

Course: Constitutional Development and Muslim Response in India (5675)

Semester: Autumn, 2021

ASSIGNMENT No. 1

Q.1 Present a comparative analysis of the Indian Councils Acts of 1861 and 1892.

The Indian Councils Act 1892 was an act of the British Parliament that increased the size of the legislative councils in India.

Indian Councils Act, 1892

Introduced by	Richard Assheton Cross, 1st Viscount Cross
Territorial Extent	Territories under the direct control of the British Crown
Enacted by	Parliament of the United Kingdom
Royal Assent	20th June 1892
Commenced	3rd February 1893
Status	Repealed by Government of India Act 1915

Background

- The Indian National Congress (INC) was formed in 1885. There was a growing feeling of nationalism and this led the INC to put forth some demands to the British authorities.
- One of their demands was the reform of the legislative councils.
- They also wanted the principle of the election instead of nomination.
- The INC also wanted the right to hold discussions on financial matters which was hitherto not allowed.
- The Viceroy at the time Lord Dufferin set up a committee to look into the matter. But the Secretary of State did not agree to the plan of direct elections. He, however, agreed to representation by way of indirect election.

Provisions of the Indian Councils Act 1892

- The act increased the number of additional or non-official members in the legislative councils as follows:
 - ✓ Central Legislative Council: 10 – 16 members
 - ✓ Bengal: 20 members
 - ✓ Madras: 20 members
 - ✓ Bombay: 8 members
 - ✓ Oudh: 15 members
 - ✓ North Western Province: 15
- In 1892, out of 24 members, only 5 were Indians.

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- The members were given the right to ask questions on the budget (which was barred in the Indian Councils Act 1861) or matters of public interest but had to give notice of 6 days for it.
- They could not ask supplementary questions.
- The principle of representation was initiated through this act. The district boards, universities, municipalities, chambers of commerce and zamindars were authorised to recommend members to the provincial councils.
- The legislative councils were empowered to make new laws and repeal old laws with the permission of the Governor-General.

Assessment of the Indian Councils Act 1892

- It was the first step towards a representative form of government in modern India although there was nothing in it for the common man.
- The number of Indians was increased and this was a positive step.
- However, since the British conceded only a little, this act led indirectly to the rise of many revolutionary movements in India. Many leaders like Bal Gangadhar Tilak blamed Congress's moderate policy of petitions and persuasions for a lack of positive developments and called for a more aggressive policy against British rule.

Q.2 Do you think the Partition of Bengal (1905) by Lord Curzon was an outcome of the British policy of divide and rule for the Indians? Support your stance with facts.

The partition of Bengal was the most important event during the rule of Lord Curzon. It was carried out mainly for the convenience of administration. Bengal in those days was the biggest province of India extending over 1, 89, 000 square miles with a population of 80 million. It was comprising of Bengal, Behar and Orissa and was under the central of one lieutenant Governor. After Lord Curzon took charge as Governor General of India the discussion over the Partition began due to the following issues:

1. **Vastness of Province:** The Province was spread over the area of 1, 89, 000 square miles with the population of 80 million, which was too vast to be managed by one lieutenant Governor. He could not make a tour for the whole province due to its vastness once in his tenure.
2. **Limited Sources of Communication:** The sources of communication in the provinces were limited due to rivers and forests. The law and order condition of the provinces was also worst due to insufficient police and in-efficient management. Therefore the need of partition of province was felt severally.
3. **Difference of Language:** There was also the difference of Languages and civilization of the natives of West Bengal and East Bengal. The natives of West Bengal considered themselves superior in civilization to the resident of East Bengal. The Condition demanded for the division of Provinces.
4. **Need of the time:** The division of Bengal was the need of the time to develop trade in East Bengal and to promote the Port of Chittagong, which could be done only by division of the Provinces.

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5. **Partition:** The Partition of Bengal was thus calculated to restore efficiency in the Government and administration on one hand and encouraged local initiatives for progress and development on the other. Lord Curzon partitioned Bengal and formed two new provinces of manageable size – East and West Bengal. East Bengal consisted of Dacca, Mamansingh, Assam, Kaula, Rangpur, and Bogra district, the Dacca was capital of East Bengal constituted a majority Muslim Province, while the Bihar and Orissa constituted a separate province to be called as West Bengal with the capital of Calcutta and become the Hindu Majority provinces.

East Bengal contained a population of eighteen million Muslims and twelve million Hindus. Whereas West Bengal had a population fifty four million of which 42 million were Hindus and thus was the Hindu majority province.

Muslims' Response

It received a favorable response from the Muslims. It was thought that it would bring the emancipation of Muslims socially and economically. The Muslims welcomed the Partition of Bengal for the following reasons:

1. In the majority province of East Bengal the Muslims would be free from Hindu dominance in economic field. They would get opportunities of services and advancement of agriculture.
2. The city of Dacca, where the Muslims were in majority was the centre of Muslim culture. In Dacca Muslims had a great chance of success for social and cultural advancement than in Calcutta.
3. The Partition could result in political uplift and securing represent action in the Government.
4. The partition of Bengal relieved the Muslims from competing with Hindus, who were more advanced in every field of life.

Hindus Response

The Hindus did not accept it, as it dealt a telling blow to their monopolies and exclusive hold on economic, social, Political life of the whole of Bengal. They called it as a deliberate attempt by British Government

1. The Partition of Bengal had brightened the possibility of betterment of Muslims; while the Hindu landlords, capitalists and traders wanted status quo and to continue the exploitation of the Muslims.
2. Hindu lawyers also reacted to the partition of Bengal because they thought that the new province would have its separate courts and thus their practice would be affected.
3. Hindu press was not different from that of Hindu advocates. Hindus had their monopoly over almost whole of the province press. They were afraid that new newspapers would be established which would decrease their income naturally.
4. The Hindus launched Swadeshi Movement whose sole purpose was to boycott of British goods.

Annulment of the Partition

When Lord Hardinage assumed charge as Governor General of India Hindus again became active and sent a representation to him for the annulment of partition of Bengal. He recommended the same to the British Prime Minister for Indian Affairs. On the occasion of the visiting His Majesty George V to Indo-Pakistan and holding of Darbar at Delhi on 12th December 1911 the partition of Bengal was cancelled.

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The united Bengal was placed under a Governor and Assam was placed under a Chief Commissioner. This decision was a shattering blow to Muslims. It left them sullen and disillusioned. Their anger and indignation had widespread repercussions. The Muslims leaders and intelligentsia condemned the decision as betrayal of the worst kind. The Muslims of India had appreciated the step and started turning in the favour of the British but the British soon gave in against the mounting pressure of Hindus which helped the Muslims to realize the importance of standing on their feet and to organize themselves politically.

Q.3 Analyse the process of evolution in Iqbal's thoughts. Discuss the major factors that affected this process.

The pen is mightier than the sword'. Muslims of India experienced the expression of sword in the War of independence 1857 which failed to accomplish their goal and reviving the glorious Muslim rule. On the contrary the services rendered through pen cultivated thoughts in the masses, facilitated them in releasing their strength to overcome weaknesses and motivated them to cherish their dreams. Allama Iqbal stood distinguished in this regard. He experienced intellectual growth and conveyed and nurtured his thoughts to the Muslims of India to understand and strive for their separate identity. He was a political philosopher who provided ideological foundations to Pakistan movement and came to be known as 'spiritual father of Pakistan.

The philosophical thoughts enunciated by Iqbal were not a spontaneous outcome. Various developments in his life enabled him to evolve and unfold his ideas about Islamic universalism and Muslim nationalism. In the initial years these thoughts underwent through changes and were articulated through his poetry. Later Iqbal felt a need to step in the political ground to change his thoughts in reality. In this attempt Iqbal is considered to be an idealist who ignored the complications which exist in the real world. But despite of these charges Iqbal, though not being a charismatic and active politician, had given the direction to the Muslim leadership for the separate homeland for the Muslims. He crystallized these thoughts in his Presidential Address at Allahabad Session (December 1930) of the All India Muslim League. Before making a political study it is important to look its philosophical dimension which served as a spirit of his concept of Pakistan.

Iqbal in the early years of his life stood for composite Indian nationalism. His Urdu poetry before 1906 and specifically poems such as 'The New Temple' and 'The Indian Anthem' bear ample testimony to this fact. His visit to Europe was a turning point and his thoughts altered from composite Indian Nationalism to Muslim Nationalism. Iqbal visited Europe in 1905 and returned to India in 1908. During this period Iqbal acquired law degree at Lincoln's Inn, a Bachelor of Arts at Cambridge and a Doctor of Philosophy at Munich University.

It was his stay that he was able to closely observe the political developments in Europe. He made a deep observation to explore the basis of their political models. In this exercise he highlighted the inherent flaws which were responsible for creating tensions between countries. It was nationalism based on love for land i.e. territorial nationalism. It was prime factor to provoke selfishness among the countries to protect their national interests. Iqbal concluded that territorial nationalism was of gross misuse. According to Iqbal it was, for instance, a weapon of European Imperialism which destroyed the unity of Muslim world:

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I have been repudiating the concept of nationalism since the time when it was well known in India and the Muslim world. At the very start it had become clear to me from the writings of European authors that the Imperialistic designs of Europe were in great need of this effective weapon-the propagation of the European conception of nationalism in Muslim countries-to shatter the unity of Islam into pieces.

Iqbal also believed that imperialism destroyed the uniqueness of subservient countries. Imperial powers demolish their identity to strengthen their rule without opposition. In 1938 he restated that imperial powers not only subjugated weaker peoples but also robbed them of their religion, literature, and cultural traditions.

After his return to Europe Iqbal's abandoned the concept of composite Indian nationalism and adopted Muslim Nationalism. He also carved out his views on Islamic universalism. He believed that European concept of nationalism cannot be applied to India. He asserted that according to European notion India is not a land with one nation. Because two major communities living in India i.e. Hindus and Muslims do not share common language, common culture, common history which is the basis of nationalism. Rather Muslims possess separate identity with their own religious and cultural values. These views were expressed in his poem 'The Anthem of the Islamic Community'.

To Iqbal territorial nationalism and Islam were contradictory and irreconcilable. Iqbal reasoned that mission of Islam was to demolish idolatry, it could not approve of patriotism (born out of nationalism), which was nothing but "a subtle form of idolatry". He wrote a poem 'Territorial Nationalism' and in one its couplet said:

Country is the supreme among all the contemporary idols.

Its cloak is the shroud of Islam.

Territorial nationalism creates division in the Muslims community. He said that:

God's creation is divided into nations by territorial nationalism.

The roots of Islamic nationality are destroyed by it.

Iqbal advocated that Muslims have their own basis of nationalism whose origins lie in Islam. Islam did not follow the confined scope of nationalism. Its membership would not be determined by birth or domicile, it did not consider the natural, historical and cultural differences of different races but it is based on common faith. Muslims living in different parts of the world with variant socio-cultural backgrounds, ethnic divisions and cultural values constitute a single Muslim nation i.e. ummah. It was Islamic universalism which was a basis of Muslim nationalism.

Iqbal, in the meanwhile, also defended Muslim fanaticism by defining it as "patriotism for religion". He reasoned that Muslim fanaticism is justifiable on the grounds that since all nations were fanatical concerning the basis of their nationality (i.e. their country), then Muslims were equally fanatic since their nationality was based on religion. In his address to the National League of London on December 10, 1932 he said:

Now with regard to communalism and Pan-Islamism I want to say a few words to you. If a man belongs to a cultural community, he feels that it is his duty to protect that culture. In that case I appeal to you whether you will upon such a man as unpatriotic. I think it is the duty of every Briton to protect his country if his country is

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in danger. In the same way it is the duty of every Muslim to protect his culture, his faith, if he finds that these things are not safeguarded.

Iqbal believed that the ultimate goal of Muslims should be the strengthening of Muslim nationalism for the attainment of Islamic universalism. For this purpose Muslims should be concerned with the problem of survival and protection of their separate identity. Iqbal believed that Muslims of India have their separate identity. Muslims are not just the community but a separate cultural entity. Attainment of political power was essential to retain uniqueness of Muslims. He envisioned an ideal state which works for the creation of Muslim ummah. It should be designed on divine law of Islam, and free of all artificial distinctions between men.

Iqbal's vision of the ideal Muslim state can be traced through his Lectures delivered on Islamic philosophy. Iqbal's perception of an Islamic state was not a theocracy but a state that attempts to realize the spiritual principles of Tawhid, equality, solidarity, and freedom in a definite human organization. Iqbal formulated some guiding principles for the democratic Islamic state of his vision.

1. Where democracy leads to the pristine purity of Islam, which stands for "spiritual democracy"
2. The state is under the obligation to uphold the supremacy of law, and to guarantee the enforcement of human rights.
3. Parliament is not merely a shura (consultative assembly), but is fully endowed with the power to legislate while exercising its authority of ijma, and retains the right to engage in jihad, the right of further interpreting the Quran and the Sunnah or of forming a new opinion by applying analogy.

Along with the ideal state Iqbal's ideal society was one of the perfect social equality, founded not on an economic, but a spiritual basis, "where the poor tax the rich", private ownership was a trust, and a capital was not "allowed to accumulate so as to dominate the real producer of the wealth."

Iqbal propagated these views through his poetry and different political forums. It became an instrument for stimulating activism among Muslims. He made these thoughts an ideological foundation for his concept of Pakistan. Iqbal's ideas also convinced the Muslim League leadership to take inspiration for the creation of Pakistan.

Iqbal not an active politician but was a political philosopher. He lacked the spell-binding skills of an orator in both his speeches and statements. His speeches resembled much more resembled the lectures of a professor in university than the rhetoric of a seasoned politician. Despite of this inefficiency he used the national and international political forum to safeguard the interests of the Muslims of India. He entered into politics for this cause and marked the historic achievement by articulating the concept of Pakistan in 1930.

Iqbal started his political career during his stay at London. He was elected to the executive committee of the league's British chapter. Later, he contested the elections for the Punjab Legislative Assembly. He remained member of the assembly from 1926-1930. During his tenure he made various proposals for the socio-economic uplift of his people. These included: 1) improvement in the economy of Punjab; 2) grants-in-aid to the poor; 3)

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transfer of taxing authority to the provinces; 4) grant-in-aid to Muslim educational institutions; 5) ban on defamatory statements against the founders of religions. Thus, the protection of Muslims' rights and interest remained his prime concern.

Iqbal gained political prominence in 1930 when he delivered Muslim League Presidential Address at Allahabad. For the first time the idea of separation was propounded from the platform of the Muslim League. He started his address by highlighting the religio-cultural separate identity of Muslims in India.

Communalism, in the higher sense, is indispensable to the formation of harmonious whole in India. The units of Indian society are not territorial. The principles of European democracy cannot be applied to India without recognizing the facts of communal groups.

I would like to see the Panjab, North-West Frontier Province, Sind and Baluchistan amalgamated into a single state. Self-government within or without 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.

After the completion of the session no discussion followed, nor was any resolution passed in support for Allahabad Address. It was not passed due for a plausible reason that the acknowledged leader of Muslim League, Muhammad Ali Jinnah was in London (along with other Muslim Leaders).

Some writers are of the view that Iqbal wanted only a consolidated Muslim unit within the confederation of India but this is incorrect. If it had been so he would not have mentioned within the British Empire or without it. In the Third Round Table Conference Iqbal pleaded that there should be no central government in the subcontinent and that the provinces should be autonomous and independent dominions.

Another charge against Allahabad Address is that it presented a grand vision of a Muslim state in North-India but remained silent over Bengal, a Muslim majority province in the east. One explanation can be that Iqbal had used the term "at least" while referring to the Muslim majority, which indicates that Bengal was not beyond the realm of his interest. It appeared logical that if the establishment of a Muslim state in the North-West was accepted, its logical extension to the east would be inescapable.

Iqbal also participated in the Second and Third London Round Table Conferences (1931, 1932). These conferences were held to seek the constitutional avenues for India towards its eventual self-determination. Iqbal's participation in the II Round Table Conference (RTC) was not active due to his disagreements over the proceedings in which delaying tactics to grant were being adopted to grant constitutional right of self-determination to the Muslims. In the III RTC Iqbal elaborated upon his solution to communal problem i.e. the establishment of Muslim state in northwest India. Lord Lothian stated that Iqbal's solution seemed to be viable but it would take at least another 25 years to realize. Iqbal's advocacy of his concept of Pakistan was recorded during III RTC which negates the notion that he had abandoned this concept of Pakistan after Allahabad Address.

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After Allahabad Address new controversy started to emerge that who is the inventor and geographical scheme of India?. It was fabricated by the writers and Rahmat Ali himself. Edward Thompson, who was a professor of Bengali language at Oxford University, wrote in his book Prepare India for Freedom (1940) that:

There is some dispute as who started the notion (of Moslem State in India – Pakistan. It is often said to have been Sir Muhammad Iqbal, the poet. In the Observer I once said that he supported the Pakistan plan. Iqbal was a friend and he set my misconceptions right.

He further states that:

Iqbal spoke to him that he thought Pakistan plan would be disastrous to the British Government, to the Hindu community, disastrous to the Moslem community. 'But I am the President of the Moslem League and therefore it is my duty to support it.

Among Muslims Chaudhry Rahmat Ali, also exploited this fabrication in his own purpose. He asserted that he was the founder of Pakistan National Movement and coined the term Pakistan. He maintained that Iqbal in his Allahabad Address had used the word state not a sovereign state but as a part of proposed Indian Federation. In his assessment he completely ignored the words 'outside British Empire'. Chaudhry Rahmat Ali also claimed to be the author of Now or Never: Are We to Live or Perish? this contained a scheme for Pakistan. It was a brain child of four Muslim students, namely Muhammad Aslam Khan (Khattak) President, Khyber Union; Rahmat Ali (Choudhary); Sheikh Mohammad Sadiq (Sahibzada); and Inayatullah Khan (of Charsada) Secretary, Khyber Union. This pamphlet was no more than an exaggerated echo of Iqbal's 1930 suggestion. Chaudhry Rahmat Ali was not a founder of Pakistan's scheme yet his propaganda worked in the popularization of the demand for Pakistan.

Iqbal did not ever slip away from his concept of Pakistan but could not effectively propagate after presenting it owing to the internal crisis in the Muslim League. He worked to convince Jinnah to return to India and worked for the Muslims of India to cherish their goal. The correspondence between Jinnah and Iqbal during May 1936 to November 1937 provided Jinnah the political conditions of India and a need for the protection of Muslims. Jinnah also got a clear conception of Iqbal's thoughts and motivated him to come back to India with new energy. He preferred Jinnah over other Muslim leaders as he had confidence in his competence. He wrote to Jinnah:

I know you are a Busy man but I do hope you won't mind writing to you often, as you are the only Muslim in India to whom the community has right to look up for safe guidance through the storm which is coming to North-West India, and perhaps to the whole of India.

On the other hand he also appealed Muslims to join hands with Jinnah. He believed that "a united front can be formed under the leadership of Muslim League. And the Muslim League can succeed only on account of Jinnah. Now none but Jinnah is capable of leading the Muslims".

Jinnah returned to India with new spirit and started mobilizing masses for the Muslim cause. The process was accelerated due to the arbitrary rule of Congress ministries from 1937-13-939. This rule exposed the

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authoritative and hegemonic designs of Congress upon Muslims if left on the mercy on Hindu rule. The ideas of Muslim separatism had already been in the Indian political atmosphere. Jinnah responded to the situation, and offered the Muslims on 22 March 1940 a “solution” that was to secure them freedom in a separate Muslim state, comprising Muslim majority areas of the Indian subcontinent.

The Muslim League adopted on 24 March resolved:

... that is the considered view of this Session of the All-India Muslim League that no constitutional problem would be workable in this country or would be acceptable to the Muslims unless it is designed on the following basic principles, viz., that geographically contiguous units are demarcated into regions which should be constituted, with such territorial readjustments as may be necessary, that the areas in which Muslims are numerically in majority, as in the North-Western and Eastern zone of India, should be grouped to constitute Independent States in which the constituent units shall be autonomous and sovereign.

The scheme demanded in Pakistan Resolution was almost similar to the concept expressed by Iqbal in Allahabad Address in 1930. Thus, Iqbal’s concept of a separate homeland served as a foundation of political demand for Pakistan in 1940. This was also affirmed by Jinnah in these words “Iqbal is no more amongst us, but had he been alive he would have been happy to know that we did exactly what he wanted us to do.

Q.4 “Nehru Report fruitfully resulted in the harmony of alienated Muslim groups”. Comment.

Federal Form of Government:

It was agreed by all parties that form of government should be Federal in nature. It means there would be a federation and federating units. But it was given that residual powers would be vested in center and making center strong in comparison to provinces.

Joint Electorate:

Nehru Report stated that there Joint electorate would be conducted in United India. Joint Electorate means there would be one election at the time all over the India and no separate election would be held for Muslims or lower castes.

Sindh separated from Bombay Presidency:

Nehru Report maintained that Sindh could be separated from Bombay on certain conditions. First, Sindh would be given financial autarchy. Second, minorities were given same rights as Muslim minority were given rights in other Hindu Majority provinces.

Constitutional status would be given to NWFP and Balochistan:

It was presented in Nehru Report that there should constitutional reforms be given in case NWFP and Balochistan. A committee would be formed which observe and investigate basic needs of these provinces. This was also one of the demand of Indian Muslims.

One-third representation to Indian Muslims in Central Assembly was rejected:

Nehru Report had given in report that one-third represent would not be granted to Muslims. And this demand was major demand of Indian Muslims. Moreover, special rights were not given to Muslims

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in Report. They said, in many provinces Muslims are in majority and they are dominated there. Therefore, special rights could not be granted them.

Here are five points which are rejected by Indian Muslims:

1. Separate electorate was not accepted in Nehru Report.
2. Quaid e Azam tried to get amendments in the report in the all parties conference in Calcutta but did not succeed. This very moment when Jinnah remarked "it is the parting of the ways". Therefore, he presented the 14 points .
3. One third representation of Muslims in the Central legislature was not given.
4. In Nehru Report, Center was given residual powers and hence weak provinces. On other hand complete autonomy of provinces.
5. Representation of Muslim in Punjab and Bengal proportion to their population was not given.

Q.5 Examine the main clauses of Jinnah's Fourteen Points.

In order to counter the proposals made in the Nehru Report, Jinnah presented his proposal in the form of Fourteen Points, insisting that no scheme for the future constitution of the government of India will be satisfactory to the Muslims until and unless stipulations were made to safe guard their interests. The following points were presented by the Quaid to defend the rights of the Muslims of the sub-continent:

1. The form of the future constitution should be federal, with the residuary powers to be vested in the provinces.
2. A uniform measure of autonomy shall be granted to all provinces.
3. All legislatures in the country and other elected bodies shall be constituted on the definite principle of adequate and effective representation of minorities in every province without reducing the majority in any province to a minority or even equality.
4. In the Central Legislature, Muslim representation shall not be less than one third.
5. Representation of communal groups shall continue to be by separate electorates: provided that it shall be open to any community, at any time, to abandon its separate electorate in favor of joint electorate.
6. Any territorial redistribution that might at any time be necessary shall not in anyway affect the Muslim majority in the Punjab, Bengal and the NWFP.
7. Full religious liberty i.e. liberty of belief, worship, and observance, propaganda, association, and education, shall be guaranteed to all communities.
8. No bill or resolution or any part thereof shall be passed in any legislature or any other elected body if three fourths of the members of any community in that particular body oppose such a bill, resolution or part thereof on the ground that it would be injurious to that community or in the alternative, such other method is devised as may be found feasible practicable to deal with such cases.
9. Sind should be separated from the Bombay Presidency.
10. Reforms should be introduced in the NWFP and Balochistan on the same footing as in other provinces.

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11. Provision should be made in the Constitution giving Muslims an adequate share along with the other Indians in all the services of the State and in local self-governing bodies, having due regard to the requirements of efficiency.
12. The Constitution should embody adequate safeguards for the protection of Muslim culture and for the protection and promotion of Muslim education, language, religion and personal laws and Muslim charitable institutions and for their due share in the grants-in-aid given by the State and by local self-governing bodies.
13. No cabinet, either Central or Provincial, should be formed without there being a proportion of at least one-third Muslim ministers.
14. No change shall be made in the Constitution by the Central Legislature except with the concurrence of the States constituting the Indian Federation.

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