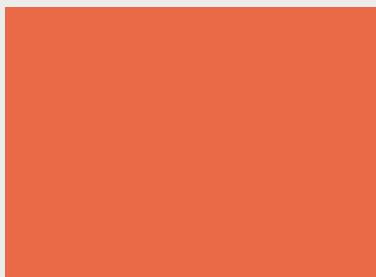




From Exclusion to Inclusion:
A Project Advancing Civil, Political, Economic, Social & Cultural Rights of Minorities in Sindh



Acknowledgement & References

The author of this report expresses gratitude to the sources referenced during the write-up: Community World Service Asia (CWS-A), members of the National Lobbying Delegation For Minority Rights (NLD), the Minority Affairs Department, Government of Sindh, and the Local Government, Government of Sindh, for their significant contributions to this initiative. Furthermore, the author acknowledges the valuable assistance provided by Mr. Ali Masood, Research Officer at SHRC, Mr. Thakur Zaheer, Complaints Superintendent at SHRC, Mr. Yasir Sheikh, Complaints Superintendent at SHRC, and Mr. Syed Sarmad Banori, Graphic Designer at SHRC. It is important to note that the content in this document is copyrighted and cannot be reproduced, either in full or in parts, for educational and training purposes without written permission from the Sindh Human Rights Commission, Government of Sindh. When referencing this document, proper acknowledgment is appreciated.

Message of the Chairperson

I am honored to present this report by the Sindh Human Rights Commission, addressing a critical yet often overlooked issue: the realization of civil, political, economic, social, and cultural rights for minorities in Sindh.

For too long, people belonging to other religious faiths have faced challenges in exercising their fundamental rights. The lack of awareness and implementation of laws regarding marriage registration, job quotas, and non-compliance of Supreme Court directives has created barriers to full and equal participation in our society.



This report is a culmination of the SHRC's year-long efforts, undertaken in collaboration with Community World Service Asia. Through awareness workshops, public hearings, and consultations with government officials and community members, we have unearthed the on-ground realities faced by minorities and identified solutions to bridge the gap between policy and practice.

The report highlights the pressing need for strengthening the implementation of the Sindh Hindus Marriage (Amendment) Act, 2018. This landmark legislation empowers Hindu women and protects their marital rights, yet its effectiveness hinges on awareness and accessible procedures. We urge the government to prioritize training for relevant stakeholders and establish clear mechanisms for marriage registration within Hindu community.

Furthermore, the 5% job quota for minorities remains underexploited due to existing complexities in public sector systems. The report proposes a strategic framework to streamline quota implementation, ensuring equal opportunities for qualified members of minority communities in public service.

Finally, the report addresses the implementation of the Honorable Supreme Court judgment dated 14th June, 2014. While legislative efforts are underway, there remains a disconnect between policy and practice. We advocate for a comprehensive plan with clear milestones to fully realize the directives of the Apex Court and safeguard the religious freedom of all citizens.

This report is not merely a documentation of challenges; it is a call to action. We must collectively strive towards a Sindh where every individual, regardless of their faith or background, enjoys their fundamental rights to the fullest. We urge the government to adopt the recommendations outlined in the report and implement them with a sense of urgency and commitment.

Thank you.

Iqbal Ahmed Detho,
Chairperson,
Sindh Human Rights Commission, Government of Sindh.

Message from the Member-Minority

It is with profound responsibility and optimism that I present this report, "Realization of Civil, Political, Economic, Social and Cultural Rights of Religious Minorities in Sindh Province," compiled by the Sindh Human Rights Commission (SHRC). As the Board Member (Minorities) at SHRC, I am honored to share insights into a comprehensive examination of the challenges faced by the minority communities in Sindh and the steps taken by the Commission to address these issues.



Despite Sindh's long history of diverse communities contributing to its social fabric, systemic barriers and inequalities disproportionately impact the religious minorities. This policy brief, a result of SHRC's collaboration with Community World Service Asia, sheds light on these challenges through research and public engagement, and is reflective of our commitment to inclusivity and equality.

The report outlines the activities undertaken by SHRC, emphasizing our commitment to creating awareness, conducting public hearings, and initiating a provincial consultation on the implementation of the Supreme Court of Pakistan Judgment (SMC no. 1 of 2014). The proactive engagement with stakeholders, government officials and the minority communities at large has been instrumental in highlighting the multifaceted issues related to the civil, political, economic, social and cultural rights of minorities in Sindh.

The enactment of the Sindh Hindu Marriage (Amendment) Act, 2018, stands as a landmark achievement in addressing the concerns of minority communities, aligning with constitutional principles and international covenants. However, the journey towards full attainment of minority rights is ongoing. The report, through consolidated observations and recommendations, underscores the challenges in implementing the said Act, the (05%) job quota for minorities and the Supreme Court's judgment.

As the custodian of minority rights at SHRC, I commend the collaborative effort with Community World Service Asia. This joint initiative, aimed at creating awareness and sensitization among government and civil society stakeholders, has significantly contributed to the progress documented in this report.

The comprehensive recommendations put forth in the report underscore the need for strategic frameworks, awareness campaigns and policy interventions to bridge the gap between legislative directives and on-the-ground implementation. It is my sincere hope that this policy brief serves as a catalyst for informed dialogue, policy reform and concerted action to uphold and protect the rights of religious minorities in Sindh.

I extend my gratitude to Mr. Iqbal Ahmed Detho, our team and all those who have been part of this collaborative effort, and I urge all stakeholders, including the government, civil society, and the international community, to join hands in ensuring the realization of civil, political, economic, social and cultural rights for minorities in Sindh.

Sukhdev Assardas Hemnani

Board Member- Minorities

Sindh Human Rights Commission, Government of Sindh

Author's Note

Dear Esteemed Readers,

Prepare to be transported into the heart of Sindh, where the echoes of diverse cultures intertwine with the struggles and triumphs of minority communities. It is with a sense of honor that I present this report, "Realization of Civil, Political, Economic, Social and Cultural Rights of Minorities in Sindh Province." I am Adnan Khaskheli, Program Head and Complaint Superintendent at the Sindh Human Rights Commission (SHRC). Through this note, I aim to provide a glimpse into the expansive initiatives orchestrated by SHRC to confront and overcome the challenges experienced by minority communities in our richly diverse province.



This isn't just about data; it's an immersive exploration of the narratives that shape our collective identity. The collaborative efforts with Community World Service Asia reflect not just bureaucratic collaboration but a shared commitment to kindle awareness and sensitization among stakeholders.

This policy brief encapsulates the culmination of rigorous research, extensive fieldwork, and collaborative efforts aimed at promoting and safeguarding the human rights of minority populations in Sindh. It outlines the various activities conducted by SHRC under my leadership, emphasizing our commitment to creating awareness, conducting public hearings, and initiating a provincial consultation on the implementation of key judgments and legislations. These initiatives were not merely administrative tasks but a dedicated effort to bring about positive change and enhance the well-being of minority communities.

The collaboration with Community World Service Asia stands as a clear demonstration of our dedication to raising awareness and sensitizing both government and civil society stakeholders. This joint venture has played a vital role in advancing the developments outlined in this report.

The consolidated observations and recommendations within this document highlight the imperative for strategic frameworks, awareness initiatives, and policy interventions. They serve not merely as an assortment of findings but rather as a rallying call for all stakeholders to actively engage in championing and safeguarding the rights of minorities in Sindh.

I extend heartfelt appreciation to all those who have actively contributed to this collaborative journey. My sincere hope is that this policy brief initiates meaningful conversations, guides policy-making, and galvanizes unified efforts to ensure the fulfillment of civil, political, economic, social, and cultural rights for minorities in our cherished province.

Adnan Khaskheli

Program Head and Complaint Superintendent

Sindh Human Rights Commission (SHRC), Government of Sindh

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Executive Summary

The Sindh Human Rights Commission is a statutory body established under Sindh Protection of Human Rights Act, 2011, with the mandate to protect and promote human rights in the province of Sindh. **U/S 4 (i)(ii)** of the Act, the Commission is tasked with investigating complaints of human rights violations, promoting awareness, research and education on human rights vis-à-vis National laws, Policies and International Covenants **U/S 4(iii)(vii)(ix)**, review laws and Policies concerning Human Rights regime in the Province of Sindh, and advising the government on the effective/efficient implementation of pro-rights legislative apparatus **U/S 4 (iii)(v)(vi)** and also develop relevant synergies with national and International governmental and non-Governmental actors for the promotion of Rights based approach in Sindh Province.

In February, 2018, the Commission received one complaint from a women belonging to Hindu Community regarding enforcement of her marital rights in accordance with her religion but since Sindh Hindu Marriage Act 2016 was not notified, the case could not proceed further however, the said case opened an arena for Commission to get involved in the deliberations revolving around registration of Hindu Marriages. While digging deep into the probe of the said case, it was ascertained that women were much more likely to be affected by the lack of registration of marriage. Husbands used to enter into second marriages during the subsistence of a valid marriage. However, the lack of documentation meant that the wife had no recourse against the husband. Furthermore, due to absence of law there was constant distress amongst Hindu women for being thrown out of their matrimonial homes with no assurance of maintenance and financial security. The absence of legislation on this matter meant that young Hindu girls and married women were in greater danger of being forced into conversions and marriage.

However, the Sindh Hindu Marriage (Amendment) Act, 2018 was passed on 25th May, 2018 and was subsequently enacted in July, 2018 which stood one of the



landmark legislation in the context of compliance with Article 25 and 35 of the Constitution of Islamic Republic of Pakistan and other International Covenants complementing Civil and Political Rights of the Minorities. After enactment of the law, the Commission under its powers of Human Rights education and awareness (Ref: 4(iii)(ix) of the Act, designed a program exclusively intended to create awareness amongst the stakeholders on the implementation of Sindh Hindus Marriages (Amendment) Act, 2018. In the said context, the Commission signed a Memorandum of Understanding (MoU) with the Community World Service Asia on 6th April, 2022.

Pursuant to the contents of MoU between SHRC and CWSA, the Commission conducted series of awareness workshops at Hyderabad, Mirpurkhas, Sukkur, Shaheed Benazirabad Divisions and also held several public hearings in 10 districts of the province. The subject issues that were primarily deliberated upon by the Commission in its public engagement activities included Non-Implementation of Sindh Hindus Marriage (Amendment) Act, 2018, Non-Implementation of (05%) Quota for the Non- Muslims and subsequent non-implementation of Honorable Supreme Court of Pakistan Judgment dated 19th June, 2014 (SMC No. 1 of 2014).

After series of workshops, public engagement activities, the Commission consolidated following observations;-

- That implementation of Sindh Hindus Marriage (Amendment) Act, 2018 stands snail-paced primarily due to lack of awareness amongst the relevant stakeholders and lack of institutional strength and capacity (on the part of Municipal Authorities) to implement the provisions of the Act.
- That, there is a need to have a strategic framework for the implementation of (05%) Minority Quota in the Public Sector organizations. It was observed by the Commission that non- implementation of (05%) job quota is due to some existing complexities with in the public sector systems due to which minority community members are unable to avail the quota.
- Lastly, it was strongly observed by the Commission that implementation of Honorable Supreme Court of Pakistan judgment dated 19th June, 2014



(SMC no. 1) is somehow progressing on the legislative fronts by some legislative/Policy and adhoc arrangements, but on ground, there seems a considerable gap between the policy directives and implementation approach of the public sector entities, therefore a comprehensive strategic plan entailing point wise implementation of Honorable Apex Courts directives is the need of an hour.

In the later part of the report, detailed recommendations are comprehended concerning implementation of Sindh Hindus Marriage (Amendment) Act, 2018, (05%) job quota policy for minorities and compliance with Honorable Apex Court judgment in the interest of Minority Rights in Pakistan.



About the Project

The Sindh Human Rights Commission and National Lobbying Delegation (NLD) for Minority Rights jointly implement the project in Sindh with key objective as to creating awareness and sensitization amongst Government and Civil Society stakeholders on the implementation of Sindh Hindus Marriage (Amendment) Act, 2018, (05%) Minority Job Quota and Implementation of Honorable Supreme Court of Pakistan Judgment dated 19th June, 2014 (SMC no.1 of 2014).

The deliberations included training/sensitization sessions amongst the Government officials and Minority Community stakeholders, meetings with district administrations and public hearings at village/UC levels. The main objectives behind the aforementioned activities included: -

i. Awareness Workshops at Divisional Headquarter level

- To observe and analyze the extent of awareness amongst the stakeholders on Sindh Hindus Marriage (Amendment) Act, 2018 and (05%) Minority Job Quota
- To sensitize Government officials about the prospects and implementation mechanisms available in Sindh Hindus Marriage (Amendment) Act, 2018
- To mobilize the Government functionaries for the implementation of the Sindh Hindus Marriage (Amendment) Act, 2018 and (05%) Minority Job Quota.

ii. Meetings with District Administration

- The sole reason behind engaging offices of the Deputy Commissioners in the districts having significant population of the minorities was to mobilize public officials on the implementation of law and to observe gaps and lacunas at the local level hindering implementation of the laws concerning civil, political and economic rights of the minority communities.



- As part of the project deliverables, these meetings were conducted in (07) districts of the province including District Jacobabad, Ghotki, Umerkot, Mirpurkhas and Sanghar respectively.

iii. Public Hearings at Village/UC level

- The Commission also held public engagement activities at Union Council/Level where the Communities were engaged.
- The main objective of these public engagement activities was to assess the extent of awareness amongst the general public, the problems they face in the implementation of the laws so that the Commission is able to recommend strategic intervention to the Government keeping in view the on-ground situation about the pace of implementation of the state guarantees to the Minorities under the Constitution, Laws and Policies.

During its year-long deliberations under the project, the Commission visited district Mirpurkhas, Hyderabad, Sukkur, Shaheed Benazirabad, Sanghar, Umerkot, Tharparkar, Ghotki, Jacobabad and Tando Mohammad Khan respectively. Under the umbrella of the project, the Commission also held a Provincial Consultation on the implementation of Honorable Supreme Court of Pakistan Judgment dated 19th June, 2014 (SMC no. 1 of 2014). The details of the activities are given in the chapters to follow.



Details of Activities under the Project

As mentioned, the in the Chapter above, the deliverables of the project included Awareness workshops at (04) Divisional Headquarters of the Province which included Mirpurkhas dated 15th March, 2023, Hyderabad 16th March, 2023, Sukkur dated 30th April, 2023 and Shaheed Benazirabad dated 23rd August, 2023 respectively.

i. Awareness Workshop at Mirpurkhas dated 15th March, 2023:- (Hotel Mirchi 360)

The first workshop was organized by in Mirpurkhas which was presided by Member Judicial-I Justice (r) Arshad Noor Khan and was attended by the key members of National Lobbying Delegation i.e., Mr. M. Prakash, Mr. Krishan Sharma, Mr. Jai Parkash and Ms Pushpa Kumari respectively. The session was moderated by Mr. Adnan Ali Khaskhaly (Superintendent Complaints) and was commenced with the opening remarks of Member Judicial-I Justice (R) Arshad Noor khan.

The session was attended by UC secretaries, Town Officer from various town committees of all the Districts of Mirpurkhas Division (i.e., District Mirpurkhas, Umerkot and Tharparkar respectively) Furthermore, the religious leaders (i.e., Pandits and Mahraj) and Minority Community leaders were also present in the session.

In his opening remarks Member Judicial-I SHRC briefed the participants about the powers and functions of Sindh Human Rights Commission followed with the significance of Sindh Hindu Marriage Act, 2018 as to compliance with Fundamental Rights guaranteed under the Constitution of Pakistan. While concluding his opening remarks, Member Judicial-II urged the participants to point out the issues as to implementation of the Act and subsequent registration of Marriages in their respective domains.



Mr. Krishan Sharma briefed the participants about the background and Genesis of the Act. While briefing the participants, Mr. Sharma pointed started off with a point that prior to enactment of the Sindh Hindu Marriages Registration Act 2016, the Hindu community used to get their marriages recognized with the help of guidelines present in the Special Marriage Act of 1872 wherein the local panchayat, Pakistan Hindu Council, & other scheduled castes member used to sign an affidavit before the oath Commissioner to prove their marital unions. In his lecture, Mr. Sharma also pointed out about the barriers they were facing from the Community leaders in regulating the Marriages of Hindu Community members who primarily cited religious reasons for not regulating the Act.

He further hailed Government of Sindh for passing the land Sindh Hindu Marriage Amendment Act, 2018 in the province as it became the first province in all the country to regulate Hindu Marriages registrations.

While further elaborating, Mr. Sharma said that in the year 2013, under direction of Honorable Supreme Court of Pakistan, National Database and Registration Authority ('NADRA') in the year 2013 started a campaign for the registration of marital unions and issuance of Computerized National Identity Cards ('CNIC') but the certification was full of loopholes. For instance, the terms used were nikkah rather than shaadi, nikkahkwan rather than

Beyond Primary Objectives: Advocacy on Diverse Fronts for Minority Rights

The Sindh Human Rights Commission (SHRC) tackled various socio-cultural and political challenges, going beyond its main goals to protect and promote minority rights. The SHRC actively participated in campaigns addressing these issues:

Graveyards of Minorities:

SHRC addressed concerns surrounding the preservation and respectful maintenance of minority graveyards, recognizing the cultural and religious significance attached to these sacred spaces.

Depleting Infrastructure of Churches:

Advocating for the protection and restoration of churches, SHRC aimed to ensure the necessary infrastructure for the religious and communal needs of the minority Christian community.

Fake Arrests of Young Hindu Boys:

SHRC undertook investigations and raised awareness about instances of fake arrests of young Hindu boys by the police, shedding light on practices aimed at extorting money from their families.



maharaj or pundit which was not applicable in the context of Hindu Community. Registration of Marriage with pundits and panchayats failed to provide any substantial lawful grounds to prove the marriage and absence of divorce clause used to create problems (especially with women) with regards to identity documents, documents required for travel, and transfer of property (mutation). Furthermore, in the cases of polygamy, the absence of any legal document (pertaining to marriage) left the aggrieved spouse with no other option to accept the bigamous nature of the second marriage contracted by the other spouse consequently violating fundamentals of Hindu Code of personal Life. Mr. Sharma further added that women were much more affected by the lack of registration of marriage documents as their husbands used to enter into second marriages during the subsistence of a valid marriage and due to absence of documentation the wife had no recourse against the husband which is contrary to the fundamentals of Justice. Consequent to absence of Hindu Marriage Regulation, he said that the women were in constant threat of discrimination as there was no maintenance, financial security was guaranteed to them and ironically there was no evidence for the property rights and legitimacy of wife and children after the husband had died. The lack of legislation on this matter meant that young Hindu girls and married women were in greater danger of being forced into conversions and marriage and putting their lives in constant distress. He concluded his lecture with the point that the Hindu Marriage Bill passed by Sindh

Discrimination Based on Castes:

Addressing and condemning discriminatory practices based on castes, SHRC focused on promoting equality and eliminating biases within society.

Provision of Gathering Places:

Advocating for the creation and availability of safe and communal spaces, SHRC aimed to facilitate minority communities in gathering and celebrating their religious and cultural occasions.

Protection of Religious Sites:

Ensuring the protection and preservation of religious sites significant to minority communities, SHRC extended its efforts beyond churches to include temples and gurdwaras.

Forced Conversions:

Addressing concerns and advocating against forced conversions, SHRC focused on protecting the rights and freedom of religious minorities.

Language and Cultural Preservation:

SHRC advocated for the preservation of minority languages and cultures, recognizing their importance in the broader social fabric.

Security of Minority Community

SHRC also wrote to IGP Sindh for recovery of kidnapped minority community members.

Assembly is a milestone and paved the way for protecting minorities (especially women).

Followed by the lecture of Mr. Sharma, Advocate M. Prakash continued the



session by the briefing the participants on the salient features of Hindus personal laws. He reiterated the opinion of Mr. Krishan Sharma for Sindh Hindu Marriage Registration Act 2016 being a landmark legislation in the protection of Fundamental Rights pertaining to life, liberty, equality and dignity of the citizens. He further added that although it is a land mark document but it did not cover all the aspects of Marriage Registrations as the Act did not comprehended on the divorce & post-divorce settlements and other civil rights respectively. However, under the direction of Honorable Supreme Court of

Pakistan in 2013, the National Database and Registration Authority ('NADRA') started registration of marital unions and issuance of Computerized National Identity Cards ('CNIC') but it failed to provide any substantial lawful grounds to prove the Marriages as it did not cover the religious terminologies of Hindu Community. In cases of polygamy, the aggrieved spouse had no way to accept the polygamous nature of the second marriage contracted by the other spouse



and in such cases women were much more likely to be affected as husbands used to enter into second marriages during the subsistence of a valid marriage and due lack of documentation meant that the wife had no recourse against the husband which subjected the Hindu women into constant distress and threat of being thrown out of their matrimonial homes with no maintenance and no financial security.

While concluding the salient features of Sindh Hindu Marriage Registration Act of 2016, Mr. M. Prakash said that the Act by setting minimum age of Marriage at 18 and requirement of witnesses present at the time of marriage consummation and binding the registration process within the time span of 45 days cleared ambiguities which erupted due to Honorable Supreme Court Order of 2013 to NADRA for registration of Marriages but the Act of 2016 did not fully addressed each component of the Marriage business as it failed to address the issues of divorce, maintenance, post-divorce settlements etc. He further added that due to aforementioned lacunae in the law, the Sindh Assembly passed Sindh Hindu Marriage Amendment Act in the year 2018. While explaining the salient features of the

Advocacy efforts for the protection of Minority.

SINDH HUMAN RIGHTS COMMISSION
GOVERNMENT OF SINDH

No: SHRC/GOS/ 15264/ 3976/2023 Dated: 31st Aug 2023

To,
The Secretary to Government of Sindh,
Home Department, Karachi.

SUB: REPORT REGARDING NON-RECOVERY OF VICTIMS BELONGING TO HINDU COMMUNITY FROM DISTRICT KASHMIRE - KANDHKOT

The Sindh Human Rights Commission (SHRC) is a statutory body established under Sindh Protection of Human Rights Act, 2011, with the mandate to protect and promote Human Rights in the province of Sindh. The Commission is tasked with investigating complaints of human rights violations and recommending remedies to the Government for deterring rights violations in the Province. Some of the key areas that SHRC focuses on include protection of rights of minorities, women, children and marginalized communities.

Through this letter, the Commission intends to bring into your notice about inaction of the police with regards to recovery of three kidnapped people namely Mukhi Jagdish and Jaideep Kumar (minor) who were kidnapped from Badani Town reportedly (around 2 months ago) and Sagar Kumar from Kashmore Town of District Kashmore Kandhkot (around 15 days ago) respectively.

It is worth mentioning here that the kidnappings of members of Hindu community has sparked outrage across the Community in Sindh and has aggravated the sense of insecurity amongst the Community members. Several protests were lodged in this regard by the Community members but the police have failed in safely recovering the above mentioned victims as of yet.

In view of the above, the Commission U/S 4(i)(ii) of Sindh Protection of Human Rights Act, 2011 seeks/recommends following action in the interest lives and life security of the populace,

- Special efforts may be taken urgently to ensure safe recovery of the above mentioned victims.
- In case of unwillingness/hesitation on part of the heirs of victims for becoming party in the FIR, as recommended in letter dated 25th July, 2023 to your good office (vide reference no. SHRC/GOS/15076/3976/2023) "the state may become direct party in such cases".
- The District Police shall formally engage with the members/representatives of the Hindu community to address their complaints/grievances regarding their security and take necessary action for its swift redressal.

Therefore, the Commission desires that your good office may take cognizance of the above mentioned recommendations, and inform this office as to action taken/ progress made by the police in the recovery of above-mentioned victims.

The report may be called from the concerned officials under intimation to this office.

Sukhdev Assardas Hemnani
Board Member

CC:
1. The Chief Secretary, Government of Sindh, Karachi
2. The Inspector General of Police, Government of Sindh, Karachi

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1. The Chief Secretary, Government of Sindh
2. The Home Secretary, Government of Sindh

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Act, Mr. Parkash said that all the aspects of Hindu Customary Law/s were addressed in the Act. Further elaborating Mr. Prakash said that **section 4** of the Act outlines the conditions of the marriage wherein age of the Marriage for both the parties is set at eighteen (18) and both the parties have been barred from being in any sort of an illegal or adulterous relationship as forbidden by their law, religion and customs and also both the parties must not have a living spouse at the time of marriage.

Furthermore, **Section 6** of the Act clarifies that the registration of every marriage must be done within 45 days of solemnization of Hindu Marriage in the Union Council/Ward or any other Municipal Authority, where the marriage ceremony took place and Section 7 states about the manner of Registration wherein it is explained that

- There shall be 4 copies of the certificate of marriage, as provided in Schedule A, all of which after being filled out shall be provided to the Concerned Officer.
- The Concerned Officer after satisfying himself that all conditions of marriage set out in rules have been met shall certify/endorse the certificate of marriage and keep one copy of the certificate for its record and return the remaining copies to the parties.
- The Concerned Officer shall maintain a Marriage Register for the purposes of this Act as per rules and directions issued by the Government.

Furthermore, Mr. Parkash added that Section (9) nullifies the Marriage if it does not comply with the provisos of section (which also includes polygamy). He further added that for Hindus there also exists a concept of Voidable Marriage as explained in section 10 of the Act. Any marriage before or after the commencement of the Act may be nullified by the court if: (a) the marriage has not been consummated owing to impotence of the respondent; (b) there is breach of clause (b) of section 4; (c) consent of the petitioner was obtained by force, coercion, or by fraud; or (d) the respondent was at the time of marriage pregnant by someone other than the petitioner. There exist conditions of cases when such petitions may not be entertained by the court: if the petitioner lodges complaint



after one year of being forced into marriage, or one year after the fraud has been discovered. The case in which the petitioner was ignorant of the facts alleged, and the proceedings have been instituted one year before the commencement of the Act and after the commencement within one year of such marriage, the petition may be entertained.

The participants were further briefed on Section 11 which mainly pertained to Termination of Marriage. Mr. Parkash explained the participants that under section 11 of this Act may be terminated through petition by marriage contracting part and decree of court on the grounds:

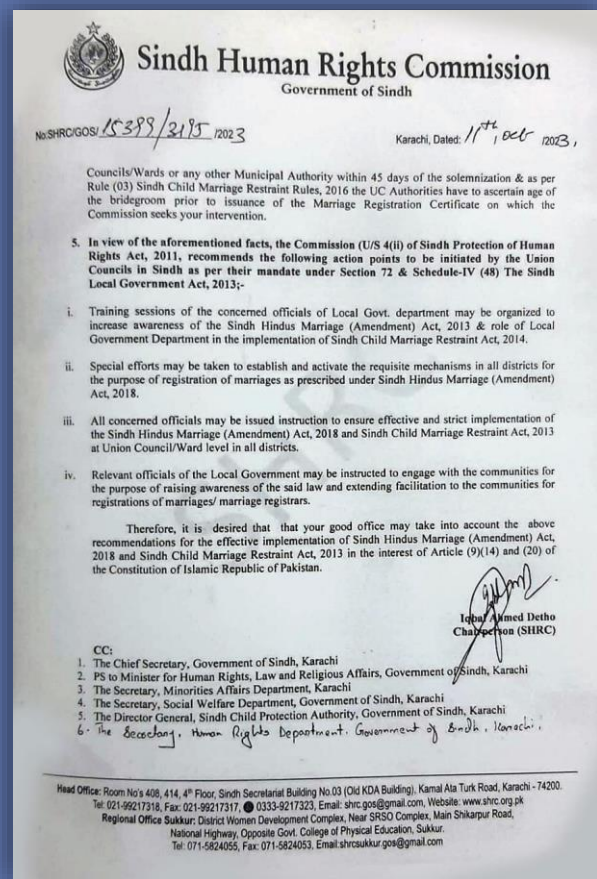
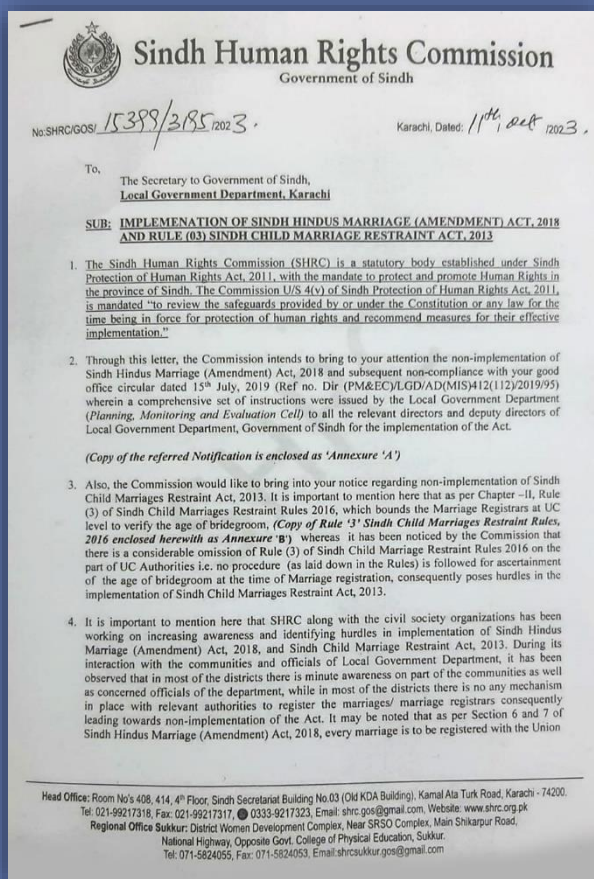
- If the petitioner has been treated with cruelty.
- If the petitioner has been deserted for a period of not less than two years. 'Desertion' under this law means that the petitioner, either the husband or the wife, has been isolated without any reasonable cause, or without their consent, and includes willful neglect of petitioner by the other party.
- The marriage may also be terminated on the basis of either the husband or wife converting to some other religion.
- Party having an incurably unsound mind or mental disorder.
- Suffering from other diseases such as leprosy or HIV/AIDs.
- If either of the parties renounces the world by entering into any form of religious order
- Specific for women, a) if the wife finds out that the husband married again, or there is a wife still alive from the marriage before the commencement of this Act, such a marriage can by be terminated; b) That the husband has neglected or has failed to provide for her maintenance for a period of two years; (c) That the husband has been sentenced to imprisonment for a period of four years or upwards; or (d) That her marriage, whether consumed or not, was solemnized before she attained the age of eighteen years and she has repudiated the marriage before attaining that age.

While explaining prospects of Section 11 of the Act which mainly pertained to financial Security of wife and Children, Mr. Parkash said that If a Wife is



respondent in a petition for termination of the marriage by decree of termination, she may oppose the grant of decree on the ground that the termination of the marriage may result in grave financial hardship to her unless arrangements have been made to the satisfaction of the court to eliminate such hardship. Furthermore, under Section 11, the Court shall not pass a decree of termination unless the Court is satisfied that adequate provisions for the maintenance of children born out of the marriage has been made in commensuration with the financial capacity of the parties to the marriage.

Advocacy efforts for the implementation of Sindh Hindus Marriage (Amendment) Act 2018



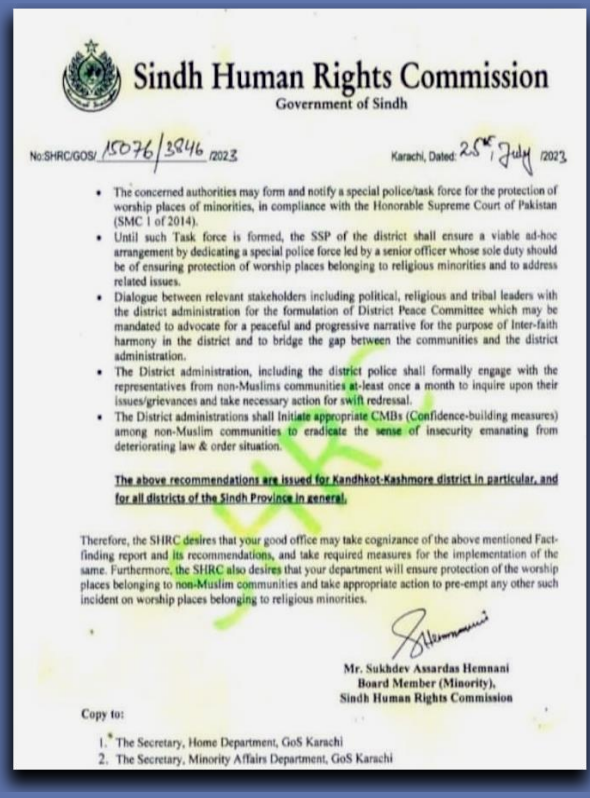
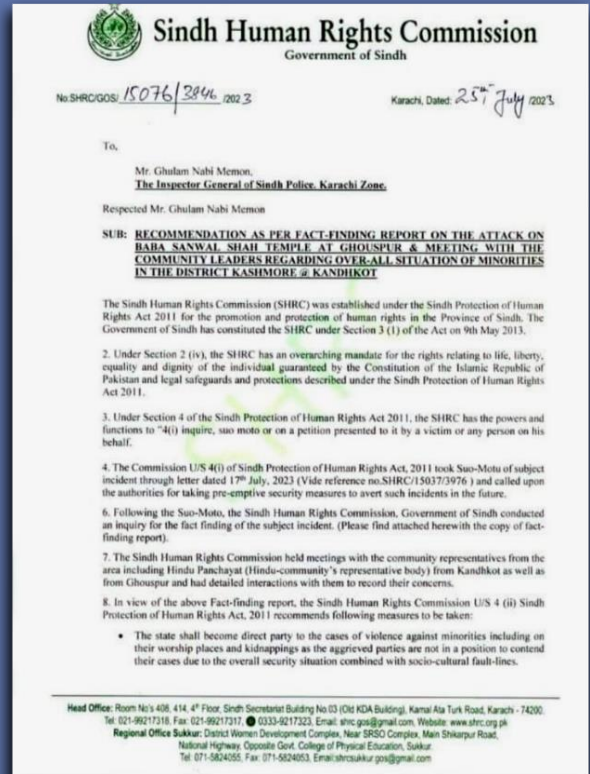


Moving on to section 13 (which pertained to termination of Marriage with mutual consent) Mr. Parkash explained that Section 13 stipulates about the mutual consent of the parties to terminate a marriage. The condition for such an action is that both the parties must be living separately for more than a year, and must agree that they cannot live together; hence, the marriage should be terminated.

The Act also provides respect and dignity to especially the Hindu women in accordance with **section 14** wherein the law allows the separated people to marry again. Any party, who wishes to marry another person after the said expiration period of six months from the final decision of termination of marriage may do so in order to live a happy and peaceful life they choose for themselves. Under the law, Widows only need to complete a period of six months after their husband's death, and then may remarry as per **section 15** which is one another step towards women empowerment in the Sindh Hindu Marriage Act 2018.

Moreover, the Act also defines the identity of the children born out of void or voidable marriage. Under **section 16**, it clearly mentions how children born out of such

Advocacy efforts for the protection of Minority Worship Places





marriages are legitimate. This provides for the innocent children to be taken care of even after the marriage is terminated. Mr. Prakash further mentions that Hindu culture widely promotes the protection of illegitimate children and considers them equally important to the children conceived without any nullifying consequences which consequently flourish the society with tolerance, awareness, and a mature identity. Furthermore, Section 17 of the Act calls for the punishment of polygamy and bigamy. Mr. Prakash while explaining Section 17 mentioned that as per Hindu Customary law, polygamy is prohibited and as such this law also criminalizes polygamy in Hindu Marriages. He further elaborated that under section 17 any marriage solemnized after the commencement of this Act is void if either party had a spouse living at the time marriage and provisions of Section 494 and 495 of the Pakistan Penal Code, 1860 shall apply accordingly.

Furthermore elaborating about the extensive scope of Hindu Marriage Act of 2018, Mr. Prakash explained the participants that according to **section 18**, any person who gets his or her marriage solemnized under this Act in violation of the conditions specified in section 4, clause (b) – forcing someone to get married or forcibly marrying someone under the age of 18, or clause (c) – are parties to the marriage within degrees of prohibited relationship – shall be punishable by imprisonment which may extend to six months but will not be less than three

Advocacy efforts for the protection of Minority Worship Places

SINDH HUMAN RIGHTS COMMISSION
GOVERNMENT OF SINDH

No: SHRC/GOS/1635/395/2023
Date: 17/07/2023

To:
The Commissioner,
Karachi,
The Secretary,
Minority Affairs Department,
Government of Sindh, Karachi,

SUB: DISPUTE OVER PROPERTY OWNERSHIP OF MARI MATA MANDIR SITUATED AT SOLDIER BAZAR, KARACHI

Please find herewith an enclosed copy of news clipping published in Daily Dawn Newspaper, dated 16-07-2023, regarding demolition of Hindu Temple Mari Mata Mandir at Soldier Bazar, Karachi, which required urgent necessary inquiry and action to resolve the grievances of Hindu community.

The Commission has taken notice of the report and launched an inquiry. The inquiry has been conducted by Board Member of Sindh Human Rights Commission Mr. Sukhdev Assardas Hemrani into the matter.

As per initial inquiry, following facts have been learnt:

1. The said issue emanated due to an intra-community conflict of property ownership among two parties, namely Madras Hindu Panchayat and Ms. Rekha (daughter of the previous custodian of the temple Mr. Mahraj Hira Lal).
2. The temple is established at plot no. B-1/9 in front of PS Soldier Bazar and the said property allegedly belonged to Mahraj Him Lal and now belongs to his daughter Rekha who claims that it is private property that she inherited by her father.
3. Meanwhile, the Madras Hindu Panchayat claims that the temple is a communal property and under the management of Panchayat.
4. The demolition was carried out at the residential area of the same property where construction has been going on for some time.

The demolition at the Mari Mata Mandir has deeply hurt the sentiments of the Hindu community, and it is imperative that the matter be addressed with utmost urgency and sensitivity.

The aforementioned facts revealed through the initial inquiry establish that there is an intra-community dispute over ownership of Mari Mata Mandir's property.

Therefore, the Commission U/S 4 (i) & (ii) of Sindh Protection of Human Rights Act-2011, recommends thorough investigation and appropriate action by relevant government departments for peaceful resolution of the dispute.

Zafar Ali
Superintendent Complaints
Enquiries & Auto-Moto. (SHRC)

Cc to: - (for information and necessary directions)
1. The Chief Secretary, Government of Sindh, Karachi.

Head Office: Room No: 414, Building No: 03, Old KDA Building, Sindh Secretariat, Kamal Afa Park Road, Karachi- 74000. Tel: 021-99911718-3328.
WhatsApp: 0333-2112123, Fax: 021-9991717, Email: shrc@sindh.gov.pk
Regional Office Sukkur: District Women Development Complex Near SRSO Complex, Main Shikarpur Road, National Highway Opposite
Government College of Physical Education, Tel: 071-5824055, Fax: 071-5824053, Email: shrc@shrc.gov.pk



months, or with fine which may extend to five thousand rupees, or with both imprisonment and fine.

Lastly, Mr. Prakash concluded his lecture by explaining one of the important aspects of Sindh Hindus Marriage (Amendment) Act 2018 as to its retrospective implementation. He added that under section 24 of the Act, the implementation shall have retrospective effect for the purposes of validation and registration of the marriages solemnized prior to the commencement of this Act and marriages solemnized before this Act came into force may be registered with the Concerned Officer with the same procedure, as prescribed under this Act.

After conclusion of the lecture, the floor was opened for discussion on the implementation issues being faced by the Local Government Authorities and the Hindu Community. The Session was moderated by the Mr. Jai Parkash (Member-NLD) on which the participants stressed over creating maximum awareness amongst beneficiaries (of the law) so that they be able to approach the Municipal Authorities for registration of their marriages. Furthermore, the participants from Municipal Authorities were also urged to approach minority majority wards of their respective UCs to spread knowledge about this landmark legislation as the people living in the far-flung UCs themselves are not able to approach the Government authorities.

At the end of the session, closing remarks were given by the Member Sindh Human Rights Commission, Ms. Pushpa Kumari wherein she urged the participants to ensure implementation of the law and utilize maximum resources to convey the information about the latest law amongst the community stakeholders.

ii. Awareness Workshop in Hyderabad Division dated 16th March, 2023 (Hotel Crown)

The plenary and methodology of deliberations in Hyderabad Division were same as that of Mirpurkhas. The session was chaired by Member Judicial- I Justice

Arshad Nood Khan and key members from National Lobbying Delegation i.e. Mr. M. Parkash, Mr. Krishan Sharma, Mr. Jai Parkash and Ms. Pushpa Kumari. The participants were amongst the Town/Municipal Committees and UC Secretaries from District Hyderabad, Tando Allahyar, Tando Mohammad Khan, Thatta, Sujawal, Badin, Jamshoro and Dadu respects. The intent, contents and objectives of the Commission's deliberations were same as that of Zone Mirpurkhas as such deliberations were the same.

The was started with the opening remarks of the Member Judicial-I Justice (R) Arshad Noor Khan followed with the briefing from Mr. Krishan Sharma, Advocate M Prakash, Mr. Jai Parkash and Ms. Pushpa Kumari who briefed the participants as per the set plenary.

At the end of the workshop, Honorable Justice (R) Majida Razvi (Ex- Chairperson) gave her closing marks wherein she emphasized the participants on expanding the information about the said law to their colleagues and sub-ordinates and also asked the community to remain vigilant and pro-active in their respective domains.



iii. Awareness Workshop in Sukkur Division dated 30th April, 2023 (Hotel One- Sukkur)

The modus operandi of deliberations at Sukkur Division were same as mentioned as that of Hyderabad and Mirpurkhas. The intent, contents and objectives of the Commission's deliberations were the same.

With the change of leadership at SHRC, the newly appointed Chairperson Mr. Iqbal Ahmed Detho presided the session which was attended by the member(s) of National Lobbying Delegation Mr. Krishan Sharma and Ms. Pushpa Kumari respectively.



The program was started with the opening remarks of the Chairperson SHRC Mr. Iqbal Ahmed Detho followed the speech of Barrister Rida Tahir (Consultant-SHRC) on the prospects of the law and speech by Mr. Krishan Sharma on the evolution of the Hindu Personal Laws respectively.

iv. Awareness workshop in Shaheed Benazirabad Division dated 23rd August, 2023

The awareness workshop in Shaheed Benazirabad Division was presided by Member-Minority (SHRC) Mr. Sukhdev Asardas Hemnani and was attended by the Member National Lobbying Delegation Mr. Krishan Sharma and Mr. Haroon Sarab Diyal respectively.

The plenary and deliberations at Shaheed Benazirabad remained same as that of Sukkur, Hyderabad and Mirpurkhas. The meeting was attended by the representatives from the Town Committees and Union councils of District Shaheed Benazirabad, Sanghar and Naushahro Feroze.

The plenary of the workshop was same as that of Hyderabad, Mirpurkhas and Sukkur. The meeting was commenced by Member-SHRC (Minority) with his opening remarks followed with the lecture

on the prospects of the Sindh Hindus Marriage (Amendment) Act, 2018 by Mr. Krishan Sharma and remarks by the member National Lobbying Delegation Mr. Haroon Sarab Diyal.

At the end of the session, Member SHRC (Minority) in his closing remarks stressed upon the officials for taking personal efforts in creating awareness about the law. He further emphasized that the UC officials shall launch a door-to-door campaign for the implementation of law in the Hindu Majority areas of their respective Union Councils.



Public Hearings/Community Engagement Activities

i. Meeting at the office of Deputy Commissioner

Jacobabad dated 29th April, 2023:

The Chairperson SHRC held a meeting with Deputy Commissioner Jacobabad Mr. Yousuf Sheikh which was attended by the Government officials along with members of the Hindu community. The purpose was to provide an opportunity for the community to voice their concerns and complaints with regards to implementation of Sindh Hindus Marriage (Registration) Act, 2018, (05%)

Minority Job Quota, and implementation of Honorable Supreme Court of Pakistan Judgment dated 19th June, 2014. Besides above, the Community also pointed out several issues being faced by Minority Community in District Jacobabad. Some of the key issues included the implication of Minority community person in false narcotics cases while others mentioned discrimination in the job quota.



The District Commissioner assured the Chairperson and the community members that their complaints will be given urgent priorities.

ii. Meeting at the office of Deputy Commissioner, Ghokti dated 12th May, 2023:

The Chairperson SHRC also held a meeting with the Government officials at the office of Deputy Commissioner Ghotki which was attended by the Additional Deputy Commissioner-II representatives of Police Department, Local Government Department, Social welfare, women development department and representatives of Hindu Panchayats and Community representatives. The deliberations of the meeting included implementation of Hindu Personal Laws and other issues pertinent to Civil, Political, Economic, Social and Cultural Rights of people.





The Chairperson SHRC also received number of complaints against the inaction of district authorities on the complaints of Minority community members on which the concerned officials were strictly directed to initiate action for the resolve of their legitimate Human Rights concerns.

iii. Public Hearing at Press Club Mithi dated 19th May, 2023:

An address by Mr. Iqbal Ahmed Detho, Chairperson of the Sindh Human Rights Commission, was delivered during a consultation function held at the Press Club in Mithi, Tharparkar. Organized by the National Lobbying Delegation for Minorities, the event aimed to discuss the implementation of the Hindu Marriage Act 2018 and the rights of minorities. Mr. Detho underscored the right of every Pakistani citizen, regardless of their religion, to freely practice their faith. He referred to a landmark decision by Justice Tasadeq Hussain Jilani in 2014, reaffirming this fundamental right. Mr. Detho emphasized the freedom of citizens to visit their places of worship and propagate their religion.



Barrister Rida Tahir, the Legal Adviser of the Sindh Human Rights Commission, and Superintendent Complainant, Zaheer Hussain, were also present at the event. Mr. Detho reiterated his commitment to addressing the challenges faced by minorities

and creating awareness about their equal rights in society. He stressed the need for effective implementation of relevant laws to alleviate the issues confronted by



minorities. Mr. Detho expressed hope for the establishment of a task force in Tharparkar district to effectively address these concerns. He also highlighted the vital role that local governments can play in preventing early and forced marriages among minorities, mentioning previous training sessions conducted for local government officers on child marriage, birth and death certificates, and related matters. Efforts were underway to encourage Pandits/Maharaj (priests) who solemnize marriages at the union council and town committee levels to register themselves with the local government. Such registration would facilitate the registration of marriages within 45 days, thereby improving the record-keeping system. The event included detailed and legal discussions on Hindu, child, and forced marriages, shedding light on the challenges faced and the benefits of increased awareness. Representatives from social organizations, civil society, government departments, and the media actively participated.

iv. Public Hearing at District Umarnot dated 20th May, 2023:

A dinner was organized to honor Mr. Iqbal Ahmed Detho, Chairman of the Sindh Human Rights Commission. The event provided a platform for stakeholders, including civil society representatives, media professionals, and lawyers, to openly discuss the challenges faced by Umarnot and adjacent villages. Several concerns were raised, including the rising incidents of cybercrime, lack of awareness regarding early marriage, increased cases of forced religious conversion, and the need for awareness campaigns about relevant laws. The event facilitated open dialogue on issues related to minority rights implementation, general ignorance about human rights, instances of forced labor,



and the delivery of essential facilities at Civil Hospital Umarnot. The discussion also encompassed the growing issue of drug abuse, the involvement of women in social work, and other significant matters. Mr. Iqbal Ahmed Detho acknowledged the receipt of complaints related to human rights violations, including those involving the police. He underscored the importance

of reviewing facilities and addressing problems by visiting jails and hospitals in Sindh. Additionally, he emphasized the need to consider complaints against civil hospital administrations, municipal authorities, health, education, agriculture, and other relevant departments. The dinner exemplified the commitment of Chairman Iqbal Ahmad Detho and the Sindh Human Rights Commission to

address the concerns raised and work towards ensuring the protection and promotion of human rights in the region.

v. Public Hearing at District Mirpurkhas dated 21st May, 2023:

Chairperson Iqbal Ahmed Detho addressed a meeting organized by the National Lobbying Delegation for Minority at SEEWA Pak Center in Ratanabad, MirpurKhas. The attendees included civil society, social organizations, and government officials. Chairman Detho highlighted the importance of the right to religion for every Pakistani citizen and the significance of the Hindu Marriage Act 2018. He emphasized the amendments made to the act to ensure effective implementation and welfare of women. Chairperson Detho also mentioned a drafted bill to address gaps in the Hindu Marriage Act and Divorce Act, covering aspects such as Iddat time, remarriage problems, and children's maintenance. The issue of minority job quotas was also addressed in the public hearing.



vi. Public Hearing at District Sanghar dated 24th August, 2023:

Similar Public Hearing was scheduled in District Sanghar on 24th August, 2023 which was chaired by the Member-SHRC, Mr. Sukhdev Assardas Hemnani and



سانگھڑ ڈپٹی کمشنر محمد اسحاق گاد سندھ ہیومن رائٹس کمیشن کے اجلاس کی صدارت کرتے ہوئے

Deputy Commissioner Sanghar. The meeting was attended by the Government officials and Minority Community stakeholders.

The situation in Sanghar was no different than the other districts of Sindh as of lack of awareness about the Hindu Personal Laws, (05% job quota) for minorities and implementation of the directives by the Honorable Supreme Court of Pakistan in its Judgment dated 19th June, 2023 (SMC no. 1 of 2014). It was stressed in the meeting that a mass mobilization is required to ensure implementation of the laws and policy initiatives by the Government in the interest of well-being of minority communities.

vii. Community Engagement activities at Ramapir Temple, District Tando Allahyar, District Tando Mohammad Khan and St. Joseph Church, Hyderabad (25th, 26th August 2023 and 12th November, 2023 respectively)

The Commission also conducted meetings with the Community representatives at Ramapir Temple in District Tando Allahyar, Kohli village, Tando Mohammad Khan and Saint Joseph Church in Hyderabad, where the Commission's team briefed the community members about the Minority Personal Laws, (05%) job quota for minorities and contents of the Honorable Supreme Court of Pakistan Judgment dated 19th June, 2023 and sought their perspectives on the pace of implementation of the guarantees provided to the minorities under the Constitution, Law, special laws and policies. The Community during its interaction



with the Commission's representatives posed a very grim caricature of the implementation of laws complementing Article 25 (Fundamental Rights) and 36 (Principles of Policy) respectively.

viii. Provincial consultation on the Implementation of Honorable Supreme Court of Pakistan Judgment (SMC no. 1 of 2014, dated 19th June, 2014)

The Commission deems the above-mentioned Judgment by the Honorable Supreme Court of Pakistan as landmark and finds the same as door opener to the minority rights discourse and struggle in Pakistan. In order to re-affirm the commitments made by the state in the said judgment and to address the pace of compliance with the directives of the Honorable Supreme Court of Pakistan vis-à-vis existing policy apparatus, legislative mechanisms; loopholes and bottlenecks in the implementation, and way forward to implement the judgment in letter and spirit, the Commission called the Provincial Consultation on the Implementation of Honorable Supreme Court of Pakistan Judgment (SMC No. 1 of 2014 dated 19th June, 2014).

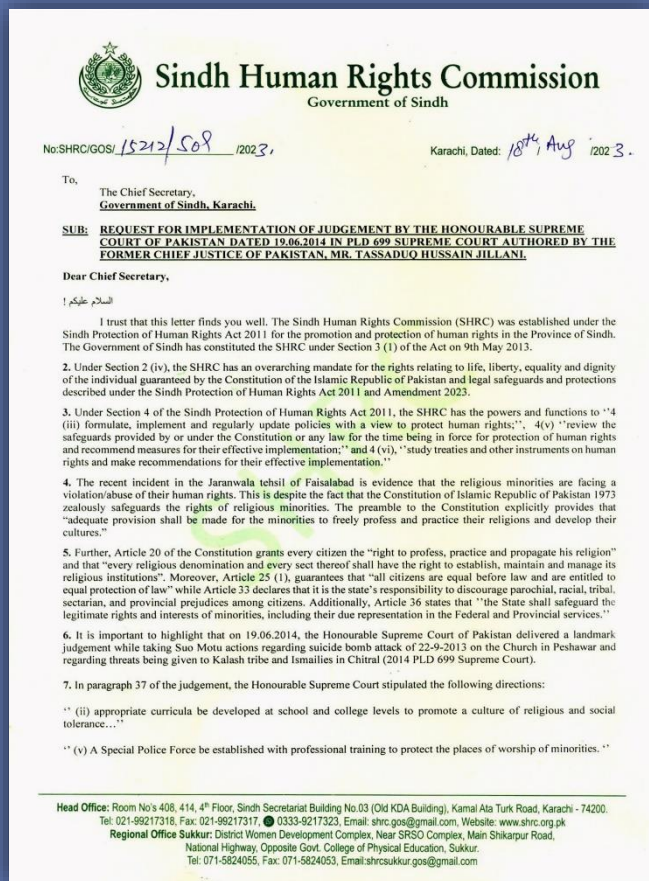


The consultation was attended by the Government functionaries, minority rights activists and civil society actors wherein it was highlighted that religious



extremism, cultural intolerance, lack of values promoting tolerance and harmony, and a lack of sensitization among stakeholders are some of the root causes of human rights violations. The participants also stressed that the violent extremism in Sindh has expanded to a considerable extent due to inaction on the deterrence/directives set out by the Honorable Supreme Court of Pakistan in its order dated 19th June, 2014.

Advocacy efforts for the implementation of H'ble SCP Judgment dated 14th June, 2014.



In the outset of Peshawar Church attack dated 22-9-2013 which claimed the 128 lives of innocent Christian citizens of Pakistan, the Honorable Supreme Court of Pakistan took suo-motu notice (SMC no. 1 of 2014) and amalgamated other issues such as nonpayment of compensation by the Federal and Provincial Governments for the victims of Church blast in Peshawar, the allegations of Kalash and Ismaili tribes facing threats to convert their sect or face death, issues with the Communal Properties of Minorities, forced conversion of Minority girls, non-registration of Hindu and Christian marriages,

hate speech against minorities and other issues pertaining to minority rights violations in the case deliberations intended to holistically look into the issue of minorities rights violations vis-à-vis Article '9' '14' and '20' of the Constitution of Islamic Republic of Pakistan. The Honorable Apex Courts in its landmark



Judgment dated 19-6-2014 decreed following action points for Federal and the Provincial Governments;-

- I. *The Federal Government should constitute a taskforce tasked with developing a strategy of religious tolerance;*
- II. *Appropriate curricula be developed at school and college levels to promote a culture of religious and social tolerance. In 1981 in one of its seminal declarations, the United Nations resolved that "the child shall be protected from any form of discrimination on the grounds of religion or belief. He shall be brought up in the spirit of understanding, tolerance, friendship among people, peace and universal brotherhood, respect for freedom of religion or belief of others, and in full consciousness that his energy and talents should be devoted to the service of his fellow men." (UN Declaration on the Elimination on All Forms of Intolerance and of Discrimination Based on Religion or Belief)*
- III. *The Federal Government should take appropriate steps to ensure that hate speeches in social media are discouraged and the delinquents are brought to justice under the law;*
- IV. *a National Council for Minorities' Rights be constituted. The function of the said Council should inter alia be to monitor the practical realization of the rights and safeguards provided to the minorities under the Constitution and law. The Council should also be mandated to frame policy recommendations for safeguarding and protecting minorities' rights by the Provincial and Federal Government.*
- V. *A Special Police Force be established with professional training to protect the places of worship for minorities.*
- VI. *In view of the statement made by learned Attorney General for Pakistan and learned Additional Advocate Generals of Punjab, KPK and Balochistan regarding reservation of job quota for minorities in the federal and provincial services, it is directed that the Federal*



Government and all Provincial Governments shall ensure the enforcement of the relevant policy directives regarding reservation of quota for minorities in all services.

VII. In all cases of violation of any of the rights guaranteed under the law or desecration of the places of worship of minorities, the concerned Law Enforcing Agencies should promptly take action including the registration of criminal cases against the delinquents”

The participants unanimously stressed that on the legislative fronts many legislations and Policy directives were introduced and enacted at National and Provincial (Sindh Province), which somehow complement the directives of the Honorable Supreme Court of Pakistan, those directives include;-

1. National Action Plan 2014
2. National Countering Violent Extremism Strategy, 2018
3. Sindh Sound System (Regulations) Act, 2015
4. Sindh Information of Temporary Residents Act, 2015
5. Sindh Protection of Communal Properties of Minorities Act, 2013
(Existed Prior to the enacted of Supreme Court’s order)
6. Prevention of Electronic Crimes Act, 2016
7. 5% Minorities Job Quota notified by the Federal and Provincial Governments
8. Sindh Hindus Marriage (Amendment) Act, 2018



The aforementioned legislations and policies by the Federal and Provincial Government are however an attempt to counter-narrate the very narrative condoning extremism and institutionalization of a progressive and inclusive policy regime in Pakistan but, the implementation of the same is yet to materialized in somewhat strategic manner and it was unanimously resolved in the consultation that a there is a need for a strategic intervention for compliance with the aforementioned laws and policies as to their awareness, sensitization ,implementation and mainstreaming in the government business.





Consolidated Observations

The main theme of the project and commission's activism was to create sensitization, awareness and mainstreaming of the key areas of minority rights as enshrined in the Fundamental Rights (Ref: Article 9, 14, 20 and 25 respectively) & Principles of Policies (Article 36) of the Constitution of Islamic Republic of Pakistan and subsequent directives of the Honorable Supreme Court of Pakistan Judgment dated 19th June, 2014 (SMC no. 1 of 2014). The key areas that the Commission deliberated upon includes Civil Rights (i.e., Implementation of Sindh Hindus Marriage (Amendment) Act, 2018, Economic Rights (5 %Job Quota for Minorities) and Social Cultural Rights (implementation of Honorable Supreme Court of Pakistan Judgment (SMC no. 1 of 2014). The key observations of the Commission are produced hereunder;-

i. Implementation of Sindh Hindu Marriage (Amendment)

Act, 2018:

Sindh Hindus Marriage (Amendment) Act, 2018 was passed in the year 2018 and by 2021 when the Commission started its activism; there was hardly any progress in the implementation of Act. For instance, by June, 2021 as per the information received by the Commission there were on average 4 -5 Marriages registered in each district of the Province. However, after the Commission's intervention, the number of registration increased significantly but it still has not benefited the majority of the Hindu Population residing in the Sindh Province, hence needing a pro-active and strategic intervention from the parent department.

ii. Implementation of (5%) Job-Quota for Minorities in

Sindh:

The Commission observed that although there is considerable awareness amongst the stakeholders about (05%) job-quota for the minorities in Sindh



Province but there is a missing link between beneficiaries and the government stakeholders, resultantly making the policy initiative/incentive by the Government to the minorities un-implementable. Furthermore, there is a very limited data available with the concerned Government departments as to impact of the (05%) job-quota policy at the grass root level, making it difficult for the Provincial Watch-dog institutions such SHRC and other non-Government entities to ascertain the administrative/social causes behind the failure of its implementation.

iii. Implementation of Honorable Supreme Court of Pakistan Judgment dated 19th June, 2014 (SMC no.1 of 2014)

With regards to implementation of Honorable Supreme Court of Pakistan's judgment on the promotion, protection and realization of Minority Rights in Sindh, certain *ad-hoc* and legislative arrangements have been by the Provincial and Federal Government. The brief account of each directive by the Honorable Supreme Court of Pakistan is mentioned hereunder;-

i) Directive no. 1: The Federal Government should constitute a taskforce tasked with developing a strategy of religious tolerance;

- *The said directive by the Honorable Supreme Court of Pakistan have been complemented realized National Internal Security Policy Implementation Plan, 2014-2018 under its para-12 wherein it calls for the promotion of Pluralism, freedom, democracy and culture of tolerance. The same vision was also ascertained in the National Security Policy of Pakistan, 2022-2026. The Commission during the course of its engagements at grass root level observed that the said policy initiatives have not reached the grass root level primarily due to non-*



availability of a designated taskforce mandated to mainstream the vision of the National Internal Security Policy and National Security Policy of Pakistan.

- *Similarly, the National Action Plan, 2014 and National Counter-violent extremism Policy Guidelines 2018 also complements the vision i.e 'Developing a Strategy for Religious Tolerance' but due to absence of a task-force, the realization of the same needs to be expedited.*
- *The Sindh Human Rights Commission has recommended for notification and expanding the scope of District Peace Committees as a replication of a task force whose sole mandate has been envisioned to create and maintain inter-communal, inter-cultural and inter-religious peace and harmony. The ToRs of the said committee has already been recommended to the Government of Sindh.*

ii) *Appropriate curricula be developed at school and college levels to promote a culture of religious and social tolerance*

- *While deliberating, the Commission identified this action point as one of the key concerns for the realization of minority rights in Pakistan. Despite of this landmark directive by the Honorable Supreme Court of Pakistan, the Community representatives complained about discriminatory, anti-minority curriculum consequently promoting cultural exclusion and further marginalization of the community.*
- *However, the National Counter Extremism Policy Guidelines clearly calls for the Education Reforms in Pakistan keeping in view the objectives of Minimizing religious polarization, curriculum scrutiny, appropriate changes in the curriculum and other initiatives to shape a national behavior condoning religious extremism and polarization.*

- *As narrated by the participants, there is no progress as to realization of the aforementioned directives by the Honorable Supreme Court of Pakistan and subsequent policy directives.*

iii) *should take appropriate steps to ensure that hate speeches in social media are discouraged and the delinquents are brought to justice under the law;-*

- *There is a considerable legislative progress on this action point. The Pakistan Electronic Crimes Act, 2016 is a landmark as to deterring hate speeches on social media platforms. Section (10A and 10B) of the Pakistan Electronic Crimes Act, 2016 clearly criminalizes hate speech but the impact of the same law needs thorough evaluation as this action point is not just crucial to National Security of Pakistan but it also significant for the national cohesion and inter-religious peace and harmony respectively.*
- *Besides above, Sindh Sound System Act, 2015 is also crucial in deterring hate speech in the mosques and other platforms, but the implementation of the same needs to be strategized as there are very minute interventions reported by the police under the Sindh Sound System Act, 2015 to deter hate speeches*
- *The legislative and policy apparatus stands very promising to deter hate speech but it needs more efforts on the part of Government to ensure its implementation.*

iv) *National Council for Minorities' Rights be constituted. The function of the said Council should inter alia be to monitor the practical realization of the rights and safeguards provided to the minorities under the Constitution and law.*

- *An adhoc arrangement has although been made in the form of One-Man's Commission at Federal Level, but there is a need to validate establishment of National Council for Minorities or*



National Commission for Minorities (as a substitute of the Council).

- *The Sindh Human Rights Commission has already recommended a draft law for the establishment of Minority Rights Commission in Sindh as substitute of National Council for Minorities which needs to be expedited.*

v) Special Police Force be established with professional training to protect the places of worship for minorities

- *This directive by the Honorable Supreme Court of Pakistan is also being dealt on Adhoc basis and there is no exclusive special police force to protect places of worship for minorities therefore compliance with this action point needs to be expedited by the Provincial Home and Police Departments respectively.*

vi) Job-Quota for Minority

The Sindh Government has already notified (05%) job-quota for minorities, but implementation of the same is yet to be materialized.

Recommendations

i. Sindh Hindus Marriage (Amendment) Act, 2018:

SHRC recommends a multi-pronged approach:

○ **Local Government Mass Awareness Campaign:** SHRC urges the Sindh Government to direct all Local Government bodies to organize widespread awareness campaigns on the Hindu Marriage Act at the Union Council level, utilizing diverse channels like radio, pamphlets, and community meetings.

○ **Dedicated Union Council Desks:** SHRC recommends establishing a dedicated desk at each Union Council office for efficient Hindu marriage registration and registration of Pandits/Mahrajs.

○ **Union Council Officer Training:** SHRC recommends training Union Council officers on the Act's provisions and registration procedures to ensure quality service and accurate documentation.

○ **Community Engagement Workshops:** Conduct periodic workshops at the community level to empower citizens with information about the importance and procedures of registering Hindu marriages. Encourage active participation from community leaders, women, and youth to ensure a comprehensive understanding.

○ **Streamlined Registration Process:** SHRC advocates for reviewing and simplifying registration procedures to be more accessible and user-friendly for Hindu communities.

ii. 5% Job Quota for Minorities:

SHRC calls for a strategic framework:

> **Comprehensive Implementation Plan:** SHRC urges the Sindh Government to develop a clear and detailed action plan for implementing the 5% quota at all levels, particularly the local government. This plan should address specific challenges, streamline procedures, and establish transparent monitoring through regular audits and evaluations to measure the effectiveness of the quota system.

> **Enhanced Civil Society Role:** SHRC encourages civil society organizations to actively monitor and advocate for fair and transparent implementation of the quota, highlighting instances of discrimination or non-compliance.

> **Capacity Building for Government Agencies:** SHRC recommends providing training and resources to relevant government agencies responsible for recruitment and quota implementation to enhance their capacity and ensure adherence to the policy.



iii. Implementation of Supreme Court Judgment (SMC No. 1 of 2014):

SHRC emphasizes institutionalization and vigilance:

> **District Peace Committees:** SHRC advocates for implementing and empowering District Peace Committees as envisioned in the judgment to track progress, address challenges, and facilitate the implementation of the Court's directives.

> **Expanded Civil Society Role:** SHRC calls upon civil society organizations to expand their scope and vigilance by actively monitoring all aspects of the judgment's implementation, holding relevant authorities accountable, and advocating for effective enforcement.

> **Targeted Advocacy Campaigns:** SHRC recommends launching targeted advocacy campaigns focusing on specific directives within the judgment based on identified gaps and implementation challenges.

> **Special Police Force for Minority Places of Worship:** SHRC advocates for the creation and training of a special police force focused on protecting minority worship sites.

> **School/College Curriculum:**

o Curriculum reform: Push for reforms to promote tolerance and inclusivity, addressing concerns about discriminatory content.

o Teacher training: Provide training for educators on fostering tolerance and inclusivity in classrooms.

o Community engagement: Involve minority communities in curriculum review and development processes.

> **Regular Public Hearings:** SHRC proposes the establishment of regular public hearings or forums where members of minority communities can express concerns, provide feedback, and seek clarification on the implementation of the Supreme Court judgment. This promotes transparency and inclusivity in the process.



Additional Recommendations from SHRC:

□ **Regular Data Collection and Monitoring:** SHRC emphasizes the importance of regularly collecting and analyzing data on minority rights issues, including the implementation progress of relevant laws and policies. This data will inform future intervention strategies and ensure accountability.

□ **Interfaith Dialogue and Cooperation:** SHRC encourages promoting interfaith dialogue and collaboration at the community level to foster understanding, address prejudice, and build mutual respect among different religious groups.

□ **Enhanced Access to Justice:** SHRC recommends improving access to legal aid and support for minority communities facing discrimination or rights violations, ensuring equal access to justice for all.

□ **Continued Research and Analysis:** SHRC highlights the need for ongoing research and analysis on emerging challenges and potential solutions for promoting and protecting minority rights in Sindh, informing policy changes and interventions.

By implementing these comprehensive recommendations, the Sindh Government and other stakeholders can significantly enhance the protection and promotion of minority rights in Sindh, contributing to a more inclusive and equitable society for all.

MEMBER APNS

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ہیومن رائٹس کمیشن کے تحت ایک روزہ ورکشاپ کا انعقاد

ورکشاپ سے کرشن شہا، سکریٹری ہیومن رائٹس، ہارون سراج، دیال، عدنان خان سمیت دیگر کا خطاب

نواب شاہ (رپورٹ بال احمد قریبی) کی آگاہی کے لئے ایک ورکشاپ آج (انجمن) خوجیہ ڈیویژن ہال نواب شاہ میں منعقد کیا گیا اس موقع پر سندھ ہیومن رائٹس کمیشن کے ممبران کرشن شہا، سکریٹری ہیومن رائٹس، ہارون سراج، دیال، عدنان خان سمیت دیگر (باقی صفحہ 3 نمبر 19)

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فیصل آباد لاہور کراچی اور اسلام آباد سے بیک وقت اشاعت پذیر

DAILY HAR LAMHA Karachi

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چیف ایڈیٹر: کیپٹن راؤ اقبال

پاکستان کا سب سے زیادہ پڑھا جانے والا کثیر الاشاعت اخبار

روزنامہ محافظ پاکستان کراچی

ایڈیٹر: محمد یوسف شیخ

چیف ایڈیٹر: میاں اظہر عباسی

جلد نمبر 6 | جمعرات 24 اگست 2023ء

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جلد نمبر 6 | جمعرات 24 اگست 2023ء

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ایڈیٹر: بشیر سنجہانی

ایڈیٹر: سائبر خان

قیمت 15 روپے

351 شمارہ نمبر

31 اگست 2023ء، 6 صفر 1445ھ

جمعرات 24 اگست 2023ء

جلد نمبر 08



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