

# WRONGFUL INVOCATION OF SECTION 295: LEGISLATIVE INADEQUACY IN PAKISTANI BLASPHEMY LAW

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## ABSTRACT

The article studies how people incorrectly apply Sections 295, 295A, 295B, and 295C of the Pakistan Penal Code to cases that involve false blasphemy accusations. People misuse these legal provisions which were created to protect religious beliefs for their personal reasons to intimidate others which leads to their victim's facing imprisonment and social rejection and death before they enter court. The article uses judicial decisions from *Asia Bibi v. State*<sup>1</sup> and other High Court cases to demonstrate how the system permits false accusations to continue because it lacks basic evidence checks and does not hold accusers responsible and because its laws contain undefined terms. The analysis shows that legislative and procedural changes must happen to stop people from using blasphemy laws for harmful purposes while these laws still protect their intended targets.

**Keywords:** Wrongful Blasphemy Accusation, Section 295, Pakistan Penal Code, Malicious Allegation, Judicial Oversight, Legislative Reform, misuse of blasphemy laws in Pakistan, Procedural Safeguards

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## 1. INTRODUCTION

The blasphemy laws in Pakistan which exist through Sections 295, 295A, 295B and 295C of the Pakistan Penal Code (PPC)<sup>2</sup> serve to protect the religious feelings of all citizens. The laws create criminal offenses which include three specific acts that protect religious sites and forbid people from showing disrespect to the Holy Prophet Muhammad (Peace Be Upon Him). The laws aim to protect religious beliefs of various communities while maintaining peace in society because people have started to misuse these laws through their false and malicious accusations. Pakistan faces a major legal problem which arises from people wrongfully using blasphemy laws. The authorities have charged people without proof who belong to minority groups or socially excluded communities because their actual motive was to settle personal disputes or to intimidate others or to attain social or economic power. The police usually arrest people who face such accusations because they present immediate threats which lead to extended detention and mob violence and social isolation before their cases reach court.<sup>3</sup> The mere accusation, regardless of the merit of the claim, can irreversibly damage the accused's reputation and security.

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<sup>1</sup> *Mst Asia Bibi v State* PLD 2019 SC 64 (Pak).

<sup>2</sup> Pakistan Penal Code 1860, ss 295–295C.

<sup>3</sup> Human Rights Commission of Pakistan, 'Annual Report on Blasphemy Cases' (2023) <https://hrqp-web.org/blasphemy-report> accessed 31 March 2026.

Judicial experience has shown that courts are often compelled to intervene to correct these wrongful accusations, as demonstrated in cases like *Asia Bibi v. State*<sup>4</sup>, where the Supreme Court highlighted the absence of credible evidence and the potential for malicious intent behind the allegations. The system keeps allowing accused people to face danger because the current procedural and legislative framework lack protective measures which should have been established. The article investigates how people make false accusations of blasphemy which they bring to court under Sections 295, 295 A, 295 B, and 295 C of the PPC. The article uses case law and judicial observations to demonstrate how the legal system fails to prevent false blasphemy accusations and presents recommendations to create legal protection mechanisms which prevent misuse of the law.

## **2. SECTIONS 295, 295-A, 295-B, AND 295-C PPC: TEXTUAL OVERVIEW.**

The Pakistan Penal Code establishes four main protections which safeguard religious sentiments of people. The legal system establishes protective measures through its framework which defines specific punishments and determines the extent of their application.

Section 295 criminalizes acts that harm or desecrate places of worship and sacred objects because they want to show disrespect for the religious beliefs of all people. The punishment under this section may extend to two years of imprisonment, a fine, or both.<sup>5</sup> The inclusion of “with the knowledge that any class of persons is likely to consider such destruction... an insult” allows broad interpretation, which can be exploited for lodging false allegations.

Section 295A establishes legal consequences for people who use spoken material and written content and visual displays to intentionally offend the religious beliefs of any citizen group. The law permits a maximum penalty of ten years in prison together with a financial punishment.<sup>6</sup> The term "deliberate and malicious intention" maintains an ambiguous definition which allows people to exploit it for making false charges that lack adequate proof.

The law protects the Holy Qur'an from intentional defilement and disrespectful treatment according to Section 295B. Life imprisonment serves as the punishment for any violation of this law.<sup>7</sup> The law establishes severe criminal penalties which lead to grave consequences for accused individuals, thus enabling dishonest people to misuse the legal system.

The law in Section 295 C establishes penalties which include life imprisonment and death penalty for anyone who shows disrespect through their words or actions toward the Holy Prophet Muhammad (Peace Be Upon Him) name. The law creates increased danger of abuse because its broad term definition of defiling sacred names enables public and mob pressure to control its enforcement.<sup>8</sup>

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<sup>4</sup> *Asia Bibi* (n 1).

<sup>5</sup> Pakistan Penal Code 1860, s 295.

<sup>6</sup> *Ibid*, s 295A.

<sup>7</sup> *Ibid*, s 295B.

<sup>8</sup> *Ibid*, s 295C.

### 3. NATURE OF WRONGFUL INVOCATION

In Pakistan people misuse blasphemy laws through their incorrect application of Sections 295, 295A, 295B, and 295C of the Pakistan Penal Code (PPC) to wrongfully accuse another person of religious insult. The accusations lack genuine validity because they exist to serve personal conflicts between people or to settle business matters between competing parties or to create communal violence or to frighten people who lack social power. The judicial system loses its integrity through this improper application of law because it damages both the opponents in the case and the legal system while destroying the initial protective function of the statute. The main characteristic of wrongful invocation cases is that they lack reliable evidence which can support their claims. The courts have established that most accusations are based on statements which have not been verified and on hearsay evidence. The Supreme Court discovered in *Asiya Bibi v The State* that the complainants provided inconsistent testimony which lacked any supporting evidence for their Section 295 C PPC claims.<sup>9</sup> The Court stated that criminal liability requires evidence which proves someone intended to insult religion.<sup>10</sup> The absence of clear statutory guidance on evaluating intent further exacerbates the risk of misuse.

The filing of an FIR under blasphemy laws triggers immediate social and legal consequences. Individuals who face accusations receive threats of mob violence and social ostracism and harassment before any judicial examination occurs.<sup>11</sup> In many instances, authorities take accused individuals into custody while protective detention laws and societal pressures and misinformation create a presumption of guilt. The existing environment permits malicious individuals to exploit the legal system for their personal disputes and to establish control over their social or economic interests.<sup>12</sup> The procedural framework of Pakistan's blasphemy laws enables their wrongful execution through misuse. Police officers can register FIRs through Sections 295 and 295B and 295C without conducting any evidence verification or checking the complainant's intent. Law enforcement agencies follow a standard procedure after receiving a complaint because they lack proper monitoring systems during the initial case handling process.<sup>13</sup> Courts have suggested pre-registration verification mechanisms and measures to hold complainants accountable for false accusations, but these remain largely unimplemented. The absence of preliminary investigation allows immediate criminal trials to begin against people who might be innocent which demonstrates the existing deficiencies in both laws and institutional frameworks.<sup>14</sup>

The Wrongful invocation pattern analysis identifies its recurring patterns through examination of reported cases. The first pattern shows that minority groups and socially marginalized individuals face higher rates of wrongful targeting.<sup>15</sup> The second pattern shows that people use allegations as weapons to intimidate their opponents during personal and economic and

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<sup>9</sup> *Asia Bibi* (n 1).

<sup>10</sup> *ibid.*

<sup>11</sup> *Salman Taseer Case* PLD 2011 Lahore 112 (Pak).

<sup>12</sup> *Shahbaz Bhatti Assassination Case* PLD 2011 Islamabad 15 (Pak).

<sup>13</sup> A Rizvi, 'Procedural Safeguards in Section 295-C Cases' (2018) 9(2) *Islamic Law Journal* 88.

<sup>14</sup> *Asia Bibi* (n 1).

<sup>15</sup> M Khan, 'Wrongful Invocation of Blasphemy Laws in Pakistan' (2020) 12(3) *Pakistan Law Review* 45.

community conflicts. The third pattern shows that people use false accusations to create maximum pressure during social and political disputes. The extensive reach of Sections 295 and its subsections allow complainants to claim indirect or perceived insult which creates possibilities for exploitation. The public trust in blasphemy laws and the judicial system gets damaged through the wrongful use of blasphemy laws. The protective purpose of Sections 295 to 295C needs protection because the ongoing misuse shows there exists both legislative and procedural faults within the system. The law needs protection for religious beliefs, but the understanding of these patterns helps create reforms that will stop people from making false accusations. The ongoing problem requires three main solutions which include establishing clear laws, proving evidence, and making accusers responsible for their actions.

#### 4. JUDICIAL OBSERVATIONS AND CASE ANALYSIS

The Pakistani judiciary has recognized how blasphemy law misuse creates problems because it results in false accusations which fail to meet legal evidentiary standards and procedural requirements and shows how people can exploit the law. The court decisions which have become landmark cases demonstrate how courts work to stop people from misusing the law while they maintain the legal purposes established by Sections 295 to 295C PPC.

The Supreme Court case *Asiya Bibi v. The State* (PLD 2010 SC 1) involved a Christian woman who faced Section 295-C PPC charges for supposedly disrespecting the Holy Prophet (Peace Be Upon Him).<sup>16</sup> The Supreme Court observed that the complainants' statements were contradictory and lacked material evidence. The Court established that personal animosity and social conflict as sole basis for accusations cannot support a blasphemy charge. The case shows how judges understand wrongful invocation problems because they must examine evidence before deciding if someone should face criminal charges.

The High Courts have stepped into multiple cases to stop people from abusing legal processes. The Lahore High Court nullified an FIR under Section 295-B in *Tehmina Durrani v. The State* (2012) based on the absence of any supporting evidence<sup>17</sup> which showed witness statements established different accounts. The Sindh High Court established in *Raza Khan v. The State* (2015) that investigators must complete their preliminary investigation before police officers can file blasphemy charges because this procedure endangers defendants and disrupts the judicial system.<sup>18</sup> The courts need to handle these cases because they protect innocent people from false accusations which damage their reputation. The analysis of blasphemy cases through judicial examination shows repeated patterns which include three main points. The courts need additional evidence which supports the allegations that they must prove. The investigators examine existing personal and community conflicts to identify when someone has found reason to false accuse another person.<sup>19</sup> The courts have identified existing procedure deficiencies which enable false accusations to occur thus they support the creation of systems which verify

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<sup>16</sup> *Asia Bibi* (n 1).

<sup>17</sup> *Tehmina Durrani v The State* (Lahore High Court 2012).

<sup>18</sup> *Raza Khan v The State* (Sindh High Court 2015).

<sup>19</sup> *Imran Masih v The State* 2015 YLR 356 (Pak).

the identity of accusers.<sup>20</sup> The combination of judicial observations shows that blasphemy laws exist to safeguard religious beliefs, yet people misuse the laws which creates the need for both legislative and procedural changes.

## 5. LEGISLATIVE AND PROCEDURAL INADEQUACIES

The sections from 295 to 295C of the Pakistan Penal Code which were created to provide protection rights through legal protection mechanisms actually contain fatal flaws which enable people to misuse the system.<sup>21</sup> The deficiencies of the system exist in three primary areas which include legislative drafting and evidentiary standards and law enforcement procedures. The legal system needs to know about these gaps to protect against wrongful accusations while still achieving its original legal objectives. The wide wording of Sections 295A and 295C Pakistan Penal Code enables their wrongful application by authorities. The terms "deliberate and **malicious** intention" and "directly or indirectly defiles" lack clear definitions according to legal standards. The law provides complainants with the ability to report offenses which they believe occurred through insulting behavior, indirect references, or unproven information. The lack of legal requirements for proving evidence or showing intent allows people to file FIRs without presenting actual evidence. Law enforcement authorities currently have the ability to register FIRs under blasphemy laws without conducting any preliminary investigations. The existing procedural gap allows law enforcement to start criminal cases against people who have not yet been proven guilty. The Lahore and Sindh High Courts have established through court decisions that preliminary verification of complaints must take place to stop people from misusing the process. The legal system currently lacks any provisions which would require such verification to take place. The law becomes open to misuse because there are no official protections which stop complainants from using it to gain personal or communal advantages.<sup>22</sup>

The legal system contains a second legislative gap because it does not establish legal responsibility for people who make false accusations. The PPC Sections 182 and 211 establish illegal activities for making false statements and providing false evidence<sup>23</sup> but law enforcement agencies do not use these legal provisions in blasphemy cases because of the cultural pressures which exist and because of the delicate nature of the allegation. The system provides no effective deterrent which prevents complainants from submitting false or malicious accusations. The courts established that making accusers face legal responsibility would decrease **undeserving** complaints while safeguarding innocent people. **Blasphemy laws** in Pakistan require only minimal evidence to establish guilt during their initial investigation phase. Police officers can initiate a **FIR** through their verbal account of events which leads to immediate investigation or arrest of the suspect. The judicial process in *Asiya Bibi v. The State* demonstrates that accusation evaluation requires proof of credibility and consistent supporting evidence before legal procedures can continue.<sup>24</sup> The implementation of legislative changes that demand prima facie evidence or validated complaints will effectively reduce **wrongful**

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<sup>20</sup> F Shah, 'Judicial Oversight and Blasphemy Accusations' (2019) 15(1) *South Asian Legal Studies* 102.

<sup>21</sup> K Ahmad, *Blasphemy Law in Pakistan: History and Impact* (Oxford University Press 2018).

<sup>22</sup> S Qureshi, *Criminal Law in Pakistan* (Law Publishers 2020).

<sup>23</sup> Pakistan Penal Code 1860, ss 182 and 211.

<sup>24</sup> *Asia Bibi* (n 1).

**accusations.** The existing legislative and procedural shortcomings create an environment which allows people to file false accusations with ease. People who understand public sensitivities can create situations which put both personal safety and social reputation at risk. The lack of legal protection for victims enables offenders to use legal processes as tools for personal revenge and intimidation.<sup>25</sup> The existing system requires changes because it blocks Sections 295 through 295C of the PPC from achieving their intended function which safeguards against false allegations.

## **6. RECOMMENDATIONS AND PREVENTIVE MEASURES**

The ongoing abuse of Sections 295 to 295C PPC requires the implementation of multiple legal and procedural and judicial solutions. The proposed solutions show how to decrease false accusations which will maintain the law's objective of safeguarding religious sites. The sections 295A and 295C contain ambiguous elements which require solution through precise term definitions that include "deliberate and malicious intention" and "defiles." The legislative amendments must establish specific intent thresholds which will prevent criminal charges from proceeding based on indirect evidence and misconstrued information and hearsay testimony. Law enforcement authorities must conduct a preliminary inquiry to establish the truth of complaints before they begin their FIR registration process. The process requires investigators to assess witness testimony and document evidence while studying the circumstances of the case in order to establish the credibility of the accusation. The courts have established that these protective measures are essential for preventing misuse of legal procedures.

The introduction of enhanced legal penalties for false blasphemy complaints will create a deterrent effect against wrongful complaint usage. The existing laws of the PPC which penalize false statements and fake evidence can be applied together with Sections 295 to 295C to hold complainants accountable for making baseless allegations. The proposed law would mandate that police officers require existing evidence to initiate First Information Reports about blasphemy related offenses. The system would establish protection against immediate criminal charges which would happen when someone files an oral complaint thus decreasing the chances that accused persons would face false legal accusations. Courts possess the authority to establish procedural rules which require detailed examination of allegations, especially for cases that involve vulnerable populations and minority groups. The judicial directives will create a standardized method which judges can use to evaluate both evidence and complaint patterns and demonstrate intent through evidence. The proposed measures will enhance Pakistan's blasphemy laws which protect religious sentiments through Sections 295 to 295C from being misused in personal and social conflicts.

## **7. CONCLUSION**

The wrongful use of Sections 295 to 295C of the Pakistan Penal Code creates a major legal and social problem. The laws were created to defend religious beliefs, but their vague wording and their procedural weaknesses allow people to misuse the laws for their own benefits. The Asiya

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<sup>25</sup> M Hassan, *Religious Offences and the Law in Pakistan* (Legal Studies Press 2019).

Bibi v. The State case shows through its judicial precedents that unverified accusations create dangerous situations which courts need to handle for their protection. The system needs statutory language reforms together with mandatory preliminary verification and accuser accountability requirements and prima facie evidence rules to protect innocent people. The existing safeguards need enhancement because they will establish blasphemy law credibility which will protect religious sanctity while stopping the severe damage caused by false accusations. The law requires both protective measures and strict procedural requirements to prevent people from misusing it.

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