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PAKISTAN: ‘No minimum age for conversion in Islam’, Lahore High Court says

‘No minimum age for conversion in Islam’, Lahore High Court says

By Ahmed Saeed

VoicePK (27.09.2021) – <https://bit.ly/3idzjXq> – The Lahore High Court (LHC) has rejected a petition filed by a Christian man, Gulzar Masih, seeking recovery and custody of his reportedly underage daughter, Chashmaan Masih, who was allegedly forcibly converted to Islam and then married to an

older Muslim man.

Justice Tariq Nadeem, while dismissing the petition, observed that there is no minimum age of conversion in Islam and that Hazrat Ali embraced Islam at the age of 10. The court also observed that Chashmaan is 17 years old and therefore legally eligible to change her religion. Furthermore, she also recorded a statement under section 164 of the Criminal Procedure Code (Cr.P.C.) before a magistrate in Faisalabad that she had converted out of her free will.

However, Masih's lawyer apprised the LHC that the Faisalabad court recorded her statement without sending summons to the girl's father.

"The high court cannot undertake factual inquiry while exercising jurisdiction under Article 199 of the Constitution. In as much as the question as to whether a conversion is tainted or otherwise cannot be determined without recording the evidence," the order said.

Chashmaan's father has repeatedly claimed that she is just 13 years and nine months old, and has produced legal documents including her birth certificate and NADRA's (National Database and Registration Authority) B-form to ascertain his claims.

To determine the age of the girl, the court relied only on the FIR (First Information Report) which mentioned the age of the victim as 17 years. According to Masih, he is illiterate and his FIR application was written by a police official who deliberately mentioned the wrong age of the girl.

The court also ignored the fact that Gulzar Masih had moved many applications before senior police officials to rectify the age of his daughter in police records including the FIR.

Background

According to details of the case, Chashmaan was kidnapped from

her school by unidentified individuals on July 27, 2021. When Gulzar lodged an FIR with the police, he was forwarded a video of Chashmaan “converting” to Islam and a snap of a nikkahnama with a Muslim man who went by the name of Usman on his WhatsApp number.

Chashman’s age on the marriage certificate is 19 years, whereas per the child marriage restraint act the minimum marriageable age in Punjab is 16 years for girls and 18 years for boys.

Masih is a rickshaw driver and has no means to fight legal battles in courts. However, he said that he will challenge the LHC’s decision in the apex court and will try to get his daughter back home.

“Chashmaan’s mother is mentally unstable and her condition has deteriorated since she knew about the incident. She goes into fits, tossing pans and tearing her clothes. She keeps begging me to bring back Chashmaan,” he told *Voicepk.net*.

Govt warned against criminalising forced conversions

Incidents of forced conversion of Hindu and Christian girls in Pakistan have increased in recent years. To address this, the Ministry of Human Rights recently presented a draft bill criminalizing forced conversions and setting a minimum age for conversion.

However, the bill has been rejected by the Ministry of Religious Affairs and the Council of Islamic Ideology (CII) for not being in line with Shariah.

The CII has warned the government against passing any such laws as it will result in chaos and anarchy in the country.

According to Qibla Ayaz, Chair of the CII, such incidents have nothing to do with religion rather they stem from social factors, and that girls tend to convert to Islam in order to

marry of their choice.

In this regard, Christian activist Lala Robin says that forced conversion is sadly a reality, and that it is not possible to solve a problem without acknowledging it exists first.

Photo : Lahore High Court

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