INTRODUCTION OF CONSTITUTIONAL REFORMS IN NWFP (KP) AND THE ROLE OF QUAID-E-AZAM MUHAMMAD ALI JINNAH

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ABSTRACT- The NWFP (Khyber Pakhtunkhwa) has played a significant role in shaping Indian history. After the British occupation, the area got new dimensions of strategic importance under the new masters (British raj). Consequently, the British Government of India adopted a multipurpose policy to treat the area. Thus the British policy towards this region (NWFP) passed through different phases. Keeping in mind the importance and geostrategic considerations of the region, the British Indian government firstly separate this area from the Punjab administration by splitting the province of Punjab and thus created a new province called NWFP (KP) in 1901. Secondly, the same considerations compelled the British Indian government to keep NWFP (KP) away from all kinds of political reforms as were introduced in other parts of United India till 1932. Thus to bring NWFP (KP) at par with other provinces of United India was a challenge for the Muslim leadership. Consequently, the Muslim leadership of the province played a key role in introducing the constitutional reforms in NWFP (KP). Thus those were the hard-working and farsighted Muslim leaders who not only able to counter the anti-Muslim designs of the sister community but also forced the British government of India to bring the province at equal footing with the other provinces by introducing constitutional reforms in NWFP. Jinnah the founding father of Pakistan had a big role in the constitutional reforms in NWFP. This study aims to investigate his role in the constitutional reforms in NWFP current Khyber Pakhtunkhwa.

Key Words: NWFP (KP), Constitutional reforms, British Government of United India, Geo-political position of NWFP, Muslim Leadership.

I. INTRODUCTION:

This research work attempts to investigate the role of Muslim leadership in the constitutional reforms in Khyber Pakhtunkhwa the then NWFP from 1901 to 1932. Its further explores the role of Muhammad Ali Jinnah the founding father of Pakistan. Jinnah has a prominent role in the constitutional history of India during the British era. He is considered to among the great constitutionalist in India, his famous fourteen points for constitutional reforms in India has a prestigious place in the constitutional history of India.

The constitution has been defined in the below lines for the sake of readers' understanding.

According to the Cambridge dictionary, the set of political principles by which a state or organization is governed, especially concerning the rights of the people it governs. On the other hand, laws are the system of rules which a particular country or community recognizes as regulating the actions of its members and which it may enforce by the imposition of penalties.

NWFP (Khyber Pakhtunkhwa) was one of the important provinces of United India due to its geopolitical position. The security of this region was linked with the entire security of United India as previously this region had been a gateway for the foreign invaders.

After taking the control of the area, the British masters also faced a step of resistance from the Pashtun tribes residing here. Thus there was a constant threat to the British authority which compelled the British government of India to take steps towards more effective control over the area. Consequently, the area was separated from the province of Punjab by the then Viceroy Lord Curzon and thus a new Muslim majority province (NWFP) was created in 1901. Unfortunately, the newly established province was provided with very limited constitutional powers and thus the area was deprived of the introduction of constitutional reforms which the other provinces of United India had enjoyed from time to time. The province of NWFP (KP) was placed under the charge of the chief commissioner who used to be an agent to the Governor-General and thus directly responsible to the British government of India. The representative of the chief commissioner at the district level was a deputy commissioner. Similarly to look into the affairs of the tribal

belt, political agents were there to administer tribal areas. Thus the first chief commissioner of NWFP (KP) was Colonel Harald Dane (Baha, 1978).

The reaction from the sister community (Hindus) towards the creation of the Muslim majority province, NWFP was not encouraging which strengthened the divisiveness among the Muslims and Hindus (Rauf, 2008). The Hindus not only opposed the introduction of constitutional reforms in the province but even they tried to re-amalgamate the province (NWFP) with the Punjab administration to maintain their monopoly over the region. Consequently, the Muslims interpreted the reaction of the Hindus as a threat to their broader interests (Rauf, 2008). It was all due to these efforts of the Hindus along with the geostrategic considerations, the British Indian government kept the area out of any kinds of constitutional reforms as were introduced in other parts of United India till 1932.

The Hindu minority (about seven percent of the total population) offered resistance in the way of the introduction of constitutional reforms in NWFP (KP) and consequently, the province did not enjoy the political reforms for three decades after its creation which termed the area as "Sarzamin-i-Be-Aain" (land without law). According to the Hindus, the introduction of political reforms in the province of NWFP (KP) will make them subservient to Muslims (Rauf, 2008).

The farsighted Muslim leadership of the province read the situation carefully and started their efforts. They also ask for help in their reforms' struggle from those Muslim leaders who were outside of the province (NWFP). At this, the Muslim League and other Muslim leaders joined hands to support the Muslims of NWFP (KP) in their constitutional reforms' struggle. They left no stone unturned to highlight the issue and to divert the attention of the British government of India towards the introduction of constitutional reforms in NWFP (KP). In this regard, the following paper is an attempt to explore the "role of Muslim Leadership" in the introduction of Constitutional reforms in NWFP (KP). The paper will also highlight the reaction from the sister community (Hindus and Sikhs) towards the introduction of constitutional reforms in NWFP (KP).

Objectives of the study

- To highlight the role of Jinnah in the constitutional reforms in NWFP
- > To put light on the attitude of Hindus towards the creation of province of NWFP
- > To highlight the demand of the Muslims for the introduction of constitutional reforms in NWFP

Significance of the study

The proposed research study is significant because it will depict a clear picture of the reforms journey in the province. The British Indian government kept the province NWFP out constitutional reforms and termed this area as "Powder Magazine" and declared the region unfit for the constitutional reforms. This study will evaluate the circumstances that led the British Indian government to deny the introduction of constitutional reforms in NWFP province, which stopped the political developments in this province, and thus the area was called "Sarzameene Be Aeen" thus the people of this province were kept deprived of their constitutional rights. On the other hand the role of the founding father of the nation will be another contribution to the existing knowledge.

II. RESEARCH METHODOLOGY

The proposed research study would be qualitative and secondary in nature. This will be mostly based on secondary sources of data. Thus books, journals, articles, letters, and reports etc, would play a major role in this research work.

Quaid-e-Azam Muhammad Ali Jinnah and the Constitutional Reforms in NWFP (KP):

The introduction of constitutional reforms in NWFP (KP) needed a countrywide support. For this purpose the issue was taken up by the Muslim leadership outside NWFP (KP). Therefore Muhammad Ali Jinnah

supported the Muslims of NWFP (KP) in their constitutional struggle and spoke in favour of the introduction of constitutional reforms in the province.

As the Bray committee recommended that the Pathans deserved of granting constitutional reforms to them. Therefore Muhammad Ali Jinnah time again reminded the British government of India to implement the Bray Committee recommendations and introduce constitutional reforms in the province. It was for this reason that in all the subsequent meetings of the Indian Legislative Assembly, Muhammad Ali Jinnah wasted no opportunity to mention the introduction of constitutional reforms in the province. That was why whenever the budget session was held i.e. usually in the months of February and March every year, Muhammad Ali Jinnah highlighted in his speeches, the issue of the introduction of constitutional reforms in NWFP (KP).

Consequently Jinnah in his speeches of 28th January and 18th February 1926, 10th and 14th March 1928, 15th March 1929, 8th and 11th March 1930 and 19th January 1931, successfully advocated the case of the introduction of constitutional reforms in NWFP (KP), in the Central legislature. Mr. Jinnah asked the British government of India as to why was it not taking any step towards the introduction of Constitutional reforms to NWFP (KP) in order to establish a responsible government in the province (Mujahid, 1990).

It is reported that when Syed Murtaza Bahadur had introduced the resolution in favour of reforms, it was also warmly welcomed and supported by the Muslims leaders outside the NWFP (KP). Therefore the resolution was strongly supported by Muhammad Ali Jinnah along with other Muslim leaders like Shafi Dawudi, Raja Ghazanfar Ali Khan, Khan Bahadur Ghulam Bari, Sir Sahibzada Abdul Qayyum Khan and Abdul Hye etc. It is worth mentioning here that Muhammad Ali Jinnah, while supporting the resolution, also asked those who were opposing the resolution, such as Sir Sivaswamy, Pandit Madan Mohan Malwia, that whether they were changing their stand for the attainment of freedom for India? Why they were not treating the question of NWFP on the same footing, as they were demanding for the other parts of India?

Muhammad Ali Jinnah advocated the case of the introduction of reforms in N.W.F.P through a proper way in the legislature. Before starting his speech, Mr. Jinnah made it clear that he was not going to deal the issue on communal basis. He then addressed the issue of communal roits which had been raised by the Hindu leader, Madan Mohan Malwia in the assembly. At this Jinnah made it clear that these kinds of problems exists in many other parts of the world as well, but did they mean stopping constitutional development leading towards the establishment of a responsible government (Pirzada, n.d.).

According to Mr. Jinnah the situation in India was not as bad as in Canada, where reforms to establish a responsible government there, have not stopped. While responding to the statement of Sir Sivaswamy Aiyer who allegedly said that only that province could claim the establishment of a responsible government, which had certain necessary qualifications, Muhammad Ali Jinnah gave the reference of Sir Denis Bray Committee report. Jinnah said that in the Bray Committee Report it had already been made quite clear that "the Frontier's people were not behind the rest of India either in intelligence or capacity to manage their own affairs" (Khan, 2000); also that 'their aspiration for reforms has been awakened into full consciousness and will not be satisfied by anything short of the essentials of the reforms enjoyed elsewhere' (Khan, 2000).

Muhammad Ali Jinnah also opposed the idea of the re-amalgamation of the NWFP (KP) with Punjab. The Hindu minority initiated this idea, as they wanted not to be ruled by the Pashtoon dominated administration. But Muhammad Ali Jinnah pointed out that "the people of the NWFP linguistically, ethnographically, geographically and in every other sense are different from the people of Punjab and that why are you forcing these peoples against their will and against the will of Punjab itself to be amalgamated?("Central Legislative Assembly Debates", 1926).

Some of the Hindu minority leaders have made the plea that the NWFP (KP) was too small to be maintained as a separate province. In replying to this Muhammad Ali Jinnah said that 'even Australia have only four million populations and that in Europe some independent states have only two million populations' (Rauf, 2008). By stressing on the introduction of constitutional reforms in the province, Muhammad Ali Jinnah asked "what benefit would you get if no reforms are given to this province and what prejudice, what harm will be caused to the Hindus if reforms are given to this province? He further asked 'is one principle for the people of India and another for the people in the North West Frontier Province of India? You say they are

not fit, you say they are incompetent, so the rest of India will keep the North West Frontier Province under your heels and under your subjection ("Central Legislative Assembly Debates", 1926).

The debate in the assembly was continued which got the communal shape. Consequently the Muslims along with some notable Europeans like Lt. Col. H.A.J. Gidney who had enough knowledge about the problems of NWFP (KP), also supported the resolution. He showed his complete accord with Jinnah's views about the introduction of constitutional reforms. He was greatly surprised to see the attitude of the Hindus towards the reforms and remarked [..how with one breath they cry out for a Royal Commission to give further advance in reforms to this country while with the other they decry and oppose the introduction of reforms for another part of India, the North West Frontier Province..] ("Central Legislative Assembly Debates", 19 March, 1926). He further said that [to him this province, being one that can look after itself and defend itself, is in a more fit condition to receive self government than one not so qualified since we have given reforms to other provinces of India]. He further added while commenting on the issue and said that [I see no reason why we should not given it to the province which is wanting it] ("Central Legislative Assembly Debates", 19 March, 1926). Here it is worth mentioning that Pandit Moti Lal Nehru, the leader of Swarajiya party, extended his complete support to the demand of constitutional reforms in NWFP (KP) (Bombwal, 1963). He said, "as the NWFP is an integral part of the British India, it cannot be excluded from any schemes of reforms" (Kumar, 1993).

During the discussion on the introduction of constitutional reforms, Muhammad Ali Jinnah questioned Diwan Bahadur T.Rangachariar and said "well I ask, what is your answer to two million of people who say we do not want to go to Punjab, why must you force them?" (Pirzada, 1970). Rangachariat asked: "when they did say that?" In replying Jinnah said: "I have got the authority; I have got telegrams and letters from almost every important town" (Pirzada 1970). Muhammad Ali Jinnah then added and quoted the report of witnesses who had been interviewed by Bray Committee where none of the Muslims opposed the introduction of reforms. The only opposition according to Jinnah came from Hindus. Nawab Akbar Khan Hoti initially opposed the reforms but later on he changed his views when he came back to NWFP (KP).

Muhammad Ali Jinnah further quoted a newspaper, which suitably described the administration of NWFP in order to support the reforms (Pirzada 1970). He also rejected the objection of increasing financial cost in case of granting reforms. Mr. Jinnah, while addressing the British government of India, said that despite rejecting the idea of re-amalgamation of the province with Punjab, the government has still not been able to extend reforms to the province. Therefore he stressed on the British government of India to realize the need of the reforms in the province. He said:

[the delay in the reforms in the province is likely to make the Mohammedans feel that it is the Hindu opposition based on the sole plea of Hindu Muslim strife in that province that is coming in the way of their getting any advance, and the Hindus will be encouraged to feel that as they are going on with this agitation and passing resolution after resolution, the government are changing their attitude and are afraid and will not grant any reforms to the Frontier..] (Pirzada, 1970).

Due to the impassioned and fluent advocacy of Muhammad Ali Jinnah for the case of NWFP the House favoured the resolution and consequently the assembly passed the resolution. After the resolution was passed in the legislature, the British government of India was still in a passive mode to introduce constitutional reforms in the province. Thus the All India Muslim League held its session in December 1926 at Delhi in which the League stressed on the government to give effect to the Bray Committee recommendation and fulfil the demands of the Muslims regarding the introduction of constitutional reforms in NWFP (KP) (Khan, n.d).

While continuing his efforts regarding the introduction of constitutional reforms in NWFP (KP), Muhammad Ali Jinnah once again highlighted the issue in the next year (i. e 1927) on the floor of the Indian legislative assembly and thus gave reminder to the government to give effect to the resolution, which was passed one year ago (i.e. regarding reforms). An attempt had also been made to overcome the differences between Hindus and Muslims. In this regard a Hindu Leader Sirinivasa Iyengar in a meeting with Muhammad Ali Jinnah expressed that the Hindu community will accept the demands of the Muslims if the Muslims quit the method of separate electorate. At this suggestion Muhammad Ali Jinnah called a meeting of Muslim leadership on $20^{\rm th}$ March 1927. The names of the Leaders who attended the meeting are mentioned as under;

Maulana Muhammad Ali Jauhar , Sir Muhammad Shafi, Sir Sahibzada Abdul Qayyum, Dr. M.A Ansari (Congress), Muhammad Abdul Matin Chaudhry (Muslim League), Ghazanfar Ali (Muslim League), Maharaja of Mahmudabad (Nationalist), Sayyed Murtaza (Khilafatist), Muhammad Yaqub (Conservative). Apart from this some religious leaders like Shafi Daudi and Imam Syed Ahmad of Jamia Mosque (Delhi) also attended the meeting (Khairi, 1996). After discussion the Muslim leaders agreed on the acceptance of joint electorate in case the sister community (i.e. Hindus) accept certain demands of the Muslims. These demands are known as 'Delhi Proposals of 1927'. In one of these proposals it was also demanded that the constitutional reforms should be introduced in the NWFP (KP) on the same footing as extended to the other provinces of British India (Mangluri, n.d.).

The reaction to the Delhi proposals can be judged from the Hindustani Times as;

[..In what way is the establishment of joint electorates connected with the separation of Sindh, and the introduction of reforms in North West Frontier Province ...? Muslim feels that in conceding to Hindus the principle of joint electorate they are entitled to expect as a price of this concession more power in Sindh and North West Frontier Province where they constitute immense majority. The object of the Muslims has in view is to obtain as much as they can while conceding as little as possible...] (Hamid, 1971).

In order to analyse the effectiveness of 1919 Act and to suggest reforms in that regard the British government of India appointed a commission under Sir John Simon. A lot of expectations were attached to this commission regarding the introduction of constitutional reforms in NWFP (KP). But the commission failed to grant reforms to the province due to the geo-strategic considerations of the province. The Muslim leaders then adopted the following resolution in All Indian Muslim conference executive Board:

[..while realizing that the commission concede the grant of reforms in the North West Frontier Province we are strongly of the opinion that these proposals are entirely inadequate and the reasoning employed by the commission is unsound. We are emphatically of the opinion that North West Frontier Province should have the same measure of reforms as is granted to the other provinces of India...](Aziz, 1972).

As the Nehru report 1928, greatly disappointed the Indian Muslims therefore Muhammad Ali Jinnah who was a leader of All India Muslim League, presented his famous fourteen points in March 1929 which is commonly known as Jinnah's Fourteen Points. In one of these points, Muhammad Ali Jinnah also demanded that reforms should be introduced in NWFP on the same footing as in other parts of British India (Ambedkar, 1976).

Similarly during the Round table conferences Muhammad Ali Jinnah presented the Case of North West Frontier Province (Khyber Pakhtunkhwa) in a better way and thus demanded the extension of reforms to NWFP (KP). Sir Agha Khan, who was in France in those days, wrote a letter to Muhammad Ali Jinnah and persuaded him to raise the issue of reforms in NWFP (KP). It was therefore announced by the British Prime Minister on December 1931 that necessary steps would be taken in this regard.

Summarising the above discussion, the role of Muhammad Ali Jinnah is evident. He played an important role in the introduction of constitutional reforms in the NWFP (KP).

III. CONCLUSION:

The North West Frontier Province now known as Khyber Pakhtunkhwa was created in 1901 due to the geopolitical considerations. The same considerations forced the British government of India to keep the province away from all kinds of political reforms as were introduced in other regions of India till 1932. The educated and political minded people of the province started their efforts to raise the province to the same constitutional status as the other provinces of united India were enjoying. Therefore the Muslim Leadership of the province along with the support of Muslim leaders belonging to the other parts of India launched a movement for the introduction of constitutional reforms in the province.

The efforts of the provincial Muslim Leaders became more effective with the support of Indian Muslims so that they were able to counter the anti-reforms agenda of Hindus and to compel the British Government of India, to raise the province to the same constitutional status as was being by the other provinces of the United India. Therefore, after a long struggle of the Muslim Leadership, the status of the province was changed from Chief Commissioner's province to that of Governor's province in 1932.

In the struggle for reforms, the Hindu community obstructed its progress due to their 'Communal Feelings' and their conservative attitude towards the Muslims. The Muslims of the province also realized that the Hindus being in minority opposed the reforms because they thought that the reforms would benefit the Muslim community as they did not oppose the same reforms in the provinces where they were in majority. The reforms controversy exposed the anti-Muslim designs of Hindus, which strengthened the communal feelings between the two sister Communities (i.e. Hindus and Muslims), which in the subsequent days culminated in the bifurcation of India.

The NWFP (KP) has a rich history regarding its constitutional struggle, which helped to provide a kind of Political training to the Muslims especially to the inhabitants of NWFP (KP) and made realise to them the importance and effectiveness of collective efforts, constant struggle with strong belief in achieving the aims and goals set by the Muslims of this area.

To infer, Muhammad Ali Jinnah wasted no opportunity to mention the introduction of constitutional reforms in the province. That was why whenever the budget session was held i.e. usually in the months of February and March every year, Muhammad Ali Jinnah highlighted in his speeches, the issue of the introduction of constitutional reforms in NWFP (KP).

Consequently Jinnah in his speeches of 28th January and 18th February 1926, 10th and 14th March 1928, 15th March 1929, 8th and 11th March 1930 and 19th January 1931, successfully advocated the case of the introduction of constitutional reforms in NWFP (KP), in the Central legislature. Mr. Jinnah asked the British government of India as to why was it not taking any step towards the introduction of Constitutional reforms to NWFP (KP) in order to establish a responsible government in the province

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