

# Republic of fear - How laws on blasphemy are being deployed as a lethal tool to terrorise the public

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Bigotry has always flourished in South Asia. It has worsened whenever state actions have supported it overtly or covertly. In India, the states that enacted anti-conversion laws have witnessed more communal violence than those where local legislatures refused to interfere in religious matters. Sri Lanka experienced religion-based violence when its anti-conversion laws were being debated in its parliament in recent years. Once the draft law was dropped, communal violence disappeared.

The state has not only the obligation to stay neutral in matters of religion, but also to ensure that freedom of thought and conscience of all individuals is protected. Pakistan's laws and the behaviour of those in authority, on the other hand, are oppressive for non-religious citizens, dangerous for the country's religious minorities and cruel to its populace at large.

Almost everyone agrees that the laws protecting religious sensitivities are frequently misused, yet the right-wing mullah spits fire at any suggestion of punishing those responsible for filing false charges of blasphemy. If all laws are misused, then why single out offences against religion, they argue. That may be the case but it is also true that the laws on blasphemy have a far greater potential of being exploited and deployed as a lethal tool to terrorise the public than anything else on the statute books.

The users of this law have not even spared mentally challenged individuals. Four mentally challenged women accused of desecrating the holy Quran are still languishing in Central Jail, Lahore. Many others were only able to secure bail from the Supreme Court after years of incarceration.

Religiosity is suffocating in Pakistan. It invariably stokes the fire in driving society to religious extremism. Respect for every faith is desirable, but it loses its value if it is aimed at playing to the gallery. Why must every official duty, function or utterance begin with a religious ritual? Surely, the Almighty cannot be impressed with our public display of faith in Him.

Duplicity in matters of religion is not confined to Pakistan, but it hurts the most in societies where debate on religion is asphyxiated and preachers of hate have become keepers of faith. This is precisely what the laws on blasphemy have achieved.

It is well documented that a vast number of complaints about blasphemy only surfaced after the laws on it prescribed harsh punishment for certain forms of blasphemy. The law offers a bandwagon for faith-based zealots to ride and bond together in seeking revenge as well as publicity.

Thus far, successive parliaments have made no changes in the blasphemy law that imposes mandatory death penalty even when the alleged blasphemers may have committed the crime unwittingly and/or unintentionally. The executive and the legislature have placed the entire burden on the courts to administer justice in blasphemy cases where the law is very obviously flawed, but

overturning accusations under it is risky.

In the past, a high court judge was killed for acquitting a 16-year-old Christian boy and his co-accused in a blasphemy case, notwithstanding the fact that a number of leading criminal lawyers had pleaded for acquittal while assisting the court. Recently, radical religious groups have reprimanded the Supreme Court for upholding the punishment for Mumtaz Qadri, the murderer of Punjab governor Salmaan Taseer. No action has been taken against them for their public censure of the highest court in the country.

We must acknowledge that the judgements that have acquitted an obviously innocent person falsely accused of blasphemy have been few and far in between. The low level of religious tolerance present in Pakistan's judiciary can easily be measured by the fact that Qadri was defended by a former chief justice of the largest high court of the country - the Lahore High Court - and a retired judge of the same court. While scores of lawyers volunteered to defend Qadri, only a couple agreed to take up the prosecution brief against Taseer's assassin.

We may fight terrorism through brute force, but the terror that is unleashed in the name of religion can only be challenged through moral courage. Every fair-minded person holding a position of authority must support the few who have stood up against the injustice being perpetrated in the name of blasphemy.

**Asma Jahangir**

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\* "Republic of fear". Herald's Annual 2016 issue:  
<http://herald.dawn.com/news/1153333/republic-of-fear>

\* This was originally published in Herald's Annual 2016 issue. Through a selection of photographs, the Herald took a look at some of the events and developments that were extremely significant in 2015. To read more, subscribe to Herald in print.