

## Legal Safeguards Against Mob Justice: An Analysis of Blasphemy Laws in Pakistan and International Human Rights Norms

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### Abstract

This research article aims to analyze the legal guarantees against mob justice, specifically in relation to blasphemy laws in Pakistan and international human rights standards. The study utilizes a qualitative research methodology by examining the constitutional guarantees against mob justice in Pakistan and the international human rights laws that prohibit vigilante actions. The Universal Declaration of Human Rights (1948) and the International Covenant on Civil and Political Rights (1966) are analyzed to understand the legal framework that prohibits mob justice and affirms individuals' rights to a fair trial. The study emphasizes the need to protect vulnerable groups, such as religious minorities, and examines how international human rights law can be used to combat mob justice. The research concludes that while Pakistan has a legal framework to prevent mob justice, gaps and challenges remain in implementing these laws. Therefore, greater awareness of legal rights and protections against mob violence and upholding the rule of law is needed to promote respect for human rights. The study suggests enforcing and

upholding legal safeguards against mob justice to protect individuals' rights and combat mob violence in Pakistan.

**Keywords:** Mob Justice, Blasphemy Laws, Life Safeguards, International Human Rights, Norms

### **Introduction**

The issue of mob justice is a global challenge that poses a threat to the judicial system, and Pakistan is no exception. Despite having ample legal provisions in place to deal with such incidents, the issue in Pakistan is more of an administrative and social one. The problem lies in the judicious adjudication and efficient implementation of legal provisions to combat mob justice. As a signatory to nearly all of the world's agreements and treaties on human rights, Pakistan is required to establish a legal system that is built on open adjudication and assures a fair trial for everyone. The Pakistan Criminal Code and special laws like the Anti-Terrorism Act have sections pertaining to mob justice, but their execution and shifting social norms pose a challenge to their effectiveness. The Constitution of Pakistan guarantees the right to a fair trial for all individuals and prohibits the denial of this right under any circumstances. However, the implementation of legal safeguards regarding mob justice remains a challenge in Pakistan. This article aims to examine the difficulties Pakistan's judicial system has faced in putting legal provisions into effect to prevent mob justice. Additionally, it looks at how international human rights laws can be used to prevent gang violence and defend weaker communities, particularly religious minorities. The research objective is to analyze the legal guarantees against mob justice in Pakistan and international human rights standards. The study seeks to identify the gaps and challenges in implementing these laws and recommends measures for their effective implementation. The research questions include how Pakistan's legal framework seeks to prevent mob justice, what international human rights laws prohibit such vigilante actions, and how they can be used to challenge and combat mob justice. This article is organized as follows. The next section discusses blasphemy laws in Pakistan and the Federal Sharia Court's ruling on Section 295 C of the Pakistan Penal Code. The following section explores

the constitutional guarantees against mob justice in Pakistan and international human rights laws that prohibit such vigilante actions. The study then delves into the legal framework that prohibits mob justice, as defined by the Universal Declaration of Human Rights (1948) and the International Covenant on Civil and Political Rights (1966). The subsequent section analyzes the ways in which international human rights law can be used to challenge and combat mob justice, with a particular focus on protecting vulnerable groups, such as religious minorities. Finally, the study concludes with recommendations for the efficient implementation of legal requirements and the promotion of respect for human rights in Pakistan.<sup>1</sup>

### **Review of Literature**

The issue of mob justice and its impact on the judicial system has been a topic of research and discussion in Pakistan. Several studies have focused on the legal provisions available in the judicial system to combat mob violence and ensure a fair trial. A study conducted by Kamran Adil and M. Tariq Khan (2017) analyzed the role of the judicial system in combating mob violence in Pakistan. The study highlighted the challenges faced by the judicial system in implementing legal safeguards against mob violence, including lack of resources and social awareness. The study recommended a comprehensive approach to combating mob violence, including raising awareness, providing training to judicial officials, and implementing legal provisions effectively. In another study, Shahzad Ahmed (2020) analyzed the role of blasphemy laws in mob violence in Pakistan. The study examined the impact of Section 295 C of the Pakistan Penal Code on religious minorities and highlighted the need to review and reform the blasphemy laws. The study recommended a more nuanced approach to blasphemy laws, one that considers the rights of religious minorities and ensures the protection of their lives and property. The Constitution of Pakistan guarantees the right to a fair trial, and the role of the judiciary in ensuring this right has been examined in several studies. A study conducted by Muhammad Azam Tarar and Muhammad Nasir (2018) analyzed the role of the judiciary in ensuring a fair trial for accused persons in Pakistan.<sup>2</sup> The study highlighted the challenges

faced by the judiciary in ensuring a fair trial, including lack of resources, corruption, and social pressure. The study recommended reforms in the judicial system to ensure an impartial and independent judiciary. International human rights laws and their role in combating mob violence have also been studied in Pakistan. A study conducted by Sarwat Malik (2019) analyzed the impact of the International Covenant on Civil and Political Rights on the legal framework of Pakistan. The study examined the challenges faced by Pakistan in implementing the Covenant and recommended reforms in the legal framework to align it with international human rights standards. The issue of mob justice and its impact on the judicial system has been studied extensively in Pakistan. The studies have highlighted the challenges faced by the judicial system in implementing legal safeguards against mob violence and ensuring a fair trial. The role of blasphemy laws, the Constitution of Pakistan, and international human rights laws in combating mob violence has been analyzed. The studies recommend a comprehensive approach to combating mob violence, including raising awareness, providing training to judicial officials, and implementing legal provisions effectively.

### **Research Methodology**

This research article utilizes a qualitative research methodology to analyze the legal provisions available in Pakistan's judicial system to combat mob violence and ensure a fair trial. The research is based on a review of literature and analysis of relevant legal provisions and international human rights laws. The literature review includes a comprehensive analysis of existing research on the issue of mob violence and its impact on the judicial system in Pakistan. The study includes an examination of relevant legal provisions, including the Pakistan Penal Code and the Anti-Terrorism Act. The study also examines the role of blasphemy laws and the Constitution of Pakistan in ensuring a fair trial. The cornerstone for evaluating international human rights laws is the assessment of relevant international agreements, such as the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights. The study examines Pakistan's challenges in putting these treaties into practice and offers reform ideas for the legal framework to bring

it into accordance with international human rights standards. The study also includes a discussion of the challenges faced by the judicial system in implementing legal safeguards against mob violence and ensuring a fair trial. The study recommends a comprehensive approach to combating mob violence, including raising awareness, providing training to judicial officials, and implementing legal provisions effectively. This research article utilizes a qualitative research methodology to analyze the legal provisions available in Pakistan's judicial system to combat mob violence and ensure a fair trial. The research is based on a review of literature and analysis of relevant legal provisions and international human rights laws. The study recommends a comprehensive approach to combating mob violence, including raising awareness, providing training to judicial officials, and implementing legal provisions effectively.

### **Pakistani Laws Against Blasphemy**

The PPC prohibits blaspheming with assault in the name of a religion and prescribes penalties that can range from a penalty to the death penalty. Blasphemy against every religion is prohibited, but it is typically only prohibited against Islam, which is regrettable because this behavior is wholly in opposition to the idea of equal rights and peace in Islam. Islam places a strong emphasis on minorities' rights. When someone is convicted of blasphemy, the defendant, police, attorneys, and courts face intimidation, assaults, and threats of violence. This charge sparks rioting and vigilante justice. It is regrettable that Islamic political groups have fiercely opposed changing the rules against blasphemy. Blasphemy rules are contained in several parts of Pakistan's Criminal Process Law. Damage to or desecration of a religious institution or a precious item is prohibited by Section 295. Outraging religious sentiment is prohibited by section 295-A. Defiling the Holy Quran is prohibited under Section 295-B. The Muhammad (SAW) cannot be disparaged, according Article 295-C. The provisions of Section 295 mandate that an offence must result from the accuser's purpose, with the exception of Section 295-C. The punishment for defiling the holy Quran is life in jail. Muhammad-bashing is punishable by death or by a financial

penalty. If a case is brought under section 295-C, a Muslim judge must preside over the trial in a session of the court. According to Section 298 of the Pakistani Penal Code, "Whoever intones any word or tends to make any sound in the listening of that individual or makes whatever gesture in their presence or places whatever object in their presence with the deliberate intent to wound their religious feelings is punishable by imprisonment of the other explanation for a period that can go up to one year, or with fine, as well as with both". A violation of Section 298-A consists of employing any disparaging remarks or portrayals of Muslim holy figures. The Ahmadiyya are forbidden by Articles 298-B and 298-C from acting like Muslims, identifying as Muslims, proselytizing, and in any other way upsetting the religious sentiments of Muslims. Every violation of Section 298 subjects the offender to a fine and a sentence of a maximum of three years in jail. Pakistani authorities accused 361 people of blasphemy offences between 1986 and 2007. Just 3% of the country's population are non-Muslims, who made up 50% of them. 20 of those accused of blasphemy in Pakistan were killed, but there has never been a legal execution for the crime. Yusuf Raza Gillani, the prime minister of Pakistan, reiterated on January 12 that the blasphemy law would not be changed. PPC 153 A (a) is the sole statute that could help stop the misuse of the Blasphemy Act. Anyone who "encourages or incites, or attempts to do so on the basis of belief, race, place of birth, place of residence, language, race, community, or any additional ground whatever, disharmony and also feelings of enmity, hostility, or ill-will between numerous religious, race-based, language, or region" is prohibited, according to the law.<sup>3</sup>

#### **Decision On Section 295 C PPC by The Federal Sharia Court**

Section 295-C PPC deals with blasphemy against Prophet Muhammad (SAW) and prescribes the death penalty as punishment. The Federal Sharia Court of Pakistan is a constitutional court that has jurisdiction to review and decide cases involving Islamic law. The decision on Section 295-C PPC by the Federal Sharia Court of Pakistan is significant because it relates to one of the most sensitive and controversial issues in Pakistani society - blasphemy.

The court's decision in such cases carries a lot of weight and can have far-reaching implications for individuals and communities.<sup>4</sup> The Federal Sharia Court has the power to review any law and determine whether it is repugnant to the injunctions of Islam. In 1990, the court declared that Section 295-C of the PPC was in conformity with the teachings of Islam, and therefore, valid. This decision was based on the court's interpretation of Islamic jurisprudence and its understanding of the Quran and Hadith. However, the implementation of this law has been highly controversial, with allegations of misuse and abuse by those seeking to settle personal scores or target members of minority communities. Many human rights organizations have criticized the law, arguing that it violates the right to freedom of expression and has been used to persecute minorities.<sup>5</sup> In recent years, the Federal Sharia Court has been asked to review the constitutionality of the blasphemy law in light of these concerns. However, the court has consistently upheld the validity of the law, arguing that it is necessary to protect the sanctity of Islam and prevent blasphemy. Critics of the court's decision argue that it is not based on sound legal reasoning or a proper understanding of human rights. They argue that the court's interpretation of Islamic law is too narrow and does not take into account the diverse interpretations of Islam.<sup>6</sup> The decision on Section 295-C PPC by the Federal Sharia Court is significant because it touches on sensitive issues of religion, human rights, and freedom of expression. While the court has upheld the validity of the law, it remains controversial and subject to ongoing debate and criticism.

### **Constitutional Guarantees**

There is no question after reading the examples of recent occurrences listed above that mob lynchings are depriving Pakistani residents of their constitutionally guaranteed fundamental rights. These forces don't care about the constitution, and their aim is to establish their dogmatic hegemony through any means necessary, regardless of whether those means are morally right. Articles granting access to basic rights are amply explained and supported by judgements made by Pakistani courts and certain glaring examples. The Islamic Republic of Pakistan's constitution's article 8 is taken

into consideration by PLD 1990 SC 95. Here, the Supreme Court outlined the benefits and goals of the law. The court ruled categorically that the application of a law determines its legitimacy. The essential rights guaranteed by the constitution's core framework must be well-protected by law. If a legislation violates a person's fundamental human rights, it could be struck down. Article 8 states that actions intended to discriminate shall be viewed as irrelevant if they oppose the protection of basic rights.<sup>7</sup> Article 9 of the Constitution of Pakistan provides protection to the life and liberty of every citizen. According to this article, no one may be robbed of their life or freedom unless it is done so legally. This means that unless there are legitimate legal grounds, the government is unable to take away someone's life or freedom. The phrase "in accordance with law" is significant as it indicates that there must be a legal process in place for the deprivation of life or liberty. This process must be fair and just, and must adhere to the principles of natural justice. Any deprivation of life or liberty must be done in a manner that is consistent with the rule of law, and must not be arbitrary or capricious.<sup>8</sup> Article 9 is an essential provision of the Constitution, as it provides fundamental protection to the life and liberty of every citizen. It ensures that no individual is subjected to arbitrary or unjustified deprivation of their life or liberty. The provision of this article serves as a safeguard against abuse of power by the state, and ensures that the rights of individuals are protected. In practical terms, Article 9 means that the state cannot take away the life or liberty of any individual without due process of law. This includes ensuring that individuals are given a fair trial, and that they have access to legal representation. It also means that any sentence of death or imprisonment must be in accordance with the law, and must not be imposed arbitrarily or unjustly. A major case interpreting article 9, guaranteeing individual security, went considerably more decisively in P L D 2007 Lahore 128 with regard to basic rights. The court upheld both life as well as freedom of a person are sacred and firmly prohibited anybody from taking another person's life or freedom, unless doing so is authorized by law. A guy whose life is in jeopardy can need legal counsel from someone who is harming him.

Law forbids authority figures or experts from seizing a native's chance, freedom, or life without a good reason. In Pakistan's history of protecting fundamental rights, this case represents a turning point. Any mob group that threatened people's fundamental rights was firmly prevented by the court.<sup>9</sup>

Fair trials were covered by Art. 10A of the constitution. While facing criminal charges or having their civil obligations and rights decided, an individual has the right to a fair trial and due process. Another commendable assessment is that PLD, 1986 Quetta 270, discussed in detail the impossibility and breadth of the scope of life protection. A live person cannot have their fundamental rights violated, even though they are imprisoned, while rights are being granted to the accused. In the brilliant work court, the right to self-preservation was guaranteed, which implies that he may seek legal counsel's management. State would provide him guidance if he couldn't afford it. The main point of the ruling is that one cannot be prevented from seeking justice even by arrest, detention, or jail.<sup>10</sup> The clauses of Pakistan's Constitution's Art. 25, which stipulates that all citizens have a right to equal protection under the law and are equal before the law. This means that no one should be treated differently under the law because of their ethnicity, religion, gender, or socioeconomic standing. The passage highlights that the rule of justice and equality before the law is upheld by the Constitution and the courts. It mentions a court judgement, PLDI993 SC 34I, which underlined the significance of Art. 25 and the rule of law equality. According to the ruling in the case, everyone has the basic right to equal protection under the law and equality before the law. It underlined the need of equal treatment under the law for everyone and the rejection of discrimination.<sup>11</sup> emphasizes the importance of Art. 25 in maintaining the values of justice and equal protection of the law throughout Pakistan. It highlights the importance of treating all individuals equally, without any discrimination or bias, and ensuring that justice is delivered in a fair and impartial manner.

### **International Human Rights Law and Mob Justice**

The safeguarding of fundamental liberties and rights of people everywhere, such as the right to life, property, and security of person, is a focus of

international human rights legislation. All people are entitled to these rights, irrespective of race, gender, faith, or nationality. Contrarily, mob justice is a type of vigilante justice in which a group of individuals decide to take the law into their own hands and use violence against a person or group of persons they perceive to have committed a crime or other infraction. The ideals of the legal system and human rights are violated by mob justice, which is illegal.

Mob justice is among the many types of vigilante justice that are prohibited by international human rights legislation. The right to a fair trial and the assumption of innocent until proven guilty, which are essential elements of the rule of law, are recognized by the UN's Universal Declaration of Human Rights (UDHR). Individuals' right to a fair trial is violated by mob justice, which also subjects them to assault and abuse. Furthermore, mob justice often targets marginalized groups such as ethnic and religious minorities, women, and LGBTQ+ individuals. This type of violence can exacerbate existing social inequalities and discrimination, leading to further violations of human rights. Furthermore, international human rights law and mob justice are fundamentally incompatible. Upholding the principles of human rights and the rule of law requires the protection of individuals from all forms of violence, including mob justice.<sup>12</sup>

### **The Universal Declaration of Human Rights (1948)**

The UN GA passed the UDHR, a landmark instrument, in 1948. It outlines a wide range of civil, social, financial, cultural, and fundamental freedoms that are thought to be essential to upholding each person's dignity and value. The UDHR has influenced worldwide human rights legislation and policy, particularly the topic of mob justice. All people are entitled to certain fundamental freedoms and rights under the UDHR, such as the right to a fair trial as well as the restriction of arbitrary arrest, detention, or penalty. Article 10 of the UDHR states that " Each person is equally entitled to a fair as well as public hearing by a tribunal that is independent and impartial in determining his or her freedoms and responsibilities and the validity of any criminal charges brought against them". The UDHR's ideals of equality, justice, and dignity for all individuals are violated by mob justice, which

entails punishing people without following the law. It often targets marginalized and vulnerable groups, perpetuating existing social inequalities and exacerbating conflicts. To prevent and address mob justice, the UDHR emphasizes the need for a fair and impartial justice system that upholds the rights and freedoms of all individuals. This includes providing access to justice for all individuals, ensuring that law enforcement officials are properly trained and equipped to handle cases, and establishing accountability mechanisms to hold perpetrators of mob justice accountable. The UDHR urges the safeguarding of human rights via education and awareness-raising in addition to advocating for an impartial and fair legal system. This involves supporting the activities of civil society organizations and defenders of human rights as well as advancing human rights awareness and education in schools, institutions, and communities. The UDHR offers a thorough foundation for advancing and defending human rights, such as the right to a fair trial as well as the restriction of arbitrary arrest, detention, or penalty. In order to safeguard the principles of fairness, justice, including respect for human dignity that are established in the UDHR, states, civil society organizations, and individuals must collaborate to avoid and remedy mob justice.<sup>13</sup>

#### **The International Covenant on Civil and Political Rights (1966)**

A significant international human rights instrument that was accepted by the UN GA in 1966 is the International Covenant on Civil and Political Rights (ICCPR). The ICCPR aims to uphold and defend civil and political rights worldwide, such as the right to a fair trial as well as the outlawing of mob justice or extrajudicial punishment. Each person has the right, as guaranteed by the ICCPR, to be free from torture and other forms of cruel, inhuman, as well as degrading punishment or treatment. The Covenant also affirms the assumption of innocence unless proven guilty and the right to a fair and public trial by an impartial and independent judiciary.<sup>14</sup> Moreover, the ICCPR prohibits arbitrary arrest or detention and emphasizes the need for due process of law. This means that individuals should be arrested and detained only for a legitimate reason and in accordance with the law. They should also be informed of the charges against them and given a fair

opportunity to defend themselves in a court of law. The practice of mob justice, which involves punishing individuals without due process of law, is in violation of the ICCPR. It undermines the principles of fairness, justice, and respect for human dignity that are enshrined in the Covenant. Mob justice often targets marginalized and vulnerable groups, exacerbating existing inequalities and perpetuating a cycle of violence. To prevent and address mob justice, states that are party to the ICCPR are obligated to take measures to strengthen their justice systems and ensure that justice is delivered fairly and impartially. This includes providing access to justice for all individuals, ensuring that law enforcement officials are properly trained and equipped to handle cases, and establishing accountability mechanisms to hold perpetrators of mob justice accountable.<sup>15</sup> The ICCPR provides an important framework for promoting and protecting civil and political rights, including the right to a fair trial and the prohibition of extrajudicial punishment or mob justice. States that are party to the Covenant are obligated to take measures to prevent and address mob justice, in order to uphold the principles of fairness, justice, and respect for human dignity.

### **Conclusion**

In conclusion, mob violence remains a challenge for the judicial system in Pakistan, but there are ample legal provisions in place to address the issue. The main challenge lies in the judicious adjudication and efficient implementation of these legal provisions. The legal provisions available in Pakistan range from a common penal law, such as the Pakistan Penal Code, to the special law like the Anti-Terrorism Act. The Constitution of Pakistan guarantees the right to a fair trial for all citizens and provides a strong voice in favor of fair trial negating mob justice. However, the issue of mob violence is not only a legal problem, but also an administrative and social issue. This research article utilized a qualitative research methodology to analyze the legal provisions available in Pakistan's judicial system to combat mob violence and ensure a fair trial. The research was based on a review of literature and analysis of relevant legal provisions and international human rights laws. The study recommended a comprehensive approach to combating mob violence,

including raising awareness, providing training to judicial officials, and implementing legal provisions effectively. The study also highlighted the importance of implementing international human rights standards and aligning Pakistan's legal framework with these standards. The study recommends reforms in the legal framework to ensure the efficient implementation of legal provisions and the protection of the right to a fair trial. The challenge of mob violence requires a holistic approach, including effective legal provisions, efficient implementation, and a change in social behavior. The study provides valuable insights and recommendations to address this issue and ensure the protection of human rights in Pakistan. It is hoped that the findings of this research article will contribute to the development of policies and strategies aimed at reducing mob violence and ensuring a fair trial for all citizens in Pakistan.

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