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# IDEOLOGICAL AND CONSTITUTIONAL FOUNDATIONS OF PAKISTAN

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## Introduction

**T**HE bureaucratic, autocratic and dictatorial regimes have, not only, done an incalculable damage to the ideological and constitutional foundations of Pakistan, but have also undermined its unity, integrity and solidarity. The resultant effect has been catastrophic, and slogans such as those of four nationalities and confederation, sponsored by certain disgruntled elements, have got currency in the minds of the people. Not only this, doubts have also been created in the minds of the people about the *raison d'être* of Pakistan, and they are forced to lose faith in her destiny. The most intriguing aspect of this whole evil affair is that the so called intellectuals and their pay masters have begun to question the very creation of Pakistan. Evil motives are attributed to the Founder of Pakistan, Quaid-i-Azam Muhammad Ali Jinnah, and the collective will and wisdom and genius of the people have been put to shame when it is said that the establishment of Pakistan was a gift of the British imperialism. Never in the history of a nation, the people's sacrifices and their struggle for freedom have been so scorned and humiliated as is being done in Pakistan, by those who were the stooges and henchmen of the Hindu Congress and the opponents of Pakistan. To add insult to injury, those who opposed the Quaid-i-Azam, the Muslim League and the Pakistan Movement have become self-acclaimed champions of the ideology of Pakistan. The former are trying to negate the 'Two-Nation Theory' and the latter, by their fascist tactics are obstructing the constitutional and democratic processes in Pakistan.

The fact of the matter, however, is that the Muslim Freedom Movement in South Asia, that led to the establishment of Pakistan, marks a glorious phase in the history of our proud nation

which, in spite of having lost her political power after one thousand years of rule in India, never lost sight of her rich cultural heritage and distinctive identity. It is the story of the rise and fall of a nation, which, albeit her fall from grace, reasserted herself, reassembled her scattered forces and initiated a process of Muslim renaissance to regain her pristine glory.

In this article, an effort has been made to discuss and examine the ideological and constitutional foundations of Pakistan, which, I am sure, will dispel the doubts from the minds of those who have, unfortunately, fallen prey to the mischievous and anti-national propaganda and machinations of those who shamelessly and brazenly question the very righteousness and genuineness of the cause of Muslim Freedom Movement and the creation of Pakistan.

## Historical Background

It is an undeniable fact that the advent of Islam was a unique event in the history of South Asia. The introduction of Islam in the body politic of India was a source of inspiration and encouragement for the down trodden sections of the caste-ridden Hindu Indian society. According to a well known and staunch Hindu historian:

When the Muslims entered India, politically she was disunited, and rival states fought against one another in complete disregard of national interests. Probably the word, national, had no meaning for them. Religion was encumbered by superstitions, and the society was held in the grip of a rigid caste system which rendered the unification of the various groups impossible.<sup>1</sup>

As compared to the Hindus, the Muslims — who believed in the unity of God, mission of the Holy Prophet (peace and blessings of Allah be upon him), equality of man, concept of Islamic justice and brotherhood — were a well-knit and in-



tegrated community. They had come from many Muslim lands and belonged to various racial stocks, but in India, they kept their national identity as Muslims only and preserved it with a jealous zeal. Same was the case with the Hindus viz-a-viz the Musalmans; they never reconciled to the Muslim conquest of India and the introduction of Islamic social order. According to Zulfikar Ali Bhutto, "the blow had to be endured, but defiance was offered consistently in the name of *Dharma*."<sup>2</sup> It, however, remains a fact that the two communities though continued to co-exist side by side, could not integrate into one polity. This is best illustrated by Alberuni, who says that:

All their [Hindus'] fanaticism is directed against those who do not belong to them—against all foreigners. They call them *malecha*, i.e., impure, and forbid having any connection with them, be it by inter-marriage or by any other kind of relationship, or by sitting, eating and drinking with them, because thereby, they think they would be polluted. They consider as impure anything which touches the fire and water of a foreigner, and no household can exist without these two elements. They are not allowed to receive anybody who does not belong to them even if he wished it, or was inclined to their religion. This render any connection with them quite impossible, and constitutes the widest gulf between us and them.<sup>3</sup>

It may, however, be stated that the superior social order of Islam could not be absorbed by Hinduism as was the case with other religions, such as *Buddhism* and *Jainism*. The Muslims had not only come to stay, they had also developed and preserved their separate and distinct entity right from the very beginning of their arrival in India. A prominent Hindu scholar writes:

The main social result of the introduction of Islam as a religion into India was the division of society on a vertical basis. Before the tenth century, Hindu society was divided horizontally, and neither Buddhism nor Jainism affected the division. They were not unassimilable elements and fitted in easily with existing divisions. Islam, on the other hand, split Indian society into two sections from top to bottom, and what has now come to be known in the phraseology of the day as two separate nations came into being from the beginning. At all stages they were different and hardly any social communication or inter-mingling existed

between them.<sup>4</sup>

It may not be out of place to mention here that the Hindu writers have also been regenerating a kind of consciousness of past greatness to inspire Hindu cultural and political revival. In their opinion the advent of Islam in South Asia in the eleventh century not only brought about the loss of Hindu political power, but it also outraged to the dominant religion—Hinduism. An Indian author, analysing the causes of Hindu-Muslim conflict, observes:

The Muslim conquest of India could not be made innocuous for the Hindus through the caste system. The conquest was an extension into a new country of a well-established and mature society, with a fully developed way of life and a living culture. The final conquest of India was the adventure of a Muslim king whose main territories lay outside India, but even when the subordination of the new Muslim empire to an external Muslim Kingdom was ended, as it very soon was, Muslim rule in the country remained the rule of a colonizing people who never forgot their affiliation with the wider Islamic world.<sup>5</sup>

Viewed in this context, it can, therefore, safely be concluded that Hindus never reconciled to the separate and distinct entity of the Muslims in India. According to Zulfikar Ali Bhutto, "unfortunately, the Indian mentality is troubled with historical complexes and the obsession of defeat."<sup>6</sup>

It is not intended in this article to give a detailed account of Hindu-Muslim animosity. However, suffice it to say that after the unsuccessful war of Independence of 1857, which finally brought an end to the Muslim rule in India, the British emerged as the unrivalled masters of India. In their bid to suppress the Muslims, they followed a policy of appeasement with the majority community, i.e., the Hindus, and initiated a process of constitutional reforms. Having thus achieved the goodwill of Hindus, they dreamt of establishing British Empire in India on the ashes of the Muslim Empire. In their designs the British were fully supported by the Hindus in general and those of Bengal in particular where the British had first established their Empire. It was at this stage that Sir Syed Ahmad Khan warned the Hindus in the following words:

They should remember that we are like a rope which



has been burnt but its coil is not burnt, it is still there. The rope is not yet quite cold. There is some heat left in it. They should touch it carefully lest the hand gets burnt. The Congress, in fact, represents a civil war without arms. The civil war decides who will wield authority. The object of the Congress is to have the British Government only in name in India but the internal Government of the country should pass into their hands.<sup>7</sup>

It may, however, be stated that the greatest British orator, Mr. John Bright had in the very beginning challenged the bona fides of the British colonial rulers. In his speech before the House of Commons, on 4 June 1858, he emphatically said:

How long does England propose to govern India? Nobody can answer this question. But be it 50 or 100 or 500 years, does any man with the smallest glimmering of common sense believe that so great a country, with its 20 different nationalities and its 20 different languages, can ever be bounded up and consolidated into one compact and enduring empire confine? I believe such a thing to be utterly impossible.<sup>8</sup>

The Hindu-Muslim relations entered a new phase of instability and uncertainty when the British decided to introduce the representative institutions in the Subcontinent which meant the rule of the majority. In England, of course, this principle worked on the basis of political programmes where the masses as well as the intellectuals represented one people. In the case of India, however, it meant the rule of one people—the Hindus—who happened to be in majority over the peoples with different religious, intellectual, social, economic and historical backgrounds. It was because of these fundamental differences that Sir Syed Ahmad Khan had to warn the British of the consequences of their policies. Speaking on Lord Ripon's Local Self-Government Bill, in the Governor-General's Legislative Council, on 15 January, 1883, he said:

So long as differences of race and creed and the distinctions of caste form an important element in the socio-political life of India, and influence her inhabitants in matters connected with the administration and welfare of the country at large, the system of election, pure and simple, cannot be safely adopted. The larger community would totally override the interests of the smaller community.<sup>9</sup>

It remains, however, a fact that the British were hell-bent upon their constitutional reforms and wanted to appease the Hindus. It was, therefore, with their blessings that the Indian National Congress was formed in 1885 with an Englishman, Mr. A.O. Hume, as its first President. Sir Syed Ahmad Khan again came to the rescue of the Musalmans, and challenged the bona fides of the representative national character of the Congress. He warned the Muslims not to join this Hindu organization. In reply to Mr. Badruddin Taiyebji, Sir Syed wrote in February 1888:

A Congress becomes a national Congress only when all the aims and objects of the nation whom the Congress represents are common without exception. My honourable friend admits that some aims and objects of the Muslims and the Hindus are different and contradictory. Should we Muslims found a separate Congress to realize our different aims? Should the two Congresses compete and even fight with each other in view of their conflicting and antagonistic aims. Our friend should himself decide in all fairness whether such nations whose aims and objects are opposed to one another, though some minor points might be common, can form a National Congress. It may be appropriate or not, but no Muslim, be he a cobbler or a nobleman, would ever agree to the Muslims being relegated to a status where they become slaves of another nation which is their neighbour, even though time has reduced them to a very low position and will reduce them still further.<sup>10</sup>

Sir Syed Ahmad Khan was, indeed, a great visionary. He had, as early as 1888, visualized and speculated a possible struggle of power between the Hindus and the Muslims in the event of transfer of power to the Indians, and had thus prophetically posed a question to the British and stated that:

Is it possible that under these circumstances two nations—the Mohammedan and Hindu—could sit on the same throne and remain equal in power? Most certainly not. It is necessary that one of them should conquer the other and thrust it down. To hope that both could remain equal is to desire the impossible and inconceivable.<sup>11</sup>

The introduction of representative institutions on the basis of majority rule in India by the British, further aggravated the Hindu-Muslim



conflict, and consequently led to the formation of the Congress in 1885 and of the Muslim League in 1906, respectively. The Muslim demand for separate representation was there even before the establishment of the Muslim League. The British Government, realizing the gravity of the situation and the genuineness of the Muslim demand, conceded the right of separate representation to the Musalmans in the representative institutions. The Congress opposed it tooth and nail, and adopted such methods as would make the constitutional settlement between the Hindus and the Musalmans impossible. It was against this background that several efforts were made by the Muslim leaders for a constitutional settlement between the two nations, but the Hindus stuck to their guns. In this connection, it would not be out of place to refer to a letter which the great Hindu Mahasabhaite leader, Lala Lajpat Rai, wrote to Mr. C.R. Das in 1925, in which he said:

There is one point more which has been troubling me very much of late and one which I want to think [about] carefully, and that is the question of Hindu-Muhammedan unity. I have devoted most of my time during the last six months to the study of Muslim history and Muslim Law, and I am inclined to think it is neither possible nor practicable. Assuming and admitting the sincerity of Mohammedan leaders in the non-cooperation movement, I think their religion provides an effective bar to anything of this kind. What is then the remedy? I am not afraid of the seven crores of Musalmans. But, I think the seven crores in Hindustan plus the armed hordes of Afghanistan, Central Asia, Arabia, Mesopotamia and Turkey will be irresistible.

I do honestly and sincerely believe in the necessity or desirability of Hindu-Muslim unity. I am also fully prepared to trust the Muslim leaders. But what about the injunctions of the Quran and the Hadis? The leaders cannot override them.<sup>12</sup>

In short, it may be stated that in order to secure safeguards for the Muslims, not only that the Muslim League leaders tried their best to come to a constitutional settlement with the Hindu Congress, even the British Government took certain initiatives in this behalf, but they all proved unfruitful. In this connection, a special mention may be made of the proposals for Hindu-

Muslim settlement, popularly known as "Delhi Muslim Proposals",<sup>13</sup> which were evolved at a conference of Muslim leaders of different shades of opinion, held at Delhi under the Presidentship of Quaid-i-Azam Muhammad Ali Jinnah, on 20 March 1927, on the basis of the Quaid-i-Azam's speech<sup>14</sup> on the Nehru Committee's recommendations regarding the future constitution and Hindu-Muslim problem at the All Parties Convention, Calcutta, December 1928, the Quaid-i-Azam's Fourteen Points<sup>15</sup>, and the 'resolution'<sup>16</sup> passed at the All-Parties Muslim Conference, held at Delhi, under the Presidentship of His Highness the Aga Khan, on 1 January 1929.

Having exhausted all their efforts to come to a constitutional settlement with the Hindus, the Muslims had no option but to demand a separate homeland for themselves so that they could preserve and maintain their existence as a distinct entity and save themselves from the Hindu domination. It was under these circumstances that in his presidential address in the Twenty-First Session of the All-India Muslim League, held at Allahabad on 29-30 December 1930, the poet-philosopher of Islam, Allama Iqbal, propounded the idea of the establishment of a separate State for the Muslims of South Asia. Since, Iqbal's presidential address occupies a unique place in the history of Muslim Freedom Movement that led to the establishment of Pakistan, the following portion is quoted verbatim:

India is a continent of human groups belonging to different races, speaking different languages, and professing different religions. Their behaviour is not at all determined by a common race-consciousness. Even the Hindus do not form a homogeneous group. The principle of European democracy cannot be applied to India without recognizing the fact of communal groups. The Muslim demand for the creation of a Muslim India within India is, therefore, perfectly justified. The resolution of the All-Parties Muslim Conference at Delhi is, to my mind, wholly inspired by this noble ideal of a harmonious whole which, instead of stifling the respective individualities of its component wholes affords them chances of fully working out the possibilities that may be latent in them. And I have no doubt that this House will emphatically endorse the Muslim demand embodied in this resolution.



Personally, I would go further than the demands embodied in it. I would like to see the Punjab, the North-West Frontier Province, Sind and Baluchistan amalgamated into a single State. Self-Government within the British Empire, or without the British Empire, the formation of a consolidated North-West Indian Muslim State appears to me to be the final destiny of the Muslims, at least of North-West India.<sup>17</sup>

In the concluding part of his presidential address, Iqbal said:

One lesson I have learnt from the history of Muslims. At critical moments in their history it is Islam that has saved Muslims and not *vice versa*. If to-day you focus your vision on Islam and seek inspiration from the ever-vitalizing idea embodied in it, you will be reassembling your scattered forces, regaining your lost integrity, and thereby saving yourself from total destruction.<sup>18</sup>

### Pakistan Resolution

The next most important aspect of, and a unique event in the history of Muslim Freedom Movement was the unanimous adoption of the historic Pakistan Resolution by the All-India Muslim League in its Twenty Seventh Annual Session held at Lahore, 22-24 March 1940, under the presidentship of Quaid-i-Azam Muhammad Ali Jinnah. What happened between the period 1930 to 1940, is outside the scope of this article. However, suffice it to say that both the Hindu Congress and the British were opposed to any idea of the establishment of a separate Muslim State in South Asia. The British were prepared to concede a certain amount of constitutional safeguards to the Muslims but were determined and dedicated to preserve and maintain the political unity of India in the form of a single consolidated united India. This position was not at all acceptable to the Musalmans. The Quaid-i-Azam, therefore, in his presidential address at the historic session of the Muslim League dwelt at length on the constitutional problem of India. The following portions of his address are quoted verbatim:

a) It is extremely difficult to appreciate why our Hindu friends fail to understand the real nature of Islam and Hinduism. They are not religions in the strict sense of the word, but are, in fact, different and distinct social order. It is a dream that the Hindus and Muslims can

ever evolve a common nationality, and this misconception of one Indian nation has gone far beyond the limits, and is the cause of most of our troubles, and will lead India to destruction, if we fail to revise our notions in time. The Hindus and the Muslims belong to two different religious philosophies, social customs, and literature. They neither intermarry, nor interdine together, and indeed they belong to two different civilizations which are based mainly on conflicting ideas and conceptions. Their aspects on life and of life are different. It is quite clear that Hindus and Musalmans derive their inspiration from different sources of history. They have different epics, their heroes are different, and they have different episodes. Very often the hero of one is a foe of the other, and likewise, their victories and defeats overlap. To yoke together two such nations under a single state, one as a numerical minority and the other as a majority, must lead to growing discontentment and the final destruction of any fabric that may be so built up for the government of such a state.

b) Muslim India cannot accept any constitution which must necessarily result in a Hindu majority Government. Hindus and Muslims brought together under a democratic system forced upon the minorities can only mean Hindu Raj. Democracy of the kind with which the Congress High Command is enamoured would mean the complete destruction of what is most precious in Islam. We have had ample experience of the working of the provincial constitutions during the last two and a half years; and any repetition of such a government must lead to a civil war and raising private armies, as recommended by Mr. Gandhi to Hindus of Sukkur, when he said that they must defend themselves violently or non-violently, blow for blow; and if they could not, they must emigrate.

c) Musalmans are not a minority, as it is commonly known and understood. One has only got to look round. Even to-day, according to the British map of India, 4 out of 11 provinces, where the Muslims dominate more or less, are functioning notwithstanding the decision of the Hindu Congress High Command to non-cooperate and prepare for civil disobedience. Musalmans are a nation according to any definition of a nation, and they must have their homelands, their territory and their State. We wish to live in peace and harmony with our neighbours as a free and independent people. We wish our people to



develop to the fullest our spiritual, cultural, economic, social and political life, in a way that we think best, and in consonance with our own ideals and according to the genius of our people. Honesty demands and the vital interests of millions of our people impose a sacred duty upon us to find an honourable and peaceful solution which would be just and fair to all. But at the same time, we cannot be moved or diverted from our purpose and objective by threats or intimidations. We must be prepared to face all difficulties and consequences, make all the sacrifices that may be required of us to achieve the goal we have set in front of us.<sup>19</sup>

It may be mentioned that the goal set in front of the Musalmans was the achievement and establishment of Pakistan. This goal had been clearly manifested and defined in the Lahore Resolution, popularly known as the Pakistan Resolution, adopted by the All-India Muslim League at its historic session held at Lahore on 23 March 1940. The achievement and establishment of Pakistan became an article of faith with the Musalmans of India after the bitter experience of Congress rule in 8 of the 11 British Indian Provinces under the government of India Act of 1935. To quote a British author, the Muslims were:

Prevented to call the prayer, their mosques were desecrated and music was sung in their vicinity. There were personal assaults including rapes and abductions. Moreover, the Muslims were denied their share of public appointments. Furthermore, Urdu was replaced by Hindi and the Muslim children were forced to sing 'Bande Mataram'<sup>20</sup> etc.<sup>21</sup>

In fact, the role and conduct of the Congress ministries proved right what Sir Syed Ahmad Khan speculated as far back as 1888 as a possible power struggle between the two communities in the event of a transfer of power. It was against this background that not only the gulf between the Hindus and the Muslims became still wider, but the 'two-nations theory' also gained further momentum. The Muslim politics took a new turn and in the Annual Session of the All-India Muslim League, held at Lucknow in October 1937, the Quaid-i-Azam said:

No settlement with the majority is possible, as no Hindu leader, speaking with any authority, shows any concern or genuine desire for it. An honourable settlement can only be achieved between equals; and unless

the two parties learn to respect and fear each other, there is no solid ground for any settlement. Offers of peace by the weaker party always mean a confession of weakness, and an invitation to aggression. It does not require political wisdom to realize that all safeguards and settlements would be a scrap of paper unless they were backed up by power. Politics mean power and not relying only on cries of justice or fairplay of goodwill.<sup>22</sup>

Before discussing the historic Pakistan Resolution, adopted by the All-India Muslim League on 23-24 March 1940, it may not be out of place to mention here that so far as the Government of India Act of 1935 was concerned, the Quaid-i-Azam in his speeches and the Muslim League in its resolutions had on many occasions "condemned and rejected"<sup>23</sup> it, because it provided for a united Indian Central Government which was neither acceptable nor workable so far as the Muslims were concerned. In his article, published in the *Time and Tide* (London) of 19 January 1940, the Quaid-i-Azam had pleaded that:

The Muslim League was irrevocably opposed to any federal objective because it would bring about Hindu majority rule [and] suggested that the British Government should revise the entire problem of India's future Constitution *denovo* and a constitution must be evolved that recognizes that there are in India two nations who both must share governance of their common motherland.<sup>24</sup>

Viewed against this background, the resolution adopted by the All-India Muslim League on 23-24 March 1940, emphatically stated and demanded that:

No constitutional plan would be workable in this country or acceptable to the Muslims unless it is designed on the following basic principle, viz., that geographically contiguous units are demarcated into regions which should be so constituted with such territorial adjustments as may be necessary that the areas in which the Muslims are numerically in a majority, as in the North-Western and Eastern Zones of India, should be grouped to constitute independent States' in which the constituent units shall be autonomous and sovereign.<sup>25</sup>

It would not be out of place to mention here that the Lahore Resolution was adopted by the sole representative organization of the Musalmans



of India, i.e., the All-India Muslim League at a time when Britain was engaged in World War II. The League, even at this stage, was also conscious of the conditions and problems of Musalmans all over the world and, therefore, expressed complete sympathy with the cause of Arabs in Palestine. The second most important resolution adopted by the Muslim League at Lahore in March 1940, is, therefore, also reproduced below:

The All-India Muslim League views with grave concern the inordinate delay on the part of the British Government in coming to a settlement with the Arabs in Palestine, and places on record its considered opinion, in clear and unequivocal language, that no arrangements of a piecemeal character will be made in Palestine which are contrary in spirit and opposed to the pledges given to the Muslim World, and particularly to the Muslims of India, to secure their active assistance in the war of 1914-18. Further, the League warns the British Government against the danger of taking advantage of the presence of a large British force in the Holy Land to over-awe the Arabs and force them into submission.<sup>26</sup>

It may be mentioned here that, even in an earlier communication also, addressed to Lord Linlithgow, the British Viceroy in India, the Quaid-i-Azam had demanded that:

- a) His Majesty's Government should try and meet all reasonable national demands of the Arabs in Palestine;
- b) The Indian troops will not be used outside India against any Muslim power or country.<sup>27</sup>

### Anglo-Congress Opposition

It is not intended here to go into the details of the opposition of the Pakistan Resolution from different quarters, i.e., the Hindus, the Congress leaders, the Hindu Press, the British Press and the British Government. However, suffice is to say that the Congress leaders vowed not to allow, what they called, "Vivisection of Mother India." So far as the Viceroy was concerned, he said that "I do not attach too much importance to Jinnah's demands for the carving out of India into an indefinite number of religious areas."<sup>28</sup>

In response to the opposition of Congress leaders, the Quaid-i-Azam said:

India was not the sole property of the Congress. Pakistan would not be a 'Vivisection of the

motherland'. India was not the motherland of the Hindus only. If longer inhabitation was the criterion, then India was the motherland only of the Dravidians and still further the Aborigines.<sup>29</sup>

He further added:

India was already divided and partitioned by nature. Muslim India and Hindu India existed on the physical map. Where was the country which was going to be partitioned? Where was the nation which was going to be divided? Where was the Central National Government whose authority was going to be violated?<sup>30</sup>

In his defence and advocacy for the demand of Pakistan, the Quaid-i-Azam was firm and forthright. He pleaded that:

The ideal of Pakistan presupposed Indian freedom and independence. In fact, the achievement of independence would be brought very much nearer by quickly agreeing to the principle of partition than by any other method.<sup>31</sup>

He also warned the British Government and said that:

To yield to the demands of the Congress would "amount to prejudging the consideration of the future constitution" of India and would put Muslim India under the heels of a Hindu Raj". Muslim India would resist this "with all the power it can command."<sup>32</sup>

He warned the Congress that "if the Hindus tried to get the whole of India they would lose the whole, but if they gave one-third to the Muslim they would get two-thirds."<sup>33</sup> By hitting hard on the Hindu Congress, the Quaid-i-Azam declared:

The Muslims were not demanding Pakistan from the Hindus, because the Hindus never possessed the whole of India. It was the Muslims who took India and ruled over her for seven hundred years. It was the British who took India from the Musalmans. The Muslim demand was addressed to the British, who were in possession of India. It was "utter nonsense" to say that Hindustan belonged to the Hindus.<sup>34</sup>

So far as the British were concerned, they took certain steps on account of war situation in Europe in the shape of "August Offer of 1940",<sup>35</sup> but, in fact, were not prepared to concede Muslim demand for the establishment of Pakistan. However, the United States of America, and the Government of Nationalist China headed by Marshal Chiang Kai Shek put pressure on the British



Government to accept Congress demand. There is enough material to prove this contention, but only two instances are quoted here.<sup>36</sup> At the end of his visit to India in February 1942, Marshal Chiang Kai Shek issued a detailed message in which he pleaded for Indian independence. The message said:

I sincerely hope and confidently believe that our ally Great Britain without waiting for any demands on part of the people of India will as speedily as possible give them real political power which shall be a turning point in their struggle for India's freedom.<sup>37</sup>

The Quaid-i-Azam sharply reacted to this message and said:

India is not one national State, its two major nations being Hindus and Musalmans and one third of India is under Princes. It is unfortunate that Marshal should have indulged in generalities without understanding political situation and necessary constitutional adjustments. I fear he is saturated with ideas of those who surrounded him most while in India. While Muslim India yields to none in desire to achieve freedom for all the peoples of India it cannot accept machinations of those who speak in name of freedom for Hindu India only. We want our Hindu brethren to be free but do not want to be ruled by them; both Hindu and Muslim nations should be free equally in respective homelands and zones, any attempt militating against Pakistan demand will lead to gravest disaster in India at this critical moment. I trust British Government and public will not be carried away by generalities in which Marshal has indulged after fortnight's visit.<sup>38</sup>

So far as the American interest in Indian affairs was concerned, the personal involvement of President Roosevelt through his special representative, Colonel Louis Johnson, holding the rank of a Cabinet Minister, during the Cripps Mission, is very well known and is a part of history. According to the then Prime Minister of Great Britain, Sir Winston Churchill, "the concern of the Americans with the strategy of a World War was bringing them into touch with political issues on which they had strong opinions and little experience."<sup>39</sup>

It may be stated that the Viceroy, Lord Wavell, convened a conference of party leaders, provincial premiers and expremiers, in Simla in June-July, 1945, for the "reconstitution of the

Viceroy's Executive Council, i.e., interim Government, and for the resumption of responsible Government, under Section 93, in Provinces on the basis of coalition of the main parties.<sup>40</sup> The conference failed, and the Viceroy took its full responsibility.<sup>41</sup> The Quaid-i-Azam commented on the failure of the Simla Conference in the following words:

Our stand has been, and we have repeatedly made it clear to the British Government times out of number since 1940, that we cannot consider or enter into any provisional interim government unless a declaration is made by the British Government guaranteeing the right of self-determination of Muslims, and pledging that after the war, or as soon as it may be possible, the British Government would establish Pakistan having regard to the basic principles laid down in the Lahore Resolution of the Muslim League, passed in March 1940. If we had accepted the position as presented to us by Lord Wavell, we would have merged out of this conference minus everything and we would have entirely betrayed our people. It would have been an abject surrender on our part of all we stand for, and it would have been the death-knell of the Muslim League. This was the position which faced us and we found it was impossible for us to accept this arrangement.<sup>42</sup>

### Elections and Constitutional Fight for Pakistan

After the failure of the Simla Conference, the Quaid-i-Azam had demanded that elections should be held to settle India's constitutional problem. In the course of a speech on 6 August 1945, he declared:

Let us go ahead with the measures for a permanent constitutional settlement. Pakistan must be decided if the issue of freedom and independence of India is to be decided. We will never surrender the issue of Pakistan to any body as our claim is just and righteous and is the only solution for India. We want to fight the elections so that they may once and for all convince those who doubt our representative character.<sup>43</sup>

And when the pro-Congress Labour Party, headed by Mr. Clement Attlee, came to power in Great Britain after the general elections in 1945, it was announced on 20 September, 1945, that elections would be held in India in the winter of 1945-46. The Quaid-i-Azam said:



No attempt will succeed except on the basis of Pakistan and that is the major issue to be decided by all those who are well wishers of India and who are really earnest to achieve real freedom and independence of India and the sooner it is fully realized, the better. The division of India is the only solution of the most complex constitutional problem of India and this is the road to happiness, prosperity, welfare and freedom of 400 millions inhabiting this sub-continent.<sup>44</sup>

Immediately after the announcement was made by the British Government to hold general elections in India, the Congress and the Muslim League started preparations on the basis of their respective manifestos, i.e., United Independent India, and Indian independence and establishment of Pakistan, respectively. V.P. Menon writes:

The Muslim League had already announced that it would fight the elections on the issue of Pakistan and the title of the League to represent all the Muslims. Jinnah and other League spokesmen declared that their demand was that the Provinces of the Punjab, Sind, the North-West Frontier Province, Baluchistan, Bengal and Assam in their entirety should be formed into a separate Sovereign State to be known as Pakistan.<sup>45</sup>

The Congress, as was its creed, fought these elections on the basis of a United Independent India, and in order to achieve this objective . . .

The Congress leaders and workers resorted to all types of malpractices and coerced the Services. The Congress also exploited the I.N.A. (Indian National Army) trials during the elections.<sup>46</sup>

The Congress, however, failed to vindicate its claim to represent all Indians, whereas the Muslim League, which had fought these elections on the issue of Pakistan, secured a landslide victory and thus came out with flying colours. In short, the Muslims of India, irrespective of the fact whether they belonged to Hindu-majority or Muslim-majority provinces, gave their clear verdict in favour of Pakistan. The election results were as under:

There were in all 30 seats for the Muslims in the Central Legislature, which all were contested and won by the Muslim League. Out of the 57 'general seats', the Congress contested and won all. There were in all 102 seats in the Central Legislature, and out of which the remaining 15 seats went to the Europeans—8,

Independents—5, and the Akali Sikhs—2, respectively.<sup>47</sup>

And as regards the Muslim League victory in the elections to the Provincial legislatures "The Muslim League won 446 out of the 495 Muslim seats."<sup>48</sup>

It may be stated that the sum total of the election results was that the Muslim League had secured cent per cent victory in the Central Legislature and 90 per cent in the Provincial legislatures, which was a proof beyond an iota of doubt that Musalmans of India were prepared to accept nothing else but the fulfilment of their cherished demand for the establishment of Pakistan.

It was on account of these election results that the Quaid-i-Azam Muhammad Ali Jinnah, as the most accredited leader of the Musalmans of India, fought the constitutional battle, in the days to come, with both the British and the Hindu Congress to win the goal of Pakistan. In fact, these elections, which the Quaid-i-Azam had demanded first of all the Indian leaders, not only brought an end to British imperialism in South Asia and saved Muslim India from the domination of Caste Hindus, but also changed the fate and face of Asia in general and that of Muslim Asia in particular.

The electoral victory of the Muslim League shaped the destiny of 100 million Musalmans of South Asia and translated the vision of the fulfilment of the national hopes and aspirations of the Muslim nation of India into a reality. These elections, not only conferred legitimacy and proved the credentials of the Muslim League and brought the final phase of India's freedom movement much closer, but also nullified the bona fides of the Congress which believed in the false doctrine of the so-called single Indian nationhood.

### **Britain and Indian Unity**

It would be pertinent to point out that the British Government was not at all favourable to Muslim demand for the division of India and the establishment of Pakistan. In order to preserve the political unity of the Subcontinent they sent out to India first "The British Parliamentary Delegation"<sup>49</sup> and then "the British Cabinet Delegation".<sup>50</sup> In his speech in the House of Commons on 15 March 1946, Mr. Attlee, the British Prime Minister, castigated the Muslim demand for



the establishment of Pakistan and said that:

We are mindful of the rights of the minorities and the minorities should be able to live free from fear. On the other hand we cannot allow a minority to place veto on the advance of a majority.<sup>51</sup>

Mr. Attlee's speech was enthusiastically welcomed by the Congress leaders. However, the Quaid-i-Azam, as the accredited leader of the Musalmans of India, reacted sharply and took strong exception to his remarks. He said:

I want to reiterate that the Muslims of India are not a minority, but a nation and self-determination is their birthright. We stand for a division of India and the establishment of Pakistan. And that is the only solution of India's constitutional problem."<sup>52</sup>

To what extent was the British Government in favour of a united India is best illustrated by the following comment of the *New York Herald Tribune*:

Mr. Attlee had called in effect for the curtain to be hung down on the colonial age and offered to give up the brightest and most cherished jewel of the British Empire, the British Government wanted to transfer power to a united Independent India.<sup>53</sup>

Why Britain wanted to transfer power to a united Independent India, is best illustrated by Zulfikar Ali Bhutto in the following words:

The age of colonialism with its prescription of 'divide and rule' was giving way to the era of neo-colonialism, which required the enforcement of the new formula of 'unite and rule'. The changed conditions and the corresponding demands of neo-colonialism required the unity of the sub-continent for the maximum exploitation of larger markets and for defence against the incursion of Communism. It was feared that to divide the sub-continent would be to 'divide and lose'; that access to the vast raw-material markets would be impeded, and the defence of the region weakened against the age-old Russian ambition to control the sub-continent and the Indian Ocean. On the basis of this appreciation, the British resisted partition to the end.<sup>54</sup>

A.K. Majumdar, a Hindu scholar of great repute, is of the view that:

If India had to take a prominent part in the defence of South-East Asia, it was necessary to maintain intact the Indian Army, which in 1946 was the strongest military force in Asia. That, however, demanded that India should not be divided, for, it was obvious that

the formation of Pakistan would lead to the splitting up of the Indian Army.

Hence all the energies of the Cabinet Mission were put to devising an arrangement under which there could be a joint defence for the sub-continent.<sup>55</sup>

### Muslim League Legislators' Convention

A 'Muslim League Legislators Convention' was held at Delhi from 7-9 April, 1946, which, in the words of the Quaid-i-Azam, was "the first of its kind in the political history of Muslim nation of India."<sup>56</sup> This convention not only reiterated the Muslim demand for the establishment of Pakistan, but also demanded of the British Government that Pakistan should be established without any further delay. Tara Chand writes:

The Muslim League, observing the hesitation of the Cabinet Mission concerning the future constitution of India, organized a convention of the Muslim Legislators—Central and Provincial, to impress upon the Mission their unanimity and determination on the demand for Pakistan. On April 7, 8 and 9 five hundred legislators attended the convention at Delhi. It was an unprecedented demonstration in favour of their chosen goal. Jinnah, who presided, set the tone for discussion by declaring, "there can be no compromise on the issue of Pakistan and a totally sovereign State."<sup>57</sup>

The British Cabinet Mission, which was then in India, made efforts in futility to mislead and misguide some Muslim leaders and tried to create rift among the Muslims when unity was most needed. The Mission invited Mr. H.S. Suhrawardy<sup>58</sup> (from the Muslim majority province of Bengal) and "Mr. I. I. Chundrigar, Mr. Muhammad Ismail, Maulana Syed Abdur Rauf Shah and Chaudhry Khaliqzaman, all belonging to the Muslim minority provinces"<sup>59</sup> and tried to dissuade them from the Pakistan demand. However, the Mission had to face failure in their nefarious designs because these Muslim leaders stood solidly behind the leadership of the Quaid-i-Azam.

It would be pertinent to point out here that although the Viceroy, Lord Wavell was constantly accused, by Congress leaders, of being pro-Muslim League, even he was also opposed to the Muslim demand for Pakistan and in his opposition he even went to the extent of publicly asking these Mus-



lim leaders as to what benefits did Muslims in Hindu majority provinces expect to derive from the establishment of Pakistan.<sup>60</sup>

In his presidential address at the Muslim League Legislators' Convention, the Quaid-i-Azam declared in unequivocal terms that Pakistan was the only solution of India's constitutional problem. The salient features of his address are summarized as under:

We are of one opinion only, and that we stand for Pakistan, and we shall not falter or hesitate to fight for it, to die for it if necessary, and we must achieve it or else we perish. We can neither accept the idea of a single constitution-making body, nor that of a united India. It would be to sign the death warrant of the Muslim nation if we agree to a single constitution-making body. There is no power or any authority that can prevent us from achieving our cherished goal of Pakistan. And for this, there is only one condition, i.e., of unity, and I am confident that we shall march on from victory to victory until we have Pakistan.<sup>61</sup>

Here I would like to enlighten the protagonists of a confederal system in Pakistan that the most important part of the resolution adopted at the Muslim League Legislators Convention was the removal of ambiguity of the words "States" used in the March 1940 resolution of the Muslim League. This epoch making resolution was moved by Mr. Hussain Shaheed Suhrawardy of Muslim Bengal, and adopted by the convention, with one voice, on 9 April 1946. The most important operative part of this resolution which went a long way in shaping the destiny of 100 million Muslims of South Asia, is as under:

That the zones comprising Bengal and Assam in the North-East and the Punjab, North-West Frontier Province, Sind and Baluchistan in the North-West of India, namely Pakistan zones where the Muslims are in a dominant majority be constituted into a sovereign Independent State and that an unequivocal undertaking be given to implement the establishment of Pakistan without delay.<sup>62</sup>

It may be stated that after having adopted the above resolution unanimously all the Legislators, Central as well as Provincial, signed a "pledge"<sup>63</sup> in which they declared their firm conviction in the aim of the establishment of Pakistan and affirmed to carry out all directions and in-

structions to be issued by the All-India Muslim League in pursuance of any movement launched by it for the attainment of the cherished national goal of the establishment of Pakistan and pledged to undergo any danger, trial or sacrifice which might be demanded of them.

In his brief concluding remarks at the historic Convention, where the resolution was adopted, the Quaid-i-Azam warned the British Government in the following words:

Is Britain going to decide the destiny of 100 million Muslims? No, nobody can. They can obstruct, they can delay for a little while, but they cannot stop us from our goal. Let us, therefore, rise at the conclusion of this historic Convention full of hope, courage and faith. Insha Allah we shall win.<sup>64</sup>

In spite of the fact that Muslim League had vindicated her credentials and Muslim India had clearly voted in favour of Pakistan, the British still wanted a united India, and upto the last, tried their best to obstruct and prevent the establishment of Pakistan. They wanted to maintain and preserve the political unity of India and never wanted its division. In her bid to prevent the establishment of Pakistan and to preserve the unity of India for their world-wide commercial and strategic interests, the British Government sent out to India a delegation of three Cabinet Ministers who were considered to be the wisest. They devised and presented a confederal constitutional scheme which is commonly known as the 'Cabinet Mission Plan', which was ultimately rejected by the Muslim League. However, so far as, the British Government was concerned, Michael Edwards writes:

The Labour Party was determined to rid itself of India but not of history. It was perfectly willing to dissolve the empire, but not to break it up. None of its members wanted Britain to become only a tiny Island off the Coast of Europe, and it occurred to them that a great Commonwealth could have as much, if not more prestige than a dependent empire. India had been the visible symbol of British greatness. An independent India would naturally assume the old British role in Asia. If the business was to be handed down it had to be handed down as a unit.<sup>65</sup>

In order to achieve this objective, the British Labour Government, which was wholly



pro-Congress, wanted a man to the Viceroy of India, who could execute the transfer of power to the fullest satisfaction of the Congress. Although, Lord Wavell, the Viceroy, was a staunch protagonist of a United India, yet he wanted to safeguard the Muslim rights, also. He was, therefore, disgracefully removed, and was replaced by Lord Mountbatten who was a personal friend of Pandit Nehru. As to the circumstances of his appointment as viceroy the authors of *Freedom at Midnight* have this to say:

Although Mountbatten did not know it, the idea of sending him to India had been suggested to Attlee by the man at the Prime Minister's side, his Chancellor of the Exchequer, Sir Stafford Cripps. It had come up at a secret conversation in London in December (1946), between Cripps and Krishna Menon, an outspoken Indian left-winger and intimate of the Congress leader Jawaharlal Nehru. Menon had suggested to Cripps and Nehru that Congress saw little hope of progress in India so long as Wavell was Viceroy. In response to a query from the British leader, he had advanced the name of a man Nehru held in the highest regard, Louis Mountbatten. Aware that Mountbatten's usefulness would be destroyed if India's Muslim leaders learned of the genesis of his appointment the two men had agreed to reveal the details of their talk to no one. Menon revealed the details of his conversation with Cripps in a series of conversations with one of the authors in New Delhi in February 1973, a year before his death.<sup>66</sup>

It may, however, be mentioned that the instructions issued to Lord Mountbatten, on his appointment as the Viceroy of British India, clearly laid down the objectives of the British Government in regard to India. It stated that:

It was the definite objective of the British Government to obtain a unitary Government for British India and the Princely States and to maintain India's political unity and the continuity of the Indian Army and of maintaining the organization of defence on an all India basis.<sup>67</sup>

Being a personal friend of Pandit Nehru, and having been appointed as the Viceroy of India at the behest of the Congress leaders, Lord Mountbatten strove every nerve to maintain and preserve the unity of India. However, having failed in this behalf, he embarked upon devising a Plan

for the transfer of power which was detrimental to the interests of Pakistan and was extremely in favour of Hindu Congress. He personally took the Plan to London and threatened that "if it was not approved in its totality, he would resign."<sup>68</sup> The "India and Burma Committee of the Cabinet" approved it without the alteration of a comma",<sup>69</sup> and the "British Cabinet gave their sanction after the briefest of discussion."<sup>70</sup>

This Plan was announced in a statement made by the British Prime Minister, Mr. Clement Attlee, in the House of Commons, and by the Secretary of State, Earl of Listowel, in the House of Lords on 3 June<sup>71</sup>, 1947, at 3-30 P.M. and was simultaneously published in India.

It may be stated that the British and the Hindu Congress were, ultimately, humbled down by the Muslims of South-Asia under the dynamic and inspiring leadership of Quaid-i-Azam Muhammad Ali Jinnah and the former had to concede Muslim demand for the establishment of an independent and sovereign State of Pakistan under the "3rd June Plan, 1947." Consequent upon acceptance of this Plan by the Congress and the Muslim League, the ideological Islamic State of Pakistan emerged on the world map on 14 August 1947. However, it may be stated that Congress never reconciled to the establishment of Pakistan. That she wanted to undo it, is clearly borne out by the All-India Congress Committee's "resolution of 15 June 1947."<sup>72</sup>

From what has been discussed in this article, it can safely be concluded that Pakistan is the creation of a constitutional and democratic struggle on the basis of Muslim nationalism. However, it is an irony of fate that the ideology of Pakistan has not only been made a subject of controversy after the establishment of Pakistan, but the constitutional and democratic process has also been, time and again, thwarted for most of the period during the last forty one years of the chequered history of Pakistan. It is, now, for the people of Pakistan to realize their responsibilities and decide once and for all whether they want to preserve their national ideology and ensure democratic and constitutional process in the country, or they want to be ruled by undemocratic and unconstitutional regimes which nullify the



aim of the establishment of Pakistan. It is they and they only who can make Mr. Wali Khan and his ilk realize that Pakistan is not a gift of the British imperialism, as he would like us to believe, but it had come into being after great sacrifices under the leadership of the Quaid-i-Azam.

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