



**REPORT ON
JUSTICE A. R. CORNELIUS CONFERENCE, 2024.
TOPIC
“RIGHTS OF THE MINORITIES AS ENSHRINED IN THE
CONSTITUTION OF PAKISTAN, 1973
&
RESPONSIBILITIES OF THE STATE OF PAKISTAN”**



**Organized by
Implementation Minority Rights Forum
Contact # 0300-4420154**

**brightfuturesociety333@gmail.com
www.brightfuturesoiety.pk.org**

REPORT ON MR. JUSTICE ALVIN ROBERT CORNELIUS FORMER CHIEF JUSTICE OF PAKISTAN, 3RD ANNUAL CONFERENCE 2024

Mr. Samuel Payara, Chairman IMRF warmly welcomed the Honorable Mr. Justice Syed Mansoor Ali Shah Puisne Judge Supreme Court of Pakistan, Honorable Mr. Justice Syed Muhammad Anwar Former Acting Chief Justice Federal Shariah Court, Islamabad and Honorable Mr. Justice Ali Baqar Najfi, Judge Lahore High Court, and took them to the Room of Former Chief Justice Mr. AR Cornelius, in the Faletti's Hotel, where he stayed 40 years.



The Implementation Minority Rights Forum successfully organized its 3rd Annual Conference on Mr. Justice A. R. Cornelius, the former Chief Justice of the Supreme Court of Pakistan. This significant event took place on June 1, 2024, at Faletti's Hotel, Lahore, a venue chosen for its historical significance as Justice Cornelius's residence for 23 years following his retirement in 1968.

The conference commenced with a reverent atmosphere, starting with the playing of the National Anthem. This was followed by recitations from both the Holy Quran and the Holy Bible, symbolizing the forum's dedication to interfaith harmony and respect for diverse religious traditions. Adding to the solemnity, a Judicial Anthem was also played, highlighting the conference's focus on the rule of law and justice.

Mr. Samuel Payara, Chairman of the Implementation Minority Rights Forum, delivered the welcome speech, expressing heartfelt gratitude to the distinguished guests and the audience for their presence. He emphasized the importance of the conference in continuing the legacy of Justice Cornelius, a staunch advocate for minority rights and judicial integrity.



Mr. Emanuel Pervaiz Bhatti, Legal Advisor at the Implementation Minority Rights Forum, provided an introduction to the conference. He shared a brief yet comprehensive overview of Justice A. R. Cornelius's illustrious career, emphasizing his pivotal role in advocating for the rights of minorities and his significant contributions to judicial reform in Pakistan. Mr. Bhatti set the stage for a day of profound reflection and dialogue on Justice Cornelius's enduring legacy.



The conference was structured as a full-day event, divided into two comprehensive sessions. The first session, which began at 11:00 AM and concluded at 1:00 PM, featured a panel of highly esteemed guests who are leaders in their respective fields:

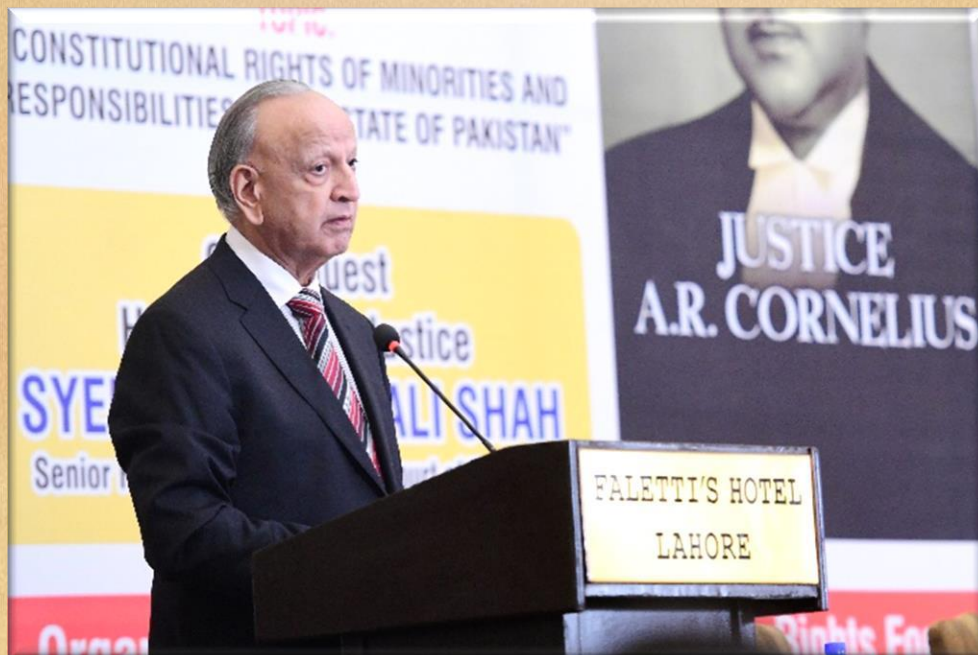
1. Dr. Bishop Azad Marshall: Moderator/President Bishop of the Church of Pakistan and Bishop of Raiwind, who has been an influential voice in promoting interfaith harmony and the rights of religious minorities in Pakistan.



2. Rev. Fr. James Channan: URI Regional Coordinator for Pakistan and Executive Director of the Peace Center in Lahore, recognized for his tireless work in fostering peace and understanding among different religious communities.



3. Dr. Shoib Suddle: Head of the One-man Commission at the Supreme Court of Pakistan, known for his expertise in legal and minority rights issues and his efforts in judicial reform.



4. Mrs. Tahira Habib: A dedicated human rights activist with extensive experience at the Human Rights Commission of Pakistan, where she has worked on various initiatives to protect and promote the rights of minorities.



Each panelist shared their perspectives on the conference's theme: "The Rights of Minorities as Enshrined in the Constitution of Pakistan, 1973, and the Responsibilities of the State of Pakistan." Their speeches delved deep into the constitutional guarantees provided to minorities, the state's obligations to uphold these rights, and the practical challenges faced in their implementation. The panelists also highlighted the profound and lasting impact of Justice Cornelius's work on minority rights and judicial reform, drawing parallels between his vision and the current state of minority rights in Pakistan.

Following the panelists' presentations, the session was opened for questions from the audience. Law students from various universities and distinguished members of civil society actively participated, posing pertinent and thought-provoking questions. The panelists provided detailed and insightful responses, fostering a rich and engaging dialogue that underscored the relevance of Justice Cornelius's principles in contemporary discussions on human rights and justice.





At the conclusion of the conference, Mr. Samuel Payara, Chairman of the Implementation Minority Rights Forum (IMRF), delivered a heartfelt closing address. He expressed his profound gratitude to all attendees for their active participation and engagement throughout the event. Mr. Payara commended the panelists for their enlightening contributions and acknowledged the insightful questions posed by the law students and civil society members, which enriched the dialogue and underscored the significance of Justice Cornelius's legacy.

To mark the end of a day filled with meaningful discourse and reflection, Dr. Bishop Azad Marshall led a solemn prayer for the food. His prayer invoked blessings and gratitude, encapsulating the spirit of unity and fellowship that had permeated the conference. This moment of collective reflection and thanksgiving served as a fitting conclusion to an event dedicated to promoting justice, equality, and the enduring impact of Justice A. R. Cornelius's work on minority rights and judicial reforms in Pakistan.

The session concluded with a luncheon for all participants, offering a valuable opportunity for further discussion and networking among attendees. This interaction allowed for the exchange of ideas and the formation of collaborative strategies to advance the cause of minority rights in Pakistan, ensuring that the legacy of Justice A. R. Cornelius continues to inspire and guide future generations.

SECOND SESSION

Prominent figures in the second session included luminaries such as Mr. Justice Syed Mansoor Ali Shah, Puisne Judge of the Supreme Court of Pakistan, Mr. Justice Dr. Syed Muhammad Anwar, Senior Judge of the Federal Shariat Court, Mr. Justice Ali Baqar Najafi, Senior Judge of the Lahore High Court, and retired Justice Mr. Tassaduq Hussain Jilani, His Excellency Dr. Bishop Azad Marshall: Moderator/President Bishop of the Church of Pakistan and Bishop of Raiwind, Respectable Senator Mr. Azam Nazeer Tarar, Federal Minister for Law and Justice and Human Rights, Mr. Munir Hussain Bhatti, President Lahore Bar Association among others. Their presence lent immense gravity and significance to the discussions, reinforcing the profound importance of the topic at hand.

This session was also commenced with a reverent atmosphere, starting with the playing of the National Anthem. This was followed by recitations from both the Holy Quran and the Holy Bible, symbolizing the forum's dedication to interfaith harmony and respect for diverse religious traditions. Adding to the solemnity, a Judicial Anthem was also played, highlighting the conference's focus on the rule of law and justice.



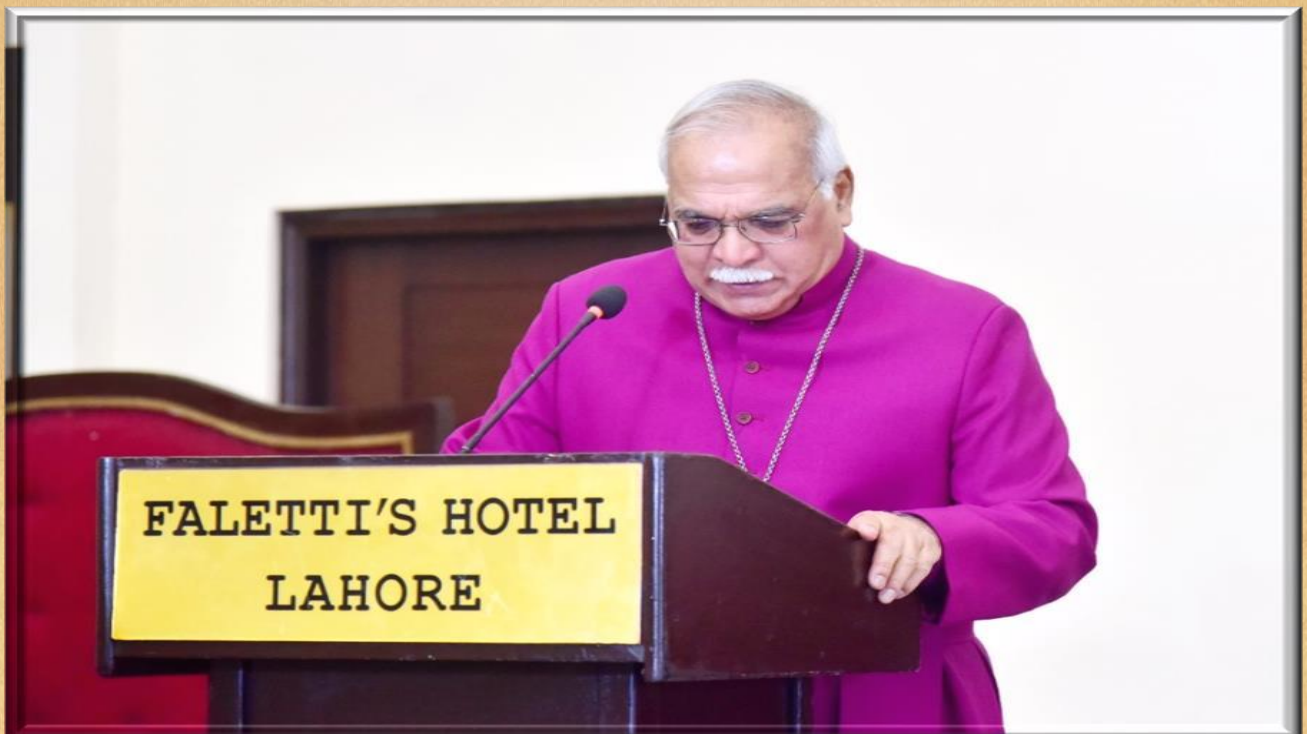
Mr. Samuel Payara, Chairman of the Implementation Minority Rights Forum, delivered the welcome speech, expressing heartfelt gratitude to the distinguished guests and the audience for their presence. He passionately conveyed to the audience that Pakistan's very inception was driven by the oppressive discrimination of the majority against the minorities. He further underscored that the Christian minority played a pivotal and significant role in the creation of Pakistan. Further emphasized that S.P. Bahadur Singha, a prominent Christian leader, played a crucial role in the formation of Pakistan. During the critical vote in the Punjab Assembly on June 23, 1947, his support was instrumental. By casting his vote in favor of Pakistan, Singha tipped the balance, ensuring that the Christian community stood with the Muslim League's vision for a separate nation. His decisive vote underscored the significant contribution of minorities, particularly the Christian community, in the establishment of Pakistan, highlighting their support for the creation of a state where they believed their rights and identities would be better safeguarded.



He further lamented that, unfortunately, many high officials remain unaware of the constitutional rights afforded to minorities in the Constitution of Pakistan, 1973. He highlighted that these rights were emphatically reaffirmed in the landmark judgment delivered by **Honorable Justice Tassadaq Hussain Jilani** on June 19, 2014. This judgment serves as a powerful reminder of the nation's commitment to protecting minority rights, a commitment that must be honored and upheld by all levels of government.



His Excellency Bishop Dr. Azad Marshall, the esteemed Moderator/President Bishop of the Church of Pakistan and Bishop of the Raiwind Diocese, delivered a profoundly moving and stirring speech on the constitutional rights of minorities as enshrined in the Constitution of Pakistan 1973. With eloquence and passion, he illuminated the crucial responsibilities of the State of Pakistan in upholding and protecting these rights. His insightful and fervent words resonated deeply with the audience, igniting a fervor and sense of urgency among them. The powerful impact of his speech was palpable, stirring the hearts and minds of all present, and inspiring a renewed commitment to justice and equality for all.



Mr. Justice Dr. Syed Muhammad Anwar, Senior Judge of the Federal Shariat Court, delivered a stirring speech on the rights of minorities as enshrined in the Constitution of Pakistan, 1973, and the responsibilities of the State to uphold these rights. His words ignited a fervent passion among the attendees, driving home the urgency and importance of this issue.



In his powerful and insightful speech, **Mr. Justice Baqar Ali Najafi, Senior Judge of the Lahore High Court,** addressed the crucial topic of "The Rights of Minorities as Enshrined in the Constitution of Pakistan, 1973 and the Responsibilities of the State of Pakistan." His eloquent words illuminated the minds of the attendees, shedding light on the often-overlooked rights of minorities. Mr. Justice Baqar Najafi fervently emphasized the need for representation of the Christian Community within the judiciary, specifically advocating for their elevation to positions as High Court Judges. His call to action resonated deeply, highlighting the critical importance of inclusivity and justice for all communities within Pakistan. He passionately urged that, just as the Supreme Court of Pakistan has established a dedicated Bench to handle minority cases, the Lahore High Court should follow suit by creating a similar Bench. This, he argued, would ensure that the rights of minorities are not only recognized but vigorously protected, reinforcing the nation's commitment to justice, equality, and inclusivity for all its citizens.

In his powerful and insightful speech, **Mr. Justice Baqar Ali Najafi, Senior Judge of the Lahore High Court**, addressed the crucial topic of "The Rights of Minorities as Enshrined in the Constitution of Pakistan, 1973 and the Responsibilities of the State of Pakistan." His eloquent words illuminated the minds of the attendees, shedding light on the often-overlooked rights of minorities. Mr. Justice Baqar Najafi fervently emphasized the need for representation of the Christian Community within the judiciary, specifically advocating for their elevation to positions as High Court Judges. His call to action resonated deeply, highlighting the critical importance of inclusivity and justice for all communities within Pakistan. He passionately urged that, just as the Supreme Court of Pakistan has established a dedicated Bench to handle minority cases, the Lahore High Court should follow suit by creating a similar Bench. This, he argued, would ensure that the rights of minorities are not only recognized but vigorously protected, reinforcing the nation's commitment to justice, equality, and inclusivity for all its citizens.





Mr. Munir Hussain Bhatti, President of the Lahore Bar Association, delivered a compelling address on the vital topic of "The Rights of Minorities as Enshrined in the Constitution of Pakistan, 1973, and the Responsibilities of the State of Pakistan." His speech profoundly resonated with the audience, enlightening them on the critical issues at hand.

Mr. Bhatti passionately declared that the Lahore Bar Association stands unwaveringly with minorities, fully committed to championing the implementation of their legal rights. He assured the attendees that Lahore Bar Association is prepared to fight tirelessly to ensure that the constitutional protections afforded to minorities are not only recognized but actively enforced. His powerful words underscored a resolute dedication to justice, equality, and the unwavering support of minority communities within Pakistan.

Emphasizing the critical importance of religious freedom and minority rights in Pakistan, Senator Mr. Azam Nazeer Tarar underscored that the nation's Constitution guarantees complete religious freedom, aligning closely with Islamic teachings on minority right. **The Federal Minister for Law, Justice, and Human Rights, Senator Azam Nazir Tarar** has expressed his aspiration for judges from minority communities to join Pakistan's higher judiciary. He emphasized the importance of religious freedom and minority rights in Pakistan. He highlighted that Pakistan's Constitution guarantees complete religious freedom, aligning with Islamic teachings on the rights of minorities. He mentioned ongoing efforts to establish a Minority Rights Commission and proposed reserving quotas for Minority Law Officers and Legal Advisors. He praised retired Justice Tassaduq Hussain Jillani for his landmark decisions benefiting minorities, and lauded Justice Cornelius for his legacy of equal justice.



Mr. Justice Syed Mansoor Ali Shah, advocated for the inclusion of **minority Judges** in the judiciary, emphasizing the importance of coexistence and tolerance. He poignantly stated, “There is only one flag in the world where you [minorities] are reflected. This white color represents you. I also say that crescent and star are also white. All these things represent you. We must understand that you are recognized in the national flag.”

Highlighting the demographic composition of Pakistan, Justice Syed Mansoor Ali Shah noted that Muslims constitute 96% of the population, with Hindus and Christians each making up 1.6%, and Sikhs, Buddhists, and Zoroastrians collectively accounting for the remaining 1%. He lamented Pakistan’s poor ranking in the religious freedom segment of the Freedoms House Report by the European Union in 2023.

Justice Syed Mansoor Ali Shah expressed deep concern over the lack of effective safeguards for religious minorities against discriminatory legislation, social prejudice, and sectarian violence. He highlighted the ongoing negative trajectory of Pakistan’s religious freedom conditions, citing frequent attacks and threats against religious minorities, including blasphemy accusations, targeted killings, lynching, mob violence, forced conversions, and the desecration of houses of worship and cemeteries.

Calling for change, Mr. Justice Syed Mansoor Ali Shah emphasized the need to adhere to constitutional principles, affirming that Muslims and minorities possess equal rights. “We need to protect the minorities. We need to come out positively and do something about it,” he urged.



Quoting the Holy Quran, Mr. Justice Syed Mansoor Ali Shah interpreted that freedom of belief and religious faith should be a matter of personal conviction without coercion. He also referenced the Constitution of Madina, advocating for a pluralistic society. Citing contemporary Islamic thought leader Tariq Ramadan, Justice Shah remarked, “The true strength of pluralism lies not in discussion where we agree but in how we manage our disagreements.”

Mr. Justice Syed Mansoor Ali Shah concluded by asserting that character is revealed in how disagreements are handled, emphasizing that creating space for pluralism requires more than mere statements—it demands concrete actions.

This stirring address underscores the urgent need for justice, inclusivity, and protection of minority rights in Pakistan, setting a hopeful tone for a more tolerant and equitable society.

Following the tradition of the conference, the prestigious A. R. Cornelius Award for dedicated services was bestowed upon Mr. Justice Dr. Syed Muhammad Anwar, Senior Judge of the Federal Shariat Court, Islamabad. This esteemed award recognized his unwavering dedication and significant contributions to the protection and promotion of minority rights within the judicial framework of Pakistan



The Justice A R Cornelius Award 2024



Implementation Minority Rights Forum Award Committee nominates Justice A R Cornelius Conference 2024 Award to Honorable Mr. Justice Dr. Syed Muhammad Anwar, Senior Judge Federal Shariat Court of Pakistan

The Award was presented by

- Honorable Mr. Justice Syed Mansoor Ali Shah , Senior Judge Supreme Court of Pakistan
- Mr. Samuel Maksan , Chairman Implementation Minority Rights Forum
- Honourable Mr. Azam Nazir Tarar, Federal Minister for Law, Justice & Human Rights.

Honorable Mr. Justice Dr Syed Mohammed Anwer

Mr. Justice Dr. Syed Muhammad Anwer was initially appointed as Judge Federal Shariat Court of Pakistan on 21.05.2020 for three years. Then he took oath as Acting Chief Justice Federal Shariat Court of Pakistan on 16.05.2022. and remained Acting Chief Justice for a year till 20.05.2023. After completion of his first term as Justice in FSC, Justice Dr. Syed Mohammed Anwer due his extraordinary contribution in Islamic Jurisprudence through his judgments was reappointed and elevated as Aalim Judge in Federal Shariat Court on 10 July 2023, by the former President of Pakistan Dr. Arif Alvi via Notification dated 5 July 2023 for another term of three years.

Mr. Justice Dr. Syed Muhammad Anwer has a strong foundation in Islamic jurisprudence as well as in common law and public international law. Before initial elevation to the Federal Shariat Court, he was appointed by the then President of Pakistan, Mamnoon Husain as a member of the Council of Islamic Ideology (CII) on the basis of his extensive research and contributions in the field of Islamic jurisprudence, Human Rights and Goals of Shariah, ADR in Islamic Law, Islamic economic and Islamic finance and Islamic criminal law etc. He has a diverse experience as an advocate, prosecutor and judge. Before his elevation he extended his legal services as legislative counsel, public policy maker, active civil society member, lecturer at law and legal consultant. He served as a legal expert at various senior management and executive levels in different organizations of public, private, educational, research and development sectors.

He was an Advocate of the Supreme Court of Pakistan having expertise in diverse legal disciplines ranging from civil and criminal litigation, corporate law, IT telecom, E-commerce and International trade and finance etc. He also held different offices related to the legal profession including Member legal to Customs Appellate Tribunal, Islamabad, director legal ministry of IT and Telecom where he drafted laws for the IT and telecom sector of Pakistan. He remained chairman of Electronic Certification and Accreditation council (ECAC), a legal body to regulate e-commerce in Pakistan by virtue of the Electronic Transaction Ordinance 2002. In this capacity he drafted fundamental regulations for the ECAC to provide the legal foundation for electronic transactions in Pakistan necessary for the certification authorities to operate in Pakistan, which ultimately helped Pakistan to enhance its e-commerce. He remained Deputy Attorney General, prior to which he was elected President of Islamabad Bar Association for the year 2013.

As a jurist, scholar of Islamic Jurisprudence and academic he has contributed a lot in diverse activities of civil society through his lectures, writings and judgments. He contributed in promoting:

- Interfaith Harmony
- Women's Rights in Islam
- Child right in Islam

Contributions towards Interfaith Harmony

1. He has been a strong supporter of initiatives for interfaith harmony. He inaugurated a project “Weaving Communities of Faith Together” at Christian Study Center on 20/08/2022. The Christian Study Centre (CSC) organized the launching ceremony of the regional network of religious leaders namely **“Weaving Communities of Faith Together”** on 17 August, 2022. The network comprises of male and female Muslim, Christian, and Hindu faith leaders belonging from Lahore, Faisalabad, Gujranwala, and Rawalpindi/Islamabad. Hon’ble Mr. Justice Dr. Syed Muhammad Anwer, Acting Chief Justice of The Federal Shariat Court of Pakistan was chief guest at the launching ceremony.
2. He supports the **“Implementation Minority Right Forum” IMRF- which is a project of Bright Future Society (Pakistan)** in most of their initiatives which it (IMRF) pursues regarding implementation of minority rights in Pakistan in the light of Supreme Court’s judgment (PLD 2014 Supreme Court 699).
3. He always advocated for minority rights issues at various academic and research forums. He encouraged **the department of Islamic thought, history and culture in the faculty of Arabic and Islamic studies of Allama Iqbal Open University (AIOU) to introduce interfaith harmony** as a subject to be taught there. He prompted this demand at an International Seminar on Religious Harmony organized by IMRF and AIOU in 16/11/2022.
4. Similarly, he supports the initiative of **Islamic research institute (IRI) of IIUI** to enhance the role of academia and faith leaders of every community in transforming society to realize child rights. He headed a seminar in IRI on 14-05-2024 as a chief guest.
5. The impact of his judgments on society was also acknowledged by different civil society organizations and also international governmental organizations like UN Women. To recognize his various contributions, he was invited as a chief guest on the occasion of the launching ceremony of **Strategic Note of UN Women for women empowerment in Pakistan**. Especially with reference to his two judgments regarding the issue of child marriages in Pakistan. In this regard in one of his landmark judgments, he categorically stated that the state has a right to decide minimum age for marriage. Any such law wherein the minimum age for marriage is set is not against the injunctions of Islam. His Judgment is considered as a step in achieving one of the fundamental five targets to be achieved in OIC countries in pursuance of **CEDAW**.
6. He supported an initiative **UN –Habitat and SDGs Academy** for “Empowering Women for Lands Rights and Sustainable Land Management.” which was a part of **the National Conference on Protection of Housing, Land and Property Rights (HLP) for Women and most Vulnerable groups in Pakistan**. Through this initiative a 16 days long mass awareness campaign was initiated. 20.11.2023

Some Landmark Judgments of Justice Dr Syed Mohammed Anwer are:

1. Child Marriage – Farooq Umar Bhoja Vs Federation of Pakistan (PLD 2022 Federal Shariat Court 1),

According Strategic Note of UN Women for women empowerment in Pakistan and OIC Strategy for the Empowerment of Family and Marriage Institution, child marriage issue is considered as one of the major impediments in implementing these policies in the OIC countries. This Judgment of Justice Dr. Syed Mohammed Anwer categorically declared that an Islamic state has power according to the principle of Shariah to set an age limit for marriage. In a judgment of the Federal Shariat Court, Pakistan on the issue of child marriage authored by Aalim Judge Justice Dr. Syed Mohammed Anwer it was declared that the 16 years minimum age for girls and 18 year for boys for marriage under the Child Marriage under the Child Marriage and Restraint Act 1929, set by the Government of Pakistan is in accordance with the settled principles of Shariah and Fiqh. This judgment has interpreted and developed a jurisprudential references of Shariah in order to explain that an Islamic government can set minimum age for marriage.

2. Ali Azhar Vs Province of Sindh (2023 PLD Federal Shariat Court 265)

In this judgment Justice Dr. Syed Mohammed Anwer further developed the Ratio which was earlier developed by him in an earlier judgment on this issue (Farooq Umar Bhoja Vs Federation of Pakistan (PLD 2022 Federal Shariat Court 1), for setting the minimum age of marriage by an Islamic state in the light of Islamic Jurisprudence. The Ration of this Judgment is that only physical maturity (blugh) is not enough for marriage according to Islam but mental maturity (rushd) is also required according to Islamic injunction.

These two judgments notably upholds the principles laid down in **Article 16 of the Convention on the Elimination of All Forms of Discrimination against Women 1979 (CEDAW)** and **Article 28 and 29 of the Convention on the Rights of the Child (CRC), 1989**. It reaffirms Pakistan's commitments under international law in the line with the Injunctions of Islamic Jurisprudence and Shariah which is considered as mile stone in this regard.

3. A Suo moto notice of a crime of committing Child Marriage in a district of Baluchistan

He also took a Suo moto notice of a crime of committing Child Marriage in a district of Baluchistan in result of which the Baluchistan has drafted a **Bill for the prohibition of Child Marriage in Baluchistan** for the first time which is considered as a giant leap in this regard for the province of Baluchistan.

4. Domestic Violence Against Women :-

In case Prof. Ibrhim Khan Vs Government of Punjab (PLD 2023 Federal Shariat Court 1):

Violence against women is another major issue all over the world and there were certain misconceptions attached to it in the Muslim Countries that beating wives is not an un Islamic practice. In the following judgment of the Federal Shariat Court, Pakistan on the issue of Domestic Violence faced by women (Punjab Protection of Women Against Violence Act, 2016 (Act XVI of 2016)), authored by Aalim Judge Justice Dr. Syed Mohammed Anwer declared that:

- i. Islam gives women the right of Access to Justice as a Fundamental Right, including the right to file a complaint against the husband.
- ii. In Islam, a woman can force her husband by law to fulfill all types of his matrimonial obligations, including economic and social obligations.
- iii. The women have right to agitate and protest for their rights
- iv. Article 25(3) of the Constitution of the Islamic Republic of Pakistan, 1973 rightly provides the constitutional guarantee to any ‘positive action’ or even ‘affirmative action’, which shall be taken by the State for the protection of women and children in the Islamic Republic of Pakistan. This provision of the Constitution is undoubtedly based on the very essence of Islam.
- v. In the context of the family, the father, husband, brother and son have greater social and economic duties viz-a-viz their family relatives like mother, wife, sister or daughter, but this does not by any way confer upon men a right to abuse the females of their family in any manner.
- vi. The judgment points out that Verse-34 and Verse-35 of Surah An-Nisa must be read in their full context. The word Qawwam used in Surah An-Nisa is translated in English as “manager, director, superintendent, caretaker, keeper, custodian, guardian. The reason for appointing the male as Qawwam is that they are duty bound to maintain the women of their family properly and spend his wealth for that purpose, it does not mean that a man being a ‘Qawwam’ is allowed to inflict ‘domestic violence’ or tashadood upon women.

The judgment notably upholds the principles laid down in **Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women 1979 (CEDAW) and Article 3 and 10 of the International Covenant on Social, Economic, and Cultural Rights (ICESCR), 1966 and Article 3, 23 and 26 of the International Covenant on Civil and Political Rights (ICCPR), 1966.** It reaffirms Pakistan’s commitments under international law in the line with the Injunctions of Islamic Jurisprudence and Shariah.

5. Declaring anti women Tribal Practices of Swara/Vani as Un-Islamic – (PLD 2022 Federal Shariat Court 57):

This judgment held that the practice of Swara is unconstitutional and un-Islamic as it is against the principles of the Holy Quran and Sunna. Swara (also known as Vani and Budla-i-sulh) is a custom/tradition whereby, women and girls belonging to the offender's family are given in marriage or servitude to the aggrieved persons as compensation for reconciliation in case of rivalry, murder, or abduction in order to settle the dispute. It is a form of arranged or forced child marriage. The decision is made by a council of tribal elders called Jirga or Panchayat. The practice violates the rights of women and girls to a significant extent and places them at high risk of violence and abuse. The women and girls who are subjected to this practice are given no respect and honor and are treated as slaves; they bear the brunt for the offences of a family member for the rest of their lives. The court made references to the Holy Quran and Ahadith when declaring Swara as un-islamic. Moreover, the FSC stressed that the aforesaid maxim of criminal justice is so important that it was stressed upon by the Prophet (PBUH) in his last sermon.

6. Appointment of Women Judges – (PLD 2023 Federal Shariat Court 291):

In the following judgement of the Federal Shariat Court, Pakistan authored by Aalim Judge Justice Dr. Syed Mohammed Anwer deliberates upon whether the appointment of female judges is against the injunctions of Quran and Sunnah.

The court held that , that Islam is the only religion which is based upon a revealed book of Allah in which a substantial portion of beliefs and practices are based on those traditions or Hadiths which are narrated by female companions of the Holy Prophet (PBUH) in general and by the wives of the Holy Prophet (SAW) in particular. This is a unique aspect of Islam that tells the actual elevated status of women.

He deliberated in this judgment that this means that a portion of our religious beliefs and practices is based on the traditions of the Holy Prophet (PBUH), which are transmitted and reported to us with the reference of honourable ladies of Islam i.e. sahabiyaat of the Holy Prophet (PBUH). Finally it was also highlighted that Umahat al-Moomineen would give Juristic opinions commonly called the Fatwas. The books of Ahadith including Sahih Bukhari and Sahih Muslim contain Fatawa of Hazrat Ayesha (RA) (i.e. the legal opinions of Hazrat Ayesha (RA) so much so that there are reported instances where very senior Ashaab al-Rasool (RA) sought legal opinion from Hazrat Ayesha (RA). In the light of such a strong tradition and history of our religion which acknowledges the legal and jurisprudential scholarship of women, the appointment of female judges subject to the provisions of any law and the Constitution is not against the injunctions of Islam as laid down in the Holy Quran and Sunnah.

Reflecting the traditional values of the conference Certificates of Appreciation were also awarded to distinguished individuals from various walks of life in recognition of their exemplary and dedicated services in safeguarding and promoting the rights of minorities. These commendations were presented to honor their unwavering commitment and tireless efforts in the defense and implementation of minority rights. Among the esteemed recipients were Mr. Ashraf Mall, a passionate and influential social activist; Mr. Kashif Naimat, a formidable and dedicated Advocate; Mr. Raj Rathore, a relentless and impactful social activist; and Dr. Muhammad Raheem Awan, Director General Legal Aid and Justice Authority, Ministry of Law and Justice, government of Pakistan, whose contributions in his field have significantly advanced the cause of minority rights. Each of these individuals has demonstrated exceptional courage and integrity, embodying the spirit of justice and equality in their respective fields, and their recognition serves as a testament to their invaluable contributions to society.



In a grand gesture of appreciation, shields were also presented to the honorable and distinguished guests – Hon’ble Mr. Justice Syed Mansoor Ali Shah, Puisne Judge, Supreme Court of Pakistan, Hon’ble Mr. Justice Ali Baqar Najafi, Senior Judge Lahore High Court, Respectable Senator Mr. Azam Nazeer Tarar, Federal Minister for Law and Justice and Human Rights, Mr. Munir Hussain Bhatti, President Lahore Bar Association in recognition of their outstanding and exceptional contributions in their respective fields for the protection, safeguarding, and monitoring of minority rights. These accolades were bestowed upon these eminent individuals as a tribute to their unwavering dedication, relentless efforts, and remarkable achievements in championing the cause of minority rights. Their tireless work and commitment have not only upheld the principles of justice and equality but have also set a benchmark for excellence and integrity in the advocacy of minority rights. The presentation of these shields symbolizes a deep appreciation and respect for their invaluable services and their pivotal role in fostering an inclusive and equitable society.





The conference served as a powerful platform, bringing together leading judicial figures to affirm their commitment to minority rights and to advocate for stronger, more inclusive legal protections. It was a call to action for all levels of government to honor the constitutional promises and to foster an environment of equality and justice for all citizens of Pakistan.

The conference concluded on a high note with a ceremony to honor and recognize the distinguished guests and their invaluable contributions. Shields and certificates were distributed among the prominent figures, celebrating their commitment to the cause of minority rights and justice in Pakistan.

MEDIA COVERAGE

The significance of this conference was underscored by comprehensive coverage from the entire national media. Every major media outlet recognized the importance of the event, broadcasting it live to millions of viewers across the borders and countrywide as well. This extensive media attention not only highlights the conference's relevance but also ensures its key messages and discussions reached a wide audience, further amplifying its impact on a national scale.

