

'Access Denied': Why are Minorities' Sites of Worship Being Closed?



Field investigation report



Human Rights Commission of Pakistan

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Abbreviations

AC	Assistant Commissioner
APWA	All Pakistan Women's Association
DC	Deputy Commissioner
DPO	District Police Officer
ETPB	Evacuee Trust Property Board
FORB	freedom of religion or belief
HRCP	Human Rights Commission of Pakistan
NIFWG	National Interfaith Working Group
NOC	no-objection certificate
SHO	station house officer

Introduction

The Human Rights Commission of Pakistan (HRCP) organised a fact-finding mission during August to October 2019 in Quetta, Zhob, Islamabad, Peshawar, Lahore, and Toba Tek Singh to assess why religious minorities' sites of worship or places of religious significance had been closed, making them inaccessible to the community. The mission was led by HRCP staff in Quetta, Lahore, Karachi. The teams visited several localities with a concentration of Christian and Hindu residents and interacted with citizens and community representatives.

According to the Pakistan Bureau of Statistics the population of religious minorities is 3.7 percent of the total population of Pakistan of which 1.5 percent are Christians, 0.22 percent are Ahmadis, 1.6 percent are Hindus and 0.07 percent are people following other various faiths and beliefs.¹ The overall population of religious minorities appears to have decreased significantly since the creation of Pakistan. The decline in the number of the non-Muslim population can be attributed to several factors including migration by large swathes of various religious minority groups to other countries over the years because of various reasons including targeted attacks against them, systemic discrimination and in search of better economic opportunities.

There are thousands of places of worship of the various religious minority communities in the country most of which have either been shut down completely or remain closed pending the outcomes of the issues because of which they have been shut down. HRCP undertook this investigation to try and find out why places of religious significance and worship of religious minority communities have been closed, by looking at the examples of some such sites identified by HRCP with assistance from the National Interfaith Working Group (NIFWG) in different parts of the country. The NIFWG is a forum formed by HRCP in 2018 that has members from ten different minority groups from across the country. The group assists HRCP in its work on matters pertaining to freedom of religion or belief (FORB).

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<http://www.pbs.gov.pk/sites/default/files//tables/POPULATION%20BY%20RELIGION.pdf>

The places of religious significance and worship of religious minority communities are overseen and managed by the provincial and federal ministries of religious affairs through their Auqaf departments in some cases and in most of the instances, it is the Evacuee Trust Property Board (ETPB) that manages such properties and sites. The ETPB was established in 1960 with to look after the evacuee trust properties / land left over by the Sikhs and Hindus who migrated to India during partition in 1947/48. It functions under the Act (Management and Disposal) No. XIII of 1975 for management and disposal of ET property / land.

The main objectives of the ETPB are to supervise and control all evacuee trust land / property attached to the charitable, religious or educational trusts or institutions or any properties which form part of the 'Trust Pool' lease out agricultural land, rent out ET property, demolish illegal construction and retrieve ET land / property from illegal possession.² There is a general sense of confusion among the different religious minority communities with regards to which government authorities are in actual control of their places of worship. This confusion becomes evident when they approach the government authorities they believe to be relevant like the Auqaf department only to be referred to take up their issues with the ETPB who might refer them back to Auqaf. ETPB primarily deals with Sikh *gurdwaras* and Hindu *mandirs* (temples).

During the course of this effort, it became evident to HRCF that the relevant Auqaf and ETPB authorities are not very forthcoming with sharing data about places of worship. HRCF reached out to Mr. Ramesh Kumar Vankwani who is currently a Member of the National Assembly of Pakistan. Mr. Vankwani has been working on the issues of the places of worship of religious minorities and has been collecting relevant data in this regard. According to the data available with Mr. Vankwani, there are close to 600 gurdwaras and 1,300 mandirs in the country. Most of these sites remain closed for various reasons. HRCF could not verify this data independently owing to the reluctance of the relevant authorities in sharing verified data.

HRCF identified several places of religious significance and worship of religious minority communities in different parts of the country that have been shut down to try and understand the various reasons for their closure. HRCF's chapter offices in Quetta, Peshawar, Islamabad and HRCF's Head

² <https://www.etpb.gov.pk/about-etpb/>

Office in Lahore visited these sites (HRCP's team from the Head Office also visited a site in Toba Tek Singh) and met the local communities to try and understand the problems they face because of the closure of their places of worship. HRCP's teams also met with the local majority Muslim populations, wherever possible, to try and record their perspectives on the matter. HRCP's teams also tried to meet with the local administration and government officials to not only highlight the issue of the closure of the sites in their areas with them but to also find out if they might have been making any efforts to resolve the issues for the minority communities. In most cases, the local administration and government officials refused to meet with HRCP's teams. The report includes versions of officials wherever they met HRCP's teams.

HRCP has been able to identify three major instances of the circumstances in which places of religious worship of religious minority communities are closed, which are as follows:

- Pressure from the Muslim majority inhabitants of the local area.
- The government taking over religious sites and converting them for use for other purposes such as building schools etc.
- Internal differences between religious minority communities leading to laying claims to religious sites.

The following sections of the report contain examples of these instances in detail.

Punjab

Lahore

HRCP was informed about a place of worship of the Ahmadiyya community in Lahore that has been shut down by the police and the Ahmadi community has been stopped from observing their religious activities in its premises. HRCP's fact-finding team visited the place and met with the local Muslim community of the area. HRCP's mission also met with members of the local Ahmadi community in the area and spoke to them about the closure of their place of worship.

Ahmadi Community

On the request of the members of the Ahmadi community that met the mission, their names and the names of the place of worship and the area in Lahore in which it is located cannot be mentioned because of security risks. According to the members of the Ahmadi community who met the mission said the worship place had been used by them since 2005 and it was closed by the police in 2019, citing pressure from the local Muslim community.

The worship place is located in a building that is adjacent to a factory which was previously owned by a member of the Ahmadi community. The building has two portions. The upper portion was designated for worship purposes. The Ahmadi workers of the factory and other Ahmadis of the locality used to visit the building to practice their religious obligations. In 2015, the owner sold the factory but did not sell the building he had specified for worship purposes. He transferred its ownership and possession to the “Anjuman-i-Ahmadiyya” as a result of which it continued to be visited by local Ahmadis who used to offer prayers and perform other religious rituals there.

In July 2019, some local Muslims in the area raised objections over the use of the site for religious activities by the Ahmadi community. Local Muslim religious leaders played a vital role in convincing the other Muslim residents that the Ahmadis should not be allowed to run a worship place in their area. They started a campaign and began to develop pressure on the local authorities, especially the police to close the worship place. The police surrendered to the pressure and shut down the site, depriving the local Ahmadi community of their fundamental right to practice and observe their religious activities at their place of worship.

After the closure of the site, local representatives of the Ahmadi community met with police officials to request them to allow for the site to be reopened but the police refused to do so citing security concerns. The police also claimed that they did not have a no-objection certificate (NOC) for the site. According to the police, the site has not been registered as a place of worship and that it cannot be allowed to be used for worship purposes. The members of the Ahmadi community who met the mission told them that when they asked the police about the law under which they could register their place of worship, the police did not respond. They complained against the alleged unfair attitude of the local administration, particularly of the police with them. They claimed that the behaviour of the police officials has changed

over the years. According to them, earlier the high-ranking officials used to show some sympathy and leniency towards the Ahmadis and that they used to provide some relief to them in certain cases. But since the last few years, especially after the emergence of fanatic religious movements such as Tehreek-i-Labaik, high ranking officials have changed their approach and try and avoid being seen as sympathetic towards the Ahmadi community. They informed the mission that the Anjuman-i-Ahmadiya had been approached several times by various parties who showed interest in buying the building from them for different kinds of business ventures but the Anjuman-i-Ahmadiya has refused to sell the property.

The mission was informed that over the last few months, some of the local Muslim clerics and religious leaders planned a religious gathering in the area and claimed to have invited the extremist religious cleric Maulvi Khadim Hussain Rizvi. The local Ahmadi community feels that this was done to add pressure on them and to intimidate them into abandoning their pursuit of the reopening of their religious site. The event did not take place eventually.

Muslim community

The mission met with some of the local members of the Muslim community in the area who were seen to be at the forefront of the campaign to get the Ahmadi community's place of worship sealed. The people who met with the team and record their statements include Maulvi Tajammal and Muhammad Asghar. According to them, the building that had been used as place of worship by the local Ahmadis was owned by an Ahmadi businessman. He had been running a factory adjacent to this building for some twenty years. He purchased the building in 2005 and set up a place of worship for the local Ahmadi community in the upper portion. In 2015, he sold off the factory to a Muslim man and kept the building with the worship site.

When the factory was functional, its entrance and exit was connected to the building with the place of worship. But when the factory was purchased by the new Muslim owner, he closed the entry points into the building with the worship site from within the factory due to which the local Ahmadi community began to access the building with the worship site from an entrance point from the street that has houses of the local Muslim community. The local Muslim community began to raise objections claiming that the privacy of their houses was being breached. According to the members of the local Muslim community that met the mission, one of the

other reasons of their opposition to the use of building for worship purpose by the Ahmadi community was that they were preaching their faith to the local Muslim community and offering them incentives for leaving Islam and accepting the Ahmadi faith allegedly. They told the mission that they approached the police with a request to shut down the building so that the Ahmadis cannot use it as a worship place.

According to them, initially the police was reluctant to take any action which infuriated the locals and prompted them to have a gathering in the local mosque where the matter was discussed and an appeal was made to the local Muslim community at large to offer their support for the campaign to close the Ahmadi site of worship. A protest was held in the area which was attended by a large number of people. In the protest agitators urged the authorities to shut down the building. About a week after the protest, police took action closed down the building. They also deployed a contingent at the entrance of the building. The building remains in the custody of the police. The mission was told that the local Muslim community will not allow the building to be used by the Ahmadiyya community not only for religious activities but also for commercial purposes. The members of the Muslim community told the mission that the Ahmadi community will have to either sell or lease out the building and the land that it is on to Muslims. They claimed that the building and the land that it is on will not be used until this happens.

HRCP's mission tried to meet the local police officials to get their version of the issue but they refused to meet the mission.

Toba Tek Singh

HRCP learnt about the closure of a church in New Sarabah, Chak No. 336, a village located in district Toba Tek Singh. HRCP was informed that the local Christian community has been barred from carrying out services in their only worship place in the area by the local police on the demands of the Muslim residents.

HRCP's fact-finding mission visited Toba Tek Singh on 7 September and held meetings with the representatives of local the Christian community, members of the local Muslim community and the officials of the district administration.

Christian Community

The mission met with Mr. Rifaqat Masih, a prominent member of the Christian community in the area and Mr. John Masih, who is currently a union councilor. Mr. Masih had initiated the efforts to construct a church for his community some seven years ago. He has also been campaigning for the reopening of the church. According to Mr. Rifaqat Masih, the village has around 400 families of which there are 40-45 Christian families. The mission was informed that the land on which the Church had been constructed belonged to a member of the Christian community Mr. Rafique Masih who had bequeathed his land for the church. A fund-raising campaign was launched to construct the Church which was welcomed by the local Christians who provided financial contributions.

After the Church was built, it was opened for services. The local Christians started visiting the church for offering prayers and observing other religious practices. The Church remained functional from 2011 to 2016 when for the first time some members of the local Muslim community raised objections over the use of the building for worship purposes. They claimed that the Christian community made a ruckus while offering their prayers and that the building was being used for immoral activities such as drinking liquor, singing and dancing.

The mission was told that prior to the completion of the building, when the construction work began in 2012, a local member of the Muslim community Mr. Abdul Razaq filed a suit in the civil court claiming he owned a piece of the land upon which the Church was being constructed. When asked what became of his suit, the mission was informed that it was dismissed by the court. According to the members of the Christian community who met the mission, soon after the construction work began, some Muslim residents of the village held a *panchayat* (informal court) to discuss the building of the Church in area. Soon after, a second panchayat was held led by the then union council chairman. Several members of the Christian community were invited to this meeting including Mr. Rifaqat Masih, where they questioned the objections against the building of the Church in the area. According to them, they were told that the Muslim residents were not willing to accept the presence of a Church in their community. Despite these hurdles, the Church was constructed and it became functional and remained in use for several years.

In 2016, a Muslim namely, Muhammad Siddique filed an application with the police in which he challenged the existence of a church and its functioning in a Muslim majority village arguing that the worship place was built without approval of the authorities. Mr. Rafaqat Masih was approached by the then station house officer (SHO) Abid Jutt, who instructed him to get an NOC from the district administration. Mr. Masih applied for NOC, however the administration asked him to address the concerns of the local Muslim residents. Later, in 2017, some members of the Muslim community again approached the police and requested them to shut down the church. The then SHO Malik Nasir informed the Christian community about the complaint and summoned some representatives of the Christian community including Mr. Masih to the police station on 14 December 2017, where they were made to sign an agreement stating that until the issuance of NOC, the Christians of this village will not use the church for worship purposes and that they will not gather in any of their houses to perform any religious activity.

The Christian community approached the Deputy Commissioner (DC) of Toba Tek Singh, Mr. Irfan Nawaz Memon, for granting them NOC. They were asked for the submission of the registration documents of their institution called the Full Gospel Assembly under which the church was being administered. According to the Christian community, all the required documents were submitted with the DC. The DC referred the matter to the Assistant Commissioner (AC) Mr. Sadiq Marri, instructing him to look into the matter and to come up with an appropriate report in this regard. In his report, The AC stated that the construction of the church was illegal, therefore, NOC should not be granted. Meanwhile, the local Christian community approached political leaders of the Christian community like Mr. Tahir Khalil Sindhu and Mr. Kamran Michael, who according to them did not do anything for them.

After the submission of report by AC, Deputy Commissioner wrote to the District Police Officer (DPO) asking him to look into the matter and to submit a report which remains pending. The Christian community approached the Regional Police Officer who ordered the DPO verbally to grant sanction for the opening of the church. The said DPO got transferred the next day and the matter remained pending.

According to Mr. Masih, afterwards the security inspector police reported to the DPO that due to the hostility of the local Muslims, the Christians could

not run the church even if they were granted permission by the government to use it as a worship place. After all these developments, the local Christian community tried to convince the local Muslim community to end their hostility towards them and to lend their support to their fellow Christians in this matter, but they refused. According to the Christian community, the Police and the local Muslim community offered them an alternative site for the Church. They were told that they would be given one million rupees as compensation to help them build the Church on the land that would be donated to them. A second offer was also made to them for a piece of land that had originally been specified for the construction of a school.

The Christian community claims that they accepted both the offers when they were made but none of the offers materialized. Despite all their attempts and not getting any relief from the administration, the Christian community finally filed a writ petition in the Lahore High Court. The court has held only one hearing so far. The case is pending in the court and the Christian community hopes that the court will provide them with justice and they hope that the court will issue an order to the administration to grant them a registration certificate for their worship place. The mission found out that there had been a scuffle between the Christian and Muslim communities in the area over these issues resulting in aerial firing.

Muslim Community

The mission met with members of the local Muslim community that included Mr. Shahmshad Ahmad. Mr. Ahmad is from among the local Muslims who have been prominent for actively opposing the Church. They claim that a certain number of Christians are supporting their opposition to the Church (the mission could not verify the claim independently). They told the mission that the issue began in 2011 when some of the local Christians led by Mr. Rafaqat Masih began constructing the Church in the area which was opposed by the local Muslims. According to them, the land upon which the Church was being constructed had a mud house before which had three inhabitants, two of whom had passed away leaving the third inhabitant, Mr. Rafique Masih as the sole resident of the mud house. They claim that the land belonged to Mr. Rafique Masih and that Mr. Rafaqat Masih convinced Mr. Rafique to donate the land for the Church.

When work began for the construction of the Church, local Muslims gathered in the mosque in the village to discuss the matter. The local Muslim

community opposed the building of Church in the middle of their Muslim majority area and they alleged that the privacy of their homes was at risk because of the Church and the activity it would generate and they termed it a nuisance for their locality.

Afterwards, another meeting of the locals was called and Mr. Rafaqat Masih was summoned to the meeting as well and was asked to stop the construction of the Church. According to Mr. Ahmad, Mr. Rafaqat Masih told the meeting that they were building a community centre which they claim was not true because the masons working on the construction of the building told them that the design of the building resembled that of a Church which infuriated the local Muslim community. They claim they met Mr. Rafaqat again to try and stop him from continuing with the construction of the Church but Mr. Rafaqat persisted and the Church was built and opened for service. Mr. Ahmad alleges that the Christian community not only used the Church for their religious activities but that they used the vicinity to carry out immoral activities such as drinking alcohol, singing and dancing which was seen as a disturbance by the majority of the locality.

The Muslim community proceeded to actively stop the Christian community from using the Church after which Mr. Rafaqat Masih approached the police for help. This is when some representatives of the local Muslim community also approached the police with a request to seal the Church. Given the sensitivity of the issue, the police intervened and asked the local Christian community to not use the Church until they obtained NOC and registered the building as a place of worship. The mission was told that the Muslim community was not aware of the status of the petition in the High Court over the matter and that they had heard that it might have been rejected.

Mr. Shamshad Ahmad alleged that a while ago, on Christmas eve, some Christian youth harassed a local Muslim shopkeeper in their area by knocking on the doors of his shop and by shouting there and firing in the air. The mission was told that even if the government issues the Christian community NOC to run the Church, the Muslims would never let it happen. Mr. Shamshad Ahmad claimed that they are in touch with Muslim religious leaders like Mufti Abdullah and Maulvi Khadim Hussain Rizvi of the Tehreek-e-Labaik, who have assured them of their full support and that the Christians would never be able to establish their place of worship in their area. He said that the Christians can build a Church outside the locality, preferably in the open fields, in areas where there is no Muslim population.

District Administration Toba Tek Singh

HRCP's mission met with the DPO Mr. Waqar Qureshi and DC Mr. Mian Mohsan Rasheed who claimed to not know anything about this particular issue and were not aware of the details of the case. The DPO claimed that in case the local Christian community reaches out to his office, he will try his best to resolve the matter. After being informed that the case is currently pending in the court, both the DPO and the DC were of the opinion that they cannot intervene in the matter until the court reaches a decision.

Balochistan

Quetta

HRCP was informed about the closure of a Hindu temple located within the premises of a high school and the closure of a Sikh Gurdwara in Quetta. HRCP's mission visited both of the sites and tried to meet with the local Hindu and Sikh communities in Quetta to find out the issues they faced because of the closure of these sites. Members of the both of the communities that met the mission did not want to speak on the record about the matter citing security concerns. The details of the sites are as follows:

Government Sandeman Boys High School

The Government Sandeman High School for Boys in Quetta was founded in 1882 as a primary school. In 1904, the school was upgraded to the status of a secondary school. Mr. Harpar was its first Head Master. The school is situated on Dr. Bano road. It is within the premises of this school that a Hindu temple is also located. The access to the temple is through the school's entry points. The temple has remained under the control of the provincial Auaqaf and Religious Affairs department. The temple has been closed for years now and the local Hindu community has been barred from using the temple for their religious activities. HRCP's mission was informed that the school is currently converting the temple into a science laboratory.

All Pakistan Women Association Government Girls High School

HRCP's mission visited the All Pakistan Women's Association (APWA) Government High School in Quetta. The school was established in the

1960s. Prior to the school, the site was a Sikh Gurdwara that had been taken over by the government and the school was built on it subsequently. The Sikh community has been leaving Quetta over the years and very few families of the community remain in the city. The take over and conversion of the Gurdwara into a government high school has not been challenged as vehemently over the years. The provincial government too has not given the matter much consideration and the impact the closure of the Gurdwara might have had on the local Sikh community.

District Administration

HRCF tried to arrange meetings with the relevant government departments and local administration authorities to discuss the matter of the closure of the Hindu temple and the Sikh Gurdwara but the relevant authorities did not entertain HRCF's requests.

Zhob

Government Primary High School

HRCF visited the Government Primary School in Zhob which is located on College road. The school has been built on the site of a Hindu temple which according to the locals was constructed in 1936. The temple was used by the local Hindu community for their religious activities. The temple remained under the control of the Auqaf and Religious Affairs department. It was converted into a school in the 1980s. The local Hindu community has been barred from visiting the site since. The population of the Hindu community in Zhob has been dwindling over the years and not many Hindu families are left in the area. There was no considerable resistance from the local Hindu community when the temple was converted into a school because of their circumstances.

HRCF's mission met with some locals who spoke with the mission on the condition of anonymity. The mission was informed that the state of religious minorities in district Zhob is no different than the situation of religious minorities in the rest of Balochistan and the country. Instances of discrimination against non-Muslims have been increasing over the years and there are no substantial efforts from the government to address their concerns.

District Administration

HRCP tried to meet with representatives of the local government administration to discuss the matter of the closure of the temple but the relevant authorities were not available to meet.

Khyber Pakhtunkhwa

Peshawar

HRCP found out about the closure of a Hindu Mandir in Peshawar's R.A. Bazar area. HRCP's team visited the Mandir and met with representatives of the local Hindu and Sikh communities.

Hindu Community

According to the representatives of the Hindu community who met HRCP's team, the Balmiki Mandir in the R.A. Bazar was built and inaugurated in 1986. The Mandir continued to be used by the local Hindu community for their religious activities including worship. During the last few years, a number of the members of the local Hindu community began converting to Sikhism. As per the local Hindu community, the newly converted Sikhs laid claim to the Mandir's property for use as their place of worship. This gave rise to tensions between the local Hindu and Sikh communities. The issue was taken to court and the case is currently being pursued by both the communities. The Mandir remains shut.

The local Hindu community claims that the Sikhs in Peshawar and in the rest of the province of Khyber Pakhtunkhwa have Gurdwaras that are functional and that they can use while the Hindu community does not have many Mandirs available to them and the closure of the Balmiki Mandir in R.A. Bazar has made it difficult for not only the local Hindu community to conduct their religious activities but it has created issues of members of Hindu communities from other areas who used to come to the Mandir as well. The local Sikh community have created a Gurdwara at the home of one of the Sikh residents in the R.A. Bazar area. Although it is not an officially sanctioned place of worship notified by the government, the local Sikh community uses it after it was set up by a local Sikh resident in his house.

The representatives of the local Hindu community were not very clear about the relevant government authorities that are supposed to be responsible for the overall managing of their Mandir and other places of worship of religious minority communities in the province. Some of them claimed that it was the Auqaf department of the provincial Religious Affairs Ministry while others thought it was the ETPB that was supposed to be responsible for overseeing the managing of places of worship of religious minority communities. HRCP's team was informed that the local Hindu community had tried to approach different government authorities over the years about the closure of their Mandir but that they had not received any support or assistance from them.

Sikh Community

The representatives of the Sikh community who spoke with HRCP's team told them that the site of the Mandir had been provided to the local Hindu community by the local Sikh community as a goodwill gesture as they did not have a place of worship in the area. They claimed that the premises were used as a Gurdwara and that only a certain extension of the Gurdwara was provided to the local Hindu community for their worship. They allege that the Hindu community took over the premises and had it inaugurated as their Mandir by a religious minority parliamentarian which is why the local Sikh community has challenged the possession of the site.

Secretary Auqaf, Hajj, Religious and Minority Affairs Department

HRCP's team met with Mr. Farukh Sair who is the Secretary of the Auqaf, Hajj, Religious and Minority Affairs Department of the provincial government of Pakhtunkhwa in Peshawar. The Secretary was not aware of the particular case of the dispute and the closure of the Balmiki Mandir in R.A. Bazar area of Peshawar. He told the team that his department does not deal with Mandirs and Gurdwaras directly and that the ETPB might have the relevant information about them. HRCP's team came out of the meeting with a sense of the Secretary not being aware of the status of religious minority communities in Khyber Pakhtunkhwa and their issues.

Recommendations

- Relevant government and state authorities such as the departments of Auqaf and the ETPB need to ensure transparency in their

processes and procedures of dealing with religious minorities and their places of religious worship and significance.

- Data about the places of worship of religious minorities needs to be made public by the relevant government authorities and the ETPB.
- Law enforcement agencies such as the police need to be sensitized towards the issues of religious minorities.
- Police needs to be able to counter any undue pressures on them for acting against religious minority communities.
- Relevant provisions of the Supreme Court's Judgment in 2014 reaffirming the rights of religious minorities in the country with regards to the places of worship need to be implemented, especially the directives about providing safety to such sites.
- Government authorities need to act against elements who misuse the premises of mosques to incite sentiments against religious minority communities in their areas.
- Government authorities need to intervene in matters of dispute of places of worship to control the fall out of such circumstances.