

## Role of Political Leadership in the Protection of Minorities' Rights of Pakistan

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*The purpose of this study is to examine how minority populations in Pakistan have long struggled to exercise their fundamental rights, emphasizing the necessity of strong political leadership to uphold and advance those rights. This study looks at how Pakistan's political leadership protects the rights of Ahmadis, Christians, Hindus, and Sikhs, among other minority groups. In-depth interviews with important stakeholders, such as legislators, human rights advocates, and leaders of minority groups, were conducted as part of a qualitative methodology. According to the report, Pakistan's political leadership has not always been consistent in upholding the rights of minorities; some have called for more safeguards, while others have continued to support discriminatory laws and practices. In order to guarantee the effective protection of minority rights, the findings also emphasize the significance of bolstering institutional institutions, such as the National Commission for Minorities. This study recommends the political leadership of Pakistan should prioritize inclusive governance practices, fortify institutional processes, and foster interfaith understanding and communication in order to better defend the rights of minorities, according to this report. The government should also pass and implement laws that forbid hate speech and discrimination against minority groups.*

## 1. Introduction

Political participation and the model of full equality, equity, and effective participation has gained much attention from researchers and social scientists in order to suggest remedies to maintain social equilibrium. The debate around the issue of participation of different minorities in all spheres of life revolves around the involvement of the citizens in decision-making in a democratic way (George, 2022). The era of the 1940s and 1950s specifically generated debates focusing the voting and electoral participation, which were also translated into action plans through legislation or policy in several countries of the world. Yet, the debate, however, over time got maturity and nations started to discuss different dimensions of the political participation of all segments of the society (Belokrenitsky & Moskalenko, 2013; Mustafa, 2022).

It is a matter of fact that such debates and practices further increased the roles and responsibilities of the state organs and expanded its framework in the last few decades, particularly since the domain of participation of minorities in politics grew considerably (George, 2022). Undoubtedly, this pattern has increased the activities of state institutions and virtually influences all aspects of social life in an advanced society, yet the developing and underdeveloped countries are trying hard to achieve the goal of full equality and participation. Consequently, the study of political participation, as per the commentary mentioned above reflects, means the study of everything related to social life thus broadening the canvas of discussion that have invited diverse opinions and scholars from different walk of life for their contribution to improving the framework of full equality and effective participation (Talib, 2021). In this research study, different theories have been discussed that including theory of discrimination, and the theory of political participation.

Pakistan, after the partition, received a well-functioning judiciary, strong mechanism of civil service, and military. On the other hand, the legislative bodies or systems were very feeble at the time of its independence (Jabeen, 2021). Over time, the stronghold of the civil service and military and their domination in most of the state affairs; disrupted the evolution of the democratic political process resultantly the legislative organ of the state became weakened. The Judicial arm, with few exceptions, plodded along approving the authoritative part of the military and the civil service until the early twenty-first century (Marker, 2016; Talib, 2021).

The ground of boycott was established by renowned Hindu and Christian activists and associations by organizing country-wide activities for creating people's awareness about the equal rights movement. To strengthen the case ECOSOC (economic social council) submitted a case with the office of the commission of human rights in Geneva that had already played its vital role in this regard. A separate electoral system was delimited in local bodies' elections during Musharraf Regime.

In January 2002 first ever think tank of the Musharraf Regime head by General Naqvi proposed general elections on the basis of the joint system which afterward got the shape that reserved seats for religious minorities would remain there and be fulfilled with a proportionate population.

## **2. Literature Review**

The constitutional significance of religion and the rights of religious minorities are two major topics that have shaped Pakistan's 54-year political history. Pakistan's constitutional policies for its religious minorities are examined in this article. The State has failed to provide a logical constitutional framework to safeguard its religious minorities, according to this analysis. Moreover, the past three decades have seen the politicization of religion, which has led to a rise in the persecution and victimization of Pakistan's religious minorities (Rehman, 2001).

The available literature explained the plight of the rights of the religious minorities in Pakistan. The literature further defined that there exist laws and statutes that guarantee minority rights protection, but it did not explain the elements that have prevented the implementation of constitutional provisions as well as international obligations. Simultaneously the available literature has discussed the political participation of religious minorities in the parliament however it did not have discussed whether the representation of religious minorities is able to participate in the process of decision making specifically the decision that is directly related to the affairs of religious minorities. The research study under review discusses the existing model of the religious minorities' participation in the politics and impacts of a joint electorate system on society focusing on strengthening national unity and social cohesion.

## **3. Research Methodology**

This study used a case study design and a qualitative research methodology to investigate how political leadership in Pakistan protects the rights of minorities. In-depth interviews were conducted with 30 important stakeholders, including government representatives, human rights advocates, legislators, and leaders of minority groups, as part of the data collection process. Focus groups were also held with 20 members of minority populations to learn more about their perspectives and experiences. Additionally, policy documents, legislative records, and media items pertaining to minority rights were reviewed as part of the document analysis process. The data was analyzed using thematic analysis, which revealed trends and themes about the function of political leadership in defending the rights of minorities. In order to guide the research and interpretation of the results, the study also used a conceptual framework that drew on ideas of political leadership, human rights, and social justice.

## **4. Struggler for Joint Electorate by Minority Members**

The debate in favor of building a democratic Pakistan that we had generated through this human rights litigation continued during the period of the Pakistan People's Party government. Different seminars, conferences, and public meetings were organized wherein it was explained how much divisive the mode of separate electorates was and the tremendous loss it had caused to Pakistan as a united and democratic nation. It was also explained that the discriminatory mode of electorates had promoted sectarianism and intolerance in society. The political parties with progressive stances and human rights organizations with advocacy programs joined the movement in the efforts to build pressure on the government to bring an end to the separate electorate system.

Unexpectedly the church leadership was at the forefront of the demand and involved in this struggle at every level.

#### **4.1 Jinnah's Vision of Secular and Democratic Pakistan**

During the above-mentioned functions, a special reference was made to the state structure spelled out by Muhammad Ali Jinnah (Quaid-i-Azam). In this regard, the historic speech of the Founder of the country was quoted by the speakers which he delivered as his address to the Constituent Assembly of Pakistan on August 11, 1947, at Karachi (Talbot, 2013). The speech later formed a blueprint for the builders of the new state of Pakistan. Its extracts are reproduced for their importance in the history of the formation of Pakistan. "I cannot emphasize it too much. We should begin to work in that spirit and in course of time all these angularities of the majority and Minority community, the Hindu community, and the Muslim community – because even as regards Muslims you have Pathans, Punjabis, Shias, Sunnis, and so on among the Hindus, you have Brahmins, Vaishnavas, Khatri, also Bengalis, Madrasis, and so on – will vanish. Indeed, if you ask me this has been the biggest hindrance in the way of India attains freedom and independence, and but for this, we would have been free people long ago. No power can hold another nation and especially a nation of 400 million souls in subjugation; nobody could have conquered you and even if it had happened, nobody could have continued its hold on you for any length of time but for this.

Therefore, we must learn a lesson from this. You are free; you are free to go to your temples; you are free to go to your mosques or to any other place of worship in this state of Pakistan. You may belong to any other place of worship in this state of Pakistan. You may belong to any religion or caste or creed – that has nothing to do with the business of the state. As you know, history shows that in England, conditions, sometimes ago, were much worse than those prevailing in India today. The Roman Catholics and the Protestants persecuted each other. Even now there are some States in existence where there are discriminations made and bars imposed against a particular class. Thank God, we are starting in the days when there is no discrimination, no distinction between one community and another, no discrimination between one caste or creed and another. We are starting with the fundamental principle that we are all citizens and equal citizens of one state. Now, I think we should keep that in front of us as our ideal and you will find that in course of time Hindus would cease to be Hindus and Muslims would cease to be Muslims, not in the religious sense, because that is the personal faith of each individual, but in the political sense as citizens of the state (PIPS, 2017)."

The struggle for the joint electorate asserted in their meetings that their demand and struggle for the restoration of joint electorates were in line with the basic policy of the state of Pakistan framed by the leader of the nation.

On the other hand, numerous petitions were moved in the Supreme Court with the prayer that the case may be adjudicated at an early date. The Attorney General of Pakistan was personally requested to help in the fixation of the cases at an early date but unfortunately, this important subject relating to the nation in general and non-Muslim citizens, in particular, could not be taken

up for early hearing. Therefore, the final verdict of the apex court of the country took too much to resolve the subject.

As for as the political situation in the country is concerned, it remained very fluid throughout this period. The reason was that the marginal difference between the seats of the Pakistan people's party and the Pakistan Muslim League in the National Assembly affected political strength in the legislature, and the opposition adopted the role of politics of confrontation. On the other hand, the Pakistan Peoples' Party government failed to address issues relating to the marginalized sections of the society. The opposition gradually continued building momentum in politics to overthrow the government. Lawlessness and corruption remained major charges against the government. The P.P.P even otherwise could not do much to consolidate its political position and resultantly its popularity graph fell considerably.

#### **4.2 Benazir Bhutto Govt. Announces Electoral Reforms**

In a move to consolidate its position the federal cabinet headed by Prime Minister Ms. Benazir Bhutto announced Electoral Reforms in February, 1996. The electoral reforms included two major points, doing away with the condition of identity card for a voter and providing the right of dual vote to Non-Muslim citizens of Pakistan. While for each item of the package of electoral reforms the government provided a rationale but surprisingly the federal cabinet did not explain as to why it had decided to award two votes to non-Muslim citizens of the country (Ahsann, 2019).

The opposition opposed the reform about voter's Identity Card alleging that the government intended to do rigging in the elections. Whereas the reform about dual vote to non-Muslim citizens was bitterly criticized by the religious parties working in the field of politics. They opposed the dual vote on the basis of the old tune of the fundamentalists that non-Muslim could not be allowed to vote on general seats meant for Muslim only. The P.P.P Government after announcing the cabinet decision regarding the package of electoral reforms kept mum on the subject. It did not defend its reform political and finally succumbed to the pressure of the opposition and the religious parties. But the non-Muslim citizens generally welcomed the idea of dual voting.

The electoral reform about dual vote meant that non-Muslim citizens would be entitled to cast two votes in the elections for the legislature. They would be voters for the seats reserved in the legislature for non-Muslims and they would also be allowed to vote for the seats generally known as general seats for Muslim Citizens. But what the electoral reforms seriously lacked was the full right of the franchise of the non-Muslims. Because they no doubt were being declared voters for the general seats but could not contest election themselves on the seats known to be general seats. It meant that discrimination remained against non-Muslims by putting a bar on them to be candidates in the election for general seats. Meaning thereby the government no doubt wanted the voters of non-Muslims but was not prepared to let them stand for them. It was certainly a tricky proposition not recognizing their fundamental right of being equal citizen irrespective of their religion or creed.

The religious minorities in general and Christian leaders in specific took exception to this situation. They organized a consultation of the church leaders who were later to address a press conference on March 28, 1996. The consultation and press conference were held in Lahore under the auspices of Idare-e-Amn-o-Insaf (Committee for Justice and Peace) Lahore. The following statement with the consensus of Most Rev. Dr. John Joseph Martyred (Bishop of Faisalabad), Rt. Rev. Samuel Azariah (Bishop of Raiwind Diocese), Mr. Victor Azriah, Executive Secretary ((United Presbyterian Church), Major Mubarik (Salvation Army), Mr. Ronald D'souza (Member Minorities Commission), Fr. Emanuel Yousaf (Catholic Priest Gujranwala), Group Captain (Rtd.) Cecil Chaudry, Fr. Bonnie Mendes (Catholic Priest Toba Tek Singh), Ms. Pamela Marshal (Chairperson Idara Amn-o-Insaf Karachi), Mr. Aftab Alexander Mughal (Justice and Peace Commission Multan), Ch. Naeem Shakir (Late) (Chairman Idara Amn-o-Insaf Lahore), was issued to the press (Gill, 1996).

#### **4.3 Press Statement of Catholic and Protestant Clergy**

Joint Statement of the Leaders of Christian community issued on the decision of the Federal Cabinet for Electoral Laws.

The right of franchise is the fundamental human right of every citizen as it accords the right to participate in the business of the State. This right was constitutionally guaranteed to citizens irrespective of gender, ethnicity, or religion in 1996, 1992, and 1993 Constitutions of the state of Pakistan.

The non-Muslim citizens of the state were, however, deprived of this fundamental right as an apartheid mode of separate electorates was imposed on the nation by the military ruler, Gen. Zia-Huq, vide his presidential order 14 of 1985. The nation was deliberately divided on the basis of religion to disintegrate the democratic strength of its people. Resultantly the non-Muslim citizens were thrown out of the mainstream of national life and were thus marginalized and rendered second-class citizens.

The step taken by the military ruler was a serious departure from the democratic order and was totally against the blueprint spelled out for the state set up by Quaid-e-Azam, the Father of the Nation. The non-Muslim citizens have been consistently urging for the abolition of separate electorates and restoration of joint electorates.

The recent decision of the federal cabinet to provide two votes to non-Muslim citizens, one to be used for reserved seats and the other for general seats of the Assemblies, has generated an unnecessary debate in the political circles. It is neither doing out anything nor being gracious because though it stands in a mutilated form, this is what is the actual position of the 1993 constitution under Article 51(2) and Article 106(2). Though a belated step on the part of the government to interpret the constitution correctly, it is appreciable.

The Christian Community, therefore, welcomes the step of providing two votes under the present constitution to non-Muslim citizens but all the same does record its resentment for not providing full right to participate in the business of the state. The right of franchise is not only for



casting or giving a vote to one's repetitive in the legislature but also to receive votes for becoming people's representatives to transact the business for the state. Article 106 of the constitution not only provides the right to cast vote but also to contest an election for a seat of the Provincial Assembly which is considered to be a general seat, whereas Article 51 terms general seats of the National Assembly as 'Muslim' seats and thus deprives a non-Muslim citizen to contest the election. The government's decision is therefore tantamount to discrimination as it does not provide a full right of the franchise which is the essence of a democratic society.

The Christians therefore strongly urge the government and the opposition to join hands in the interest of a democratic order for removing all those discriminatory provisions relating to separate electorates in the constitution (incorporated by the military regime), electoral laws, and the Eighth constitutional amendment which provides blanket support to such legislation. The National Assembly was dissolved and the P.P.P Govt. was sacked on November 5, 1996, on the charges of corruption and extra-judicial killings by the President who did so while exercising his discretionary powers under Article 58 (2) b of the constitution of Pakistan. A caretaker government has been installed and general elections have been announced to be held on February 3, 1997. The P.P.P government during its period failed to avail the opportunity to express solidarity with the religious minorities of the State.

The issue of separate electorates is yet to be resolved by 1999. It is a national issue. The elections are at hand once again. The non-Muslim citizens again will be discriminated against in the electoral process and will be deprived of their right of franchise.

#### **4.4 Church Leaders Demand Constitutional Rights**

As the constitution of Pakistan guarantees equality of citizenship and opportunities. In this regard, several church leaders and civil society organizations conducted a series of activities. Regarding it, a press conference was organized by the National Affairs Committee of the National Council of Churches in Pakistan (NCCP). The business of the State is conducted by the elected representatives of the people in a democratic order. There is no classification amongst people of a state. Ever since the formation of Pakistan, this principle has been safeguarded by the constitution of 1952, 62, and 1973. It is also important to point out that Quaid-e-Azam assured the nation that religion shall have nothing to do with the business of the State. However, this principle was violated by Gen. Zia who effected amendments in the 1973 constitution in a ruthless manner and introduced a separate electorate for the people on the basis of religion vide presidential order 14 of 1985. This mode of the electorate has marginalized Non-Muslim Pakistan in their right of franchise and threw them out of the mainstream of national life in social and political fields (Sharif, 1996).

The last three elections were held under the mode of a separate electorate. This was done in gross violation of the constitution. Under the clause 2A of Article 51, the Non-Muslim citizens have been accorded reserved seats to be filled through a separate electorate as provided in clause 4A of 51. A separate electorate under the constitution is relevant only for National Assembly under clause (1) as those have been reserved for Muslims only but not on the basis of a separate

electorate. Likewise, the non-Muslim citizens have been provided reserved seats in each provincial assembly under clause 3 of Article 106 and those are to be filled through a separate electorate under clause (5). However, no embargo has been placed in clause (1) of this Article on Non-Muslim contesting the provincial assembly elections as the words “Muslim Seats” are not mentioned (ECP, 2002).

It would, however, be interesting to note that under clause 2 of Article 51 and clause 2 of Article 106 (Tahir Hussain, 2018) the qualification of voter has been mentioned and those are four – shall be a Pakistani, of not less than 21 Years, is registered voter and is not of unsound mind. There is no classification of religion in regard to a voter for both national and provincial assemblies. Therefore, non-Muslims Pakistanis are entitled to vote. On the contrary, last three elections were held against these clear provisions of the constitution.

It is heartening note that renowned human rights activist, a known progressive activist, lawyer by profession and Christian by faith, Ch. Naeem Shakir have waged a political and legal struggle against socio-political oppression against non-Muslim citizens. He fought for his constitutional right to contest elections as a Pakistani for the provincial assembly of Punjab.

The Church in Pakistan has constantly opposed the separate electorate as it has practically rendered the non-Muslims of Pakistan as second-rate citizens. They have been isolated in the business of the State. Merely to remain in the seat of power, Gen Zia disintegrated to dissension amongst and obscurantism. Religious intolerance has caused tremendous loss to the national life of the people.

The ideology of Pakistan was framed by Quaid-E-Azam which was later incorporated into the constitution and not by Gen. Zia-ul-Haq. Therefore, we reject the so-called ideology projected by the fundamentalists for their vested interest.

The Church leadership fully supports the historic candidature of Ch. Naeem Shakir on PP-126-Lahore, the general seat of the Punjab Assembly as it is a big breakthrough. It vindicates our position as a marginalized section of society. Our support for Naeem Shakir practically promotes the just cause of building a society free from sectarianism, obscurantism, and fundamentalism and is a bold step towards unites and strong Pakistan.

#### **4.5 Joint Electorate and Its Impact**

Till 2018, three general elections were being conducted on the basis that voters belonging to that religious minorities were satisfied after testifying to the system. Musharraf's regime had ever been trying to take its credit but the fact that it was formulated as a result of local moves and international scenario that every citizen should have an equal right to elect and be elected as a public representative.

Joint elections were so good and appealing to political workers to the extent that it was mutually agreed to continue and supported by PPP and PML in the charter of democracy in 2006. The national commission for justice and peace was leading the move for two whole years and was



aimed at eliminating religious discrimination from organs of state and rules. So, it is agreed upon it as a temporary solution and relief with a notion and aspiration to get equal rights for all citizens and amend the situation as much as can be.

If for instance, this notion gets some ideological acceptance by a non-political mindset, some take it as a sigh of relief and a delightful political career. Reserved seats for women have the same criteria as that of religious minorities and with somewhat the same posture but nobody has ever objected or even proposed to change the settings of the election process for women. A big concern emerged that 'how one can get assumed representation from an equal population of both the gender ratio, it would create more division between the two (Talib, 2021).'

In a broader sense, any such adventure would deteriorate the current political setup, need of the day is to empower democracy and practice democratic practices if it gets so much power and stability there would be no need of reserving seats for women or even religious minorities. There is no doubt, that Musharraf's Legal Framework Order (LFO) increased the political representation of women at all tiers and engaged the civil society actors to train the women about their electoral role and development models (Jabeen, 2021). However gradually the successive governments failed to improve it as per the true spirit as defined in statutes.

A separate electoral system not only put them on margin but also defamed them and one of the main points to escape from accountability is to discuss personalities instead of the responsibilities of legislators. Most of the time such debates aimed at concluding for positive and thematic result-oriented discussions get tilted to a blame game and mutual character assassination. This type of unhealthy and superfluous discussion has resulted in a huge setback to the development agenda/ policy. But nearly a reason of amusement to beholders (Mustafa, 2022).

Now we have come to the verge that we have to reanalyze the contemporary electoral, political and social setup and get all the stakeholders prepared in order to prove themselves to be a part of the team achieving goals of social equity and harmony. The prosperity of minorities and that of Pakistan are interrelated. In this case, some points should be kept in mind. (1) Joint electoral system revived the dignity and honor of voters belonging to religious minorities, so each and every suggestion or move to end up this will be undemocratic and illogical. In the meantime, the result seats, increase in their number, and representation in the upper house (Senate) would prove the basics of political representation. The time has come that we should focus on legal, legislative, and special reforms in the education system rather than limiting it to mere political representation. And economic and social justice should be our first and foremost objective. Employment and educational quotas should be implemented in letter and spirit. (2) Members of national and provincial assemblies have to work within their own mainstream political parties rather than establishing Tonga parties. This will prove themselves more effective in reforms in order to get equal rights for all. Political parties invoke the democratic process of conducting intra-party elections and nominate a candidate of religious minorities and women. This process of nomination should take place at least one year before the general elections. True democratic and real representation of people along with eliminating the use of black money and wealth earned by



corruption. (3) Elected members of labor, women, farmer, and religious minorities reserved seats to be elected via direct voting in local bodies elections at sub-district and district levels. A ballot paper can also be added in this regard. This can result in bringing real public representatives instead of blue-eyed ones of establishment, administration, and police (George, 2022).

In Punjab, there had been a system of buttering the bread from both sides by the dual voting system. It can give rise to eternal division in the political system on the basis of religion and its exploitation. The contemporary situation demands some more focused and vivid political thoughts and mindsets. Time has brought Pakistan in the right direction but now the situation has changed, now we have to become democratic in our decision and need to consider the model of right based society where every citizen has equal rights and standings.

## **5. Conclusion**

Religious minorities who live in Pakistan endure multiple problems that stem from legal structures and social practices and political structures and economic barriers which create extensive consequences for both affected groups and the general public. The nation exhibits religious diversity but minority groups encounter major social, legal and economic barriers which prevent their participation in the fundamental mainstream activities. This study demonstrates that these obstacles consist of diverse components which require an in-depth solution to overcome the institutional and legal and social obstacles that limit minority religious groups in their participation in Pakistan's progress.

Furthermore, to promote advocacy for the rights of religious minorities, the civil society organizations should collaborate with the grassroots movements. Such rights-based organizations operate within the public sphere to raise awareness and provide legal assistance to influence policy makers. Therefore, the legal assistance programs should be funded by state departments to raise awareness among general public along with religious minorities to comprehend the judicial systems and legal rights during the discriminatory practices faced by them. The enduring security stability and economic success of Pakistan depends on implementing these reforms because they specifically assist religious minority people. An inclusive environment helps every religious group through its alignment with national development while also contributing to social peace.

### **5.1 Recommendations**

- The program should also provide practical support structures to candidates from minority religious groups in order to help them in their electoral campaigns. Political candidates will access financial backing that includes voter outreach aids, campaign materials, and public relations instruction, which helps overcome both funding and organizational barriers.
- Independent electoral monitors must oversee the transparent electoral system at all times in order to protect religious minorities from biased political actions such as voting manipulation, misleading information and unauthorized control.
- All political bodies, candidate groups, and civil society organizations must implement special programs that focus on designing minority-specific campaign initiatives. Specific government

programs need development to safeguard minority rights, drive their economic prosperity, and provide solutions to their encountered issues.

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