

**ELECTORAL SYSTEM:
JOINT OR SEPARTE**

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PROF. KHURSHID AHMAD



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By Professor Khurshid Ahmad

Pakistan enjoys a unique position in the recent history of Muslims. This country has come into being as a result of a conscious, popular and democratic struggle – a struggle of the Muslims of the subcontinent. There can be no doubt that Pakistan is the homeland of all those who are settled here and that under a social contract the rights of all are to be respected. It was a popular struggle not only of those Muslims who used to inhabit those areas where the flag of freedom was hoisted; it was rather a struggle of the Muslims of the entire subcontinent. It is the result of the sacrifices of all these people and all have equal rights on it.

Foremost is the fact that it was not a matter of independence of an area, it was a struggle for the solution to the subcontinent's political imbroglio, for the clear identification of destination for the Muslim of the subcontinent and their future, and finding the highway to that destination. This movement was a covenant with Allah, the Muslim nation, and the history itself, that resulted in the shape of the independent state of Pakistan.

The plan for the division of the subcontinent was clearly an act of dividing a country along ideological lines that was accepted by the British government, Muslims of the subcontinent and the Congress after long discussions and debate, reconciliation and understanding. Under a social contract, two independent states came into being, each with its own distinct identity. This identity of Pakistan was given a legal and practical shape first in the Objectives Resolution and then in the Constitutions of 1956 and 1973. It rests on three pillars, which are symbols of the nation's consensus: State's Islamic identity, its democratic order, and its federal system. These three points are agreed upon and uncontroversial. These are mutually coordinated and contribute to each other's strength; and their importance is in the order in which these are written in the Objectives Resolution and the Constitution.

The issue of the system of election concerns with all these three foundations. Those who are talking of joint electorate, pretending innocence, are, knowingly or unknowingly, harming the foundations of Pakistan. They cannot be allowed to continue with this game. This game was played in connection with the issue of Blasphemy and the same condemnable game is being played again with respect to the issue of the system of elections. It is necessary to face this challenge.

In the history of the subcontinent, the issue of the system of elections had assumed importance well in the beginning of the 20th century. With the question of peoples' representation in government bodies it was quite natural to ask as to 'who would represent whom?' And what would be the foundation for this? While the British and the Hindu leadership of the Congress were talking of a single system of elections for all those who lived in India, Muslims were asserting that theirs was a distinct national identity and that the system of joint electorate on the basis of so-

called neutrality, ignoring religion, culture, civilization and separate national interests, would practically amount to their disenfranchisement since Hindu population was three times larger than theirs. Till then, there was no talk of the country's division. Rather, there was a great clamor for Hindu-Muslim Unity. But, Muslims asserted their separate distinct identity the moment the issue of power sharing and elections raised its head up and, ultimately, the principle of Separate Electorate was accepted in 1909 in the place of joint ballot. This issue was raised with full force again on the occasion of Simon Commission and Nehru Report (1928-29). Despite the stiff opposition of the Congress, and of Pundit Nehru in particular, the Muslims did not compromise on their separate identity. Some Muslim leaders, who were reluctant in the beginning, came out of their dawdling and struggled to get the collective decision of the Muslims accepted, rather they started to converge at its logical demand i.e., the division of the country on the basis of Hindu and Muslim majorities.

It was said that religion was a private matter, having nothing to do with politics, state, and electoral process. Whereas Muslims claimed that their religion (Deen) was not restricted to individual's beliefs and worship, it is also the basis of their nationhood and shapes their collective character. West's liberal and secular democracy cannot be the destination for Muslims. The democracy that Muslims champion is rooted in Allah's Sovereignty and the framework of Shariah, and that Deen and politics (religion and state) are not about two different worlds. Just like worship, their politics is regulated by Deen (teachings of the religion).

Iqbal summed this up in his historical address of 1930. He explained the difference between Western thought and civilization and Islamic ideology and history, and this became the basis of Pakistan Movement and its *raison d'être*. He said:

What, then, is the problem and its implications? Is religion a private affair? Would you like to see Islam, as a moral and political ideal, meeting the same fate in the world of Islam as Christianity has already met in Europe? Is it possible to retain Islam as an ethical ideal and reject it as a polity in favor of national politics in which religious attitude is not permitted to play any part?...

The nature of the Prophet's religious experience, as disclosed in the Qur'an, however, is wholly different. It is not mere experience in the sense of a purely biological event, happening inside the experiment and necessitating no reactions on his social environment. It is individual experience creative of a social order. Its immediate outcome is the fundamentals of a polity with implicit legal concepts whose civic significance cannot be belittled merely because their origin is revelation. The religious ideal of Islam, therefore, is organically related to the social order which it has created. The rejection of the one will eventually involve the rejection of the other. Therefore the construction of a polity on national lines, if it means displacement of the Islamic principle of solidarity, is simply unthinkable to a Muslim.

(Thoughts and Reflections of Iqbal, pp. 166-7)

This unique bearing and historical role of Islam required that state system be based on Islamic identity and ideological unity of Muslims, and other nations and groups are guaranteed rights to live, progress and play their collective role in the system. An Islamic state establishes its collective and political system on this very ideological consciousness. Neither this identity of Muslims is not weakened nor is other nations deprived of their identity in the name of collectivity. This is a state of nationalities, rather than a single nation. That is how collective cooperation and stability is achieved on the basis of a credible pluralism. The system of organizations during the Ottoman Caliphate presents us with a historical example of this pluralism. In the subcontinent, the same objective was achieved through the system of separate electorate. And to realize these very objectives and aims after attaining independence, the Muslims of Pakistan tried to shape this system in such a way as to ensure full representation of the Muslim nation and to provide full opportunity to other nations and religions for sending their representatives to political institutions according to their own beliefs and concepts. This system does not base on any discrimination, rather it is a healthy and judicious effort to allow the real social plurality to flourish on the political horizon and play its due role. Quaid-e-Azam has elaborated this fact in clear words:

“We (the Hindus and Muslims) are different in everything. We differ in our religion, our civilization and culture, our history, language, our architecture, music, jurisprudence and our society, our dress – in every way we are different – We cannot get – if together only in the ballot box”. **(Speech in November, 1945)**

Even earlier, in 1938, while addressing a session of Memon Chambers of Commerce and Memon Merchants Association, Quaid-e-Azam explained the Muslim stance in detail. On the one hand, he declared that Qur’an is the source of guidance for Muslims’ collective life, and, on the other, exposed the conspiracy of the Congress for imposing joint electorate system on Muslims. He said:

There is no need to find a program for Muslims. They have a complete program since 13 hundred years and that is the Holy Qur’an. Besides our economic, civilizational and social reform and progress, the political program is found in the Qur’an. I believe in this Divine Law and the freedom I want lies in acting upon this Divine Word. The Holy Qur’an demands of us three things: freedom, equality and brotherhood. As a Muslim, I wish to achieve these three. Our salvation lies in (acting upon) the Quranic teaching and only with this we can cross over all the phases of progress.

To ignore the specific political context of Quaid’s speech of Aug. 11, 1947, and also his more than 200 statements on the subject, is an academic dishonesty. The system of elections is about the right of a nation or a group that those people should represent it who is from within it and can represent befittingly its beliefs and ideologies, programs and aspirations, civilization and values, and priorities. This is not about citizenship of a country. While people of all ages are citizens, the right to vote is enjoyed only by those who attain a certain age. Likewise, people of different beliefs, concepts, and civilizational and religious identity can be the citizens, and equal citizens, of a country but the requirements of justice with respect to representation and influence on policy-

making can be met only when each and every civilizational and religious community is represented by its own people. The system of separate electorate presents a logical and natural way to attain this. To an extent, this objective can be achieved also through the system of proportional representation.

Muslims have never accepted it: either when they were in minority in the subcontinent or when they are in majority in an independent state. That is why Islamic and ideological forces have tried to retain the system of separate electorate in Pakistan's political system and in the Constitution. The 22-point agenda of Ulema in 1951 based itself on separate electorate. (See principle number 3, 5, 10, and 11). Similarly, Ulema supported the same in the Constitutional recommendations of 1953. The principle of separate electorate was also recommended in Liaquat Ali Khan's Basic Principles Report (1950), Nazimuddin Report (1952), and Muhammad Ali Bogra Report (1954).

The 1954 elections in East Pakistan were held on the same principle, and Jagto Front's 22 points had no mention of it. However, when the Hindus of East Pakistan got leverage as a result of the plotting of secular elements in East Pakistan's Assembly and the Central Assembly, they tried to strike a blow to this principle. While voting on the issue, under the Constitution of 1962, West Pakistan's Assembly voted in favor of the separate electorate with 300 votes in a 310-member House. In the East Pakistan's Assembly, Muslims' majority voted in favor of separate electorate but the Awami League won for joint electorate with a thin margin with the help of 60 Hindu votes. That is how a 'landmine' was installed in the system of elections which, as was apprehended, gave rise to Bengali nationalism and led, ultimately, to Pakistan's bifurcation.

This was what happened to Pakistan. India's story, too, is an eye-opener. After independence, the Congress tried its utmost to impose joint electorate. Though the Constituent Assembly did recommend, after great expostulation, to do away with the separate electorate, but advised for allocating seats in the Assembly for Muslims and other minorities. Consensus was achieved on this in the Committee but the clause for allocating seats for minorities was removed after another somersault in the Constituent Assembly. It is to be noted that such a trickery was shown even earlier in Liaquat-Nehru Pact. In the original text the two Prime Ministers had agreed on the guarantees on minorities' representation in both the countries. N.V. Gadgil, who was a minister in the Nehru Cabinet and had participated in the Pact, admits in his book, *Government from inside*, that:

"Original Pact contained two paragraphs accepting the principle of reservation for Muslims in proportion to their population in all the services and representative bodies in the constituent states of India. Similar provisions were suggested for the Central Government". (p. 86)

Shaikh Muhammad Ikram was in the Pakistani delegation. He writes that a suggestion of this type about the Hindus of East Pakistan was also included in the Pact. But Sardar Patel did not agree to

this despite the agreement of Pundit Nehru and Liaquat Ali Khan and, according to Gadgil, Indian Cabinet did not accept this part and in spite of Nehru's insistence that he had already agreed with Liaquat Ali Khan on the principle, the Cabinet refused to accept it. **(Gadgil. 87)**

The decision of the Cabinet was that "those two paragraphs must go lock, stock and barrel."

(Modern Muslim India and the Birth of Pakistan, S.M. Ikram, Lahore, 1970, p. 462)

And all this in the name of secularism!

Another form for the representation of minorities was possible in the system of elections on the basis of proportional representation. There is a mention of this method of elections in the Nehru Report (1928), rather an admission of its usefulness:

We feel strongly attracted to this method and are of the opinion that it offers the only rational and just way of meeting the fears and claims of various communities. There is a place in it for every minority and automatic adjustment takes place of interests. We have no doubt that proportional representation will in future be the solution of our problem.

But this was rejected as non-practicable at the time of the Constitution making despite the insistence of Committee members, though the very Nehru Report had said:

Most of us feel that there are no insuperable difficulties in the way of giving a trial to proportional representation in India.

(See The Nehru Report 1928, in Readings on Minorities, vol. II)

Since the real objective was to render the voice of minorities ineffective, neither separate electorate nor proportional representation was adopted. Joint electorate were imposed in the name of secularism, the result of which is that in spite of being 12 percent of total Indian population (according to official statistics, independent sources put it at 15 percent), the share of Muslims in government services is 2 percent, even lower in the army, while in the Central and Provincial Assemblies it has on average been 3 to 4 percent. In some areas, they are not represented at all; for instance, their representation has been zero in Madhya Pradesh in spite of being 5 percent of the population.

(See, Readings on Minorities, Iqbal Ansari ed., New Delhi, 1996, vol. I, p. 26).

As far as the objective of secularism and the claim to achieve national solidarity, then the rise of Bhartiya Janata Party (BJP), demolition of the Babri Mosque and the existence of 17 separatist movements are a proof of the failure of joint electorate.

(See, Rajni Kothari's "Cultural Context of Communalism in India" in Readings on Minorities, vol. I, pp. 31-47)

In India, the result of eliminating the separate electorate and imposing joint electorate instead has come in the shape of Muslims' virtual political disenfranchisement. While in Pakistan, it did great harm to Muslim nationalism and national security, and ultimately played a major role in giving domination to secular elements in the country and in bifurcating it. These were the circumstances as a demand of which and in the face of Muslim people's heartfelt desire and political insistence, Pakistan National Assembly and Senate revived the system of separate electorate in 1985 that is enforced till now. This was a decision that was agreed upon by both the National Assembly and the Senate, and the non-Muslim members had fully supported it along with the Muslim members. This was an effort to strengthen the ideological foundation of Pakistan.

We should realize that the real issue is of the link between the state and Deen (religion), and the role of Deen in the country's politics. The system of elections is a part of it and is like a step in the ladder for a change in the issue. If the state is based on Deen and if the government system is to function in the light of the principle of Allah's sovereignty, then representation in leadership and collective-decision-making institutions would naturally depend on religion, civilization and society, and ideological direction of the collective system. Both are as intertwined, as nail and flesh. That is why, whether in India or in Pakistan, the debate on separate or joint electorate has revolved around the axis of religious and national representation.

Protection of minorities' rights is an essential and religious duty of the Islamic State. But, to please a few minority elements at the cost of changing or weakening the foundations of the state is like committing collective suicide. It is opposed to the concept of Pakistan and the leading ideology of Pakistan Movement. Quaid-e-Azam has clearly said:

Pakistan started the moment the first non-Muslim was converted to Islam in India long before the Muslims established their rule. As soon as a Hindu embraced Islam he was outcast not only religiously but also socially, culturally and economically. As for the Muslim, it was a duty imposed on him by Islam not to merge his identity and individuality in any alien society. Throughout the ages, Hindus had remained Hindus and Muslims had remained Muslims and they had not merged their entity – that was the basis of Pakistan.

(Address in Aligarh, March 1944, Speeches and Writings of Mr. Jinnah; vol. III, p. 2)

Can a sensible man think that if this difference is the foundation of Pakistan, then this foundation would disappear soon after Pakistan's coming into being; and the streams that could never merge, would make a single nation? Have the Qur'an and the Prophet's model changed? Have our standards of good and evil have changed? Has a change occurred in Halal and Haram? Have the history and civilization changed their colors? Have art and architecture changed their course? If not, then how can the standards of Muslims and non-Muslims for elections, representation, and priorities be identical?

To ensure the rights of minorities is our duty, and our covenant with Allah and His Creation. But this does not mean demolition of state foundations, change of its destination and the pledge made with the Muslims is given up. While presenting the Objectives Resolution in the Constituent Assembly, Pakistan's first Prime Minister and Quaid's right-hand Khan Liaquat Ali Khan had clearly said:

The Father of the nation, Quaid-e-Azam gave expression to his feelings on this matter on many an occasion, and his views were endorsed by the nation in unmistakable terms...

Quaid-e-Azam and other leaders of the Muslim League always made unequivocal declarations that the Muslim demand for Pakistan was based upon the fact that the Muslims had a way of life and a code of conduct. They also reiterated the fact that Islam is not merely a relationship between the individual and his God, which not, in any way, affect the working of the state.

(Speech in the Constituent Assembly on March 7, 1949; pp. 2, 4)

The principle of framing of Constitution and establishment of political system on the basis of Deen (religion), and representation according to religious and civilizational identity was settled when the Objectives Resolution was passed and on which our Constitution is founded.

The Holy Qur'an has elaborated the principle of representation in the Islamic state, as:

“O ye who believe! Obey Allah and obey the Prophet, and those charged with authority among you.” **(Al-Nisa 4:59)**

Here, the clear decree for 'among you' has once and for all settled the issue of Muslims' representation: Muslims' representatives and people on positions of authority have to be from among themselves.

Such directions can be acted upon only in the system of separate electorate or in such a system where Muslims elect their representatives, and the followers of other religions choose theirs in accordance with their own religious and civilizational values.

It would be appropriate to show to the champions of secular democracy the mirror of West's political thought as well as principles and experiments of liberal democracy, so that they keep from asserting that separate electorate system is the invention of religious fanatics and that it is the antithesis to the equality the liberal democracy upholds. The claim that the right to voting in the Western democratic system without any concern to beliefs, language, race, and civilizational and cultural identity gives equality to minorities and the conflict between majority and minority, and exploitation is eliminated, can be a wish but has nothing to do with the world of realities. Ted Robert Gurr of the Maryland University, USA, has written a book *Minorities at Risk*, published from

Washington in 1993, after great research of many years. Having studied the situation of 233 minority groups, Prof. Gurr says that during the last 50 years the problems of minorities have recorded increase and have resulted in conflict and violence.

Will Kymlicka, professor of political philosophy at the University of Ottawa and a receiver of Macpherson prize for political ideology for 1994-95, is advocating not only the separate electorate but the concept of multicultural citizenship in quite clear and logical a manner. His book Multicultural Citizenship was published in 1996 by Oxford University Press. He says that in today's world there are 600 linguistic and 5,000 ethnic groups in 184 countries where there is a state of persistent tension and conflict and liberal democracy has failed to present a solution.

In democratic system, when there is no concordance between the concepts and the ground realities then the course of physical elimination of minorities is resorted to so that uniformity is achieved in the society. This has been done through massive deportations and expulsions from a country, ethnic cleansing and large-scale blood-letting. Where this did not happen, minorities were forced to adopt the language, religion and customs of the majority.

These trends in the political thought are enough to open the eyes of those who are crying for joint electorate in the name of liberal democracy and equality, and out of their narrow-mindedness and obstinacy allege that separate electorate are undemocratic and based on discrimination. We feel sorry for them that their posture is away from logic and historical facts. Because of prejudice and the colored prism, they are opposing a logical system that is based on justice and reality.

At the end, we would like to say that one way to attain the pluralism we are talking about, and for which separate electorate is an important vehicle, is through the proportional representation in which every school of thought is represented in the Parliament according to its strength on the ground and in reality. In Pakistan's peculiar circumstances, the system of proportional representation has many advantages.

Though the reform of all ills is not possible merely through proportional representation system, yet it can remove many of the current system's faults and the chances of election of better people into the public institutions increase. It can also help in strengthening and stabilizing the system of political parties. However, political parties would have to organize themselves on more democratic lines, introduce transparency in their dealing and performance, and prepare for more answerability before people and courts. The reform in the electoral system is a must for the promotion and development of democracy. The need is to decide on all these issues in the light of Pakistan's circumstances and requirements, and known Islamic and democratic principles so that the nation can march towards practical changes.
