**Lahore High Court’s decision**

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Lahore High Court’s recent decision ordering the government to make a policy teaching Holy Quran as mandatorily a separate subject in schools is deeply problematic not just in terms of judicial overreach but the Pandora’s box it opens. This has been done under Article 31 of the Constitution, which is a principle of policy. Principles of Policy unlike the Fundamental Rights cannot be enforced through a judicial process. Principles of Policy are subject to resources and government policy. Therefore the Lahore High Court’s decision is the worst example of judicial overreach yet. Anything is possible in this country.

Should the Holy Quran with translation be made accessible to the people of Pakistan? The answer is yes. This will help people to see the deep spiritual message of the Holy Book. However there are a multitude of problems with the mandatory teaching of scripture in school that are posed vis a vis minorities. So consider. Article 22(1) of the Constitution states very clearly that no person shall be forced to receive religious instruction in any religion than his or her own. So what provision would be made for minorities? Will Christians and Hindus be taught Holy Bible and Holy Geeta? If not will they be forced to receive instruction in Islam, which would be blatantly un Islamic. The alternative to Islamiyat is Civics but it has been the bane for the minorities. The Civics results are always poor and end up disadvantaging religious minorities. They end up taking Islamiyat anyways because there is no other viable choice. So inevitably they would be forced to study the Holy Quran.

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Suppose the Hindus and Christians agreed to do this, but what will happen to the Ahmadis? Ahmadis consider Holy Quran their scripture but the problem is that if they read the Holy Quran in a public setting they fall foul of Section 298-C of the Pakistan Penal Code. It is prohibited for Ahmadis to read the Holy Quran.

Suppose the alternative for Hindus and Christians is studying Holy Geeta and the Holy Bible, what shall be the alternative for Ahmadis? Will they be taught their own religious literature? Here is the problem: The Government of Punjab has proscribed Ahmadi religious literature. It is entirely possible that it will be proscribed in the rest of Pakistan. So essentially Ahmadis cannot study the Quran and there is no alternative either. Does any of this make any sense.

The root of the problem is that Pakistan is a theocratic state. There is a certain level of hypocrisy as well. Suppose if India were to make the teaching of Geeta mandatory, Pakistanis would be up in arms calling India a fascist state. Their answer to charge is that we are not a secular state. In others words minorities can go to hell because Pakistan is an Islamic Republic. However we will hold India to a different standard presumably because it is not a “Vedic Republic”. By making this argument we are saying essentially that a Muslim majority state is incapable of treating minorities equal citizens. The best religious minorities can expect in an Islamic Republic is Dhimmi status. This means that Muslims are real citizens of Pakistan and minorities are only here as our underlings and clients.

The greatest secular state in the world, United States of America, is lucky to have the Constitution it does, especially with its First Amendment. In School Dist. of Abington Tp. v. Schempp, 374 U.S. 203 (1963), the US Supreme Court held:

“Because of the prohibition of the First Amendment against the enactment by Congress of any law respecting an establishment of religion, which is made applicable to the States by the Fourteenth Amendment, no state law or school board may require that passages from the Bible be read or that the Lord&#39;s Prayer be recited in the public schools of a State at the beginning of each school day.”

It is not that Americans revere the Holy Bible any less than Pakistanis revere the Holy Quran. It is just Americans realize that imposing religion top down only denigrates the spiritual message of a faith. Any legislation regarding religion in public sphere is subject to the Lemon Test laid down by the US Supreme Court in Lemon v Kurtzman which provides for a three pronged test: The statute must have a secular legislative purpose. The principal or primary effect of the statute must neither advance nor inhibit religion. The statute must not result in an &quot;excessive government entanglement&quot; with religion.

This is of course impossible in a country like Pakistan where the abiding myth is that it was created in the name of religion. It is a myth and Pakistan was not created in the name of religion but that is a separate debate and you might want to revisit some of the earlier articles by this writer. The point is that our current status as a theocratic state, something that no honest person can deny, creates so many knots that we tie ourselves without any chance to untie these knots. It does not make us better Muslims but it ends up denigrating our great religion. We become the laughing stock of the world and bring bad name to Islam in addition to this hapless country of ours. If Islam needs saving, it does so from the Islamic Republic of Pakistan! We have only done irreparable damage to Islam. Islam never stood for an ecclesiastical state but we have transformed Pakistan into one by instrumentalising our great religion as a tool. This is because Mr. Jinnah’s successors were straw men. Whatever was left was done away by Bhutto and Zia ul Haq. The damage done is irreversible. How one wishes that Mr. Jinnah had never left the Congress Party and fought against Gandhi within. This is because the very idea Jinnah’s Pakistan is long dead. It died many small deaths. What we have left is a country of his enemies. Each successive government will be worse than the previous one as has been the case since the beginning. I just shudder to think what Pakistan’s fate will be in the end. As a Pakistani I fear the worst. This is a bottomless pit. Mr Jinnah once said that no power on earth can undo Pakistan. It seems that Pakistanis have taken that as a challenge i.e. to prove him wrong.