mentioned to her that due to her faith, she will not be promoted unless she performs some sexual favors for him. This request made Nazia very uncomfortable and interfered with her work performance.**

**Nazia had complained about his incident to an Inquiry Committee that had been set up by National Savings. However, the Inquiry Committee disregarded her application and failed to enquire into the matter or collect evidence to make recommendations or impose penalties.**

**Nazia has now decided to register a complaint with the Office of the Ombudsperson but is unsure if she can do so.**

**Nazia decides to file an online complaint against Asif Khan with the Federal Ombudsperson for Protection against Harassment of Women at Workplace on 27th June 2021.**

5. Within how many days of receiving the complaint should the Ombudsperson issue a show-cause notice to Asif Khan?
  - a. 3 days
  - b. 5 days
  - c. 7 days
  - d. 10 days
6. Within how many days of receiving the notice should Asif submit his written defense to the Ombudsperson?
  - a. 3 days
  - b. 5 days
  - c. 7 days
  - d. 10 days

7. If Asif fails to submit his written defense within the prescribed period, can the Ombudsperson choose to proceed ex parte?
  - a. Yes
  - b. No
8. Nazia cannot afford a lawyer and chooses to represent herself before the Ombudsperson. Can she do so?
  - a. Yes
  - b. No

**Nazia has also noted that she is not allowed to eat with her Muslim co-workers and is instead forced to sit separately with other non-Muslim employees during lunch. Additionally, all non-Muslim employees, irrespective of gender, are forced to use a separate bathroom.**

9. Can Nazia file a complaint with an Ombudsperson regarding this?
  - a. Yes
  - b. No
10. Which Ombudsperson's office should Nazia contact regarding this complaint?
  - a. Federal Ombudsperson
  - b. Provincial Ombudsperson
  - c. Banking Ombudsperson;
  - d. Federal Ombudsperson for Protection against Harassment of Women at Workplace;
  - e. Provincial Ombudsperson for Protection against Harassment of Women at Workplace.
11. Do you feel that there should be separate eating areas for the non-Muslims at the workplace?
  - a. Yes
  - b. No
12. Where do you think these separate eating areas should be?
13. Do you think that a legal amendment should be introduced to allocate separate eating areas for non-Muslims?
  - a. Yes
  - b. No

## Appendix F: KAP Survey – Administrative

### SITUATION 1:

**Ifthikar, a Muslim boy, lives in Saddar, Karachi. Valarie, a Christian girl, lives in the same street as Ifthikar. Ifthikar and Valarie's families have known each other for a very long time, and the two have been friends since childhood. Ifthikar and Valarie also attend the same local school. Ifthikar and Valarie fall in love and decide to get married, to which their parents agree and Ifthikar and Valarie get married on 5th January 2021. At the time of their marriage, Ifthikar was eighteen years old and Valarie was sixteen years old.**

**Ifthikar and Valarie's nikkah was performed by a local molvi who is not registered with any Union Committee.**

**Ifthikar and Valarie wish to register their marriage with their local Union Committee. However, they only have Ifthikar and his father's CNIC as Valarie and her father never got their CNIC made. Regardless, they take the two CNICs available along with 5 copies of their nikkahnama on 7th January 2021.**

1. Does Valarie need to convert to Islam for her marriage to be legal?
  - a. Yes
  - b. No
2. Can Ifthikar and Valarie's marriage be registered with the Union Committee?
  - a. Yes
  - b. No
3. Please explain your answer to Q2:
4. What are the requirements to register a marriage with a Union Committee? [select all that apply]
  - a. Both parties should reside within the Union Committee;



- b. Both parties should be above 18 years of age;
  - c. At least one party should be above 18 years of age;
  - d. Both parties should be above 15 years of age;
  - e. At least one party should be above 15 years of age;
  - f. The CNICs of both the bride and the groom;
  - g. The CNIC of either the bride or groom;
  - h. The CNICs of both the bride and the groom's fathers or guardians;
  - i. The CNIC of either the bride or the groom's father or guardian;
  - j. Four copies of the nikkahnama;
  - k. Six copies of the nikkahnama;
  - l. The marriage to be performed by a registered member of the clergy;
  - m. The CNIC of the clergyman who solemnized the marriage.
5. Who needs to be present to register a marriage at a Union Council/Committee by [select all that apply]:
- a. The bride only;
  - b. The groom only;
  - c. Both the bride and the groom need to be present;
  - d. The fathers of both the bride and groom;
  - e. The father of either the bride or the groom;
  - f. The Nikkah Khawan/clergyman who performed the marriage ceremony.
6. Since Ifthikar and Valarie's marriage was solemnized by a molvi who was not registered with any local Union Councils, can their marriage be registered by the Union Committee?
- a. Yes
  - b. No
- community wished to approach the local governing bodies to request them to replace the bulbs in the streetlamps and also to cover the manholes in the street so that the streets would be ready for Easter festivities.**
7. Which local governing body's mandate is it to replace street light bulbs and provide manhole coverings?
- In May 2021, a group of Muslim landlords encroached upon the Christian community's graveyard in Karachi. Peter, a Christian community leader, had filed a case against them before the Anti-Encroachment Tribunal, and the case was decided on 26th July 2021 in favor of the Christian community. However, now the Deputy Commissioner and Assistant Commissioner are not acting on the Tribunal's order and are not assisting the Christian community in removing the encroachment. Peter has contacted them multiple times and has also shown them the order of the Tribunal, but they keep giving him false hopes.**
8. Which authority can Peter contact to help enforce the Tribunal's decision?
- a. Anti-Encroachment Tribunal
  - b. Sindh High Court
  - c. Office of the District Commissioner
  - d. Office of the Assistant Commissioner
9. What documents would Peter need to present to the relevant authority in order to obtain their assistance?
10. Do you think that a budget should be allocated for celebrating Christian festivals (e.g., Easter, Christmas)?
- a. Yes
  - b. No
11. Do you think that a budget should be allocated for celebrating Hindu festivals (e.g., Holi, Divali)?
- a. Yes

**Towards the end of March 2021, as Easter approached, Valarie's father, Peter, and a few other members of the local Christian**

**SITUATION 2:**

1. Is it the Municipal Committee's duty to provide and promote religious education?
  - a. Yes
  - b. No
2. Whose religious education should Municipal Committees provide and promote?
  - a. Only Muslims;
  - b. Only non-Muslims;
  - c. All faiths and beliefs;
  - d. Municipal Committees should not provide and promote religious education.
3. Can a Municipal Committee undertake the construction and maintenance of religious places?
  - a. Yes
  - b. No
4. Union Committees are required to have \_\_\_\_\_ non-Muslim members:
  - a. 0
  - b. 1
  - c. 2
  - d. 3
5. District Municipal Corporations are required to have \_\_\_\_\_ reserved seats for non-Muslims:
  - a. 0%
  - b. 2%
  - c. 5%
  - d. 7%
  - e. 10%
6. Town Committees are required to have \_\_\_\_\_ non-Muslim members:
  - a. 0
  - b. 1
  - c. 2
  - d. 3
7. If someone has failed to pay their Land Revenue after a Court hearing and a notice from the Assistant Registrar, can a Deputy Commissioner arrest and detain them?
  - a. Yes
  - b. No