

A Brief on
Ahmadis and Elections in Pakistan
Ahmadis remain deprived of their voting rights, at all levels

VOTING RIGHT is a basic human right in a democracy. Ahmadis are denied this right by devious and discriminatory laws in Pakistan. It is done through unscrupulous rules and corruption of the electoral system undertaken by a hegemonic religious majority in the spirit of priest policy. Current rules flout religious pluralism assured by the founding father.

Electoral system has a history in Pakistan. Since the inception of Pakistan in 1947 to the time of dictator Zia-ul-Haq, all the national elections to the provincial and national assemblies were conducted on the basis of joint electorate system. This was in line with the vision of the founding fathers of this nation and was duly enshrined in the 1973 Constitution. Ahmadis participated in elections like the rest of the population.

Zulfiqar Ali Bhutto (in power 1971–1977) introduced a change by allocating a few additional seats to religious minorities in assemblies, over and above their normal rights in the general arrangement. As Ahmadis did not accept the imposed status of non-Muslim minority, handed down to them in 1974 through Amendment No. II to the Constitution, they never availed these seats although there was an odd case whereby the government nominated a non-representative dummy as show-boy to fill the vacancy that was never requested nor accepted by the Ahmadiyya community.

Zia-ul-Haq, in addition to his other disservices to the nation, imposed the system of Separate Electorate for party-less elections in 1985. Since then, electoral lists were prepared for different religious groups. Those who claim to be Muslim must sign a certificate of faith in ‘the end of prophethood’ and deny the veracity of the founder of Ahmadiyyat. The separate electorate system divided the Pakistani polity into numerous entities based on religion, and did great damage to the first pillar of ‘Unity’ in the national motto of ‘Unity, Faith and Discipline’ given by the founding father Muhammad Ali Jinnah.

Separate electorate system has been maintained after Zia-ul-Haq by subsequent regimes. General Musharraf, pressed by the West, brought about some change in the system; however, he stopped well-short of demolishing the system of separate electorate. There remains, however, an incorrect impression that Pakistan shifted from Separate Electorate to Joint Electorate system in the days of General Musharraf – actually it did not. The Chief Executive’s Order No. 15 published in the Gazette of Pakistan (EXTRAORDINARY) issued at ISLAMABAD on JUNE 17, 2002, titled Conduct of General Elections (Second Amendment) Order, 2002, created a separate ‘**supplementary list of voters**’ in which Ahmadi voters were placed as ‘non-Muslim’.

In May 2002, when the system of Joint Electorate was reintroduced, mullas raised some hue and cry. General Musharraf, obligingly, issued Chief Executive’s Order No. 15 whereby the status of Ahmadis etc. was to remain unchanged despite the Conduct of General Elections Order 2002. It also provided a procedure in Article 7C whereby Muslim voters were required to sign a

declaration concerning belief about *the absolute and unqualified finality of the Prophethood of Muhammad (peace be upon him) and those who refuse to sign the certificate were to be deleted from the joint electoral rolls and added to a supplementary list of voters in the same electoral area as non-Muslims (sic)*. So that was the de-facto end of the resurrected Joint Electorate system; there was really no change from the old system of Separate Electorate – not for Ahmadis, at least.

These discriminatory provisions contained as Articles 7B and 7C in the Chief Executive Order No. 7 of 2002 (as amended by C.E. Order No. 15) have now been made a part of the Election Act 2017. (*Copy of Order No. 15 at Annex*) Similar provisions apply to local government elections.

These devious and appalling procedures predictably resulted in disassociation of the Ahmadiyya community from elections. As such, for decades now, no Ahmadi is represented in any assembly, national, provincial, district, or even local. Ahmadis have no representation in the town council of Rabwah, their own town and centre where 95% of residents are Ahmadis.

For the next election in 2008, the Election Commission ordered vide its letter No. F.1(6)/2001-Cord dated 17 January, 2007 that **“the competent authority has been pleased to decide that separate supplementary lists of draft electoral rolls for Ahmadis/Qadianis for the electoral areas concerned, wherever they are registered, may be prepared and published...”**

By 2017, a parliamentary committee undertook some revision of the main Electorate Rolls Act, 1974 and had the new Election Act 2017 approved in the Parliament. Again this Act required every candidate who claims to be Muslim to make a declaration of belief on oath. It is reproduced below. A similar declaration is required from all individuals who claim to be Muslim and apply for an Identity Card (NIDC) from NADRA, the authority that prepares voters lists from its records:

“I believe in the absolute and unqualified finality of the Prophethood of Muhammad (peace be upon him), the last of the prophets and that I am not the follower of anyone who claims to be a prophet in any sense of the word or of any description whatsoever after Prophet Muhammad (peace be upon him) and that I do not recognize such a claimant to be prophet or a religious reformer, nor do I belong to the Qadiani group or the Lahori group, or call myself an Ahmadi.”

The above statement and the like place Pakistan squarely in the time of medieval Europe. It is relevant to mention that the above definition of a Muslim, as adopted from Article 260(3) of the constitution is a Pakistan-specific innovation that is not to be found anywhere else in 1400 years since the birth of Islam. This is also true regarding the definition of a non-Muslim given in Art 260(3) b. The rulers, politicians and the mullas have led the state of Pakistan into uncharted waters, in the middle of night.

Some may ask why Ahmadis do not simply go ahead and avail the voting right. The answer is that no one who considers himself to be a Muslim would agree to dissociate himself from Prophet Muhammad (PBUH) to get registered as a voter. Ahmadis are no exception, as it is not possible for them also to do so in the light of their belief. In fact, the mulla and the authorities in Pakistan know fully well that Ahmadis would not vote under such conditions, that is why they have included such declarations in the law and rules.

The slogan of “Free and fair elections” sounds meaningless to Ahmadi citizens of Pakistan. As for the right to participate in elections, it is guaranteed to Ahmadis in the Constitution of Pakistan and Article 21 of the Universal Declaration of Human Rights to which Pakistan is signatory. Denial of this right is gross violation of these sacrosanct provisions.

National elections were held in 2008 and 2013. Ahmadis could not participate in the face of these special conditions applicable to them. Subsequent to the 2013 election, a revision of election laws was undertaken by the parliament in which PML-N led by Mian Nawaz Sharif was the majority ruling party. On October 2, 2017, the parliament passed Election Act 2017 into law. According to the new law, Ahmadis could vote as they were no longer required to fill in application forms to register as voters. This greatly upset the mullas, as also the opposition who were not happy with some PML(N)-sponsored specific provisions like a disqualified person becoming the president of his political party. The anti-ruling party groups availed the occasion to start a virulent agitation against the government, with focus on the doctrine of End of Prophethood. The ruling party immediately capitulated on the issue of voting rights of Ahmadis and incorporated the notorious Articles 7B and 7C in the Election Act 2017. Thus, Ahmadis were again denied their right of vote. The government, in order to calm the agitators, claimed: “The ‘end of prophethood’ law is now far more effective and binding than before.” The Interior Minister stated that the new Act on ‘end of prophethood’ will remain operative till *Qiyamat* (Doomsday).

The discriminatory Elections (Amendment) Act 2017 is Pakistani version of Gore Vidal’s “Perpetual War for Perpetual Peace”; the state policy here is “Perpetual Denial of Human Rights to Ahmadis for Perpetual Political Self-interest”. The revised Act violates the clear guidance of the founding father of Pakistan; it defies higher values of statecraft and transgresses the international protocols signed by Pakistan. It manifests abuse of religion for political gain. Ahmadis stay effectively disenfranchised; they could not participate in General Elections 2018.

The language of the religious affidavit is noteworthy. The inquisitors of the medieval Spanish Inquisition would not have been more thorough in preparation of their affidavits. The Election Commission now issues separate lists of Ahmadi voters along with their addresses; this makes it easy for anti-Ahmadi terrorists and activists who are thus provided a ready list with the needed information. In every future election the Election Commission will provide them an updated list. This is a cause of serious concern to Ahmadis.

Thus, more than 30 years after Zia’s harmful innovation, Ahmadis continue to have no representation in the federal parliament or the provincial assemblies – neither in the local councils, even in Rabwah; as a result Ahmadis’ political and civic rights are grossly neglected at all levels in the country; in breach of human rights ideals.

June 2019

Annex: Remorseless anti-Ahmadi Articles 7B and 7C ordered by a dictator, now a part of Elections (Amendment) Act 2017

Remorseless anti-Ahmadi articles 7B and 7C ordered by a dictator, now a part of Election Act 2017



REGISTERED No. M - 302
L-7646

EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, MONDAY, JUNE 17, 2002

PART I

Acts, Ordinances, President's Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW, JUSTICE, HUMAN RIGHTS AND
PARLIAMENTARY AFFAIRS

(Law, Justice and Human Rights Division)

Islamabad, the 17th June, 2002

F. No. 2(4)/2002-Pub.—The following Order promulgated by the Chief Executive is hereby published for general information:—

CHIEF EXECUTIVE'S ORDER No. 15 of 2002

AN

ORDER

Further to amend the Conduct of General Elections Order, 2002

WHEREAS it is expedient to further to amend the Conduct of General Elections Order, 2002 (Chief Executive's Order No. 7 of 2002), for the purposes hereinafter appearing:

(195)

[458(2002) Ex. Gaz.]

Price : Rs. 3.00

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Now, THEREFORE, in pursuance of the Proclamation of Emergency of the fourteenth day of October, 1999, and the Provisional Constitution Order No. 1 of 1999, and in exercise of all powers enabling him in that behalf, the Chief Executive of the Islamic Republic of Pakistan is pleased to make and promulgate the following Order:

1. Short title and Commencement.—(1) This Order may be called the Conduct of General Elections (Second Amendment) Order, 2002.

(2) It shall come into force at once.

2. Insertion of new Articles 7B and 7C, Chief Executive's Order No. 7 of 2002.—In the Conduct of General Elections Order, 2002 (Chief Executive's Order No. 7 of 2002), after Article 7A, the following new Articles shall be inserted, namely:—

"7B. Status of Ahmadis etc. to remain unchanged.—Notwithstanding anything contained in the Electoral Rolls Act, 1974 (XXI of 1974), the Electoral Rolls Rules, 1974, or any other law for the time being in force, including the Forms prescribed for preparation of electoral rolls on joint electorate basis in pursuance of Article 7 of the Conduct of General Elections Order, 2002 (Chief Executive's Order No. 7 of 2002), the status of Qadiani Group or the Lahori Group (who call themselves 'Ahmadis' or by any other name) or a person who does not believe in the absolute and unqualified finality of the Prophethood of Muhammad (peace be upon him), the last of the prophets or claimed or claims to be a Prophet, in any sense of the word or of any description whatsoever, after Muhammad (peace be upon him) or recognizes such a claimant as a Prophet or a religious reformer shall remain the same as provided in the Constitution of the Islamic Republic of Pakistan, 1973."

"7C.—If a person has got himself enrolled as voter and objection is filed before the Revising Authority notified under the Electoral Rolls Act, 1974, within ten days from issuance of the Conduct of General Elections (Second Amendment) Order, 2002, that such a voter is not a Muslim, the Revising Authority shall issue a notice to him to appear before it within fifteen days and require him to sign a declaration regarding his belief about the absolute and unqualified finality of the Prophethood of Muhammad (peace be upon him) in Form-IV prescribed under the Electoral Rolls Rules, 1974. In case he refuses,

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to sign the declaration as aforesaid, he shall be deemed to be a non-Muslim and his name shall be deleted from the joint electoral rolls and added to a supplementary list of voters in the same electoral area as non-Muslim. In case the voter does not turn up in spite of service of notice, an ex parte order may be passed against him."

طلب نامہ دار اور نامہ

میں طلبہ، قادیان، لاہور اور دیگر علاقوں کے احمدیوں کی نامہ داری کے لیے ایک نوٹیفکیشن جاری کیا گیا ہے۔ اس نوٹیفکیشن کے تحت ان لوگوں کو اپنی شناخت ثابت کرنے کے لیے ایک نوٹیفکیشن پر عمل کرنا پڑے گا۔ اگر وہ اس نوٹیفکیشن کے مطابق عمل نہیں کرتے تو ان کے نامہ داری سے انکار کیا جائے گا۔

Sd/-
GENERAL,
PERVEZ MUSHARRAF,
Chief Executive
of the Islamic Republic of Pakistan
'And Chief of Army Staff.

Sd/-
MR. JUSTICE,
MANSOOR AHMED,
Secretary.

