

DAWN

In violation of the Constitution

A.H. NAYYAR — AUG 13, 2013

IN the eyes of Pakistan's Constitution, all Pakistanis are equal citizens and everyone has a right to follow their respective faith.

By requiring that non-Muslim children be taught Islamic religious principles in public schools, however, our educational authorities are violating the constitutional rights of religious minorities. They may also be placing the lives of non-Muslim students in danger.

As part of a study on the current state of the national curriculum and school textbooks, I have looked at the books in use in public schools for the subjects of General Knowledge, Urdu, Social Studies and English in classes 1 to 10. While a longer report is to be published by the Jinnah Institute, here I focus on one aspect of the report's findings.

The new school textbooks for the current academic year in all four provinces are in violation of Article 22(1) of the Constitution.

This article states: "No person attending any educational institution shall be required to receive religious instructions, or take part in any religious ceremony, or attend religious worship, if such instruction, ceremony or worship relates to a religion other than his own."

It is alarming that those managing the state of affairs of education are oblivious to this constitutional safeguard. The new school textbooks assigned for classes I-II for the subject General Knowledge require all children, Muslims and non-Muslims alike, to memorise the Kalimah Tayyabah and its translation.

The children must recite the Darood, learn the prayers for starting and ending Ramazan fasts, learn to say Bismillah-ir Rehman-ir Raheem before starting a meal and Alhamdo Lillahi Rabbil Aalameen after finishing, learn the names and timings of the five daily prayers in Islam, learn and write about Seerat-un-Nabi, and know

when to say Islamic salutations such as Jazakallah, Subhanallah, Yarhamukallah, etc.

No student is exempt from this requirement, whether or not the child is from a Muslim family.

Among the children who must recite the Kalimah Tayyabah are those with Ahmadi parents. As the law stands, an Ahmadi reciting the Kalimah can be charged with a criminal offence.

Hundreds, if not thousands, have been arrested and charged for this crime as well as for displaying the Kalimah outside their houses, on cars and motorcycles, and for wearing badges bearing it.

Even for non-Ahmadi minorities, there is a problem. An essential part of conversion to the Islamic faith is reciting the Kalimah Tayyabah. It is quite possible to find amongst us many who would believe that anyone who has recited the Kalimah has in fact converted to Islam.

What if a non-Muslim child follows the textbook and recites it? Would it be assumed that the child has converted to Islam? Upon returning home to his parents, the child would presumably continue adhering to his or her original faith, theoretically making the child a murtad (apostate). As is well-known, under certain interpretations of Islamic law, the punishment for apostasy is death.

Some may argue that mere recitation of the Kalimah is not enough — the person converting should believe in it also. But on the other hand, our history is replete with instances of an overpowered infidel's life being spared for reciting the Kalimah under duress.

The 18th constitutional amendment authorised each province to design educational curricula for use within that province. Over the last two years, the provinces have adopted the national curriculum of 2006 and have invited private publishers to submit textbooks following this curriculum.

One book of each subject is required to be selected in this competition as the sole textbook for the entire province and is then distributed free of cost among students.

Whereas Islamiyat has always been a compulsory subject for Muslim students, today non-Muslim and Muslim students both are being forced to learn religious topics in other subjects such as Urdu, Social Studies, and English.

The national curriculum of 2006, for example, requires that all Urdu textbooks of grades I to VIII “should also include two stories, one with an Islamic touch, be it in relation to a personality or an event, and the other should be about an eminent Pakistani personality or a shaheed”.

Thus, in addition to starting with a hamd and a na’at, every Urdu textbook now contains more than one lesson “with an Islamic touch”. A Class 3 textbook that I examined, currently being taught in Punjab schools, has five such lessons: (a) ‘Rahmat-i-Alam (Sallallaho Alaihi wa Aalehi wa Sallam)’, (b) ‘Hazrat Khadijat-ul-Kubra (Raziallah o Ta’ala Anha)’, (c) ‘Jashn-i-Milad-un-Nabi (Sallallaho Alaihi wa Aalehi wa Sallam)’, (d) ‘Waade ki Pabandi’ (a story from Seerat-un-Nabi Sallallaho Alaihi wa Aalehi wa Sallam), and (e) ‘Masjid ki Taazeem’.

Similarly the new Class IV Urdu book in Khyber Pakhtunkhwa has the following lessons: (a) ‘Ikhlāq-i-Rasool, Ahd ki Pabandi’, (b) ‘Hazrat Ayesha Siddiqua’ (Raziallah o Ta’ala Anha); (c) ‘Sacchi Dosti (about Hazrat Abu Bakr Siddique Raziallah o Ta’ala Anhu)’, (d) ‘Hazrat Fatima (Raziallah o Ta’ala Anha)’, (e) ‘Imam Abu Hanifa (Rehmatullah Alaih)’.

I could give examples from English language textbooks as well. Like the Urdu ones, they too are compulsory for students of all faiths but have content that rightly belongs to an Islamiyat textbook.

The new national curriculum was part of a larger set of education reforms intended to correct the problems of ideology, bias, prejudice and bigotry in the previous school curriculum and textbooks. It is clear that an opportunity has been missed.

If the education system cannot reform itself, others must step in. In this era of judicial activism, will the courts take notice of a flagrant violation of the Constitution, the very document which they have sworn to protect?

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