JUDGMENT SHEET

ISLAMABAD HIGH COURT, ISLAMABAD

JUDICIAL DEPARTMENT

Writ Petition No.91 of 2022

Center for Rule of Law Islamabad Pakistan and another

Versus

Federation of Pakistan and others

Petitioners by:	Mr. Muhammad Majid Bashir, Advocate.
Respondents by:	Mian Muhammad Faisal Irfan, DAG along with Tariq Mehmood, S.O, M/o Religious Affairs.
Date of Decision:	**11.11.2025.**

INAAM AMEEN MINHAS, J.- Through the instant writ petition, the petitioners have prayed for following relief:-

> *"In view of the above mentioned, it is most respectfully and humbly prayed that that the Instant Writ Petition may kindly be accepted.*
>
> 1. *It is further prayed that all Respondents are directed to issue an official circular to all Federal and provincial Ministries and other Governmental & semi-governmental departments wherein it is stated that such advertisements where ethnicity or religion is stated as a criterion for a job are banned.*
> 2. *It is further prayed that Institutions and organizations in the private sector of Pakistan are also directed through their concerned Government department or Regulatory Authority, to refrain from publishing such discriminatory and derogatory advertisements on any media outlets.*
> 3. *Moreover, it is also humbly prayed that Respondent No. 5 is directed to make new legislation or amend the already existing provisions regarding protection of rights of the minorities.*
> 4. *It is also prayed that all the Respondents are directed to take strict action against any Government or private institute who publish such discriminatory and derogatory*

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advertisements in the Newspaper or any other media outlet."

2. The brief facts are that petitioner No.1/Center for Rule of Law Islamabad **("CROLI")** is an independent, non-governmental, non-profit, non-political and non-sectarian (non-religious) society for all Pakistanis along with international members and associations and its mission is a peaceful, progressive and prosperous Pakistan that offers equal opportunities to all its citizens. Petitioner No.2/Pakistan United Christian Movement **("PUCM")** is a political party registered with Election Commission of Pakistan representing Christian Community of Pakistan. The petitioners are aggrieved of the derogatory and discriminatory advertisements published in the newspapers all over Pakistan for job vacancies for the position of sweepers/sanitary workers. The petitioners vide letter dated 23.08.2021 requested respondent No.2/Ministry of Human Rights for issuance of a circular to all Federal and Provincial Ministries and other Government departments as well as the private sectors not to issue such advertisements. Respondent No.2/Ministry of Human Rights was also requested to ensure that these advertisements are replaced with the advertisements specifying that the job vacancy for the position of sweeper or sanitary worker is open for all Pakistanis rather than just for Christians and in future advertisements regarding similar jobs may be advertised without specifying any ethnicity, religion, minority or community. The said letter was not responded to by respondent No.2/Ministry of Human Rights, which necessitated filing of the instant writ petition.

3. The learned counsel for the petitioners contended that the respondents' persistent failure to curb discriminatory advertisements restricting sweeper or sanitary worker posts to "Christians" is patently unlawful and in violation of Articles 25(1) and 27 of the Constitution, which guarantee equality before law and prohibit discrimination in public employment. It was urged that such advertisements wrongfully stereotype the Christian community as confined to sanitation work, thereby impairing their dignity, undermining equal access to employment and disproportionately affecting religious minorities, including Christian and Hindu citizens. The learned counsel further submitted that this practice offends the Islamic principles of equality embodied in Article 31 of

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the Constitution and stands inconsistent with Pakistan's international obligations relating to the protection of minority rights.

4. The learned Deputy Attorney General has not controverted the arguments of the learned counsel for the petitioners.

5. I have given anxious consideration to the arguments of the learned counsel for the parties and gone through the record.

6. Perusal of the record reveals that this writ petition was admitted on 12.01.2022 and notices were duly issued to the respondents, who thereafter filed their comments and, in substance, admitted the petitioners' stance. The material placed before this Court, comprising multiple advertisements published in various newspapers for the recruitment of sweepers and sanitary workers, unequivocally demonstrates that eligibility for such posts was confined to people of a particular religion. Phrases such as *"the candidate must be Christian"*, "*preference shall be given to Christians*" and "*only candidates from the Christian community may apply*" are inherently discriminatory and offend the Constitutional guarantees enshrined in Articles 36 and 25 of the Constitution, which ensure equality, protection of minorities and non-discrimination. This Court observes that this discriminatory practice not only violates the fundamental rights of the minorities but it also reinforces negative stereotypes and prejudices against them, which can lead not only to further marginalization and discrimination but also affect their dignity. The advertisement of public posts on the basis of religion is degrading since it unfairly singles out a segment of society solely on the basis of religious identity and violates human dignity. This view has been affirmed by the Honourable Supreme of Pakistan in the case of ***Mubarak Ali Babar vs. Punjab Public Service Commission & others, (2023 SCMR 518)*** as under:-

> *"Amongst fundamental rights, the right to dignity stands at the top, like a jewel in the crown of fundamental rights. This unique place is because the right to dignity is an absolute right, is non-negotiable and is not subject to any law. Therefore, the minimum right to dignity of the minorities and PWDs is that they ought to be considered equally with the rest of the majority of Muslims and the majority of persons with fuller abilities. Under the Constitution there is*

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no distinction and therefore, these fundamental rights are fully available to the minorities and PWDs in the country as they are available to all other citizens of Pakistan……."If society is intolerant, embarrassed, exclusionary, its own imaginative heart is being restricted. Its capacity for human empathy is being denied. Exclusion damages the way we understand and characterize the world we live in. Inclusion enhances our humanity."

7. Quaid-e-Azam, Muhammad Ali Jinnah repeatedly affirmed that as a foundational principle of Pakistan, rights of all minorities shall be safeguarded and all citizens of Pakistan are equal and have equal rights irrespective of their religion, colour, caste or creed. He assured and asserted that "minorities to whichever community they may belong, will be safeguarded. Their religion or faith or belief will be secure. There will be no interference of any kind with their freedom of worship. They will have their protection with regard to their religion, faith, their life, their culture. They will be, in all respects, the citizens of Pakistan without any distinction of caste or creed". At the time of the inception of Pakistan, while asserting the above said principle as the first President of the Constituent Assembly of Pakistan, Quaid-e-Azam unequivocally stated that "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 religion or caste or creed - that has nothing to do with the business of the State ... we are starting with this fundamental principle that we are all citizens and equal citizens of one State". He was conscious of the fact that equal treatment of minorities was not only important for the prosperity and growth of Pakistan, it was a duty cast upon all Muslims by Islam as "the tenets of Islam enjoin on every Musalman to give protection to his neighbours and to the minorities regardless of caste and creed ... in Islam there is no difference between man and man. The qualities of equality, liberty and fraternity are the fundamental principles of Islam"……

8. ……We have noted with concern that according to the fact finding report titled "Unequal Citizens, Ending Systemic Discrimination against Minorities" ("Report") published in May, 2022 by the National Commission of Human Rights ("NCHR") established under the National Commission for Human Rights Act, 2012 with the mandate to promote and protect human rights as provided for in the Constitution and the various international instruments to which Pakistan is a State party or shall become a State party, advertisements published in major newspapers all over the country show that religious minorities have been recruited exclusively for

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> *sanitary work. The Report shows that in the advertisements, under eligibility requirements, there is often a clause that states 'Only Non-Muslims Apply.' Such discriminatory advertisements and employment selection process limiting the job quota only for low level posts is offensive to the constitutional values, the fundamental rights of the minorities and the notification mentioned above. The Report recommends ending discrimination against minorities in the employment quota, ending the practice of publishing discriminatory advertisements and ensuring public transparency in the number of minority posts filled across each level of the government. We fully support the said recommendations of the NCHR in the Report and accordingly direct that the respective governments shall ensure that the employment quota of the minorities is maintained at all levels and to strictly avoid discriminatory and demeaning advertisements flouting the dignity and self-respect of the minorities."*

7. It must be underscored that neither the Constitution nor any law permits any authority, institution or individual to predicate appointments to the posts of sanitary workers or sweepers on religious affiliation. Since such practice infringes upon fundamental rights and results in humiliation, exclusion and deprivation within the targeted community, contrary to the Constitution's commitment to dignity and equality. Consequently, any appointment process grounded in religious identity stands condemned and cannot be upheld. Human dignity and equality before law are inviolable Constitutional guarantees. Any recruitment policy or advertisement prescribing eligibility criteria linked to a particular faith or community is plainly illegal, unconstitutional and devoid of lawful justification.

8. The recurrence of such advertisements across multiple public departments indicates that discriminatory recruitment practices are not isolated administrative errors but a manifestation of outdated and unconstitutional norms. This case illustrates the broader systemic deficiency requiring institutional response. In comparable matters, the superior Courts have directed executive authorities to review and reform administrative structures to prevent recurring violation of fundamental rights. A similar approach is warranted in the present case to ensure that all public employment

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policies adhere to Constitutional commands and reflect the dignity, equality and respect owed to every citizen, irrespective of religious affiliation.

9. In view of the above discussion, the instant writ petition is **allowed**. All the respondents are directed to issue appropriate directions, notifications or office orders to their subordinate departments and organizations to ensure that in the future, no recruitment advertisement or appointment policy for sweepers or sanitary workers shall be based on religion, ethnicity, or community and that no segment of society is singled out for such posts on religious grounds. Respondents No. 4/Ministry of Minorities and 6/Ministry of Inter Provincial Coordination shall further coordinate with the Chief Secretaries of all provinces to strictly prevent the publication of discriminatory advertisements. Private sector institutions and organizations shall likewise be restrained from issuing any such discriminatory and derogatory advertisements henceforth. Respondent No. 5/Ministry of Law is additionally directed to initiate the process of framing new legislation or amending existing law to safeguard and strengthen the rights, dignity and equal treatment of minority communities in accordance with the Constitution.

10. To secure effective implementation of this judgment, all the respondents shall file a detailed compliance report before the Deputy Registrar (Judicial) within thirty days, confirming the measures taken in pursuance of the directions issued herein.

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(INAAM AMEEN MINHAS)
JUDGE

APPROVED FOR REPORTING.

R.Anjam/Yahya Niazi, J.L.C