

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

Semester: Autumn, 2021

ASSIGNMENT No. 2

Q.1 Critically evaluate the response of Indian political parties on the Government of India Act 1935.

The Round Table Conferences could not achieve their objective and thus failed. However on the suggestions of Round Table Conferences white paper was issued in 1933 and efforts were started to make the constitution of India. A committee was setup under the chairmanship of Lord Linlithgow, the viceroy of India, to consider the recommendations of the white paper. The report of the committee was published in 1934 that was contained in a bill of law. The report along with the bill was passed in the British Parliament. After the Royal assent the Act was enforced in the country as Government of India Act 1935. The Government of India Act 1935 consisted of two parts. One part was central and the other part was the provincial. The Act was also contained 14 parts and 10 schedules. The following were the salient features of the Act:

- The Act proclaimed a bicameral legislature. The one house of the Assembly was called the Indian Legislature Assembly and the other house of the Assembly was The Council of State. The Council of State was the upper house that was a permanent body i.e that it could not be dissolved like the lower house of the Parliament. One-third members of the upper house had to retire after every 3 years. The lower house of the Assembly, the Indian Legislature Assembly, was not an independent body. The laws passed by the Assembly could be Veto by Governor-General. The legislature had no control over the legislature under this Act.
- As regards the Federal Budget it was consisted of two parts. One part consisted of non-votable part of the budget that was 80 % of the whole budget. This part of budget could not be discussed or amended in the legislature. The other part of the budget that consisted of 20% of the whole budget could be discussed or amended in the Federal Assembly.
- The provinces were given more authority and powers and for the first time the provinces were made separate entities.
- The system of Dyarchy was scrapped in the provinces and introduced in the centre.
- Under the Act there were three lists of subjects. One was federal , 2nd was provincial and the 3rd was concurrent list.
- The whole country was divided in to 11 provinces.
- The Governor-General in the centre and the Governors in the provinces were given special rights and privileges. In case of emergency situation both Governor-General and Governors enjoyed unlimited powers and their authority could not be challenged in any institution.
- Under the Act a Federal Court was established. The court was consisted of Chief Justice and six other judges. After the age of 65 the judges of the Federal court had to vacant the seat however the any judge of the court could leave his seat before the age of 65. The court could interpret the constitution and if Governor-General needed any help regarding the constitution matters the court was bound to give advise but it was totally depended upon him to accept or reject the advice.

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

Semester: Autumn, 2021

- Under the Act the Secretary of State for India enjoyed the same powers that the other ministers enjoyed under the Act. The Indian Council that was created to help him was abolished under the Government of India Act 1935.

The Act of 1935 failed to win appreciation from various sectors. Both the Muslim League and the Indian National Congress expressed their dissatisfaction over the Act. Hindu leader Madam Mohan greatly criticized this Act and Pandat Jawahar Lal Nehru said on the emergency rights of Governor-General and Governors that this Act provided that this Act was like a machine that had strong brakes and no engine. Muslim leader Muhammad Ali Jinnah said this scheme thoroughly rotten fundamentally bad and totally unacceptable.

Q.2 Critically analyse the working of Congress Ministries and its impact on Indian political history.

The Following independence, it took three Governor Generals, four Prime Ministers, two constituent assemblies (1947-1954 & 1955-1956), and nine years of protracted constitution making process to produce the first constitution of Pakistan in 1956. It was rejected on the final day of its adoption (29 February 1956) by all Hindu minority parties and the largest Muslim political party (the Awami League) from East Pakistan – demographically the largest province. Due to lack of consensus among ethnonational groups, the 1956 constitution failed to arrest the political instability that engulfed the entire country following its promulgation, ultimately leading to its abrogation and imposition of the first martial law in the country on 7 October 1958. Between its promulgation and abrogation, four federal ministries changed. The military dictator General Ayub Khan, who had taken over the reins of power, enacted the 1962 constitution to the country through an executive order. The current constitution, enacted by the third constituent assembly in 1973, was twice suspended by military coups of General Zia-ul-Haq (1977-1985) and General Musharraf (1999-2002), and at the time of its ‘restoration’, both in 1985 and 2002, the military regimes amended it in ways that fundamentally changed its Islamic and federal character. One such amendment on both occasion was the grant of power to the president to dissolve the lower house of the federal legislature. With this power in the hands of presidents – which office was usurped by both dictators at the time of restoring the constitution – the ensuing parliaments on both occasions were forced to give constitutional cover via the 8th and 17th Amendments to the acts of suspensions of the constitution, and all other acts of the military dictators during the period between the suspension and restoration of the constitution.

The Process of Adoption of the Current Constitution:

In the constitution making processes in the three constituent assemblies of Pakistan (1947-1954, 1955-1956, 1972-1973), producing the 1956 and (current) 1973 constitutions, the Islamic character of the state and federalism were the two vexatious questions that prevented the forging of consensus amongst ethnonational groups on constitutional design of the instruments that have governed the polity thus far.

Federal discourse in Pakistan has been and continues to be structured by two antithetical visions of identity, both articulated by two competing forces. The centripetal forces, representing the state elites, have aimed at creating a homogeneous society and a monolithic national identity, employing Islam as a unifying force in the

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

Semester: Autumn, 2021

service of building a centralized Muslim Nation State, despite the multiethnic and deeply divided character of the society. The centrifugal forces, representing the diverse ethnic, linguistic, cultural and regional groups, on the other hand, have been pushing back against the officially sponsored nation- and state-building project and making counter-demands for constitutional recognition of the multiethnic character of the polity and their accommodation in a multinational framework within a decentralized federal order. The diverging visions have not only structured the federal discourse but also shaped the design of all constitutional instruments.

Members of the constituent assembly (1972-1973) that drafted the current constitution were elected in 1970 when the country was still united. The secession of East Pakistan (present Bangladesh) in 1971 altered the political landscape of the country in fundamental ways. Nevertheless, no fresh elections were held and members elected from West Pakistan in the 1970 elections formed the constituent assembly for Pakistan.

The 1973 constitution did not enjoy the support of two out of the then four provinces of Pakistan, i.e., NWFP (now Khyber Pakhtunkhwa) and Balochistan. The secession of East Pakistan had changed the demographic composition of the polity as Punjab became the largest province with Punjabis constituting more than 60% of the population, exceeding the combined strength of all other major ethnonational groups from the remaining three provinces. The Pakistan People Party (PPP) had majority seats in the assembly from the two largest provinces of Punjab and Sindh, and thus formed a federal government and provincial governments in the two provinces. The National Awami Party (NAP) won majority seats in the NWFP and Baluchistan provinces, and formed the opposition in the constituent assembly. The PPP rejected appeals of the NAP for the incorporation of consociational principles in the draft constitution to protect the interests of minority ethnonational groups. NAP's demands included the constitutional recognition of the multiethnic character of the society, the establishment of a strong upper chamber in the federal legislature, and the adoption of a non-majoritarian framework of constitution making process based on the equality of all four ethnonational groups from Punjab, Sindh, NWFP and Baluchistan. The non-accommodation of these demands led to NAP's boycott of the constitution making proceedings at a time when the assembly had approved only one-third of the provisions of the draft constitution. Out of 400 amendments proposed by the opposition, only one was accepted during their stay in the assembly. The remaining two-thirds of the draft constitution was adopted in the absence of opposition members, leading to the lapse of sixteen hundred amendments moved by the opposition members in those parts of the draft constitution. The opposition came to the assembly on the final day of the constitution's adoption and the majority of its members signed the draft constitution under the threat of prosecution on treason charges.

Prior to the separation of Pakistan in 1971, state elites, mostly coming from Punjab, demanded anti-majoritarian constitutional protections against the possible domination of the Bengali majority from East Pakistan, which constituted 56% of the total population of the then Pakistan. Nevertheless, in post-1971 Pakistan, after Punjab became the largest province, comparable demands of ethnonational minority groups for a non-majoritarian constitution making process and the incorporation of consociational principles in the draft constitution were

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

Semester: Autumn, 2021

rejected. Accordingly, the composition of the Constitution Committee entrusted with making the draft constitution, as well as in the Interim Constitution of 1972, reflected the dominance of representatives from the biggest provinces, despite the significant politically salient group cleavages in Pakistani society.

The 1973 Constitution

The 1973 constitution contains 280 articles and 7 schedules, and establishes a centralized federal system.

The Federal Executive:

The President is the head of state, represents the unity of the republic and is elected by a simple majority of an electoral college consisting of members of the two houses of federal legislature and of the four provincial legislatures. The President can be removed if he or she is found unfit to hold office due to physical incapacity or impeached in case of violation of the constitution in a joint sitting of the federal houses by votes of not less than two-thirds of its total membership.

The Prime Minister is elected by members of the lower house of the federal legislature after every general election, and other cabinet ministers are appointed by the President according to the advice of the Prime Ministers. The executive authority of the federal government is exercised in the name of the President by the Prime Minister, or through him, by the federal ministers. The federal cabinet under the Prime Minister aids and advises the President in the exercise of her or his functions. However, in the performance of her or his functions, the President is to act on and in accordance with the advice of the cabinet or the Prime Minister, except in cases where the constitution has vested the President with discretionary powers. The Prime Minister is to keep the President informed about all matters of internal or foreign policy, and all legislative proposals the federal cabinet intends to bring before parliament.

The President may not remove the Prime Minister unless the President is satisfied that he or she has lost the confidence of the majority in the lower house. For that purpose, the President has to summon a meeting of the lower house and require the Prime Minister to obtain a vote of confidence. The Prime Minister could also be removed on the initiative of the lower house when the house passes a vote of no-confidence against her or him. The federal cabinet is collectively responsible to both houses of parliament.

The President can summon, prorogue, address and send messages to either house of the federal legislature, separately or jointly. The President also has the power of dissolving the lower house of the federal legislature either on the advice of the Prime Minister or on her or his own initiative if the house passes a vote of no confidence against the Prime Minister and there is no other member who commands the support of the majority in the house. The President assents to bills passed by the federal legislature within 10 days. He or she may return a bill to the legislature with a message that the whole or any part of the bill be reconsidered and any amendment proposed by her or him, in which case the bill will be reconsidered by the joint sitting of the legislature and if passed by majority votes, it is sent to the President for assent. The President will then give assent to the bill within 10 days or the bill will automatically become a law.

The Federal Legislature:

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

Semester: Autumn, 2021

Parliament, the federal bicameral legislature, consists of the President, the lower house (National Assembly) and upper house (Senate). Seats in the National Assembly are apportioned on the basis of population with a total of 342 seats distributed amongst the four provinces, FATA (Federally Administered Tribal Areas) and the Federal Capital. The Assembly is elected for five years unless the President dissolves it sooner.

The Senate has a total of 104 seats with each of the four provinces having 23 seats (14 general, four women, four technocrats, and one non-Muslim minority seat in each province), thus giving equal representation to each province, eight seats for the FATA, and four seats for the Federal Capital, including two general, one woman and one technocrat seat. Elections to fill seats in the Senate allocated to each province are held in accordance with the system of proportional representation by means of the single transferable vote by the provincial legislative assemblies. The Senate has a term of six years, and is not subject to dissolution.

Except money bills, both houses of the federal legislature have equal powers in all legislative subjects under federal jurisdiction. A non-money bill can originate in any of the two houses and in case of disagreement between the two houses, it has to be considered in a joint sitting, and if passed by the votes of the majority of the members present and voting, it is presented to the President for assent. A money bill can only originate in and be approved by the National Assembly. The Senate can make recommendations on a money bill, which the National Assembly may or may not adopt. Thus, passing a money bill is the exclusive domain of the National Assembly. For any bill to become a law, the assent of the President is mandatory. When a bill is presented, the President must either assent to the bill within 10 days or may, if it is not a money bill, return it to a joint sitting of the parliament with a message to reconsider the bill or any part of it. Once a simple majority of the joint sitting of parliament approves the bill after such reconsideration, it becomes a law, whether or not the President signs the bill.

The constitution provides for the federal legislative list with 71 subjects and the provincial legislatures have exclusive powers of law making on subjects not enumerated in the federal legislative list. A provincial assembly may voluntarily delegate to the federal legislature the power of law making on subjects on which it is competent to make laws. The executive authority of federal and provincial government extends to matters on which the federal and provincial legislatures respectively have the powers of law-making.

The Judiciary:

The 1973 constitution provides for a hierarchy of the judicial branch with the Supreme Court of Pakistan on top and five High Courts subordinate to it, each working in the four provinces and the federal capital. Lower courts in each province are under the administrative control of their respective high courts. In addition to being appellate courts in civil and criminal cases, the Supreme Court and the High Courts have original constitutional jurisdiction in certain cases. As a federal court, the Supreme Court has original and exclusive jurisdiction to settle any dispute between and amongst the federal and provincial governments. However, while deciding such disputes, the Supreme Court's power is limited to issuing 'declaratory judgments only'. The constitution also

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

Semester: Autumn, 2021

provides for a Federal Shariat Court and vests it with the universal jurisdiction to examine and decide the question whether or not any law or provision of law is repugnant to the Injunctions of Islam.

Q.3 Discuss the politics of All India Muslim League from 1916-1928.

Two factors determined the Congress party's mass contact strategy, as part of which the Muslims were also targeted. To begin with, even as large sections of the Congress were savouring its overwhelming success in the 1937 elections that underlined its reputation as the premier nationalist organization in the country, Nehru, their chief election campaigner, expressed strong opposition to the party entering the new assemblies or accepting offices. This stance reflected Nehru's ideological orientation as also that of the left wing that was becoming increasingly assertive within the party. Nehru feared that such a move would infect the Congress with an effete reformist mentality and lock it in a collaborative enterprise with the British Raj. With the 'right wing' pushing in the opposite direction, the Congress initially was deadlocked on these questions. But even after it tentatively decided to enter the provincial legislatures and form governments, Nehru steadfastly insisted upon keeping up the revolutionary momentum outside the legislatures gained during the election campaign and mobilizing the Indian masses with the object of preparing them for a decisive confrontation with the Raj.

Muslims were specifically targeted for 'mass contact' since the 1937 elections had made it clear that the Congress held little sway over the community. All of the nine Congress candidates who had contested Muslim seats in U.P. had been unsuccessful in the elections. The result may have subdued a lesser man but Nehru maintained a sunny optimism, claiming that the Muslims were not opposed to the Congress as throughout the election campaign he had come across Muslim voters asking him for directions on how to cast their votes.⁵ The Congress, he opined, would have done better had it only put up more Muslim candidates or campaigned harder in Muslim constituencies. Undaunted by the electoral failure, Nehru declared that the elections had, in fact, awakened the Muslim masses and they were looking for 'the right leadership and direction'. He went further by grandly announcing that the time had come to cast aside the older tactic of pacts and agreements with a 'reactionary' Muslim leadership and instead reach out to the masses directly.⁶ When asked to explain how he planned to make millions of Muslims rally behind the Congress party, Nehru once declared that he would do so by approaching them as 'non-Muslims, i.e., approach them with the economic issue '... My appeal will not be to the top leaders but to the masses with whom the economic reality is bound to prevail.'⁷ As Nehru explained, the communal problem was essentially a conflict between upper middle class Hindus and Muslims for jobs in the services, seats in the legislature and power under the new constitution. It had no connection with the masses for not a single communal demand made any reference to them.⁸ The masses themselves were, therefore, not in the least bothered by the communal question. Nehru therefore refused to take cognizance of the 'so-called communal problem.' As he elaborated, the fundamental problems facing Hindu and Muslim masses alike were those of poverty and starvation. They required urgent economic relief and the only way in which these problems could be overcome was by achieving political independence. And the most expeditious way for achieving this result was for all Indians to rally behind the Congress, the only genuine nationalist organization in the country

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

Semester: Autumn, 2021

as it engaged in a decisive struggle against the Raj. All other organizations either did not matter, or were impediments in the process of attaining national independence, given their narrow concerns and susceptibility to the Raj's blandishments.

Nehru set up separate department to run the Muslim Mass Contact Program (MMCP) at Anand Bhavan in Allahabad under his communist lieutenant Kunwar Mohammed Ashraf.⁹ Ashraf was a Meo from Alwar, a community famous for being neither fully Muslim nor Hindu, borrowing from the traditions and practices of both these religious communities. Ashraf was an arresting choice for other reasons as well. Before earnestly taking to Communism as a young man he had been a devout Muslim in the habit of saying his prayers regularly and keeping fasts. In a later autobiographical essay, Ashraf recalled a fascinating episode from his late teens that paved the way for his disavowal of religion and his evolution into a dedicated Marxist. At the time he had enrolled under a Murshid and started the arduous Sufi practice of Chilla Kashi that involved reciting a particular prayer 26,000 times over a period of forty days amidst fasting. As he reminisced, he had already had visions of the Prophet Muhammad and Hazrat Ali during his school days, and was convinced that this arduous practice would allow him to 'perceive the Holy light of God.'¹⁰ The whole ritual however ended in a disaster. On the thirteenth night of the practice, Ashraf reported to his teacher a dream in which he saw himself sitting with his Hindu friend Shankar Lal drinking cheap wine at their village, which ended with the two intoxicated young men collapsing to the ground and passing out. The Murshid on hearing the dream was less than impressed and asked Ashraf a number of questions ranging from whether he had fallen in love just before he started the practice to whether his father's income had ever been tainted by bribery. At the end of the interrogation, young Ashraf was firmly told that spiritual development was not a part of his destiny.

This strange episode marked his gradual turn away from spirituality and a growing inclination towards more secular pursuits. But Ashraf's academic trajectory too was not destined to be smooth for after enrolling for his B.A. at the Muslim University at Aligarh he quit midway through his studies once the Non-Cooperation movement under Gandhi gained momentum. He subsequently joined the Jamia Millia Islamia following the call of the Ali brothers but once Non-Cooperation had petered out, he rejoined the Muslim University taking his B.A. in 1924, an M.A. in 1926, and an LLB in 1927. A scholarship granted by the state of Alwar to study law in England in 1927 was perhaps the turning point in the young man's life for he finally found Marxism in England. His belief in the new ideology was strengthened on a trip back to Alwar to participate in the silver jubilee celebrations of his benefactor, the Maharaja, for he was revolted by the enormous amounts of money being spent on the affair even as there was desperate poverty all around. Returning to England with money given by his father, he proceeded to complete a PhD in history on social conditions in India between 1200 and 1550 under the supervision of Sir Wolseley Haig in London.¹¹ Among Ashraf's fellow students, friends and communist comrades in London were Z. A. Ahmad and Sajjad Zaheer. On returning to India, the three dedicated communists joined the Congress Socialist Party before joining the AICC office under Nehru when he became the Congress President in 1936. As Sajjad Zaheer reminisced, 'Nehru was very proud of our group. He

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

Semester: Autumn, 2021

introduced us to Gandhiji and Sardar Patel saying, people say Muslims are not coming in the Congress. Here is this brilliant group of young Muslims which went to England and took degrees there and had come back and joined the Congress.’¹²

The MMCP under Ashraf took upon itself the task of lifting the Muslim masses out of the rut of communalism and encouraging them to abandon their old style leaders. This was to be done by enlightening them about their true interests and explaining how these would be fulfilled by joining the Congress, which would usher them into a new socialist utopia after leading them to a glorious victory over imperialism. At the more mundane level it involved boosting Muslim enrollment in the Congress as four anna members and for this purpose the cell organized membership drives and public meetings in order to reach out to the Muslim masses. Along with Nehru, Ashraf and his comrades sincerely believed that the primary reason for Muslim aloofness from the Congress was the lack of effort by the party to educate them about its own radical policies and programmes. The resulting disconnect was deemed as primarily responsible for the party’s debacle in the Muslim seats in the recent elections. In order to therefore publicize Congress policies and programmes, they started a new Urdu newsweekly *Hindustan*.¹³ In doing so, the protagonists of the MMCP were only following the tactics of the leaders of the erstwhile Khilafat Movement who had skillfully utilized their Urdu newspapers to educate and mobilize Muslims against the British government’s alleged design to undermine the Caliphate. The articles published in the *Hindustan* thus explained the historic reasons for Muslim political backwardness, the rationale behind the new policy of Muslim ‘mass contacts’, the advantages that would accrue to the community and the country at large by joining the Congress party in large numbers, besides justifying the Congress decision to reject communal pacts with ‘reactionary’ leaders. Close attention needs to be paid to this overall message that the MMCP communicated to the Muslims and the idiom that was employed in this regard, for it is in response to this message that the ML fashioned its own more successful response that ultimately destroyed the Congress initiative.

Z. A. Ahmad made the initial case for this special Congress pitch towards the Muslims arguing that it was a long overdue and necessary step for radicalizing the Muslim community, which was politically backward and under the control of conservative leaders.¹⁴ Muslim backwardness, he lamented, was particularly reflected in their lack of participation in any anti-imperial activities or their inability to set up any anti-imperial organizations. He contrasted the Muslim condition to the progress of the Hindus who had created the Congress, the premier anti-imperialist organization in the country and also played a dominant role in its political activities. To explain this phenomenon, he relied on a Marxist theory of history that was heavily shot through with economic determinism. Ahmad explained that the critical factor that determined the political and cultural consciousness of any community was the nature of the class that economically dominated it. The Hindus had become politically advanced because they had been dominated in their recent history by the vital progressive force in the current stage of historical development – the capitalist class. This class had emerged by the end of Mughal rule holding a monopoly over trade, commerce and the professions, and fortuitously, was again the first

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

Semester: Autumn, 2021

to come into contact and collaborate with the East India Company when it arrived on the country's shores. Ahmad pointed out that while this collaboration may have been motivated by the desire for profits, it had had the crucial effect of introducing Hindu capitalists to modern education that led to the development of a new modern bourgeois consciousness among them, including a greater awareness of their own economic self-interest. The Hindu bourgeoisie were therefore the first to protest against British domination of Indian trade since it hurt their economic interests. Indeed, it is in pursuit of these interests that this class had gone on to form the Indian National Congress. To underline the class origins and character of the Congress, Ahmad pointed to the nature of economic demands made by the early 'moderate' Congress in petitions to the British government, a feature that the later 'Extremists' would call political mendicancy.

In contrast to the Hindus, Ahmad claimed that the dominant economic class among Muslims since Mughal times was the retrograde feudal class of jagirdars and zamindars that stayed away from trade and commerce and served mostly in the Mughal army and administration. This class dominated both the Muslim masses, overwhelmingly peasants who were neo-converts from Hinduism, and Muslim artisans, labour, shopkeepers, professionals and traders that lived in towns and qasbahs. Ahmad conceded that this urban Muslim class may have had the potential to propel the Muslim community in the same progressive direction as Hindus but rued the occlusion of this historical possibility due to its smallness in comparison to the larger rural Muslim population. This historical Muslim handicap that led to Muslim political backwardness was further compounded due to the community's delayed introduction to colonial modernity as a result of its active participation in the Revolt of 1857. The brutal British retribution had further alienated them from modern civilization as they sought to isolate themselves from the ways of the British. But the community's biggest misfortune, according to Ahmad, was its betrayal at the hands of putative modernizers like Sir Syed Ahmad Khan who thwarted political modernization of the Muslim community by keeping it away from struggles against British imperialism and its indigenous collaborators such as the zamindars. These urban Muslims thus did not have a progressive imprint on the Muslim mind. In explaining Sir Syed's reactionary attitude, Ahmad again fell back on economic determinism by attributing it to the fact that loyalist rural notables were the biggest donors backing Sir Syed, whose financial contributions had been instrumental in setting up the Mohammedan Anglo-Oriental (MAO) College. The zamindars themselves were steadfast in supporting British rule since it granted them additional privileges at the expense of the rights of their peasants.

While acknowledging the Congress party's inauspicious origins in Hindu capitalist leadership whose forebears had collaborated with the English East India Company that led to India's subjugation in the first place, Ahmad explained how the logic of history had slowly transformed it into the best vehicle for securing India its freedom from colonial rule. It was evident for all to see that the Congress-led 1921 Non-Cooperation Movement had transformed politics in India into a mass phenomenon for the first time, spreading far beyond the towns and penetrating into the countryside. Ahmad understood this development in terms of the sharpening economic contradictions between the Hindu capitalist Congress leadership and the British. This class, cautious earlier, had

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

Semester: Autumn, 2021

been emboldened by economic strength it had gained due to booming profits it had made during World War I and was now beginning to search for new and more effective techniques to put pressure on the government. It found a ready ally in a new Muslim leadership that was emerging from the middle class and was frustrated since its economic position had declined over the War. Together, they invited the masses on both sides to perform civil disobedience who, he claimed, responded readily given the severe economic distress they themselves were facing.

Yet, in the end, Non-Cooperation had failed, repressed by British batons and bullets. In order to explain this failure, Ahmad delved into the reasons as to why, even though the objective historical conditions were seemingly ripe, participation of Hindu and Muslim masses in a joint movement had not resulted in overthrowing British rule. In the first place, he blamed the leaders of this movement who, he claimed, were reformists with limited ambitions. These leaders had wanted to bring about a mere regime change without forcing any revolutionary economic or social changes that would disturb status quo in Indian society. But the more important reason for the movement's failure, according to Ahmad, lay in the state of popular consciousness. The masses participating in these struggles had ultimately failed to see their objective class interests and had instead been driven into even deeper and separate channels of false consciousness by their respective bourgeois leadership through their use of the religious idiom. Instead of mobilizing on the basis of real economic and social issues, they had been swayed by the language of Ram Raj or cries of Islam or the Khilafat in danger. Thus, when Non-Cooperation/Khilafat campaign failed in the end due to government repression, it was not surprising that mutual recriminations and horrific riots ensued between Hindus and Muslims since they had marched under the separate flags of their respective leaders.

K. M. Ashraf, the lynchpin of the MMCP, extended the analysis from this point to its contemporary context. Ashraf saw Congress victories in the 1937 provincial elections, as the first opportunity since 1921 for forging a unity between Hindu and Muslim masses so that they could jointly overthrow British rule and achieve economic and political independence under a free socialist state. The objective conditions were again ripe for a revolution since India had been thrust into the throes of a deep economic crisis as a result of the Great Depression. There was widespread hostility against the British and the ordinary man in India was experiencing the destruction of India's economy at a very personal level.¹⁵ The global economic slump, itself a result of sharpening economic contradictions in world capitalism, would inevitably force sweeping transformations in all aspects of human existence breaking down older forms of community, politics, culture and indeed human consciousness. Given this gale force sweeping across the globe, Ashraf was confident that India would not be bypassed by the currents of history. Like Ahmad, he foresaw the coming of a free socialist state in India as inevitable in the face of this new era unfolding in human history.¹⁶ The significance of this era for Ashraf can be discerned from his view that human beings were awakening from a barbaric (haivaniyat) phase and entering into the age of humanism (insaniyat).

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

Semester: Autumn, 2021

While objective conditions were favourable for overthrowing British imperialism, Ashraf believed that the mistakes of 1921 had to be avoided at all costs so as to not repeat that failure. The MMCP, therefore, needed to urgently awaken Muslim masses to their real economic and political interests, radicalize them on the basis of a new programme that promised land for the landless, security of tenure for peasant proprietors, fair wages and working conditions for workers, employment for the unemployed and freedom from hunger, poverty and starvation. Ultimately, the Muslim masses had to be awakened to an awareness of their class consciousness to enable them to embrace their true qaum – that of peasants and workers. This would also make them fully conscious of their class solidarity with Hindu peasants and workers. It is this combined class of Hindu and Muslim workers and peasants that the MMCP wanted to explicitly invite into the Congress fold to make it an effective agent of the revolution.

A New Definition of the Qaum

As evident, this redefinition involved a radical repudiation of existing ideas of the Muslim qaum as a community of believers in Islam, with its own distinctive politics or culture. Ashraf emphatically repudiated this existing notion, insisting that he did not subscribe to the belief that the Muslims constituted a natural unity with common economic and political beliefs. As he wrote to a friend, 'politics is essentially dictated by class interests and every effort to obscure class differentiation will result in the suppression of class elements.'¹⁷ Thus, conflict between a Muslim peasant and a Muslim landlord was inevitable since their class interests were distinct and indeed antagonistic to one another. In his many essays, Ashraf continuously harped upon the fundamental contradiction between the so-called leaders of the Muslim community, compradors who propped up the system of foreign exploitation and were allied to indigenous feudal and reactionary vested interests on the one hand, and the Muslim workers and peasants opposed to these interests on the other.¹⁸ Pointedly referring to the ML, Ashraf argued that its leaders had never played a progressive role since its formation by landlord elites in 1907, and it was evident as to which side they would join during the new round of mass struggles.¹⁹ For him, the ML was undoubtedly an agent of British imperialism that wanted to channelize Muslim revolutionary consciousness into a civil war (khana jangi) with the Hindus. Its anti-kisan, anti-labour, anti-democratic credentials were evident as its government in Bengal had crushed civil rights, not released political prisoners and presented no concrete economic or political programmes for alleviating the misery of peasants or working classes. In his view, the ML as a whole was only trying to weaken the Congress led anti-imperialist front even as it claimed to be patriotic and the true political representative of the Muslim community.²⁰ Ashraf, therefore, accused the ML leadership of perpetuating a 'false' view of politics. It had led Muslims to believe 'through poetry, false history, and through many other such influences' that they could on their own, achieve freedom for India besides building up a strong and disciplined community. He dismissed them as patently false promises, which could never come to fruition. Independence for the country and rejuvenation of the Muslim community with its millions of peasants and workers, he insisted, could only happen by joining the Congress and uniting with forces 'dictated by the logic of history'.

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

Semester: Autumn, 2021

Ashraf was, however, confronted with the task of convincing Muslims to join the Congress in large numbers for they had largely stayed away from it ever since the collapse of the Non-Cooperation/Khilafat Movement due to fears and suspicions of the latter being a Hindu body. At the outset, he acknowledged that there was indeed some truth behind the impression that Congress was dominated by a Hindu mentality (zahniyat). However, this impression, he argued, was superficial since it focused solely on the presence in the party of a Hindu capitalist class whose mentality was indeed communal. It was this Hindu capitalist class, which brought discredit to the Congress as a whole and gave it the appearance of a Hindu organization.²¹ Muslims needed to make a distinction between such superficial appearances and the real nature of the Congress. Here, Ashraf took pains to point out that the Congress of today was not like the early Congress, which was indeed a party of Hindu capitalists. Now, it did not include just this single class, but a number of other groups, classes and interests which had joined the party ever since it entered into the phase of mass politics in 1921. Emphasizing this diversity in the Congress he wrote to a skeptical friend that, 'those outside the Congress do not know what a keen struggle goes on amongst the elements inside the Congress.'²²

Given this current historical conjuncture wherein the Congress was a vastly different political organization and indeed open to further transformation in a radical direction, Ashraf pointed to the historic role that lay in store for the Muslim masses. The time had come to purge the Congress of its capitalist, Hindu reactionary elements so that it could become a more suitable vehicle for bringing about a revolution in India. If only the radicalized Muslim masses joined the Congress in significant numbers, they could capture the party organization along with their Hindu counterparts already inside it and decisively overturn the domination of Hindu capitalists, reactionaries and right wingers. The Muslim working class and peasants were therefore a key factor. Their joining the Congress would have the additional salutary effect of destroying Muslim reactionaries who had arrogated to themselves, the leadership of the Muslim qaum. The resulting political revolution would bring an end to old style politics of pacts and agreements between self-styled leaders of religious communities geared towards dividing the spoils of office.

Ashraf, therefore, appealed to the Muslim masses to join the Congress in large numbers to be on the side of the progressives.²³ Their participation in its activities would not only alter the priorities of the Congress in the right direction but also provide the right channel for their revolutionary energies as it had during the Khilafat Movement. It would also give them better leverage in negotiating safeguards for their religious and cultural rights. In any case, he pointed out that the Congress party's Karachi declaration of fundamental rights had already guaranteed freedom of religion to the minorities and also included provisions for protecting their cultural and religious rights. This resolution was in marked contrast to the 1935 GOI Act which did not have any clause on fundamental rights for the Empire's Indian subjects. The MMCP, thus, was not simply a programme to attract the Muslim masses into the Congress but an attempt to change the very face of Indian politics by anchoring it in a new socialist, secular foundation.

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

Semester: Autumn, 2021

Ashraf optimistically pointed to many positive signs to claim that history in India was moving in the right direction. Political consciousness among Indian Muslims was at an all-time high given their extraordinary poverty and employment. Muslim labour was showing visible signs that it was not communal in its outlook any more by declining to participate in communal rioting. Instead, it had demonstrated its class consciousness by assuming leadership of labour strikes in the city of Kanpur. Muslim peasants had shown the same level of political maturity as evident from their overwhelming support to Swami Sahajanand in Bihar even though he was a Hindu. In Bengal, Muslim peasants had ignored communal Muslim parties and instead backed Fazlul Haq's Krishak Proja Party. Finally, Muslim students, too, were full of revolutionary fervour for they had taken the lead in forming the secular All India Students Federation (AISF).²⁴ Even the Congress, Ashraf approvingly noted, was moving in the right direction. While its critique against imperialism was earlier limited to the Drain Theory, it had now been expanded to recognize contradictions between capital and labour under the influence of the left wing.²⁵ What was needed now was for the Congress to start work afresh among the Muslim masses, a task it had ignored since the end of the Khilafat agitation.

Q.4 Write a detailed note on the Cripps Mission.

The British were alarmed at the successive victories of Japan during the 1940s. When Burma was turned into a battlefield and the war reached the Indian borders, the British started feeling more concerned about the future of India. The situation in the country was further complicated as the Congress wanted to take advantage of the situation by accelerating their efforts in their struggle for independence. Moreover, the differences between the Congress and the Muslim League were widening fast, and visibly there was no chance to bring both parties on a common agenda. In these circumstances, the British Government sent a mission to India in 1942 under Sir Stafford Cripps, the Lord Privy Seal, to achieve Hindu-Muslim consensus on some constitutional arrangement and to convince the Indians to postpone their struggle till the end of the Second World War.

Cripps arrived in Delhi on March 22, 1942, and had series of meetings with the leading Indian politicians including Jawaharlal Nehru, Abul Kalam Azad, Quaid-i-Azam, Sir Sikandar Hayat Khan, A. K. Fazlul Haq, Dr. Ambedkar, V.D. Savarkar and Tej Bhadur Sappru etc. In the meetings Cripps tried to plead his case before these political leaders and tried to convince them to accept his following proposals:

- During the war, the British would retain their hold on India. Once the war finished, India would be granted dominion status with complete external and internal autonomy. It would, however, be associated with the United Kingdom and other Dominions by a common allegiance to the Crown.
- At the end of the war, a Constituent Assembly would be set up with the power to frame the future constitution of India. The members of the assembly were to be elected based on proportional representation by the provincial assemblies. The Princely States would also be given representation in the Constituent Assembly.

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

Semester: Autumn, 2021

- The provinces not agreeing to the new constitution would have the right to keep themselves out of the proposed Union. Such provinces would also be entitled to create their own separate Union. The British government would also invite them to join the commonwealth.
- During the war, an interim government comprising of different parties of India would be constituted. However, defense and external affairs would be the sole responsibility of the viceroy.

Quaid-i-Azam considered these proposals as “unsatisfactory” and was of the view that the acceptance of the Cripps proposals would “take the Muslims to the gallows.” He said that the proposals have “aroused our deepest anxieties and grave apprehensions, specially with reference to Pakistan Scheme which is a matter of life and death for Muslim India. We will, therefore, endeavour that the principle of Pakistan which finds only veiled recognition in the Document should be conceded in unequivocal terms.” The Quaid, however, was happy to know that in the Cripps proposals, at least the British Government had agreed in principle to the Muslim League’s demand of the partition of India. Yet, Quaid-i-Azam wanted the British Government and Cripps to thoroughly amend the proposals to make them acceptable for the Muslim League.

Quaid-i-Azam and other Muslim League leaders were convinced that Cripps was a traditional supporter of Congress and thus could not present an objective solution to the problem. On the arrival of Cripps, Quaid-i-Azam made it clear that he was a friend of Congress and would only support the Congress’ interests. Congress leaders themselves accepted that Cripps was their man. On his first visit to India, Cripps attended the meetings of the Congress Working Committee. He also visited Gandhi and was so much impressed by him that he wore a white khadi suit. He openly ridiculed the Muslim League’s demand for Pakistan when he said, “we cannot deny 25 crore Hindus desire of United India only because 9 crore Muslims oppose it.” The proposals Cripps presented mainly consisted of the ideas which were discussed in a meeting between Nehru and Cripps in 1938.

Q.5 Elaborate on the salient features of the Cabinet Mission Plan.

Lord Pethick-Lawrence, Secretary of State for India on February 19, 1946, announced in Parliament that a special mission consisting of three Cabinet ministers, in association with the Viceroy, would proceed to India, to hold discussions with the Indian leaders. The three Cabinet ministers would be Pethick Lawrence, Sir Stafford Cripps, and A.V. Alexander. Cripps told the press conference on landing at Karachi on March 23 that the purpose of the mission was “to get machinery set up for framing the constitutional structure in which the Indians will have full control of their destiny and the formation of a new interim government.” The Mission arrived in Delhi on March 24 and left on June 29.

Jinnah faced extreme difficulties in the three-month-long grueling negotiations with the Cabinet Mission. The first of these was the continued delicate state of his health. At a critical stage of the negotiations, he went down with bronchitis and ran temperature for ten days. But he never gave up the fight and battled till the end of the negotiations. Secondly, the Congress was still much stronger than the Muslim League as a party. “They have the best organized — in fact the only well organized — political machine; and they command almost unlimited financial support they can always raise mob passion and mob support and could undoubtedly bring about a very

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

Semester: Autumn, 2021

serious revolt against British rule.”– Mountbatten’s “Report on the Last Viceroyalty”. Thirdly, The Congress had several powerful spokesmen, while for the League Jinnah had to carry the entire burden of advocacy single-handedly. Fourthly, the Mission was biased heavily in favor of the Congress. Secretary of State Pethick-Lawrence and Cripps, the sharpest brains among them, made no secret of their friendship for the Congress leaders. Wavell was much perturbed by Pethick-Lawrence’s and Cripps’s private contacts with the Congress leaders and the deference they showed to Gandhi. Finally, Jinnah suffered from the disadvantage that it was the Muslim League, a minority party, which alone demanded Pakistan. The Congress, the smaller minorities, and the British Government including the comparatively fair-minded Wavell with whom the final decision lay were all strongly opposed to the partition of British India.

Quaid-i-Azam the constitutionalist took appropriate steps to strengthen his hand as the spokesman of the Muslim League. He convened a meeting of the Muslim League Working Committee at Delhi (4-6 April 1946) which passed a resolution that “the President alone should meet the Cabinet Delegation and the Viceroy. This was immediately followed by an All India Muslim Legislators’ Convention. Nearly 500 members of the Provincial and Central Legislatures who had recently been elected on the Muslim League ticket from all parts of India attended it. It was the first gathering of its kind in the history of Indian politics and was called by some “the Muslim Constituent Assembly”. In his presidential address, Jinnah said that the Convention would lay down “once and for all in equivocal terms what we stand for”.

A resolution passed unanimously by the Convention (the “Delhi Resolution”) stated that no formula devised by the British Government for transferring power to the peoples of India would be acceptable to the Muslim nations unless it conformed to the following principles:

- 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 implementing the establishment of Pakistan without delay.
- The two separate constitution-making bodies be set up by the people of Pakistan and Hindustan to frame their respective Constitutions.
- That the acceptance of the Muslim League demand of Pakistan and its implementation without delay is the sine qua non for Muslim League cooperation and participation in the formation of an Interim Government at the Center.
- That any attempt to impose a Constitution on a united-India basis or to force any interim arrangement at the Center contrary to the Muslim League demand will leave the Muslims no alternative but to resist any such imposition by all possible means for their survival and national existence.

This impressive show of strength, staged in the very city where the members of the Cabinet Mission were quartered, demonstrated to the Mission and all the others that the 100 million Muslims of India were solidly behind the demand for Pakistan and further that the Quaid-i-Azam Mohammad Ali Jinnah was their undisputed supreme leader.

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

Semester: Autumn, 2021

The Mission began their talks by first informing themselves of the views of the different leaders and parties. When they found the view-points of the League and the Congress irreconcilable, they gave a chance to the parties to agree between themselves. This included a Conference at Simla (5-12 May), popularly known as the Second Simla Conference, to which the Congress and the League were each asked to nominate four delegates for discussions with one another as well as with the Mission. When it became clear that the parties would not be able to reach a concord, the Mission on May 16, 1946, put forward their proposals in the form of a Statement.

Azad, the president of the Congress, conferred with the Mission on April 3 and stated that the picture that the Congress had of the form of government in the future was that of a Federal Government with fully autonomous provinces with residuary powers vested in the units. Gandhi met the Mission later on the same day. He called Jinnah's Pakistan "a sin" which he, Gandhi, would not commit.

At the outset of his interview with the Mission on April 4, the Quaid was asked to give his reason why he thought Pakistan a must for the future of India. He replied that never in long history was "any Government of India in the sense of a single government". He went on to explain the irreconcilable social and cultural differences between the Hindus and the Muslims and argued, "You cannot make a nation unless there are essential uniting forces. How are you to put 100 million Muslims together with 250 million people whose way of life is so different? No government can ever work on such a basis and if this is forced upon India it must lead us on to disaster."

The Second Simla Conference having failed to produce an agreed solution, on May 16, the Mission issued its statement. The Cabinet Mission broadcast its plan worldwide from New Delhi on Thursday night, May 16, 1946. It was the last hope for a single Indian union to emerge peacefully in the wake of the British raj. The statement reviewed the "fully independent sovereign state of Pakistan" option, rejecting it for various reasons, among which were that it "would not solve the communal minority problem" but only raise more such problems. The basic form of the constitution recommended was a three-tier scheme with a minimal central union at the top for only foreign affairs, defense, and communication, and Provinces at the bottom, which "should be free to form Groups with executive and legislatures," with each group being empowered to "determine the Provincial subjects to be taken in common". After ten years any Province could, by simple majority vote, "call for a reconsideration of the terms of the constitution". Details of the new constitution were to be worked out by an assembly representing "as broad-based and accurate" a cross-section of the population of India as possible. An elaborate method of assuring representation of all the communities in power structure was outlined with due consideration given to the representation of states as well as provinces.

The Quaid replied on the 19th, asking the Viceroy if the proposals were final or whether they were subject to change or modification, and he also sought some other clarification. The Viceroy promptly furnished the necessary explanations. It seemed as if the Quaid would accept the Viceroy's proposals. The Congress Working Committee met in Delhi on June 25 and by a resolution rejected the proposals, as "Congressmen can never give up the national character of the Congress or accept an artificial and unjust party, or agree to the veto of a

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

Semester: Autumn, 2021

communal group.” Azad sent a copy of the resolution to the Viceroy and in his covering letter protested against the non-inclusion of a Muslim-Congressman from the Congress quota.

After the Congress stand had become known, the Working Committee of the Muslim League resolved to join the Interim Government, per the statement of the Viceroy dated 16th June. The interpretation of the Quaid-i-Azam was that if the Congress rejected the proposals, the League accepted them, or vice versa, the Viceroy would go ahead and form the interim Government without including the representatives of the party that decided to stand out. But the interpretation of the Viceroy and the Cabinet Mission was different from that of the Quaid-i-Azam.

It became clear that the protracted negotiations carried out for about three months by the Cabinet Mission did not materialize in a League-Congress understanding or the formation of an interim Government. Towards the end of June, the Cabinet Mission left for England, their task unfulfilled. It had, however not been a complete failure. It was clear to the Indians that the acceptance of the demand for Pakistan would be an integral part of any future settlement of the Indian problem. In the meantime, the League and the Congress were getting ready for elections to the Constituent Assembly.

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