

Minority Rights in Islamic Teachings and the Constitution of Pakistan: A Comparative Analysis

Dr. Hafiz Muhammad Farooq Abdullah

Assistant Professor, Department of Interfaith Studies, Allama Iqbal
Open University, Islamabad

Dr. Ghulam Rasul Zahid

Addl. IG, Police Service of Pakistan.

Abstract

Minorities enjoy significant rights in Pakistan, a country founded on the principles of religious tolerance as envisioned by Quaid-i-Azam, even before its establishment. The division of the subcontinent was, in part, a response to the violation of minority rights. The Qur'an states, 'Whoever kills a soul unless for a soul or for corruption in the land—it is as if he had slain mankind entirely. And whoever saves one—it is as if he had saved mankind entirely.'¹

Pakistan's very existence is rooted in the struggle against the oppression of minorities. Now, as a majority nation, Pakistan ensures that it does not discriminate against its minorities, reflecting the values it was built upon. This is why the Constitution of Pakistan not only guarantees the rights of minorities but also serves as a model for other nations.

After the establishment of Pakistan, when Quaid-e-Azam Muhammad Ali Jinnah addressed the country's first Constituent Assembly, it was presided over by a Pakistani Hindu, Jogendranath Mandal. Later, Jogendranath Mandal was appointed as the country's first Law Minister, despite Pakistan's creation being driven by the fear of Hindu dominance in undivided India.²

The recognition of minorities didn't stop there. In 1960, a Christian judge, A. R. Cornelius, became the Chief Justice of Pakistan, setting an example of religious inclusivity in the judiciary.³ Similarly, a Hindu judge, Rana Bhagwandas, also served as the Chief Justice of Pakistan and earned widespread respect for his integrity.⁴ In 2009, Jamshed Rehmatullah, another Christian, was appointed as a judge of the High Court, further showcasing Pakistan's commitment to minority representation in key institutions.⁵

In an Islamic state, the rights of non-Muslims under Sharia law are clearly defined. For this reason, Islamic jurists did not create specific laws for nations that were conquered peacefully; instead, they based their rulings on the Qur'an and Hadith. By considering the events and conditions of the Prophet Muhammad's (PBUH) era and the reign of the Caliphs, they developed ways within Islamic Shariah to ensure that the government could grant rights to all citizens in peace and security, allowing the state to function

effectively. When those in authority fulfill their duties in an Islamic state, they are obligated to grant corresponding rights to its citizens

In books of jurisprudence, a common phrase is often cited as a rule regarding the rights and obligations of responsible parties:

لَهُمْ مَا لَنَا وَعَلَيْهِمْ مَا عَلَيْنَا

("Their rights are our rights, and their obligations are our obligations").

Al-Kasani also references a hadith in *Al-Bada'i* that conveys a similar meaning, with the words:

فَإِنْ قَبِلُوا الدِّمَّةَ فَأَعْلِمُوهُمْ أَنَّ لَهُمْ مَا لِلْمُسْلِمِينَ وَعَلَيْهِمْ مَا عَلَى الْمُسْلِمِينَ⁶

("If they accept the responsibility, inform them that they are entitled to the same rights as Muslims, and the same obligations will be upon them as are upon Muslims").

The above jurisprudential rule is not applied generally, as the responsibilities of non-Muslims in an Islamic state differ from those of Muslims. For instance, non-Muslims are subject to paying Jizya and are prohibited from marrying Muslim women. Similarly, non-Muslims have certain rights that Muslims do not, such as the ability to consume alcohol privately in their homes (whereas Muslims cannot).

This distinction is evident because the difference in faith between Muslims and non-Muslims naturally leads to a variation in rights and responsibilities. Equality among those who share the same faith is considered justice, while imposing the same rights and obligations on groups with different beliefs would be unjust. Since an Islamic state is governed by Islamic principles in all areas of life, it is essential to differentiate between Muslims and non-Muslims in terms of rights and duties.

The rights of dhimmis (minorities) in an Islamic state are outlined as follows:

(i) Freedom of Belief:

Freedom of belief and religion ranks among the most important rights enjoyed by individuals in an Islamic state. A dhimmi has the liberty to practice the rituals of their faith without any hindrance or persecution. This freedom is affirmed in the Holy Quran, where Allah Ta'ala states:

لَا إِكْرَاهَ فِي الدِّينِ ، قَدْ تَبَيَّنَ الرُّشْدُ مِنَ الْغَيِّ⁷

"There is no compulsion in matters of religion; guidance has become clear from error."

This verse clearly indicates that Allah Almighty does not impose any form of coercion on non-Muslims. Instead, it encourages them to adhere to their faith, allowing them to practice their religious rituals in an Islamic state according to their beliefs. Furthermore, in another verse, He states:

أَفَأَنْتَ تُكْرِهُ النَّاسَ حَتَّىٰ يَكُونُوا مُؤْمِنِينَ⁸ -

"And had your Lord willed, those on earth would have believed - all of them entirely. Then, [O Muhammad], would you compel the people in order that they become believers?"

At another place Allah says:

وَلَا تَسُبُّوا الَّذِينَ يَدْعُونَ مِنْ دُونِ اللَّهِ فَيَسُبُّوا اللَّهَ عَدْوًا بِغَيْرِ عِلْمٍ -⁹

“And do not insult those they invoke other than Allah, lest they insult”

Islam has always instructed Muslims to respect the deities of other religions. Muslims are prohibited from worshiping these deities, regardless of how different their practices may be from Islamic worship. Additionally, they are forbidden from cursing the gods of others under any circumstances. Instead, Islam prescribes an exemplary code of conduct for interacting with one another.

Allah says:

وَلَا تَتَابَعَرُوا بِالْأَلْقَابِ -¹⁰

“and do not call each other by [offensive] nicknames.”

He has even prohibited the abuse of disbelievers and polytheists. Allah Almighty refers to Christians as "Christians" and to Jews as " (الذين هادو) "which are the best and most beautiful names. This exemplifies the patience of Allah, the Most High.¹¹

Allah Almighty forbids Muslims from fighting with non-Muslims to prevent cursing each other's gods. This is essential, as when Muslims insult non-Muslims, they may also disrespect Allah Ta'ala or His Beloved Prophet, may Allah bless him and grant him peace. This is why Allah, the Exalted, has prohibited engaging in pointless disputes with non-Muslims (dhimmis).

In the Holy Quran, Allah Almighty says:

وَلَا تُجَادِلُوا أَهْلَ الْكِتَابِ إِلَّا بِالَّتِي هِيَ أَحْسَنُ -¹²

“And do not argue with the People of the Scripture except in a way that is best.”

Allah Ta'ala has forbidden Muslims from engaging in any form of quarrel with non-Muslims, emphasizing that individuals have the right to practice their religion as they see fit. Instead of arguing or attempting to change their beliefs, we must recognize their complete freedom in religious affairs. This verse guides believers on how to engage in discussions: we should first highlight the areas of agreement between the parties involved and encourage them toward our perspective. The result of this approach is that the righteous among them (Jews and Christians) may come to believe as a result of such good conduct.

Islam promotes the concept of a society where non-Muslims (dhimmis) can practice their faith freely and without oppression, clearly stating:

لَكُمْ دِينُكُمْ وَلِيَ دِينِ -¹³

“For you is your religion, and for me is my religion”.

The foundation of belief in Islam lies in contemplation and meditation on the divine verses, rather than imitation, coercion, cruelty or force. What could exemplify the freedom of religion more than this? Islam introduces the concept of a free and oppression-free society for non-Muslims , clearly stating:

Allama Abd al-Wahhab states in his work "Al-Siyasat al-Sharia" that while Islam has imposed restrictions on the safety and security of rituals for Muslims, it has also mandated the fulfillment of similar obligations for non-Muslims. Islam allows non-Muslims to follow their religious rules with complete freedom in their affairs and personal circumstances.¹⁴

The history of Islam bears witness to the fact that in all the covenants made with non-Muslims, their freedom, status, and property have been recognized, along with their beliefs and religious freedom.¹⁵

The Aman Nama given by Rasulullah (PBUH) to the people of Najran further exemplifies this principle. It contains these words:

عَلَىٰ أَلَا تُهْدَمُ لَهُمْ بَيْعَةٌ، وَلَا يُخْرَجُ لَهُمْ فِيسٌ وَلَا يُفْتَنُوا عَنْ دِينِهِمْ، مَا لَمْ

يَحْدُثُوا حَدَنًا أَوْ يَأْكُلُوا الرِّبَا.¹⁶

Their churches will not be demolished, and none of their priests will be expelled; no attempt will be made to turn them away from their religion, as long as they do not introduce anything new or engage in usury.

Similarly, the Rashidun caliphs and Muslim leaders guaranteed the freedom of faith in their agreements with the dhimmis of the conquered territories. They provided this assurance to the people of Ilya during the time of Hazrat Umar (RA) and to the "People of the Book" during the era of Hazrat Khalid bin Waleed (RA), as noted by Imam Abu Yusuf in Kitab al-Kharaj. It is said that when Hazrat Khalid bin Waleed was passing through the lands of the People of the Book, the chief priest approached him to request peace. Hazrat Khalid made peace with him and accepted his terms, recognizing that the Muslims' freedom, status, and property would be honoured, as well as their beliefs and religious freedom.

على الأيهدم لهم بيعة ولا كنيسة وعلى أن يضربوا نواقيسهم في أي ساعة شاءوا من

ليل أو نهار إلا في أوقات الصلوات، وعلى أن يخرجوا الصلبان في أيام عيدهم -¹⁷

" Their churches will not be destroyed, and they will have the freedom to ring the bells at any time of day or night, except during prayer times. Additionally, they will be able to carry the cross on their feast days."

(ii) Freedom to build places of worship:

A universal principle of divine politics states that the welfare of all mankind depends on maintaining a balance of power. If strength and power are concentrated in the hands of a single nation, the peace and security of the world will be jeopardized. The powerful will oppress the weak and helpless nations, leaving no one to challenge them.

Moreover, the places of worship that are central to the devotion and love of the people will be destroyed. Therefore, God's wisdom does not favor entrusting power to only one nation; rather, nature has always ensured the maintenance of this balance and continues to do so.

Allah Says in Holy Quran

وَلَوْ لَا دَفَعُ اللَّهُ النَّاسَ بَعْضَهُمْ بِبَعْضٍ لَّهَدَمَتْ صَوَامِعُ وَبِيَعٌ وَ

18 - صَلَوَاتُ وَ مَسْجِدُ يُذَكَّرُ فِيهَا اسْمُ اللَّهِ كَثِيرًا

And were it not that Allah checks the people, some by means of others, there would have been demolished monasteries, churches, synagogues, and mosques in which the name of Allah is much mentioned. The above verse demonstrates that the places of worship for any religion should not be destroyed. Non-Muslims are allowed to adopt whatever faith they choose, and their beliefs will be respected. They are free to perform their religious rituals, and their places of worship will not be demolished.

Furthermore, they will be able to construct new places of worship to meet their religious needs. It is not accurate to claim that under Muslim rule, non-Muslims were prohibited from building places of worship.

Moreover, Muslims preserved old temples and permitted the construction of new ones. In fact, they justly allowed the restoration of waqf properties from previous eras related to these temples. The salaries of priests and assistants, which were previously established, were also maintained.

It is true that when old or new places of worship become the focal point of riots or conspiracies, the government must take preventive measures, which complicates the issue.

History bears witness that in the conflicts involving the Companions of Prophet Muhammad (PBUH), it was always a priority to ensure that the temples of monks and the places of worship of any religion were not damaged. Due to specific agreements, the protection and maintenance of churches were also the responsibility of the Islamic Baitul-Mal. The principle of religious freedom in Islam is further illustrated by the letter the Prophet Muhammad (PBUH) wrote to the Christians of Najran:

19 - لَا يُفْتَنُوا عَنْ دِينِهِمْ-

This means that they will not be hindered by their religion.

There are hundreds of agreements in their original wording found in authentic historical texts such as Fatuh Al-Buldan and Tarikh Tabari, among others. The key point in all of these is that no one's religion will be impeded. During the time of Hazrat Abu Bakr Siddique, when Hazrat Khalid bin Waleed conquered Hira, he wrote this message to the Christians there:

لَا تُهْدَمُ بَيْعَةٌ وَلَا كَنِيْسَةٌ وَلَا يُمْنَعُونَ مِنْ ضَرْبِ التَّوَاقِيْسِ وَلَا مِنْ إِخْرَاجِ

20 - الصُّلْبَانِ فِي يَوْمِ عَيْدِهِمْ-

Their churches will not be demolished, nor will they be prevented from ringing their bells or displaying crosses during their festivals.

Imam Abu Yusuf recorded these principles in Kitab al-Kharaj, noting that neither Hazrat Abu Bakr nor Hazrat Umar ever objected to the writings of Hazrat Khalid bin Waleed. During the time of Caliph Hadi (169 AH), when Ali bin Sulaiman was appointed governor of Egypt, he demolished the shrine of

Hazrat Maryam and some other shrines due to an ijihad error or some political reason. Later, in the era of Haruni (171 AH), Musa bin Isa was appointed as the governor of Egypt. He consulted the scholars about the demolitions.

At that time, the leader of the scholars in Egypt was the renowned Muhaddith Laith bin Saad. He issued a fatwa stating that the demolished churches should be rebuilt, arguing that most of these churches had been constructed by the Companions and their followers. Consequently, all the demolished churches were rebuilt using the government treasury. ²¹

In this regard, the words of al-Maqrizi are noteworthy:

All these churches were rebuilt with the consultation of Laith bin Saad and Abdullah bin Lahiyah, who argued that the churches of Egypt had been constructed during the time of the Companions in the Islamic era ²².

Similarly, al-Maqrizi referenced elsewhere that: Not only did the Muslims preserve existing temples and allow non-Muslims to build new ones, but they also restored all positions related to these temples and returned properties dedicated to them. Additionally, the stipends for priests and caretakers were continued from the Muslim treasury.

Thus, when Hazrat Amr bin Al-Aas (RA) conquered Egypt during the reign of Hazrat Umar (RA), he restored all the lands dedicated to the churches. ²³

(iii) Sanctity of body and soul:

The sanctity of body and soul means that individuals should not be subjected to abuse in the form of beating, torture, or humiliation, even if they have delayed the payment of financial obligations. In this context, an incident is worth mentioning.

Hisham bin Urwah narrated from his father that Umar bin Al-Khattab (RA) passed through Syria while returning from a visit. He noticed a group of people standing under the sun with oil being poured over their heads. Hazrat Umar (RA) asked what was happening to them. It was explained that these people had failed to pay the jizya, and as a result, were being punished. Hazrat Umar (RA) inquired, "What do they say? What is their excuse for not paying the jizya?" He was told that they claimed they could not afford it. Upon hearing this, Hazrat Umar (RA) ordered their release, saying, "Do not burden them beyond their capacity. For I heard the Messenger of Allah, peace be upon him, say: 'Do not punish people, for those who punish others in this world will be punished by Allah on the Day of Resurrection.' ²⁴

Many incidents in Islamic history illustrate the sanctity of the bodies of non-Muslims and emphasize that their protection as subjects of an Islamic state is obligatory. They must not be subjected to physical harm, and their dignity must remain intact. Islamic society offers numerous examples of such tolerance. Regarding the sanctity of their lives, there is unanimous agreement within Islamic teachings that their blood is sacred and inviolable. Islam is a religion of peace and security, and peace is the highest guarantee of life. As the Almighty says in the Holy Quran:

وَلَا تَقْتُلُوا أَنْفُسَ الَّتِي حَرَّمَ اللَّهُ إِلَّا بِالْحَقِّ- ²⁵

“And do not kill the soul which Allah has forbidden [to be killed] except by [legal] right.”

According to this decree, every soul is equal and has the right to be protected. If taking a life is justified, that is a different matter. The value of the blood of a dhimmi (a non-Muslim living under Muslim protection) is equal to that of a Muslim. If a Muslim kills a dhimmi, retribution will be sought in the same way as it would be for a Muslim.

In the Holy Quran, Almighty Allah says:

إِنَّ النَّفْسَ بِالنَّفْسِ وَالْعَيْنَ بِالْعَيْنِ-²⁶

"A life for a life, an eye for an eye"

If a Muslim kills another Muslim, they will be executed. If a dhimmi (non-Muslim) kills a Muslim, they will also face execution. Likewise, if a Muslim kills a dhimmi, they too will certainly be executed

كُتِبَ عَلَيْكُمُ الْقِصَاصُ فِي الْقَتْلِ-²⁷

Qisas (retaliation) has been prescribed for you in the case of murder victims.

Regarding this, the commentator Abu Bakr al-Jassas explains that it is obligatory to exact qisas (retaliation) even for the murder of a non-Muslim by a Muslim. He argues that there is no distinction between a dhimmi (non-Muslim) and a Muslim in terms of general rights, and the obligation of qisas applies equally to both. There is no differentiation between Muslims and non-Muslims in this matter; the qisas ruling applies to both. The words of Allah Almighty also support this: 'We have granted the victim's heir the right to seek retribution for the murder.'²⁸

Yahya bin Adam al-Qurashi narrates a hadith in Kitab al-Kharaj:

إِنَّ رَجُلًا مِنَ الْمُسْلِمِينَ قَتَلَ رَجُلًا مِنْ أَهْلِ الْكِتَابِ فَرَفِعَ إِلَى النَّبِيِّ ﷺ فَقَالَ رَسُولُ اللَّهِ

ﷺ أَنَا أَحَقُّ مَنْ وَفِي بَدْمَتِهِ ثُمَّ أَمَرَ بِهِ فُقْتِلَ.²⁹

A Muslim had killed a non-muslim, and the case was brought to the Prophet (PBUH) for judgment. The Prophet (PBUH) said, "I am the most entitled to uphold the rights of those who are responsible." He then ordered the murderer to be killed, and the sentence was carried out.

The Holy Prophet (PBUH) consistently reminded Muslims about the rights of Dhimmis (non-Muslims). On one occasion, while discussing treaties, he said:

عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ قَالَ قَالَ رَسُولُ اللَّهِ ﷺ مَنْ قَتَلَ مُعَاهِدًا لَمْ يَرُحْ

رَائِحَةَ الْجَنَّةِ وَإِنْ رِيحَهَا لَيُوجَدُ مِنْ مَسِيرَةِ أَرْبَعِينَ عَامًا-³⁰

Whoever kills a person under a covenant (a member of a minority) will not even smell the fragrance of Paradise, though its fragrance can be sensed from a distance of forty years.

عَنْ أَبِي بَكْرَةَ قَالَ قَالَ رَسُولُ اللَّهِ ﷺ مَنْ قَتَلَ نَفْسًا مُعَاهِدًا بغيرِ حَمِيمٍ حَرَّمَ

اللَّهُ عَلَيْهِ الْجَنَّةَ أَنْ يَسْمَرَ رِيحَهَا.³¹

It is narrated from Hazrat Abu Bakra that the Messenger of Allah (PBUH) said: 'Whoever kills a Dhimmi without lawful justification, Allah will forbid him

Paradise and even its fragrance.' Another hadith of the Prophet is widely accepted

عَنِ الْقَاسِمِ بْنِ مُخَيَّمَرَةَ عَنْ رَجُلٍ مِنْ أَصْحَابِ النَّبِيِّ قَالَ قَالَ مَنْ قَتَلَ
رَجُلًا مِنْ أَهْلِ الذِّمَّةِ لَمْ يَجِدْ رِيحَ الْجَنَّةِ وَإِنَّ رِيحَهَا لَيُوجَدُ مِنْ مَسِيرَةِ سَبْعِينَ
عَامًا.³²

It was narrated by Hazrat Qasim bin Mugheera (RA) that the Messenger of Allah (PBU) said: 'Whoever kills a dhimmi will not even smell the fragrance of Paradise, though its fragrance can be sensed from a distance of seventy years.'

Hazrat Ali (RA) said:

مَنْ كَانَ لَهُ ذِمَّتُنَا فَدَمُهُ كَدِمِنَا وَدَيْتُهُ كَدَيْتِنَا.³³

The blood of dhimmis(Non-Muslims) is our blood; their retribution is equal to that of Muslims, and their blood holds the same value as that of a Muslim. Indeed, Hazrat Ali exemplified this principle through his actions

Similarly, a narration from Hazrat Abdullah bin Masoud (RA) states that the shedding of the blood of a dhimmi is equivalent to the shedding of the blood of a Muslim.³⁴

Such incidents also occurred during the era of Hazrat Umar bin Abdul Aziz (RA), who practiced Qisas (retributive justice) as well.³⁵

Finally, there is an important hadith that holds significant relevance for us. It is narrated from Hazrat Abu Huraira that the Prophet (PBUH) said, 'Whoever kills a dhimmi for whom Allah and His Messenger have been made responsible has broken the responsibility of Allah'³⁶

(iv) Right to support and protection:

Non-Muslims have the right to provide security and defense to the Islamic state internally and externally. Al-Shirazi, the author of Takmulat al-Majmoo, writes:

وَيَجِبُ عَلَى الْإِمَامِ الدَّبُّ عَنْهُمْ وَمَنْعُ مَنْ يَقْضُدُهُمْ مِنَ الْمُسْلِمِينَ وَالْكَفَّارِ،
وَاسْتِلْقَادُ مَنْ أُسِرَ مِنْهُمْ، وَاسْتَبْرَجَاعُ مَا أُخِذَ مِنْ أَمْوَالِهِمْ، سَوَاءً كَانُوا مَعَ
الْمُسْلِمِينَ، أَوْ كَانُوا مُتَفَرِّدِينَ عَنْهُمْ فِي بِلَادِهِمْ لِأَنََّّهُمْ بَدَلُوا الْجِزْيَةَ لِحِفْظِهِمْ
وَحِفْظِ أَمْوَالِهِمْ.³⁷

It is the responsibility of the Islamic head of state to defend the Dhimmi (i.e., non-Muslims) and to repel any harm directed at them by Muslims or infidels. This includes releasing those imprisoned by others and returning the property that was taken from them. This obligation exists regardless of whether they live among Muslims or separately in their own countries while paying Jizya.

The duty of the Islamic state is particularly relevant because Dhimmis pay Jizya for the protection of their lives and property. Consequently, the responsibilities of the Islamic state encompass safeguarding the lives of all individuals, their property, and their reputations. This protection must be ensured not only against external oppression but also against internal threats.

Numerous blessed hadiths emphasize the importance of not oppressing Dhimmis. One such hadith is: The Prophet (PBUH) said:

مَنْ ظَلَمَ مُعَاهِدًا أَوْ انْتَقَصَهُ حَقًّا، أَوْ كَلَّفَهُ فَوْقَ طَاقَتِهِ أَوْ أَخَذَ مِنْهُ شَيْئًا

بِغَيْرِ طَيْبِ نَفْسٍ مِنْهُ، فَأَنَا حَاجِجُهُ يَوْمَ الْقِيَامَةِ -³⁸

"Whoever oppresses a Mu'aahid (non-Muslim) or violates his rights or hurts him beyond his strength or takes anything from him without his willingness, I will be a plaintiff on the Day of Judgment."

Amir al-Mu'minin Umar bin Al-Khattab (RA) articulated this will at the time of his death, emphasizing to his successor that the covenant made with the Dhimmis must be honoured. They are to be protected, and their rights defended; And they should not be forced to do anything beyond their power.³⁹

On one hand, we have the wills of the Messenger of Allah (PBUH) and the Caliphs, which underscore the importance of not oppressing the Ahl al-Dhimma. On the other hand, some misguided Muslims mistakenly believe that there is no harm in harming these Dhimmis because they are infidels and oppose their beliefs. This perspective is rooted in ignorance. It is reprehensible to oppress those who are under our protection, such cruel Muslims are accountable to Allah and His Messenger.

Abu Yusuf, while bequeathing Amir al-Mu'minin to Haroon al-Rashid, says:

وَقَدْ يَنْبَغِي يَا أَمِيرَ الْمُؤْمِنِينَ أَيْدِكَ اللَّهُ أَنْ تَتَقَدَّمَ بِالرَّفْقِ بِأَهْلِ ذِمَّةِ نَبِيِّكَ
وَأَبْنِ عَمِي مُحَمَّدٍ وَالتَّفَقُّدَ لَهُمْ حَتَّى لَا يُظْلَمُوا وَلَا يُؤْذُوا وَلَا يُكَلِّفُوا فَوْقَ طَاقَتِهِمْ

وَلَا يُؤْخَذُ شَيْءٌ مِنْ أَمْوَالِهِمْ إِلَّا بِحَقِّ يَجِبُ عَلَيْهِمْ -⁴⁰

O Commander of the Faithful! May Allah bless you with His support. It is essential for you to be gentle with the Dhimmis (Non-Muslims) and to be mindful of their conditions, as you are responsible before Muhammad(PBUH) .Be cautious that they do not become victims of cruelty and torture, suffering more than they can bear, while their property is unjustly taken from them .

If a Muslim steals the property of a dhimmi, his hand will be cut off, and the property of the dhimmi shall not be stolen or taken without the legal obligations of jizya or tribute. We have seen in the agreement of the Messenger of Allah (PBUH) with the people of Najran that the sanctity of their property was explicitly stipulated, and the Prophet Muhammad (PBUH) also guaranteed the protection of their armour, which he had borrowed from them.⁴¹

Syed Maududi says:

When the contract of liability in the Islamic state is settled, the Ahl al-Duzmah will become the owners of their lands, which will be transferred to their heirs and they will have the right to dispose of them, such as buying and

selling, hibah, mortgage, etc. There will be no justification for the Islamic State to evict them from any part of their property.⁴²

(v) Right to Protection of Honor and Property:

Regarding the protection of their honor and property, Allah commands us to treat them with kindness and justice. Harming them contradicts this principle of goodness and justice. Allama Qarafi has elaborated on the importance of treating them well.

وَالدُّعَاءُ لَهُمْ بِالْهِدَايَةِ وَأَنْ يُجْعَلُوا مِنْ أَهْلِ السَّعَادَةِ، وَنَصِيحَتُهُمْ فِي جَمِيعِ أُمُورِهِمْ، فِي دِينِهِمْ وَدُنْيَاهُمْ، وَحِفْظُ غَيْبَتِهِمْ إِذَا تَعَرَّضَ أَحَدٌ لَا ذِيَّتِهِمْ وَصَوْنُ أَمْوَالِهِمْ وَعَبَائِهِمْ وَأَعْرَاضِهِمْ-⁴³

Inviting them to seek guidance so they may join the blessed and wishing them well in all their religious and worldly affairs, is an act of goodness. Similarly, protecting their property, family, and Honor in absentia when someone intends to harm them is also a manifestation of goodness.

Al-Bahuti described the abuse of Dhimmis as follows:

وَأَمَّا مَنْ شَعَمَ دِمِّيًّا أَوْ قَدَفَهُ فَحَقُّهُ كَحَقِّ الْمُسْلِمِ فِي هَذَا-⁴⁴

"As far as insulting or slandering a dhimmi is concerned, their right in this matter will be equal to that of a Muslim."

Allama Qarafi has also said that the Dhimmi's contract obligates some of their rights upon us:

لَأَنَّهُمْ فِي جِوَارِنَا وَفِي خَفَارَتِنَا وَذِمَّةِ اللَّهِ تَعَالَى وَذِمَّةِ رَسُولِ اللَّهِ اللَّهِ وَدِينِ الْإِسْلَامِ، فَمَنْ اعْتَدَى عَلَيْهِمْ وَلَوْ بِكَلِمَةٍ سَوْءٍ، أَوْ غَيْبَةٍ فِي عِرْضِ أَحَدِهِمْ، أَوْ نَوْعٍ مِنْ أَنْوَاعِ الْأَذْيَةِ، أَوْ أَعَانَ عَلَى ذَلِكَ فَقَدْ ضَيَعَ ذِمَّةَ اللَّهِ تَعَالَى وَذِمَّةَ رَسُولِهِ وَدِينِ الْإِسْلَامِ-⁴⁵

"Because they fall under our protection and the responsibility of Allah, His Messenger, and the religion of Islam. Anyone who abuses or oppresses them—whether through harsh language, backbiting, or any other form of mistreatment—will bear the consequences before Allah and His Messenger. Such actions undermine the responsibilities outlined by the religion of Islam."

This topic is also addressed in Kitab Dar Mukhtar, which states:

وَيَجِبُ كَفَّ الْأَذْيِ عَنْهُ وَتَحَرُّمُ غَيْبَتِهِ كَالْمُسْلِمِ-⁴⁶

"It is obligatory to refrain from hurting others, and backbiting is forbidden just as it is for Muslims."

Their protection also includes the principle that they should not be detained unnecessarily. In this regard, they are equal to Muslims and cannot be arrested unless they have committed an offense against Shari'ah. However, actions that are forbidden in Islam but permissible in their religion, such as drinking alcohol, may be exempt from this rule.

The ruling of Shari'ah in this regard is:

لا جَرِيْمَةً وَلَا عَقُوْبَةً إِلَّا بِبَيِّنَةٍ.⁴⁷

"A crime and punishment are established only when there is clear evidence (nass) for it." "Just as Islam grants freedom to non-Muslims, it also recognizes their right to defend themselves.

(vi) Freedom of Writing and Speech:

Non-Muslims in an Islamic state will enjoy the same freedoms of writing, speech, voting, and assembly as Muslims. The legal restrictions imposed on Muslims in these matters will also apply to non-Muslims. Within the bounds of the law, they will have the ability to freely criticize the government, its orders, and the government itself.

Non-Muslims will have complete freedom to express their religious beliefs, and if a follower of a non-Islamic religion chooses to adopt another non-Islamic faith, the government will not object. However, no Muslim will be permitted to change their religion while residing within the boundaries of an Islamic state. In cases of apostasy, any consequences will be directed at the apostate individual, not at the non-Muslim who may have influenced their decision.

Non-Muslims will not be compelled to adopt any belief or practice against their conscience. They will be authorized to engage in activities that do not conflict with the laws of the country.

The Qur'an invites debate with the People of the Book in a respectful manner, demonstrating that even polytheists may engage in dialogue with the Messenger and the believers, as commanded by Allah Ta'ala.

وَلَا تُجَادِلُوا أَهْلَ الْكِتَابِ إِلَّا بِالَّتِي هِيَ أَحْسَنُ إِلَّا الَّذِينَ ظَلَمُوا

مِنْهُمْ.⁴⁸

"And do not argue with the People of the Scripture except in a way that is best."

At another place it is stated

ادْعُ إِلَى سَبِيلِ رَبِّكَ بِالْحُكْمَةِ وَالْمَوْعِظَةِ الْحَسَنَةِ وَجَادِلْهُمْ بِالَّتِي

هِيَ أَحْسَنُ.⁴⁹

"Invite to the way of your Lord with wisdom and good instruction, and argue with them in a way that is best. Indeed".

It was the result of this freedom of writing and speech that we see the glorious development of sciences and knowledge in the Islamic era.

Hasan al-Zain writes in "Ahl al-Kitab fi al-Mujtam'ul-Islami":

لَأَنَّ إِذْدِهَارَهَا قَدْ تَرْتَبَ عَلَى هَذِهِ الْحُرِّيَّةِ وَلِأَنَّ الْعُلُومَ تَحْتَاجُ إِلَى الْبَحْثِ وَالِدِّرَاسَةِ

وَالْتَجْرِبَةَ وَالْمُنَاقَشَةَ بِحُرِّيَّةٍ، وَالْعَقْلُ الْبَشَرِيُّ لَا يُعْطَى وَلَا يُبَدَعُ فِي ظِلَالِ الْإِسْتِبْدَادِ

⁵⁰ وَالْكَتَبِ-

If there were no freedom of expression, both science and the arts would stagnate, as science requires research, study, experience, and debate. Intellect cannot flourish under the shadow of human tyranny.

Maulana Maulvi Nazir Ahmad, in his book *Al-Haqooq wal-Fara'iz*, comments on the Quranic injunctions regarding the gentleness of speech towards the People of the Book:

While there is a directive to moderate debate, it is unfortunate that Muslims often exhibit negligence and indifference in this regard. The reality is that religious debates can be quite contentious. It is essential for both disputants to engage in discourse that does not lead to insults and conflict. If this were not the case, there would only be one religion in the world today. Indeed, followers of other religions often attack Islam with hurtful and provocative language, yet Muslims should refrain from responding with abuse. The most effective response, which can bring an end to conflict, is silence.⁵¹

Pakistan is the only country in the world that has reserved seats for minorities in the Senate, as well as in the National and Provincial Assemblies. These representatives are appointed without elections, and they also have the option to participate in open elections. According to the fourth census of Pakistan, minorities currently make up 3.72% of the population. Clause 4 of Article 54 of the Constitution of Pakistan reserves ten seats for minorities in the National Assembly⁵²

According to the constitution of Pakistan,

“members to the seats reserved for non-Muslims shall be elected in accordance with law through proportional representation system of political parties’ lists of candidates on the basis of total number of general seats won by each political party in the National Assembly.”⁵³

twenty-four seats in the Provincial Assembly, and four seats in the Senate, as stated in Article 106.

Constitution of Provincial Assemblies

⁴[106. (1) Each Provincial Assembly shall consist of general seats and seats reserved for women and non-Muslims as specified herein below:-

	General seats	Women	Non-Muslims	Total
Balochistan	51	11	3	65
⁵ [Khyber Pakhtunkhwa	115	26	4	145]
The Punjab	297	66	8	371
Sindh	130	29	9	168

Minority Rights in Islamic Teachings and the Constitution of Pakistan

Constitution of Pakistan ensure the religious freedom of the minorities, as it is stated

“Wherein adequate provision shall be made for the minorities to [freely] profess and practise their religions and develop their cultures.”⁵⁵

“Wherein adequate provision shall be made to safeguard the legitimate interests of minorities and backward and depressed classes.”⁵⁶

In the constitution of Pakistan Article 36 assure the protection of Minorities, it is written

“Protection of minorities The State shall safeguard the legitimate rights and interests of minorities, including their due representation in the Federal and Provincial services.”⁵⁷

According to Article 20-A of the Constitution of Pakistan, "Every Pakistani citizen has the right to adopt religion, practice it and propagate that religion, subject to law and order."

“every citizen shall have the right to profess, practice and propagate his religion;”⁵⁸

And according to Article 20 b, every religious community in Pakistan has the right to establish, maintain and manage their religious institutions.

As it is stated “every religious denomination and every sect thereof shall have the right to establish, maintain and manage its religious institutions.”⁵⁹

According to Article 21, every Pakistani citizen has the right to refuse to pay taxes that do not benefit his religion, the government of the day cannot force any such tax from its citizens.

“No person shall be compelled to pay any special tax the proceeds of which are to be spent on the propagation or maintenance of any religion other than his own.”⁶⁰

According to Clause One of Article Twenty-two, every citizen has the right to refuse to participate in events other than his own religion in modern educational institutions or to refuse to receive instructions from another religion. Citizens cannot be forced to do so. Perhaps Article Twenty-Two It is the essence of the bitter experiences of being forced to sing Bande Mataram before the formation of Pakistan.

“No person attending any educational institution shall be required to receive religious instruction, or take part in any religious ceremony, or attend religious worship, if such instruction, ceremony or worship relates to a religion other than his own.”⁶¹

In Clause Two of Article Twenty, it is pointed out that no Pakistani citizen shall be discriminated against while applying any tax or discounting it. According to Clause Three of Article Twenty, any community on the territory of Pakistan, No one can be barred from admission to any public institution whose breath is established and sustained by public funds on account of colour, language or place of birth. According to Article 23, any citizen of Pakistan has the right to buy, hold and sell land in any part of the country.⁶²

As far as job opportunities are concerned, article twenty-seven of the constitution guarantees that any Pakistani citizen, if he fulfills the conditions of a job, regardless of any city, religion, caste or race of Pakistan, This job cannot be lost.

In the year 2009, the Government of Pakistan had issued a directive in

furtherance of the same provision under which five percent quota was set aside for the minorities living in Pakistan. This directive was immediately implemented by Punjab, Sindh and Baluchistan, while KPK first gradually increased it to three percent.

The government of Pakistan does not just do paperwork but also collects statistics related to minorities at different times. In this context, civil society and courts also actively participate.

According to the Federal Government's Annual Employees Statistical Bulletin of 2011, out of the five percent quota, minorities were able to get only 2.6 percent, most of which were in grade one and two jobs. According to the Punjab Public Service Commission, 53% of minority vacancies were vacant in 2016. One of the main reasons for this is the economic and financial conditions of minorities. To solve this issue, two percent quota was allocated for minorities in higher education and universities were made bound to They should also advertise this clearly in their advertisements. Due to which a notification was issued in 2015 that even if no minority member applies for a vacant post, that post will remain vacant, it should be re-advertised and only the minority member will be entitled to it.

Just as Islamic teachings protects the life of a Non-Muslims, the Constitution of Pakistan also protects the lives of minorities non-Muslims. As much as the religion of Islam has emphasized the rights of minorities and provided them with protection, no other religion or law in the world has given so much protection. The history of ancient Egypt, Greece, Rome, Babylon, Arabia and other countries is witness to how humanely the minorities were treated there. It is the religion of Islam that has taken care of the oppressed people and made laws for their protection, and the best example of this is the Constitution of Pakistan.

Conclusion:

Islamic teachings emphasize the protection and fair treatment of non-Muslims (dhimmis) living in Muslim-majority societies. The principles of tolerance, justice, and compassion are central, ensuring the preservation of life, property, and religious freedom for non-Muslims. In various Quranic injunctions and prophetic traditions, there is a strong emphasis on safeguarding the rights of minorities, including their right to practice their faith and maintain their own laws and customs. The example of the Treaty of Madinah under Prophet Muhammad (PBUH) is often cited as a precedent for peaceful coexistence and religious autonomy for non-Muslims.

The Constitution of Pakistan enshrines minority rights through various articles, ensuring religious freedom, proportional political representation, protection from discrimination, and the preservation of cultural and religious identity. Articles 20, 21, 22, 36, and others We have mentioned reflect Pakistan's commitment to these principles. The reserved seats for minorities in the Senate, National Assembly, and Provincial Assemblies further demonstrate a unique mechanism in global governance for minority representation.

The Constitution offers a clear commitment to political inclusivity, providing reserved seats for minorities. Article 54(4) and Article 106 ensure non-Muslims have a voice in the legislative process, with a system of proportional representation. This mechanism aligns with the Islamic principle

Minority Rights in Islamic Teachings and the Constitution of Pakistan of ensuring minority communities are treated fairly within a Muslim-majority governance framework.

Articles 20 and 22 guarantee the right for every individual to practice, propagate, and teach their religion in their communities freely. This mirrors Islamic principles, where non-Muslims are allowed to maintain their religious practices, as long as they do not harm the larger social order. This constitutional protection reflects the Quranic injunctions to respect the People of the Book and avoid coercion in matters of faith (Surah Al-Baqarah: 256).

Articles 21 and 27 ensure that minorities are safeguarded from religious taxes benefiting other faiths and that job opportunities are open regardless of one's religion. This reflects the Islamic principle of justice and equality, where non-Muslims are not subjected to unfair treatment or forced participation in religious practices outside their own.

The establishment of quotas for minorities in both government jobs and higher education (as noted with the 5% quota and the re-advertisement policy) demonstrates an active effort to uplift economically and socially marginalized minority communities. This resonates with Islamic values, where the state is responsible for ensuring the welfare and dignity of all its citizens, regardless of faith.

This article highlights a harmonious relationship between Islamic teachings and the Constitution of Pakistan regarding the protection and empowerment of minorities. Both frameworks place a high value on justice, tolerance, and peaceful coexistence. While Islamic teachings provide a moral and religious imperative to protect the rights of minorities, the Constitution translates these principles into legal guarantees. By ensuring political representation, religious freedom, and equal economic opportunities, Pakistan's legal system aligns with the ethical mandates of Islam. However, challenges remain in fully implementing these provisions, as evident in the underrepresentation of minorities in various sectors. This points to the need for continuous efforts to bridge gaps between constitutional rights and their practical realization.

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