



## **POLITICAL PARTICIPATION OF RELIGIOUS MINORITIES IN PAKISTAN: A JOURNEY FROM JOINT ELECTORATE TO RESTORATION OF JOINT ELECTORATE**

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### **Abstract**

*During the Pakistan Movement and after its creation, Quaid-e-Azam Muhammad Ali Jinnah always admired the support of Pakistan by the leadership of the other religions. After getting independence, Quaid-e-Azam, as a governor-general, promised free will, absolute free-living, equal rights, and equal identities of all citizens, including religious minorities in the newly born state. All three constitutions of the state followed UNCHR and gave equal rights and freedom to worship according to any religion to its citizens. However, with time attitude of political leadership, the approach of society, structure of the system changed. New laws introduced by new leadership and political suppression took place and made the religious minorities a marginalised community. Now, the political participation of these religious minorities is below the average. Constitution of 1973 reserved ten seats for minorities*

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*in National Assembly, eight seats in Punjab Assembly, nine seats in Sindh Assembly, three seats in both KPK and Baluchistan Assemblies, respectively, and four seats in Senate. However, for these seat minorities, leadership does not participate in elections. Since 1985 the issue of the separate or joint electorate for religious minorities rose. Joint and separate electorate both have their limitations for effective participation. This research paper is an effort to search for the barriers in political participation of religious minorities in Pakistan and find out the problems with joint and separate electorates for religious minorities within the state? For this purpose, qualitative research was used, analysis of secondary data was used as a technique.*

**Keywords:** political, religious minorities, elections, participation, electorate

## **Introduction**

The philosophy of fundamental rights traced back to the 17<sup>th</sup> century when the social contract theory propounded as a base of political society. The states emerging in the 20<sup>th</sup> century significantly had different socio-political complexion. The fundamental rights are practical can found in every Constitution, as that deemed essential to protect the rights and liberties of the citizens of a state. Moreover, later, due to debates on the proposed United Nations Charter for Human Rights, a new trend was set to include such rights in the Constitution because a new and modern democratic world was being born.

Pakistan is one of those third-world states that formed due to the exit of the British colonialists from United India in August 1947. Quaid-e-Azam was the leader of the movement, which gave birth to the new state of Pakistan. In consonance with the spirit of the age, Mr Jinnah was committed to the basic principles of a democratic society. The manifestation of these principles may be observed in the state's constitutions of 1956, 1962, and 1973.

Though a departure from democratic principles occurred right after the death of Quaid, the theocratic stance adopted under Objective Resolution 1949 was a try to establish Pakistan as an Islamic state. In 1985, General Zia ulHaq made amendments to the 1973 constitution for Islamization in the state.

The process of Islamization set in by general Zia ulHaq during his 11 years of martial law rule was aided and spearheaded by the arch reactionaries, obscurantists, and religious extremists. He exploited the name of Islam merely to hold fast the seat of power. In order



to disintegrate the democratic strength of the people of Pakistan, General Zia divided the nation based on religion as Muslim and Non-Muslim citizens.

Effecting amendment in electoral laws in 1979 is a further stunning blow causing severe prejudice to the socio-political status of Non-Muslim citizens of the state. This amendment imposed an apartheid mode of separate electorates in the state (Shakir, 1997). Moreover, later the country's Constitution was also amended vide Presidential Order 14 of 1985, which incorporated provisions for the mode of separate electorates. Furthermore, resultantly the electoral lists of the citizen were separated based on religion to be known as Muslim and non-muslim voters. This apartheid mode of separate electorates does not allow them to vote for each other. Being a fragile minority separate electorates has thrown non-muslim citizens out of the national mainstream. They are no more part of the business of the state. They have denied the right of franchise free from classifications. Thus they have been marginalized and have been rendered as second-class citizens.

The paper's subject is the effective political participation of minorities of Pakistan, and try to find out what way is better for the minorities, separate electorate or the joint electorate. For this purpose, qualitative research and data analysis were used.

### **Historical background**

In 1916 during Lucknow Declaration, separate electorates were accepted in the subcontinent, with 30% seats in the Center, 50% in Punjab, and 40% in Bengal (Tressler C. (., 2008, p. 50). Muslims were minorities in these provinces and got maximum contribution according to their population. Ch. Chandu Lal (deputy speaker of Punjab Assembly India and member of Punjab Muslim League), Diwan Bhadur S.P Singha (speaker of Punjab assembly), and Mr Joginder Nath Mandal (leader of untouchables from Bengal) were the famous non-Muslim leaders. They supported Quaid and the All India Muslim League and the idea of Pakistan. As the speech of Mr Jinnah in the Lahore Resolution illustrate that Jinnah made the demand of

*“adequate, effective, and mandatory safeguards should be specifically provided in the constitution for minorities in these units in these regions for the protection of their religious, cultural, economic, political, administrative, and other rights and interests in consultation with them.”*

Even though the British offered a Christian homeland for the Christian community of the subcontinent, Christian leadership supported the Quaid-e-Azam and the idea of Pakistan where all citizens would be equal regardless of their religion and castes (Tressler C. (.,

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2008). At the same time, lots of Muslim political leaders from congress opposed the Quaid. In 1942 and onward, Quaid and Miss Fatima Jinnah attended the various receptions and meetings hosted by Christian leaders and the untouchable community. This non-Muslim leadership also backed Pakistan during the demarcation process.

The speaker of Punjab Assembly Mr Diwan Bahadur S.P Singha, and deputy speaker Mr Ch. Chandu Lal gave their vote to make west Punjab part of Pakistan. They did not just give their vote during the session to Pakistan; they also appeared before the Punjab Boundary Commission and asked them to count Christians and other minorities of Punjab with Muslims.

Joginder Nath Mandal was the leader of untouchables from Bengal. He fully supported the Quaid and Pakistan in Pakistan Movement. He appeared before the Bengal Boundry Commission and ensured that untouchables count with Muslims during the demarcation process. Quaid selected him as minister of laws and education in the first interim cabinet. On 10<sup>th</sup> August 1947, Quaid-e-Millat nominated Joginder Nath Mandal to preside the session; he accepted it and passed the petition to call Muhammad Ali Jinnah, Quaid-e-Azam. After that, he gave his chair to Quaid and proposed that Quaid should address the session.

It is for the fact that without the contribution of non-Muslim leaders, the demarcation of Pakistan would not be the same. So, in the speech of 11<sup>th</sup> august 1947, Quaid speaks for the equal right, equal identity and freedom of religion along with a secular state. In his speech, he said;

*“Now, if we want to make this great State of Pakistan happy and prosperous we should wholly and solely concentrate on the well-being of the people, and especially of the masses and the poor. If you will work in co-operation, forgetting the past, burying the hatchet, you are bound to succeed. If you change your past and work together in a spirit that every one of you, no matter to what community he belongs, no matter to what community he belongs, no matter what relations he had with you in the past, no matter what is his colour, caste or creed, is first, second and last a citizen of this State with equal rights, privileges and obligations there will be no end to the progress you will make.*

*I cannot emphasise it too much. We should begin to work in that spirit. In course of time all these angularities of the majority and minority communities — the Hindu community and the Muslim community — because even as regards Muslims you have Pathans, Punjabis, Shias, Sunnis and so on and among the Hindus you have Brahmins, Vashnavas,*

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*Khattris, also Bengalese, Madrasis and so on — will vanish. Indeed if you ask me this has been the biggest hindrance in the way of India to attain its freedom and independence and but for this we would have been free peoples long long ago. No power can hold another nation, and specially a nation of 400 millions souls in subjection; no body could have conquered you, and even if it had happened, no body could have continued its hold on you for any length of time but for this. (Applause.) Therefore we must learn a lesson from this. You are free; you are free to go to your temples, you are free to go to your mosques or to any other places 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 (Hear, hear). As you know, history shows that in England conditions some time ago were much worse than those prevailing in India to-day. The Roman Catholics and the Protestants persecuted each other. Even now there are some States in existence where there are discriminations made and bars imposed against a particular class. Thank God we are not starting in those days. We are starting in the days when there is no discrimination, no distinction between one community and another, no discrimination between one caste or creed and another. We are starting with this fundamental principle that we are all citizens and equal citizens of one State. (Loud applause.) The people of England in course of time had to face the realities of the situation and had to discharge the responsibilities and burdens placed upon them by the government of their country and they went through that fire step by step. Today you might say with justice that Roman Catholics and Protestants do not exist: what exists now is that every man is a citizen, an equal citizen, of Great Britain and they are all members of the nation.*

*Now, I think we should keep that in front of us as our ideal and you will find that in course of time Hindus would cease to be Hindus and Muslims would cease to be Muslims, not in the religious sense, because that is the personal faith of each individual, but in the political sense as citizens of the State.*

*Well, gentlemen, I do not wish to take up any more of your time and thank you again for the honour you have done to me. I shall always be guided by the principles of justice and fair-play without any, as is put in the political language, prejudice or ill-will, in other words partiality or favouritism. My guiding principle will be justice and complete impartiality, and I am sure that with your support and co-operation, I can look forward to Pakistan becoming one of the greatest Nations of the world” (ADDRESS OF THE FOUNDER OF PAKISTAN QUAID-E-AZAM MUHAMMAD ALI JINNAH, 1947).*

Unfortunately, after the death of Quaid-e-Azam, the dream of equality and freedom died too for religious minorities. Mr Liaqat Ali Khan presented Objective Resolution in 1949 before the parliament. At this event, a vast divide between Muslims and Non-Muslim and

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their idea of Pakistan had exposed. There were ten representatives of Non-Muslim citizens and twenty-one representatives of Muslims in the Assembly. All ten non-muslim representatives opposed the Objective Resolution and argued that it was unnecessary and offensive for non muslim citizens. On the other hand, all Muslim representatives voted in favour of the resolution and claimed it was necessary to develop the Constitution and Islamic state.

Unfortunately, Objective Resolution passed by the Assembly without the consent of leaders of Non-Muslim citizens. It was the first step towards majoritarianism, neglecting the minorities in decision making and structural violence against non-muslims.

### **Sperate Electorate and Ayub Khan**

Electoral System was the central issue of debate during the first and 2<sup>nd</sup> Constitutions of 1956 and 1962. Muslims as a minority demanded it in United India, but religious minorities of Pakistan did not demand it. The main reason is that Muslims were in the significant in numbers and make the considerable percentage in the population of United India. However, religious minorities were not prominent in numbers and scattered in East and West Pakistan and also belonged to different religions like Hinduism, Christianity, Sikhism, Buddhism, and others. Moreover, according to Prime Minister Suhrawardy, the Joint Electorate system may develop a high sense of citizenship and merge minority into the majority. So because of lots of reasons, religious minorities never demand a separate electorate.

During the formation of the new Constitution, three problems occurred regarding the electoral system;

- one was about the election of the President and members of the legislature that it should be on a universal base or a restricted franchise.
- Two was whether it should be a direct or indirect electoral college.
- Three was about a separate or joint electorate for the religious minorities(Aqueel, 2018).

Regarding the third issue, Ayub Khan made the Commission find out what minorities want. The findings of the Commission were that the upper-class Hindu minority of West Pakistan want a joint electorate to influence the elections and politics of the state directly. So, as a result, the first two constitutions of the state fixated Joint Electorate. Even the third Constitution of 1973 initially fixated Joint Electorate for the citizens.

Separate Electorate in Pakistan:



It discussed above that the Muslims in India during the British raj demanded separate electorates in order to secure adequate representation in the legislature. Separate electorates enabled the Muslim League to make a strong showing in the constituencies for Muslim seats in the general elections of 1946, which ultimately paved the way for the creation of Pakistan.

After independence, the Muslims, now in the pre-dominant majority, no longer needed separate electorates. It could only be the minorities that could now demand separate electorates to protect their political right, but no such demand ever made. Thus, all the Constitutions and election laws made thereunder provided for joint electorates.

In 1977, religious, political parties made an alliance named as Pakistan National Alliance (PNA). The PNA was in opposition and demanded a "Separate Electorate" for the religious minorities in Pakistan. This demand made because Pakistan People Party (PPP) and Zulfikar Ali Bhutto appeared as liberalist because of their liberal political views. It gives the impression that PPP got the maximum votes from religious minorities and these votes were the deciding votes in the close race (Khan H. , 2009).

So, religious, political parties like Jammat-i-Islami, JamiatulUlema-i-Pakistan, and Jamiat-i-Ulema-i-Islam decided for the religious minorities without their consent. Not only do these parties disfranchise the right of the franchise of minorities, but they also play with the Constitution for their advantage and make sure that in the future, any liberal party would use minorities' votes as deciding vote.

General Zia ulHaq came into power after he overthrew the government of PPP, made the rules and amendments in the Constitution of 1973 to counter PPP once and for all. To encounter popularity and power, General Zia ulHaq introduced a separate electorate via amendment in "Representation of the People Act 1976". According to this amendment, "election to the seats reserved for Non-Muslim was made through a direct vote by electors enrolled on the electoral rolls of Non-Muslim" (Khan H. , 2009). Consequently, changes were made for a separate electorate for Non-Muslims in National and Provincial Assemblies. New constituencies made for Non-Muslims for National and Provincial Assemblies. As a result, electoral rolls for general seats in the national and provincial assemblies would only bear the names of Muslims.

Ultimately, separate electorates also found their way into the Constitution through "Revival of the Constitution of 1973 Order, 1985 Clauses (4-A) of Article 51 and Clause (5) of Article 106" were substituted providing for the election of members of the national and provincial assemblies respectively belonging to minorities on the base of separate

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electorate. This act was indeed unfortunate, mainly because of the fact there was not a single demand by the minorities in Pakistan for separate electorates and the decision imposed by the majority.

### **Dual Vote for Religious Minorities**

In a move to consolidate its position, the federal cabinet headed by Prime Minister Mrs Benazir Bhutto announced Electoral Reforms in February 1996. The electoral reforms included two significant points, doing away with the condition of identity cards for a voter and providing the right of dual vote to non-Muslim citizens of Pakistan. While for each item of the package of electoral reforms, the government provided a rationale but surprisingly, the federal cabinet did not explain why it had decided to award two votes to Non-Muslim citizens of the state(Shakir, 1997).

The opposition opposed the reform about voter's identity cards, alleging that the government intended to do rigging in the elections. At the same time, the reform about dual votes to Non-Muslim citizens was bitterly criticised by the religious parties working in politics. They opposed the dual vote based on the old tune of the fundamentalists that Non-Muslim could not be allowed to vote on general seats meant for Muslims only. The PPP government kept silent on the subject after announcing the cabinet decision regarding the package of electoral reforms. It did not defend its reform politically and finally succumbed to the pressure of the opposition and the religious parties. Nevertheless, the non-Muslim citizens generally welcomed the idea of the dual vote.

The electoral reforms about dual vote meant that non-muslim citizens would be entitled to cast two votes in the elections for the legislature. They would be voters for the seats reserved in the legislature for non-Muslims, and they would be allowed to vote for the seats generally known as general seats for Muslim citizens. However, what the electoral reform seriously lacked was the full right of the franchise of the non-muslims. Because they no doubt were being declared voters for the general seats but could not contest election themselves on the seats known to be general seats. It meant that discrimination remained against non-muslims by putting a bar on them to be candidates for general seats. Meaning thereby the government no doubt wanted the votes of non-muslims but was not prepared to let them stand for them. It was undoubtedly a tricky proposition not recognising their fundamental right of being equal citizens irrespective of their religion or creed.

### **Joint Electorate by Musharraf**



The Pervaiz Musharraf came into power after demolishing the democratic government of Nawaz Sharif and Pakistan Muslim League (PML) in 1999. Later in 2002, he restored the joint electorate for Non-Muslim minorities except for Ahmadis, who declared non-Muslims in the state's Constitution since 1973. Under this amendment of the Constitution, "non-Muslims can vote and contest elections on general seats, but they also have seats reserved for them in the Senate, the National Assembly and the four provincial assemblies. These seats are not filled through the direct vote but from lists submitted to the Election Commission of Pakistan by political parties that get these seats in proportion to the number of directly contested general seats in a legislative house. To qualify for a reserved seat, a party must have at least 5% of the general seats" (Aqueel, 2018).

### **Changing Trend**

After the struggle of seventy years and four Martial Laws and one Civil Martial Law, and twenty-five amendments in the Constitution, political trends are changing in Pakistan. Three consecutive democratic governments with the peaceful transfer of power never happened in the state, along with a Non-Muslim candidate win the election on the general seat.

Dr Mahesh Kumar Malani represented the PPP in the election of 2018 and won the general seat from Tharparker district in Sindh for National Assembly (Ashraf, 2018).

During his speeches and interviews, Dr Malani claimed that without the Muslim votes and campaign team consisting of Muslim workers, he could not win the election. He further said that he is not just representing the Hindu community or minority community for that matter; he is representative of all communities of the constituency (Ashraf, 2018). It is a remarkable victory for Pakistan. All three constitutions of Pakistan reserved seats for religious minorities in National and Provincial Assemblies and Senate. However, primarily all these seats were distributed to minority leadership without an election on the party basis. With time people of Pakistan changing and becoming pro to change. The victory of Dr Malani was not possible without the votes of the Muslim Community of that area. This victory shows that both Muslim and non Muslim people gave a vote to him and contributed to change. This victory also represents the positive face of the state in the international community and help to wipe out the image of a radicalised society.

### **Separate or Joint Electorate?**



Although the victory of Dr Malani is remarkable, it does not answer the question of which type of electorate is more suitable for the religious minorities in Pakistan. Both electorate system has pros and cons and needs some fundamental changes in society and system.

Pakistan came into being of a separate electorate, and Muslim leadership demanded it. However, it is was never a demand of Non-Muslim citizens of Pakistan. Even when Pakistan consisted of East and West parts and wealthy upper-class Bengali Hindus as a minority, they neither demanded it nor supported the idea of a separate electorate. The separate electorate system is inconvenient because the population of minorities is scattered in four different provinces, and every province has different religious minorities. In Sindh, Hindus are a considerable minority, Punjab has Christian and Sikhs, and the remaining provinces have few thousand non-muslim citizens. So, making a constituency for a separate electorate is a difficult task. For example, "Christians have four seats in the National Assembly for which an electoral roll of Christians throughout Pakistan was prepared. The candidates for these seats had to run around all over Pakistan to canvas votes. The candidate who secured the first four positions throughout Pakistan declared elected". This process is expensive for the candidate and full of hustle. It is a challenging task to achieve for the marginalised community.

After independence, the politician of Pakistan supported a joint electorate for all citizens until General Zia ul Haq amended the Constitution and imposed a separate electorate. A joint electorate has its pros and cons. It is an accessible and inclusive mode of participation. Nevertheless, it neglects the demand of non-muslim voters and focuses on a majority vote. Society has its norms and sense of discrimination against non-muslims, so they cannot give a vote to a non-muslim candidate easily. As a result, reserved seats distribute to the minority leadership on nepotism and favouritism.

Moreover, these selected minority leaders are not answerable because they do not need votes from people and any type of consent. Moreover, that is why they are not accountable too. The representation of a 4%-5% minority in the joint electorate is inadequate, and they cannot decide for themselves.

This ongoing debate is the part of politics in Pakistan since 1949. Peter Jacob<sup>1</sup> offered a solution to conclude this debate. According to him, if political parties hold an internal election for the selection of minority leaders and make them accountable, this would help

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<sup>1</sup>executive director of the Centre for Social Justice, a civil rights organisation based in Lahore

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the minority and made leadership answerable. Tahir Mehdi opposed the idea and said that a religion based political system just encourages the religion-based divide of the population and it will not give the solution to all problems.

This debate keeps going until more non-Muslim leaders win the election by getting Muslim and non-Muslim voters. For keeping our system better and marginalised, communities turn into privileged class acceptance and equal identity needed in our society. Empathy and sympathy can help the marginalised community.

### **Conclusion**

The non-muslim citizen of Pakistan was living on this land before the creation of Pakistan. Their leadership support the ideoplogy and movement of Pakistan. The wealthy non-muslim citizens helped the migrated people after the partition. They have proved themselves loyal to the state. However, unfortunately, they are facing some problems now, such as participation in political participation, more acceptable education curriculum, unemployment discrimination and structural violence and others. Giving them their constitutional right of franchising and political participation can solve the many problems. The argument of a separate or joint electorate is not a solution. The solution hidden in their will, the government, should contact them and consider their will and consist before deciding for them. This act would be the democratic solution that represents their will and increase their trust in the state.



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