

## Religious Minorities in Punjab Prisons: Denial of Remission Based on Religious Education

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### Abstract

*Despite Islamic, constitutional, and statutory provisions, under-trial and convicts from religious minorities in Punjab prisons strive for the right to worship and earn remissions by acquiring religious education on parity with Muslim prisoners. Muslim prisoners are entitled to remission if they reach a certain level of the Qur'ānic and Islamic education. In contrast, prisoners hailing from religious minorities cannot earn remission for their religious courses according to Pakistan Prisons Rules, 1978. This article outlines the state of remission for prisoners from religious minorities. It discusses the tenets of Islamic theology on the issue of providing religious education to non-Muslims at the expense of the Islamic state. The article investigates the administrative impediments and attitudinal biases that entail religious discrimination and the challenges that religious minorities experience in acquiring religious education for remission. The article underlines the need to develop administrative infrastructure and capacity in Punjab prisons to deliver education to religious minorities.*

### Keywords

Punjab, minorities, religious education, remission, prison.

### Introduction

A recent study concluded that, in many prison systems, “both foreign national and ethnic minority prisoners are categorized as marginalized groups, as they face similar disadvantages in terms of language, discrimination, and religious tolerance.”<sup>1</sup> This article seeks to investigate the dimensions of these findings in the prisons of Punjab, Pakistan. At the outset, the article delineates the status of religious freedom in the Constitution of Pakistan and the *sharī'ah*. Moreover, the article discusses prisoners' rights, especially the right to religious education during incarceration under international human rights law. It also gives a historical overview of reformation by imparting religious education to

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<sup>1</sup> Flore Croux et al., “Foreign National and Ethnic Minority Prisoners Participation in formally Organized Occupations in Prisons: A Scoping Review,” *Journal of Occupational Science* 27 no. 4 (2020): 475.

prisoners and its status in Indian prisons during the eighteenth and nineteenth centuries. It then traces the challenges faced by minority prisoners to acquire religious education in Punjab prisons. It enumerates the pervasive attitudinal issues and barriers entrenched in the system against granting religious education remission to minority prisoners on parity with Muslim prisoners.

### **Status of Religious Freedom under the Constitution of Pakistan and *Shari'ah***

Islam is the state religion of the Islamic Republic of Pakistan and, according to the recent census, is followed by 96.5 per cent of the country's population. Alternatively, minorities constitute approximately 3 per cent of the total population.<sup>2</sup> The Constitution of Pakistan encourages the state to provide a conducive environment for citizens to live their lives according to the Qur'ān and *sunnah*. The Constitution also states that "subject to law, public order, and morality, every citizen shall have the right to profess, practice, and propagate his religion." The Supreme Court of Pakistan enumerated three distinct religious rights to every citizen under Article 20 of the Constitution: "Right to profess, right to practice and right to propagate."<sup>3</sup> The fundamental rights enshrined in the Constitution are equally applicable to all citizens of Pakistan without discrimination.<sup>4</sup> Symbolically, the green and white strips in the national flag represent the pluralistic nature of Pakistani society, with the majority (Muslims) and minority (non-Muslims).

The Qur'ān has clear instructions on the freedom of religious worship: "If it had been Allah's will, they would all have believed in Him who are on earth! Will you then compel humankind against their will to believe?"<sup>5</sup> Moreover, the Qur'ān encourages coexistence with other religions, stating, "Those who were unjustly expelled from their homes for no other reason than their saying that Allah is Our Lord. If Allah were not to repel some through others, monasteries, churches, synagogues, and mosques where the name of Allah is much mentioned would certainly have been pulled down."<sup>6</sup>

Prophet Muḥammad (peace be on him) applied the concepts of religious freedom to non-Muslims. He negotiated the Charter of Medina

<sup>2</sup> Pakistan Bureau of Statistics, *Census, 2017*, accessed July 27, 2023, <https://www.pbs.gov.pk/content/brief-census-2017>.

<sup>3</sup> Supreme Court of Pakistan, SMC No.1/2014, para.15(e).

<sup>4</sup> Mubarik Ali Babar v. Punjab Public Service Commission through its Secretary and others, Civil Petition No. 2045 of 2019, 18 November 2022, para.4.

<sup>5</sup> Qur'ān 10:99.

<sup>6</sup> *Ibid.*, 22:40.

with non-Muslims, which guided their rights.<sup>7</sup> He allowed a Christian delegation to perform their prayers according to their faith in His mosque in Medina.<sup>8</sup> The second caliph of Islam ‘Umar b. al-Khaṭṭāb signed a treaty with the people of Jerusalem and recognized their right to religious freedom. The treaty guaranteed, “Churches will not be occupied or demolished, nor will anything be taken from them, neither furnishings nor crucifixes or money. They will not be forced away from their religion or harmed because of it.”<sup>9</sup> Moreover, the second caliph provided an equal stipend to children and elderly Jews without religious discrimination.<sup>10</sup> Thus, in conformity with the injunctions of the Qur’ān and the *sunnah*, Pakistan, as an Islamic state, is bound to protect the holy places of non-Muslims and provide opportunities for their worship without any discrimination.

### **International Law on the Rights of Prisoners**

The late twentieth century saw an increased focus on the rights and protection of prisoners worldwide, especially in Europe.<sup>11</sup> Article 18 of the Universal Declaration of Human Rights provides every person with “freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.”<sup>12</sup> Article 27 of the International Covenant on Civil and Political Rights also reinforces that religious minorities shall not be denied their right to enjoy their own culture, to profess and practice their religion, or to use their language.<sup>13</sup>

Rule 41 of Standard Minimum Rules for the Treatment of Prisoners obliges authorities of a penitentiary to appoint a “qualified

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<sup>7</sup> Muhammad Hamidullah, *The First Written Constitution in the World* (Chicago, IL: Kazi Publications, 1986), sec. 25.

<sup>8</sup> Sean Barrett, *Muhammad: His Life Based on the Earliest Sources* (London: Islamic Texts Society, 1983). Also see Gordon Nickel, “We Will Make Peace with You: The Christians of Najrān in Muqātil’s Tafsīr,” *Collectanea Christiana Orientalia* 3 (2006): 171-88; Mahan H. Mirza “A Delegation of Christians from Najrān Visits the Prophet Muḥammad: Contemporary English *Sīrah* Literature for a Western Audience,” *Islamic Studies* 50, no. 2 (2011): 161.

<sup>9</sup> Saleh Hussain Al-Aayed, *The Rights of Non-Muslims in the Islamic World*, trans. Alexandra Alish (Riyadh: Dar Eshbelia, 2002), 24.

<sup>10</sup> Shiblī Nu’mānī, *al-Fārūq* (Karachi: Dār al-Ishā’at, 1991), 284.

<sup>11</sup> Jim Murdoch, *The Treatment of Prisoners: European Standards* (Strasbourg: Council of Europe, 2006), 19.

<sup>12</sup> “Universal Declaration of Human Rights,” adopted by General Assembly Resolution 217A (III) of 10 December 1948, UN Doc A/810 (1948), art. 18.

<sup>13</sup> “International Covenant on Civil and Political Rights” (adopted 16 December 1966, entered into force 23 March 1976), 999 UNTS 171, art. 27.

representative of that religion” for inmates and followers.<sup>14</sup> The rule categorically states that “access to a qualified representative of any religion shall not be refused to any prisoner.”<sup>15</sup> Rule 42 reiterates the provision of religious books and relevant literature to inmates.<sup>16</sup> The UN Rules for the Protection of Juveniles recognize the right of every juvenile to practice his or her religion, including by attending “services and meetings provided in the detention facility” and “possessing the necessary books and items of religious observance and instruction.”<sup>17</sup>

It is a settled principle of international human rights law that prison authorities must provide equal opportunities for a person deprived of liberty, for religious education and worship of religion of choice. Coyle reiterates that prison authorities should give due diligence to fulfil the spiritual and religious needs of prisoners, especially minority groups.<sup>18</sup>

### **Rationale for Remission Based on Religious Education**

Faith-based programmes aim at making prisons more secure by improving order and control. Religious education in prisons does not mean to impart extremism or a particular view of religion. Instead, it is a strategy to captivate the mind and impart free thinking to counter the “isms of society, namely, imperialism, racism, sexism, and, in this case, inmates.”<sup>19</sup> It strives to cultivate hope and foster community.<sup>20</sup> Wilson elucidates that the exponents of penal reforms take education as one of the measures to moderate austere and acrimonious prison settings.<sup>21</sup> The prison staff considers it as a “means of keeping prisoners occupied,” while security staff conceives educational activity as a threat to prison security. Some prisoners think of educational programmes as an avocation; for others, it can be one of the strategies adopted “to pass the time.”<sup>22</sup>

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<sup>14</sup> “United Nations Standard Minimum Rules for the Treatment of Prisoners” (Nelson Mandela Rules), GA Res (70/175) (17 December 2015) UN Doc(A/Res/70/175), rule 41.

<sup>15</sup> *Ibid.*, rule 41.

<sup>16</sup> *Ibid.*, rule 45.

<sup>17</sup> “United Nations Rules for the Protection of Juveniles Deprived of Their Liberty,” GA Res (45/113) (14 December 1990) UN Doc(A/Res/45/113), rule 48.

<sup>18</sup> Andrew Coyle, *A Human Rights Approach to Prison Management* (London: International Center for Prisons Studies, 2009), 120.

<sup>19</sup> Rachele R. Brown, “Un-barring Hope: Theological Education and the Prison” (Religious Association Annual Meeting, November 8-10), 8-10.

<sup>20</sup> Bell Hooks, *Teaching Community: A Pedagogy of Hope* (New York: Routledge, 2003).

<sup>21</sup> Anne Reuss, “Prison(er) Education,” *Howard Journal of Criminal Justice* 38, no. 2 (1999): 113, <https://doi.org/10.1111/1468-2311.00121>.

<sup>22</sup> *Ibid.*

Recently, there has been prolific research and literature on the role of education and remission in prisons. Findings endorse religious education and connect it to (a) minimizing the probability of drug abuse; (b) increasing interpersonal congeniality or “niceness;”<sup>23</sup> (c) leaving a positive impact on psychological and physical health;<sup>24</sup> (d) and providing solace to those who feel perturbed due to “family problems, divorce, and unemployment.”<sup>25</sup> The result of an empirical study on the impact of faith-based prison programmes showed that “religiosity directly reduced the likelihood of arguing and indirectly reduced the likelihood of fighting.”<sup>26</sup> Prisoners are inclined to religious programmes in the prison setting due to emotional and psychological factors. Firstly, religious education is a source of strength to shun delinquency and crime. Secondly, “some inmates attribute their incarceration as the will of God due to their adherence to their religious beliefs. In this analogy, religious rituals are a source of mental solace and contentment in personal life. It is a blessing for prisoners, “especially those serving long sentences.”<sup>27</sup> The religious programmes provide ample opportunities to interact with other inmates and volunteers.

### **Prisons under the British Rule: History of Religious Education for Early Release and Remission**

In 1777, John Howard emphasized religious services and education in prisons of England and Wales, stating, “A chaplain is necessary here in every view to reform prisons, or to make them better as to their morals, should always be the leading view in every house of correction, and their earnings should be only a secondary object.”<sup>28</sup> In the last quarter of the eighteenth century, Beccaria underlined the importance of education to

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<sup>23</sup> Kathleen M. Brennan, and A. S. London, “Are Religious People Nice People? Religiosity, Race, Interview Dynamics, and Perceived Cooperativeness,” *Sociological Inquiry* 71, no. 2 (2001): 129, <https://doi.org/10.1111/j.1475-682X.2001.tb01105.x>.

<sup>24</sup> Christopher G. Ellison et al., “Religious Involvement, Stress, and Mental Health: Findings from the 1995 Detroit Study,” *Social Forces* 80, no. 1 *Social Forces* (2001): 215.

<sup>25</sup> Neal Krause et al., “Church-based Social Support and Religious Coping,” *Journal for the Scientific Study of Religion* 40 (2001): 637.

<sup>26</sup> Kent R. Kerley, Todd L. Matthews, and Troy C. Blanchard, “Religiosity, Religious Participation, and Negative Prison Behaviors,” *Journal for the Scientific Study of Religion* 44, no. 4 (2005): 453.

<sup>27</sup> Harry R. Dammer, “Religion in Corrections,” in *Encyclopedia of Crime and Punishment*, ed. David Levinson (London: Sage, 2002), 3:1375.

<sup>28</sup> John Howard, *The State of the Prisons in England and Wales*, 3rd ed. (Warrington: Williams Eyres, 1784), 40.

prevent crime and the role of religion in civilizing men.<sup>29</sup> The historical novel *Alias Grace* depicted the significance of religious education employed for repentance during incarceration in the nineteenth century. The plot of the novel “revolves around a Canadian lady, Grace Marks, who was convicted and sentenced for committing an offence of murder in 1840.” The novel’s author portrays the significance of religious education in the dull and monotonous daily routine of prisoners in jail.<sup>30</sup> In 1822, the Society for the Improvement of Prison Discipline and the Reformation of Juvenile Offenders advocated “religious instructions as an indispensable branch of prisons discipline and reformation.”<sup>31</sup>

In colonial India, the British focused on security and discipline without paying heed to the religious or formal education of the prisoners. In the nineteenth century, the prison system in India focused on deterrence, and the reformation motif did not attract contemporary policymakers’ attention.<sup>32</sup> The 1838 Prisons Discipline Committee Report turned down the idea of reformation for Indian prisoners by introducing educational programmes.<sup>33</sup> On March 17, 1891, F. J. Mouat, Inspector General of Jails in the province of Bengal, highlighted in a paper read before the Royal Statistical Society that spiritual and moral education was excluded from the nineteenth-century Indian prisons to transform them into the place of punishment and terror.<sup>34</sup> However, the Prisons Discipline Committee discouraged “any attempt to make proselytes among prisoners of the prisons,”<sup>35</sup> although they did recommend allowing Christian prisoners to read prayers once a week.<sup>36</sup>

The Indian Jail Committee of 1919-1920 apprehended the danger of imparting religious education to prisoners in India on account of “various more or less antagonistic sects.” The Committee observed, “Endeavors should be made to provide religious and moral instruction

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<sup>29</sup> Cesare Beccaria, *An Essay on Crimes and Punishments* (Philadelphia: William Young, 1793), 148-57.

<sup>30</sup> Margaret Atwood, *Alias Grace* (New York: Anchor Books, 1996), 27.

<sup>31</sup> *The Fourth Report of the Committee of the Society for the Improvement of Prison Discipline and for the Reformation of Juvenile Offenders* (London: T. Bensley, 1822), 16.

<sup>32</sup> David Arnold, “The Colonial Prison: Power, Knowledge and Penology in Nineteenth-Century India,” *Subaltern Studies* 8 (1994): 163.

<sup>33</sup> *Report of Committee on Prisons-Discipline* (Calcutta: Baptist Mission Press, 1838), para. 230.

<sup>34</sup> Frederic J. Mouat, “On Prison Ethics and Labor,” *Journal of the Royal Statistical Society* 54, no. 2 (1891): 215.

<sup>35</sup> *Report of Committee on Prisons-Discipline*, para. 273.

<sup>36</sup> *Ibid.*, para. 274.

for all prisoners in jail.”<sup>37</sup> The report of the Indian Jail Committee, 1919-20, recommended that local governments appoint a Hindu, Muslim, Buddhist, or Christian minister for every central and district jail who may, if necessary, be paid retaining fees for his services.<sup>38</sup> The Committee opposed establishing religious places, chapels, temples, or mosques within jail walls, believing that “if a building were provided for one sect, a similar privilege might be claimed by others.”<sup>39</sup> The committee suggested that “local authorities shall in each case make a suitable arrangement to enable religious services to be held.”

### **Religious Education-Based Early Release and Remission in Pakistan**

Pakistan Prisons Rules 1978 guide the day-to-day working of the prison system, including rules regarding remission. Rule 679 states that “religious education shall be compulsory for all prisoners.”<sup>40</sup> As a result, the prisons in Punjab have appointed 42 religious teachers in 41 prisons, carrying a population of 52,240 inmates in 2023. These teachers draw their salaries from the national exchequer as permanent employees of the Government of Punjab. In addition, all prisons in Punjab have mosques where Muslim prisoners can offer Friday Prayer in the congregation. The propagation of Islamic teachings among prisoners is encouraged by the jail authorities. Chapter 8 of Pakistan Prisons Rules 1978 deals with the remission system for convicted prisoners. Rule 200 divides the remission system into two categories: ordinary and extraordinary remission. The Rules do not express the purpose of remission, but they incentivize reformation by shortening sentences. According to Salmond, the main objective of the remission system is to strike a healthy balance between the deterrent and reformatory natures of punishment, a fact confirmed by the Supreme Court of Pakistan in *Nazar Hussain v. State*.<sup>41</sup>

Under the field of education remission, Muslim prisoners are entitled to a 6-month reduction of their sentence for learning to read the Qur’ān, a decrease of 9 months for learning to translate the Qur’ān from Arabic into Urdu, and a reduction of two years for memorizing the whole Qur’ān by heart (*ḥifẓ*). Muslim prisoners can earn a reduced sentence

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<sup>37</sup> East India (Jails Committee), *Report of the Indian Jails Committee, 1919-20* (London: H. M. Stationary Office, 1921), para. 279.

<sup>38</sup> *Ibid.*, para. 280.

<sup>39</sup> *Ibid.*, para. 283.

<sup>40</sup> The Pakistan Prisons Rules, 1978, rule 679.

<sup>41</sup> Patrick J. Fitzgerald, *Salmond on Jurisprudence*, 12th ed. (London: Sweet & Maxwell, 1966). Fitzgerald dealt with the purpose of criminal justice/punishment in chapter 15. *Nazar Hussain v. State*, PLD 2009 SC 460.

ranging from 15 days to 90 days for completing short religious education courses. Owing to the shortage of religious teachers in prison paid by the state, the Government of Punjab signed an agreement with a Muslim NGO to deliver religious education to Muslim prisoners. The Muslim NGO has hired 85 male and 16 female teachers who provide religious teaching in 41 prisons in the Punjab province. According to the NGO's annual report, in 2022, 1197 candidates appeared in five different courses, and 865 were awarded completion certificates.<sup>42</sup> During the last five years, 7,253 appeared, 4,067 passed, and 805 earned remission.<sup>43</sup>

In 2008, the Government of Punjab incorporated an amendment to the Pakistan Prisons Rules 1978 to award remission to non-Muslim prisoners, including Christians, Hindus, and Sikhs, to ensure parity with Muslim prisoners. In July 2023, the number of prisoners from religious minorities was 1,203 out of a total population of 52,240.<sup>44</sup> However, prisoners from religious minorities have not been able to reap the fruit of the remission programme based on religious education for a variety of reasons.

### **Discussion**

Despite the guarantees of equality in Pakistan's constitution, human rights, and Islamic laws, prisoners from religious minorities experience discrimination while seeking a reduction in their sentence by acquiring religious education. One of the reasons is that religious education is only available to Muslim prisoners. However, the issue needs to be studied and analysed in the broader context of inequalities, discrimination, the character of the state, and administrative bottlenecks in Pakistan to make a future roadmap for the provision of remission based on religious education.

Prison reforms in Pakistan urgently need updating to meet changing needs. The prison manual used by the Pakistan prison administration was developed during British rule, and only minor amendments were made to it once in 1978. Since the rise of the human rights approach towards prison administration, prison rules have not been updated. Current prison rules emphasize discipline and silence. The main objective of prison administration is the static component of prison security. Prisons in Pakistan are viewed as security institutions on the pattern of military and police and not as reform institutions. Staff are not sensitized and trained on respect for cultural diversity. The Pakistan

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<sup>42</sup> Jamait Taleem Ul Quran Trust, Lahore, "Annual Report," 2022.

<sup>43</sup> "Report of Judicial Branch on Education Remission 2022," Inspectorate General of Punjab Prisons, Lahore.

<sup>44</sup> Statistics Control Centre, Inspectorate General of Prisons, Punjab, Lahore.



Prison Rules do not define in-service training, especially regarding the treatment of religious minorities. In the absence of statutory backing, the treatment of vulnerable groups, especially minority prisoners, may lead to human rights abuses. A similar situation is observed among Muslim prisoners in England and Wales by a researcher who identified “persistent problems in practicing Islam and fulfilling Islamic requirements, as well as in relationships with other prisoners and officers.”<sup>45</sup>

It is high time to inculcate a sense of respect for ethnic minorities at all levels in the prison administrative hierarchy.<sup>46</sup> Moreover, prison officials should realize that respecting human rights “brings honor not just to themselves, but also to the Government.”<sup>47</sup> Furthermore, training of jail staff is essential because they “carry out a myriad of tasks and duties that are necessary for a humane, secure, and safe jail.”<sup>48</sup> The prison staff must realize that their primary duty is to take measures to bring change in their behaviour and attitude. Sometimes, the behaviours and actions of prison staff, while exercising their discretion, unknowingly reflect their biases towards ethnic and religious minority prisoners, termed as “informal partiality.”<sup>49</sup> Modules need to be incorporated in service and induction training to sensitize prison staff on cultural diversity and the trickle-down effect of religious biases on prisoners.

At the broader societal level, Pakistan’s Constitution is vulnerable to divergent interpretations that may be detrimental to the rights of religious minorities. For example, Article 2 of the Constitution states that “Islam shall be the state religion of Pakistan. . . .” and Article 2-A stipulates that “wherein the principles of democracy, freedom, equality, tolerance, and social justice, as enunciated by Islam, shall be fully observed.” In addition, Article 227 ordains that “no law repugnant to Islamic injunctions can be enforced in Pakistan,” Article 41 (2) states that “the head of the state will be a Muslim,” and Article 91 (3) stipulates that

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<sup>45</sup> Kimmitt Edgar, “Black and Minority Ethnic Prisoners,” in *Handbook on Prisons*, ed. Yvonne Jewkes (Portland: Willian Publishing, 2007), 275.

<sup>46</sup> Andrew Coyle, *A Human Rights Approach to Prison Management* (London: International Centre for Prisons Studies, 2009), 11.

<sup>47</sup> Office of the United Nations High Commissioner for Human Rights, *Human Rights and Prisons: Manual on Human Rights Training for Prison Official* (Geneva: United Nations Publications, 2005), 5.

<sup>48</sup> Eugene A. Paoline III and Eric G. Lambert, “Exploring Potential Consequences of Job Involvement among Jail Staff,” *Criminal Justice Policy Review* 23, no. 2 (2012): 17.

<sup>49</sup> Kimmitt Edgar and Carol Martin, *Perceptions of Race and Conflict: Perspectives of Minority Ethnic Prisoners and of Prison Officers* (London: Home Office, 2004), 11:7.

“the Prime Minister shall also be a Muslim believing in the finality of the prophet-hood.”

The exponents of the rights of minorities derive from the speech of Muhammad Ali Jinnah, delivered on July 11, 1947, while he was the first President of the Constitutional Assembly of Pakistan. His speech asserted religious freedom and unequivocally stated, “We are all citizens and equal citizens of one State.”<sup>50</sup> The Supreme Court in *Mubarak Ali Babar v. Punjab Public Service Commission* adheres to the substance of Jinnah’s speeches on the rights of minorities and interprets that Muslims have a responsibility to protect them.<sup>51</sup> Like the judiciary in South Africa, the Supreme Court of Pakistan has played a vital role in interpreting the ethos of diversity entrenched in the Constitution of Pakistan. It is a recognized fact that an inclusive approach helps materialize the rights stipulated in the Constitution of Pakistan. Albic Sachs, a South African Judge, reinstated that intolerance and exclusion damage society, whereas “inclusion enhances our humanity.”<sup>52</sup>

Despite this backing, Pakistan has yet to be successful in building an image of a religiously tolerant and pluralistic society.<sup>53</sup> Certain political parties with an Islamic leaning have taken a hardline stance towards state spending on the welfare of religious minorities. This issue is not only limited to prisons but has recently become a hot debate since the Government of Pakistan decided to build a Hindu temple in Islamabad in July 2020. The *Jamia Asharfia* (an Islamic seminary) criticized the construction of the Hindu temple at the state’s expense.<sup>54</sup> Based on the same argument, other religious groups challenged the construction of the Hindu temple in the Islamabad High Court. The Government filed a reference to the Council of Islamic Ideology, which has a mandate under the Constitution of Pakistan to advise the government whether the construction of a Hindu temple aligns with the injunctions of Islam. The Council permitted the construction of the Hindu temple but not at the

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<sup>50</sup> S. M. Burke, *Jinnah Speeches and Statements 1947-48* (Karachi: Oxford University Press, 2009), 27.

<sup>51</sup> *Mubarak Ali Babar v. Punjab Public Service Commission*, 2023 SCMR 518, para. 7.

<sup>52</sup> Albic Sachs, *We, the People-Insights of an Activist Judge* (Johannesburg: Wits University Press, 2016), 250.

<sup>53</sup> Iftikhar H. Malik, *Religious Minorities in Pakistan* (London: Minority Rights Group International, 2002), 6:22.

<sup>54</sup> Hannah Ellis, “Islamic Activists Halt Construction of First Hindu Temple in Islamabad,” *The Guardian* (London), July 8, 2020, accessed January 5, 2021, <https://www.theguardian.com/world/2020/jul/08/pakistan-shri-krishna-hindu-temple-construction-halted-islamabad>.

state's expense.<sup>55</sup> Islamic scholars have put forth similar arguments against the construction of Hindu temples when speaking against the provision of religious education for religious minorities in Pakistan's prisons.

Even though the Constitution of Pakistan, the Qur'ān, and the *sunnah* allow religious freedom to non-Muslim minorities, prisoners from religious minorities do not have equal opportunities to receive religious education in Punjab prisons. The prisoners, belonging to different religious minority groups, including Christianity, Hinduism, and Sikhism, have been striving to earn the right to seek remission since the amendment of the Pakistan Prisons Rules in 2008. The most significant number of minority prisoners adhere to Christianity, followed by Hinduism and Sikhism, respectively. Another faith group, Ahmadi, has another layer of complexity in availing remission services because they are declared as non-Muslims by the Constitution of Pakistan. While prisoners with Ahmadi affiliation might aspire to avail remission by studying Islamic education, they can only do so under the disguise of being Muslim and concealing their particular religious identity.

The challenges include the prescription of a unanimous syllabus, the appointment of teachers, and specific places to practice and perform religious education. Developing a standardized religious curriculum for Christians suffers from denominational disagreements over what should be the content of the prison curriculum. Various Christian denominations and NGOs affiliated with them have a vested interest in developing the curriculum to incorporate their sect's teachings. It is contested whether prison curriculum should be reflective of teachings of any particular Christian denomination and whether it should be according to the sect of a Christian prisoner who wants to study religious education for remission. Some Christian denominations collaborated with certain NGOs that provide education services in Punjab prisons, while others offer the same service through their church organization. One way to address the issue is for the government of Punjab to set a syllabus or curriculum for different courses prescribed for minority groups, including Christians, Hindus, and Sikhs.

The real challenge is to arrange for teachers to teach courses designed for different religious minority faith groups. Currently, in some jails, prison authorities allow educated prisoners to work as teachers to teach religious education to minority prisoners of their respective faith.

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<sup>55</sup> Council of Islamic Ideology, "Report No. F. No.2(1)/2020-M," Islamabad, October 28, 2020.

In some prisons, voluntary Christian teachers visit the jail to deliver sermons to the followers of their religion. The government has appointed no religious teacher to teach Christian, Hindu, and Sikh prisoners. The issue is further complicated in that Muslim jurists do not support the appointment of non-Muslim teachers and payment of salaries from the state.

Currently, the construction of a mosque is a part of the scheme of jail architecture. An elegant and conspicuous mosque building in a jail compound is a source of solace and spiritual enlightenment for Muslim prisoners. On the contrary, no building or barrack is part of the scheme of prison building meant for religious or educational activities of non-Muslims. It may frustrate prisoners hailing from religious minorities who fight for adequate space for their worship and congregation. The real challenge for prison authorities is to spare specific buildings exclusively meant for prayer and teaching religious courses for non-Muslim minorities in overcrowded prisons. The issue is further complicated because the majority of Islamic jurists do not support the construction of places of worship (temples, churches, gurdwara) in the Islamic state. The federal government declared optional holidays on festivals related to the Hindu, Sikh, and Christian communities.<sup>56</sup> It is noted that Punjab prisons make special arrangements in barracks or prison compounds to facilitate Christian and Hindu prisoners to celebrate their festivals, including allowing NGOs and religious delegates to visit jails and distribute sweets and cakes.

### **Conclusion**

Modern reforms in prison systems globally have underlined the significance of faith-based programmes for reforming and rehabilitating prisoners. The main objectives of religious education for prisoners are to imbue them with hope amidst the hostile prison settings and to inculcate a sense of repentance. During the colonial period in India, the prison authorities were directed to allow religious education in Indian prisons according to their local needs. However, the building of jails excluded sacred places of worship, chapels, temples, or mosques as a part of architecture for two main reasons: firstly, there were followers of a myriad of religions in India; secondly, there was interfaith disharmony and religious intolerance among them.

On the other hand, Pakistan Prison Rules 1978, framed under Section 59 of the Prisons Act 1894, made religious education compulsory for all

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<sup>56</sup> Government of Pakistan, *Public and Optional Holidays for the Year, 2020* (Islamabad: Ministry of Interior, 2019).

prisoners. Currently, Muslim prisoners can read, recite, and memorize the Qur'ān. In this regard, a religious teacher has been appointed in each prison at the state's expense to teach the fundamentals of Islam. Besides, a Muslim NGO has been teaching five courses regarding Islam's fundamentals in all Punjab jails. Upon accomplishment of the prescribed religious education courses, during the last five years, a total of 805 Muslim prisoners earned remission.

Since 2008, the Punjab government incorporated an amendment in the Pakistan Prisons Rules to award remission to non-Muslim faith groups on parity with Muslim prisoners. However, these amendments have not materialized in practice despite constitutional guarantees and statutory provisions. No prisoner from a minority religious group has earned remission based on their respective religious education. The issue has been analysed in the broader context of inequalities, discrimination, the character of the state, and administrative bottlenecks. A denial of remission to non-Muslim faith groups is embroiled in multiple factors: (a) Intra-faith tensions among different sects run deep and, as a result, Hindus, Christians, and Sikhs could not develop a unanimous syllabus that could be offered across all prisons in Punjab; (b) some Muslim religious groups have a fanatic stance on the appointment of religious teachers at state's expense and construed it as the propagation of un-Islamic education at national exchequer; (c) construction of a temple, church, or gurdwara in jail at the expense of exchequer of a Muslim state is a contested issue; and (c) the prison staff is not trained for respect for diversity including religious tolerance. It is recommended that the Punjab prisons set a policy to remove the bottlenecks to teaching religious education courses and their respective examinations for providing opportunities for prisoners of different religious minorities to become rehabilitated and access the ability of remission on par with Muslim prisoners.

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