

THE BIRTH OF A NATION

The Role of Quaid-e-Azam in the Making of Pakistan

We will now dwell upon an analysis of the salient events of political development of Pakistan's history since its creation. This analysis, I believe, will help set a better course for our country's future, and steer clear of the wrong and injurious decisions that have been taken in the past. The thoughts being presented in this analysis are the result of half a century of hard thinking, research, and dedicated work in the field by the author as a social and political activist.

We begin by noting down briefly the role of the Qaid-e-Azam Muhammad Ali Jinnah in establishing Pakistan.

After being elected the first President of the Constituent Assembly of Pakistan on 11 August 1947, Jinnah delivered his memorable presidential address in which he clearly outlined the ideal and the concept of Pakistan, its constitutional structure, and the hopes and aspirations of its people.

While enumerating the basic duties of the government, the first duty he declared was maintenance of law and order and protection of life and property, and religious beliefs of the citizens. Next, he identified bribery and corruption, black-marketing, nepotism and jobbery as the greatest evils afflicting society, which had to be stamped out. He called upon the majority and minority communities in Pakistan to bury the hatchet, forget the past, and cooperate with each other. He exhorted them to concentrate upon the wellbeing of the people, especially of the poor. He declared that all the citizens of Pakistan, regardless of their color or creed, would enjoy equal rights, privileges and obligations.

He affirmed the right to religious freedom in the following words: " 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.

This speech contained Jinnah's prescription for the Constitution of Pakistan that: one, all citizens of Pakistan would be equal regardless of their belief, caste, or creed; two, all citizens would be granted freedom to practice whatever religion they believed in; three, all religious, sectarian, ethnic, linguistic, and other similar distinctions would cease to matter in political sense,

and the Constitution would ensure that the nation should progress regardless of such distinctions; and, for, that Pakistan would not be a theocratic state and religion would be a citizen's private and personal matter.

Jinnah also indicated the broad guidelines for Pakistan's Constitution in various statements and speeches. Had these guidelines been followed in the right spirit, Pakistan would have had a true democracy based on equality and freedom for all citizens, free from all kinds of prejudices and devoted to development and progress.

Jinnah visualized Pakistan as a modern, progressive and democratic state whose energies would be devoted to the uplift of the people, and evils such as corruption, bribery, black-marketing, nepotism, and jobbery would be stamped out.

Given below are extracts from Jinnah's speeches and writings that will enable us to understand fully his concept of Pakistan, the direction he wanted to give to the people of Pakistan, and his views on various issues faced by the nation.

The Objectives Resolution, 1949

The first step towards the framing of a Constitution was taken by the Constituent Assembly in 1949, when it passed a resolution on the aims and objects of the Constitution popularly known as Objectives Resolution. It was adopted on 12 March 1949.

This Resolution, presented by Liaqat Ali Khan the first Prime Minister of Pakistan, constitutes a landmark in the making or unmaking of the nation's future. The text of the Resolution, as passed by the Constituent Assembly, is as under:

" In the name of Allah, the Beneficent, the Merciful:

Whereas sovereignty over the entire universe belongs to God Almighty alone and the authority which He has delegated to the State of Pakistan through its people for being exercised within the limits prescribed by him is a sacred trust;

This Constituent Assembly representing the people of Pakistan resolves to frame a constitution for the sovereign independent State of Pakistan.;

Wherein the state shall exercise its powers and authority through the chosen representatives of the people;

Wherein the principles of democracy, freedom, equality, tolerance, and social justice as enunciated by Islam shall be fully observed;

Wherein the Muslims shall be enabled to order their lives in the individual and collective spheres in accordance with the teachings and requirements of Islam as set out in the Holy Quran and *Sunnah*;

Wherein adequate provision shall be made for the minorities freely to profess and practice their religions and develop their cultures.

Wherein the territories now included in or in accession with Pakistan and such other territories as may hereafter be included in or accede to Pakistan shall form a federation wherein the units will be autonomous with such boundaries and limitations on their power as may be prescribed;

Wherein shall be guaranteed fundamental rights including equality of status, of opportunity and before law, social, economic and political justice, and freedom of thought, expression, belief, faith, worship, faith, worship, and association, subject to law and public morality;

Wherein adequate provision shall be made to safeguard the legitimate interests of minorities and backward and depressed classes;

Wherein independence of the judiciary shall be fully secured;

Wherein the integrity of the territories of the federation, its independence and all its rights including its sovereign rights on land, sea, and air shall be safeguarded;

So that the people of Pakistan may prosper and attain their rightful and honoured place amongst the nations of the world and make their full contribution towards international peace and progress and happiness of humanity.

As soon as the Resolution was moved, a non-Muslim member, Prem Hari Barma, proposed that the motion be circulated for eliciting public opinion thereon. This motion was supported by Sris Chandra Chattopadhaya. He said that they had an idea that the Constitution would be based on the eternal principles of equality, democracy and social justice. We thought that religion and politics would not be mixed up. That was the declaration of Qaid-e-Azam Muhammad Ali Jinnah in this House. But the resolution before us has a religious bias. He said, some of the paragraphs of the Resolution requires study, consultation,

deliberation with our friends, both Muslims and non-Muslims, and citizens of our country who are our masters. We are their servants.

Liaquat opposed the motion, which was put to vote, and defeated that very day.

Proposed Amendments

The days following the moving of the Resolution generated a lively discussion. A large number of objections to the Resolution were raised particularly by the non-Muslim members. The following amendments were moved:

1. 'That the paragraph beginning with the words "Whereas sovereignty over the entire universe... " and ending with the words "... is a sacred trust" be omitted.'
2. 'That in the paragraph beginning with the words "Whereas sovereignty over the entire universe"..." for the words "State of Pakistan through its people" the words "People of Pakistan" be substituted.
3. 'That in the paragraphs beginning with the words "Whereas sovereignty over the entire universe..." the words "within the limits prescribed by Him" be omitted.
4. 'That in the paragraph beginning with the words "This Constituent Assembly..." after the word "independent" the word "democratic" be inserted.
5. 'That after the paragraph beginning with the words "This Constituent Assembly..." the following new paragraphs be inserted:-

"Wherein the national sovereignty belongs to the people of Pakistan;

Wherein the principle of the state is government of the people, for the

People, and by the people".'

6. 'That for the paragraph beginning with the words "Wherein the state shall exercise..." the following paragraph be substituted:-

"Wherein the elected representatives of the people – in whom shall be centred and in whom shall belong legislative as well as executive authority – shall exercise their powers through such persons as are by law authorized to do so. The elected representatives shall control acts of government and may at any time divest it of all authority".'

7. 'That in the paragraph beginning with the words "Wherein the principles of democracy...", the words "as enunciated by Islam" be omitted.'
8. 'That in the paragraph beginning with the words "Wherein the principles of democracy..." after the words "as enunciated by Islam", the words "and as based upon eternal principles, be inserted.'
9. 'That in the paragraph beginning with the words "Wherein the principles of democracy..." after the words "as enunciated by Islam", the words, "and other religions", be inserted.'
10. 'That in the paragraph beginning with the words "Wherein the principles of democracy..." after the words "as enunciated by Islam", the words "but not inconsistent with the Charter of the Fundamental Human Rights of the United Nations Organization", be inserted.'
11. 'That in the paragraph beginning with the words "Wherein the Muslims shall be ..." for the words "Muslims shall", the words 'Muslims and non-Muslims shall equally" be substituted.'
12. 'That in the paragraph beginning with the words "Wherein the Muslims shall be..." for the words "Islam as set out in the Holy Quran and Sunnah", the words "their respective religions" be substituted.'
13. 'That in the paragraph beginning with the words "Wherein the Muslims shall be..." after the words "Holy Quran and Sunnah", the following be added;- "in perfect accord with non-Muslims residing in the State and in complete toleration of their culture and social and religious customs."
14. 'That for the paragraph beginning with the words "Wherein adequate provision shall be made for the minorities", the following paragraph be substituted:-
"Wherein shall be secured to the minorities the freedom to profess and practice their religions and develop their cultures and adequate provision shall be made for it."
15. 'That in the paragraph beginning with the words "Wherein shall be guaranteed..." after the word "guaranteed". The words "and secured to all the people of Pakistan" be inserted.'

16. 'That the paragraph beginning with the words "Wherein adequate provision shall be made to safeguard..." for the words "and depressed classes", the words "classes and scheduled castes" be substituted.'
17. 'That in the paragraph beginning with the words "Wherein adequate provision shall be made to safeguard...", between the words "backward" and "depressed classes", the words "and labouring" be inserted.

Some of the important points raised in the above amendments are:

1. The delegation of authority of God Almighty, should have been stated in the resolution as having been given to the "people of Pakistan" and not to the "State of Pakistan". Such a statement would lead to the erroneous concept of "divine right of the state". The principles of democracy, freedom, equality, and social justice should have been equated to "the eternal principles as laid down by all the Prophets" instead of merely saying, "as enunciated by Islam", the word "Islam" having been largely misinterpreted by the religious elite. Islam has been made into 'a religion among other religions'.

2. The principle that would establish democracy, if applied, have not been clearly laid down in the Objectives Resolution. The resolution has been made to appear as being intended to order the lives of Muslims alone, as if the State is not responsible for bettering the lives of the non-Muslim minorities, and they are not part of the nation. The ground reality is that the rulers and the government has failed to set up the Islamic system of governance and order the lives of the Muslims of Pakistan in the last fifty years.

3. It has not been clearly stated in the Resolution that Pakistan would be "democratic State" wherein national sovereignty would belong to the people of Pakistan.

4. The words "The principles of democracy... as enunciated by Islam" do not convey the true meaning of Islam. The principles of Islam that truly define 'democracy' are eternal and have been put forward by all the Prophets, and hence are common for Muslims, Christians, Jews, Hindus and other religious entities.

Debate on the Resolution

The debate held in the Constituent Assembly on the Objective Resolution reveals that some pertinent objections were raised, and some reasonable proposals advanced, by certain members of the minority community, as well as by a Muslim member Mian Iftikhar-ud-Din, but these were not taken seriously and in an objective manner by the government benches and the resolution was passed hurriedly. The Resolution was neither circulated for eliciting public opinion nor a committee of the House was formed to consider it. Also there was no indication of it in the Agenda papers circulated.

Mr. Birat Chandra Mandal while addressing the House said, the great Prophet Muhammad was born in Arabia and Islam, and Islam first appeared in Arabia, but now even in that country there is a constitution in which we do not see the principles of administration or constitution have been based on Islam. He said, the constitution has all along been, and everywhere on the face of the globe established, on democracy and especially on the economic thinking of the political people of individual countries. He said, the founder of this dominion most unequivocally said that Pakistan will be a secular state. The great leader of ours never said the principles of constitution will be based on Islam. So, we are going to commit a very serious blunder, and we are going to do something, which is unprecedented in the history of the world. He said, nowhere on the face of the globe we find a constitution, which has been based on the principles of a particular religion. Hindus also have not done so on the basis of religion. He said, the whole world is gradually progressing and all the civilized countries of the world are progressing. Why is it that our Pakistan should not keep pace with the advancement of other countries of the world. He said, I am not for Christians, not for Hindus, and not for Persians. But I am for the state. I say that my state will be guilty of framing a constitution which posterity will condemn. I believe from the core of my heart that the most progressive people will be born after our death... there will be a posterity that will outlive us. Today we are fighting that he is a Muslim, he is a Hindu, he is a Christian, he is a Budhist in Pakistan. But the time will come when people will not believe in their individual religions. Nobody will believe in these things. Now nobody is willing to have a constitution based on Islam or Hinduism or Christianity and nobody is willing to do anything in the name of religion.

He said, please look forward and make the constitution in such a way that you may not have to repent afterwards. He said, consider again and again before finally coming to any conclusion whether we should adopt the resolution at all. I would like to give you this advice in the interests of the state and not in the interests of the Hindus or Christians or Budhists or Musalmans or Parsees. The state has no religion. Individuals might have religion, but the state has got no religion. He said, you will be held responsible, because you are the sponsors of this Resolution, not only to the countries in the world which have made their constitutions in the past but also to the posterity who will think of making their constitution in the future. So, I tell you again and again to ponder over this Resolution before you finally adopt it.

Bhupendra Kumar Dutta also made an eloquent speech. He said, certain rules, laws and regulations must guide and control the relations between the people and the state. Such laws, rules, and regulations have in the modern world come within the domain of matters political. The relation between a state and its citizens are subject properly of politics. On the other hand, the relation between man and God comes within the sphere of religion. He said, the two – reason and faith – may blend together perfectly. But we allow each to work separately in order each may grow to its fullest maturity so that a higher synthesis of the two may be attained. – a mellower blending. Even in the evolution towards that ultimate end, the two may be working hand in hand but unobtrusively. He said, Politics belongs to the domain of reason. But as you intermingle it with religion, you pass into the other sphere of faith. Thereby you run the risk of subjecting religion to criticism, which will rightly be resented as sacrilegious; on the other hand, so far as to state and state policies are concerned, you cripple reason, curb criticism. Political institutions – particularly modern democratic institutions – as we all know, grow and progress by criticism, from broader to still broader basis. As long as you remain strictly within the region of politics, criticism may be free and frank, even severe and bitter. But as you bring in religion or things as matters of faith, you open the door ajar for resentment of criticism. He said, I have reason to believe that were this Resolution to come before this House within the lifetime of the great creator of Pakistan, the Qaid-e-Azam, it would not have come in its present shape. He said, I fear (if this Resolution were to be passed) criticism will be stilled or absolutism will find a

chance to assert itself. He said, we are framing a constitution, which will outlive us, may be, even many of our succeeding generations. So, as far as human reason can guard against it, let us not do anything here today that may consign our future generations to the furies of a blind destiny. Even in our lifetime, he said, a political adventurer may find a chance to impose his will and authority on this state. He may find a justification for it in this Preamble. To the people of our state, he may justify his claim on the clause in it that refers to the delegation of the Almighty's authority to the state through its people. He has only to forge a further link and get it delegated through the state to himself and declare that he is the ruler of Pakistan, anointed by his Maker.

Mian Muhammad Iftikharuddin opposing the Resolution said, the words used in this Resolution do not mean anything. This Resolution is not the product of the League Party in the House. This Resolution is supposed to be the voice of the seventy million people of our country....I feel that we are taking upon ourselves a tremendous responsibility which we are not discharging properly. Had we given the world a proper Islamic constitution, a fine ideology, a new way of achieving real democracy, I think, we would have performed a great task. He said, I do hope that even at this stage the House, realizing its great responsibility, will incorporate in its Objectives Resolution those principle which will make real democracy possible. If it fails to do that, at this stage, I do hope it will do so in the actual Constitution and the world will know what we really mean by the Islamic conception of democracy and social justice.

Maulana Shabbir Ahmad Usmani, Sardar Abdur Rab Nishtar, Ch. Zafarullah Khan and Liaqat Ali Khan spoke in support of the Resolution and gave conventional and cliché-ridden arguments, and presented self-confusing dogmas about Islam while justifying the presentation of the Objectives Resolution.

The House rejected all the amendments to the Objectives Resolution by ten against twenty-one. No attempt whatsoever was made to create a consensus about the Resolution.

I cannot, however, be denied that some of the proposed amendments were quite reasonable and moderate and their point of view ought to have been accommodated in the larger national interest.