



CONSTITUENT ASSEMBLY OF PAKISTAN DEBATES

Saturday, the 24th October, 1953

OFFICIAL REPORT

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CONSTITUENT ASSEMBLY OF PAKISTAN

Saturday, the 24th October, 1953

The Constituent Assembly of Pakistan met in the Assembly Chamber, Karachi, at Ten of the Clock, Mr. President (The Honourable Mr. Tamizuddin Khan) in the Chair.

REPORT OF THE BASIC PRINCIPLES COMMITTEE— Consideration—*contd.*

Mr. President : We resume further consideration of the following motion moved by the Honourable Mr. Mohammed Ali on the 7th October, 1953 :—

“ That the Report of the Basic Principles Committee be taken into consideration. ”

Zaheeruddin Chowdhury Moazzem Hossein Lalmia (East Bengal : Muslim) : Mr. President ! Sir, I rise to express my views on the Basic Principles Committee Report. My heart swells with joy and thankfulness to Almighty Allah who enabled us to unite the constitutional knot and to end the deadlock on the quantum of provincial representation. In fact a serious danger to the solidarity and integrity of Pakistan has been timely averted.

Let us pray to Almighty Allah that He may continue to guide us and enable us to tread the path of His satisfaction. But let us also remember that thanksgiving to Allah does not consist merely of a verbal expression of gratitude. It demands of us much more—it demands a sincere dedication to the cause of upholding His banner and enkindling in our hearts a strong urge to strive for the fulfilment of His will and for seeking His pleasure.

The creation of Pakistan was an almost unique phenomenon of this age and if we only care to give a little thought to the events that led to the establishment of this great state of ours we are sure to reach the conclusion that rather than a result of our struggle it is a Divine gift bestowed upon the Muslims in response to their prayers for a homeland where they could establish a full-fledged Islamic State and thereby demonstrate before the ailing world how Islam solves the intricacies of the most baffling problems which are a headache to the modern age and are dragging humanity towards ruination and destruction. Our leaders made solemn declarations to this effect and the Muslim people gathered in millions round the banner of the Muslim League. The amount of struggle we were required to put up stands in no proportion to the great gift granted to us. And we were put on trial as to how far we fulfil our solemn pledges. I quote a verse from Surah Al-Malaikah : “ O mankind ! remember Allah’s grace towards you. Is there any creator other than Allah who provideth for you from the sky and the earth. There is no God save Him. Whither then are ye turned ? ” 35 : 3. Sir, I quote another verse from the Holy Quran : Surai Imran “ Say : O Allah ! Owner of Sovereignty ! Thou givest sovereignty unto whom Thou wilt, and Thou withdrawest sovereignty from whom Thou wilt. Thou exaltest

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whom Thou wilt, and Thou abasest whom Thou wilt. In Thy hand is the good. Lo! Thou art able to do all things." 3 : 26. Then, Sir, I will now quote another verse from Surai Yunus : "Then We appointed you viceroys in the earth after them, that We might see how ye behave." 10 : 14. Another verse is from Surai 'Al-Mumin' : "Call on me and I will accept your prayers." This is from the Holy Quran, 40 : 60.

With the legacy of materialistic conceptions instilled into our minds we started on our path with some hesitation and restraint, but at long last we passed the famous Objectives Resolution which finally decided the basic structure of our State. We started from a scratch, and contrary to the speculations of many speculators, we were able to hold our own in most difficult times. It is He alone who strengthened us when we were weak. He kept our borders safe when we were hardly able to defend them against our enemies. We had no financial resources worth the name at our disposal but He enabled us to maintain, at least for a couple of years, a position sounder than that of our neighbour. The Korean War came in at this stage and, as a country primarily agricultural, the situation brought for us many a boom year so much so that we were in a position to refuse to devaluate our currency. While our neighbouring country was faced with semi-famine conditions in many of its parts we were exporting our surplus foodgrains. In the field of international trade, the balance was usually in our favour.

It is in this context, Sir, that I would request the House to review our behaviour during the last six precious years of the establishment of Pakistan and to see for ourselves how far we have been faithful in fulfilling our part of the pledge. The wavering, vacillating and halting attitude adopted by us and more than that, many a pursuit of our flagrancy repugnant to the ideology and the ideal, which we solemnly professed to be wedded to, brought about a sudden change in the entire atmosphere and we became the recipients of warnings—mild and strong—so that we could take timely note of these warnings and change our attitude. Sir, I quote a verse from Surah Ibrahim : "And when your Lord proclaimed : If ye give thanks, I will give you more ; but if ye are thankless, lo ! My punishment is dire." 14 : 7. Now I quote from Futuh-al-Ghaib : (revelations from unseen) by Hazrat Shaikh Mohyuddin Abdul Qadir Gilani, Saint of Baghdad. "So fear God and again fear God. Beware, beware. Make good your escape ! make good your escape ! Accuse your ownself and ascribe injustice to it and read to it the word of God here I quote the Surah : 'Why should God chastise you if you are grateful and believer ?'". The Holy Quran 4 : 147.

The House will excuse me, Sir, if I say that the treacherous attitude adopted by us towards this solemn pledge made before the Millat and Almighty Allah brought about a sudden change to the extent that our entire machinery, so to say, appeared to be going out of gear. There came in serious financial crisis. Our international trade position became extremely precarious. The peak of prices of jute and cotton, our main cash crops, came down suddenly and upset our entire economy. Unemployment figures started soaring high. Then came in serious food conditions in both the wings of Pakistan and particularly so in areas which have been renowned as granaries of Pakistan—namely, Punjab in the West and the districts of Khulna and Barisal in the East. The situation reached such alarming proportions that we, the exporters of surplus foodgrains a few

years back, were forced to resort to begging at the doors of foreigners in a most abject manner. Maybe that some rabid materialist would say that all this has been due to the interplay of natural and political forces. For a Muslim, however, this is only half the truth because all these forces and phenomena are ultimately under the control of an Omnipotent and Omnipotent power, *i.e.*, Allah Almighty. And this is the crux of the matter for one who believes in Allah.

As to the sacred and historical tasks entrusted to us by the Millat, of giving a constitution to this great ideological State, I would only say that it essentially and inevitably requires a frame of mind, an approach and an outlook born of unshakable faith in the perfection, practicability and efficacy of the dictates of Quran and Sunnah in all times and climes as our Quaid-i-Azam the architect of Pakistan very aptly said : "Islamic principles have no parallel. Today these principles are as applicable to life as they were thirteen hundred years ago."

And allow me, Sir, to say that it is the lack on our part of this proper approach and of a genuine urge for the implementation of the Islamic scheme of life that has been responsible for this inordinate delay in the framing of our constitution. It is extremely painful to note that the attitude of a section of men from amongst us betrays shameful lack of consistency. To my mind the proposition is most simple. If we are Muslims we have to own Islam in all its comprehensiveness. There is nothing departmental about Islam. One may either take it as a whole or reject it as a whole. And if we accept it we must do so without any mental reservation, whatsoever. Without a proper approach on these lines and without an unshakable faith in the efficacy, practicability and perfection of the Islamic order of life there is hardly any chance of our being able to accomplish the sacred task entrusted to us.

To the objections and doubts raised by the Members on the Opposition Benches I would like to say, "Please give up the attempt at re-opening the fight for Pakistan." Islamic ideology is the very basis of and the justification for the creation of Pakistan. In the words of the late Quaid-e-Millat, Pakistan came into being to provide Muslims with a territory which they could use as a laboratory for the experimentation and implementation of the Islamic order of life in all its fullness. Any attempt to distract us from this path would be tantamount to an attempt at shaking the very foundations of Pakistan and depriving it of all justification for its existence. Let us do our humble bit towards demonstrating before the ailing world a new social and political order which alone, it is our firm belief, would provide the remedy for all the maladies that have been tormenting humanity for long. This is the greatest contribution that any country can make towards an all-round well-being of humanity. You will share the honour of making that experiment a success if you only give your active or at least tacit co-operation in the accomplishment of the greatest of all missions for which this State came into existence and which it has taken upon itself to accomplish by the help of Allah Almighty.

Sir, I can quite appreciate the anxiety of any minority to ensure the protection of its legitimate rights, its religion, culture and its way of life, and security of person, property and honour, and the fulfilment of its economic needs in an honourable manner. But it is difficult for me, Sir, to appreciate its claim to have a right to distract the overwhelming majority of a country from a path which is the very essence of its faith and the basis of its existence and which alone led it to launch upon a struggle for carving out a state of its own at all costs.

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Sir, I would also take this opportunity to advise the members on the Opposition Benches claiming to represent some of the minorities, if only they be in a mood to listen to any sane advice, that instead of entrusting the fate of their community to the will and caprice of an unfettered numerical majority with an ever-changing mind they should welcome the immutable Divine guarantee provided under an Islamic Constitution which no majority can violate for so long as the State is an Islamic State. Sir, I am glad to learn that the truth of the matter has begun to dawn upon some of the minorities and they are in most unequivocal terms declaring that with the experience of the fate of minorities in many a secular State, particularly in our neighbouring country, they would feel secure only under an Islamic Constitution which prescribes specific obligations upon an Islamic State to safeguard the legitimate rights of non-Muslim citizens of the State and does not leave them at the mercy of the numerical majority nor does it believe in guaranteeing in high sounding phraseology, rights and privileges and violating them in actual practice. We are pledged to make democracy prevail in our State and we have got a definite concept of democracy which is qualified and governed by certain basic principles envisaged by Quran and Sunnah as has been clearly laid down in the Objectives Resolution which is the universally accepted corner-stone of our constitution-making.

I wonder if my friends desire their community to be meted out the same treatment as the minorities on the other side of the border are receiving at the hands of the majority despite all the guarantees provided in the secular constitution. I am sure they would stand for a better treatment to their community. If that be so, I would advise them to welcome an Islamic Constitution which alone provides for an immutable, unalterable and everlasting guarantee prescribed by Allah and His Prophet.

Then again, the very same members have raised a number of objections against the practicability and desirability of the Islamic laws and have tried to paint as gloomy a picture of the same as their ingenuity would afford. They have particularly referred to the punishment prescribed in Islamic law for thieves and dacoits. Sir, I would specially address my friend Prof. Raj Kumar Chakraverty who has taken upon himself the very sacred task of pleading on behalf of thieves and dacoits. I am sure my friend does not belong to that community and I hope he has no intention to join it even though he may have very great sympathy for this element of our society. I wonder if he really meant to impress upon this House that we owe to this class of people more than we owe to the society and to the citizens in general. I wonder again if he really wants to leave the hands of a few anti-social elements unamputated in order that they may freely amputate the hands and cut the throats of many an innocent citizen. Sir, I would like him to understand firstly that amputation of the hands of thieves enforced in a society where everything else remains as it is today is not what is visualized by Islam.

What Islam demands in multi-front activity for the eradication, in a planned manner, of all such evils and that plan includes firstly the awakening of the moral consciousness in the society as a whole, and inculcating in the minds of individuals the fear of God and the love of virtuous life, and secondly the introduction of a balanced economy which would ensure the provision of basic human necessities to all. If in spite of all that there are still left certain elements who would not desist from anti-social indulgences of this kind, it does not believe in such misplaced

mercy whatsoever and it deems it to be the sacred duty of the State to give effective protection to its citizens against all such elements. It does not believe in multiplying their number nor in training them into habitual thieves during their jail lives. To quote an instance, Saudi Arabia introduced this law about a quarter of a century back. Even though it cannot be said to have made adequate provisions in respect of the other requirements referred to above, one can see even today that a country which had been infested with thieves and dacoits a few decades back is now free from all trace of theft. And all this was achieved by amputating the hands of just a few dozen or so proved thieves during the long course of about a quarter of a century. I have seen in the Holy City of Mecca with my own eyes that shopkeepers, big and small, including those dealing in exchange of coins and sitting on the road-side are not required to bother about the security of their cash and articles. If they have to go out for an hour or so for their meals or for prayers or for some other work they need not close their shops nor to remove or conceal their valuable goods nor even the currency—a state of affairs which is difficult for us to imagine in our country where through the blessings of our English rulers we have got the so-called advanced and civilised laws. And all this is happening in a country where a few decades back, one could not go from one village to another without fear of being robbed of his valuables if he had any or even of being murdered.

Sir, now I would also quote for the benefit of my friend and those of his way of thinking, from a report recently published in the U.S.A. about the conditions prevailing there in this behalf. I am sure, Sir, if we care to study with an open mind how the lack of a strong moral, consciousness born of faith in God and hereafter, an economic order based on greed and material cravings and a defective penal code have combined to produce conditions which are threatening the entire fabric of the social order today.

Mr. Edger Hoover, Director General, Bureau of Investigation, says that 1,47,290 major crimes were committed in the U.S.A. during the first six months of 1953, and that if the trend continued, this year would set a record for criminal activity.

There were 2,03,600 major crimes for the full year 1952 in itself a record. Statistics of the first half of the current year were released in the F. B. I.'s semi-annual "uniform crime reports" and listed these high lights :

A major crime was committed every 14.9 seconds.

There was one murder or negligent homicide every 4.03 minutes, one rape every 29.4 minutes, one robbery every 8.8 minutes, one aggravated assault every 5.71 minutes, one burglary every 1.12 minutes, one larceny every 25.6 seconds, one car theft every 2.31 minutes.

There was 1.2 per cent. increase in all crimes against person—murder, negligent manslaughter, rape and aggravated assault.

"Victims of killers in this country totalled 6,470 while over 54,000 other persons were assaulted by potential killers. Over 29,000 victims were confronted by robbers using guns, other weapons or force." The report said.

In 1952, 63 policemen on duty were killed.—*Reuter*.

[Zaheeruddin Chowdhury Moazzem Hossein (Lalmia)]

Next, I may refer to the remarks made by Prof. Rajkumar Chakraverty in regard to the position of women in Islam. I would not pause to make any observations on the exaggerations and misrepresentations which my friend has resorted to. Their worth is too obvious to call for any comments. However, I only wish, Sir, that instead of adoring in a servile manner, such institutions of the West as have become a menace to the society and are making uneasy the minds of thinkers and intellectuals in those very countries, my friend could afford to welcome a new experiment, at least for this age, and help us evolve a healthy social order and emancipate woman from the degradation of becoming a handy plaything in the hands of lusty persons, to secure for her the honourable position she deserves and to allow her to play her proper role as a woman in the building up of a civilisation based on higher human values. I wonder if he wants us to repeat in a slavish manner the experiment of France and America and such other countries which has led to the disintegration of their family life and has terribly disturbed the poise and equanimity of the society. Sir, after a great deal of hesitation and as a matter of fact most reluctantly I am placing a statement of facts published in newspapers before this honourable House. Sir, I have got all these papers with me and from there for the enlightenment of this House and particularly my friends opposite, I would quote a few passages from the famous Kinsey Report which has been published a few months back and I wish we could take a lesson from these observations :

"84 per cent. of the female and ninety-five of the male are steeped in corruption and according to the American Laws, should be sent to the prison for their sexual behaviour. All kinds of abnormal practices are grossly rampant. Kinsey interviewed 5,940 women and is of the opinion that the range of variation (of sex behaviour) in the female far exceeds the range of variation in male."

The Doctor is of the opinion that a sexual revolution has taken place in the U.S.A. in the last 30 years, with women's behaviour changing even more sharply than men's. Today 50 per cent. of the American women (of all ages) lose their virginity before the marriage deed. More than 25 per cent. violate the marriage bed and feel no regards for betraying their husbands. 95 per cent. succumb to petting. The rate of sexual violations and malpractices is high among the college girls and educated women. 43 per cent. of the women have learned the malpractices from printed or verbal sources primarily designed to discourage the practice. Sir I do not like to quote the figure, of more shameful nature, and that only those groups are living a noble life of decay who follow religion. Religious devotion is a "prime" and "potent" factor arresting the sexual laxity. Sir, these are not fiction, but bare facts, hard reality and a naked truth. These are not my opinion, just a few quotations from others.

Sir, I would now quote a few of the modern thinkers of the West as to what they have to say about the state of affairs prevailing in the West as a result of the wrong notion of the place of women in human society.

(1) Dr. J. Arnold Toynbee, the renowned historian and thinker, gives the verdict of history in the following words :

"In history the ages of disintegration were usually the ages in which the woman had left the home."

Sir, I feel tempted to give two more quotations, one from the famous philosopher and versatile genius, Dr. Bertrand Russell, and the other from the renowned thinker and author C. E. M. Joad, who died recently.

(2) Dr. Bertrand Russell observes :

"Within the classes that are dwindling, is the best element that is dwindling most rapidly. It seems unquestionable that if our economic system and our MORAL STANDARDS remain UNCHANGED, there will be, in the next two or three generations, a rapid change for the worse in the character of the population in all civilised countries. The problem is one which applied to the whole Western civilization."

(3) Dr. C. E. M. Joad says :

"I believe the world would be a happier place if women were content to look after their houses and their children, even if some slight lowering of the standard of living were involved."

Sir, these are no reflections, to any particular country or nation, Sir, these are the results and fruits of the ultra modern civilisation of our present age.

Now, Sir, it is the experiment which has yielded these results that our friends want us to make in Pakistan.

The world has tasted the fruits of un-restricted liberty in this sphere, free mixing, co-education and uncalled for indulgences in the name of freedom. Now, let us learn something from these experiments and give an honest trial to our own standards and values as laid down in the Holy Quran and Sunnah and apply them in an intelligent manner to the conditions of our society.

There is yet another issue which has been dragged into the field of controversy. It is the question of the name of our State. It is really very astonishing that some persons should be against the State being named as Islamic Republic of Pakistan. If Russia can name itself Union of Soviet Socialist Republics just to indicate and emphasize its character and its ideological basis and if China can call itself Peoples Republic of China just to emphasize the world people and its implications—as otherwise there was no necessity for it, because Republics are not King's Republics—why should there be a murmuring against Pakistan affixing the word "Islamic" before its name. It is Islam which brought this State into existence. It is the Islamic ideology on which this State is to be built. It has been specifically laid down in the Objectives Resolution that the principles of equality, freedom, democracy and social justice as enunciated by Islam shall be fully observed.

Now, what is there to make us shy of giving our State a name in keeping with the basic idea that brought it into existence and that is going to guide us in the building up of this ideological State. There should be no hide-and-seek type of thing about our Constitution. We should say what we mean and we should mean what we say.

Another point about which I want to say a few words is that of the State language. As a matter of fact my views on this issue are quite pronounced and are sufficiently well known to the Honourable Members of this House and even outside. To my mind it is Arabic alone which should be made our State language. I am not going to repeat the reasons behind my contention simply because they are obvious enough and I have enunciated them on many an occasion. It is the Arabic language alone which, next to the factor of ideology, would procure for us a solidarity of not only the Muslims of this land but of other Muslim countries as well.

[Zaheeruddin Chowdhury Moazzem Hossein (Lalmia)]

Sir, in support of my contention I quote only one extract from the Book, "Across the World of Islam" by Samuel M. Zwemer, F.R.G.S.

"In July, 1925, we visited one of the mosques at Beira, Portuguese East Africa. A Yemen Arab who had received instruction in Cairo was teaching Negro lads the Koran. On this table there were Indian, Turkish and Egyptian papers. In the little mosque there was a money-chest to collect for 'the holy war of the Riffs' against the French in Morocco, and it was labelled: 'To be sent through the Caliphate Committee, Bombay.' Islam is a world brotherhood. It is always and everywhere cosmopolitan.

"This cosmopolitan character of the Islamic brotherhood in Africa is emphasized by the use of the same character in writing and the same speech in prayer and public worship. The slates in the hands of children at Fez, Timbuctoo, Mponda, Zanzibar, Lagos, and Cape Town, have the same copy and the same script:

'*Bismillahi-r-Rahman-ir-rahim.*'

"While at Zomba in Nysaland, in 1925, I walked some miles through the jungle to a Moslem village.

"Islamic civilization always includes the Arabic speech and letters which are spreading today in Africa. In Cape Town the Arabic character is used to print a Dutch Commentary on the Koran. In Madagascar and on the Gold Coast, Moslems are proud to write their names and titles in the script that became sacred once for all through the Koran. That book, with all its defects and degrading tendencies (*nauz-o-Billah*) yet serves to introduce the African to Allah.—Allah, with His ninety-nine beautiful names and attributes."

It would enable us to make a direct access to the original sources of our ideology. However, if that be not acceptable immediately at this stage, the next best course, and perhaps the only proper course left, would be to compromise the demands of the two respective wings by accepting Urdu and Bengali—both written in Arabic script—as the two State languages of Pakistan. This should be acceptable to the fair-minded and well-meaning persons in both the groups in so far as it would, on the one hand honour the popular demand of Bengal by recognizing Bengali as a national language and would also, to a very great extent, meet the requirements of the solidarity and integrity of Pakistan by giving one script to all the various languages of Pakistan, Bengali, Urdu, Sindhi, Baluchi and Pushto. This would further mean that our boys and girls in both the wings would be able, after learning one script, to learn not only the other remaining languages of Pakistan but also Arabic, to learn which is very essential for every Muslim, and also Persian the language of our two neighbouring Muslim countries. I am sure as soon as this is done many a people in West Pakistan would learn Bengali in no time and *vice versa*. I do not think I need dwell upon the subject any further as its advantages, near and far, are too manifest. This would, however, mean a little sacrifice of sentiments on the part of the people of Bengal and the same amount of sacrifice on the part of those advocating Urdu to be the State language. And it is this compromising approach and this readiness to appreciate the sentiments of each other that is most needed and I am sure our people would not be found lacking in it.

Now, Sir, before I conclude my speech I would like to emphasize once again that we should abandon the vacillating and wavering attitude so far adopted by us and which is highly against the dictates and requirements even of intellectual consistency. To claim to profess Islam, to accept its authority in regard to certain aspects of human life and to deny it the right to guide us in other spheres is an attitude fraught with the gravest danger and is, mildly said, an outrage against Islam.

I would just quote a verse from the Holy Quran which would make my meaning clear : Sura Bakar, verse 85 :

"Believe ye in part of the scripture and disbelieve ye in part thereof? And what is the reward of those who do so save ignominy in the life of the world, and on the Day of Resurrection they will be consigned to the most grievous doom. For Allah is not unaware of what ye do."

To illustrate it from an example of everyday life. If an ailing person goes to a doctor and accepts him as his physician, gets a prescription from him and starts taking the medicine he prescribes but refuses to take it in proper doses or at proper times or refuses to regulate his diet as advised by the physician or spends nights in clubs and balls, drinking and dancing throughout the night while the physician wants him to take complete rest, I am sure, every sane person would condemn this sort of behaviour and it would be no wonder if he fails to benefit from the medicine. It is just possible that in spite of his claim to be taking medicine prescribed by an able physician he would not become healthy. Maybe that his condition becomes worse.

I hope my friends would not behave like that and with an unshakable faith in the ideology they claim to believe in as well as in the ultimate destiny of Pakistan which is, *Insha Allah*, bound to grow into a model Islamic State despite all obstructions from within or from without, they should go ahead with the sacred mission of making a constitution strictly in accord with the requirements of Quran and Sunnah. Let us be honest to our own selves, to our people, to the blood of thousands of those who fell a martyr to the cause and above all to our Creator and Sustainer. Let us not go down in history as traitors and betrayers of that great mission for which Pakistan came into existence.

I conclude with prayer to Allah Almighty that He may show us the light and give us the wisdom and courage to do our duty in a manner which would please him rather than please any other person or power. May Allah help us and keep us steadfast on the path He would like us to follow.

"I seek the refuge of Allah, the Hearing, the Knowing, from Satan the accursed."

"He is Allah besides whom there is no god : Knower of the unseen and the seen ; He is the Beneficent, the Merciful ; besides Whom there is no god ; the Kind, the Holy, the Author of peace, the Granter of security ; Guardian over all, the Mighty, the Supreme, the Possessor of every greatness. Glory be to Allah from what they set up (with Him). He is Allah, the Creator, the Maker, the Fashioner. His are the most excellent names ; whatever is in the heavens and the earth declare His glory ; and He is the Mighty, the Wise."

"God alone is the giver of strength and the helper, because there is no might and power excepting in God, the High, the Great."

Let us work ceaselessly for the progress, prosperity and advancement of Pakistan and Islam with Faith, Obedience and Patience. I am sure, Almighty Allah will help us. PAKISTAN ZINDABAD.

Mr. A. K. Fazlul Haq (East Bengal : Muslim) : Mr. President ! Sir, it was not my intention originally to come to this House and take part in the discussions, because experience of half a century has taught me that it is utterly futile to brandish words across the floor, when the whole matter remains unsolved outside the Council Chamber. Sir, things began to trickle down to Dacca as to what was happening inside the House. Unfortunately for us there is nothing like newspapers in the capital of Eastern Pakistan. There are two English dailies which are

[Mr. A. K. Fazlul Haq]

under the control of Government and cater to them. Among the Bengali newspapers, the *Azad* certainly is a very prominent paper, but after all it is in Bengali and the circulation it commands serves only a section which generally has not the power to distinguish between facts and facts and take a decision by themselves.

Now, Sir, rumours reached me that in the course of the debate our Chief Minister Mr. Nurul Amin had gone out of his way to honour me by remembering me in such a manner that I cannot but take exception to the course which he has adopted.

Sir, Mr. Nurul Amin is an honourable man : he is the Chief Minister of my province. Probably he feels that my fate is in the palm of his hands, that he can use the Security Act against me and put me in jail whenever he likes. I know the method of the working of the Security Act in East Pakistan. I had to defend several actions in my position as a lawyer and know how this Security Act is working there.

I have not, Sir, read the full speech of my honourable friend and I am therefore obliged to rely on the basis of certain notes which I have made. With those brief remarks I will say as briefly as I can what I have to say in this House.

Before I proceed, Sir, I want to assure you that I fully realise that the only thing relevant at the present moment is the Basic Principles Committee Report and our discussions should, as far as possible, be confined to references to that Report. But extraneous matters do often come in and these extraneous matters have been introduced by the Honourable Chief Minister. If what he says is true, our point of view does not deserve any consideration.

Now I see around me, Sir, many political persons who have come to the Muslim League only a few months ago. They talk big as if they know everything that has gone before. They forget that I had my connections with the League, long before they were born. I have served the League and been rewarded by the Quaid-i-Azam on more than one occasion and yet I have been misunderstood. But I have borne the sufferings with patience and I have always responded to the call of duty if the Muslim League thought fit to give me the call. At the present moment the call has come from the Prime Minister to all of us to come and join the Muslim League. Unfortunately, though he holds the highest political office he is very young and he may not know all the facts and circumstances which make it difficult for me to join the League in East Bengal. The so-called League in East Bengal does not at present represent the Muslim League Organisation at all. It represents a coterie of certain persons and does not represent the Muslims of East Bengal. At present we are discussing the Basic Principles Committee Report. The Muslim League of East Bengal is reported to have been supporting it, while the people of East Pakistan almost to a man have condemned the Basic Principles Committee Report. Now, Sir, members who have come here say that they represent the country and therefore they support and it follows therefrom that they support because their constituency support it. But before I answer this question, I will deal with one or two events in connection with the League which will throw some light on the subject under discussion.

Sir, it has been said that I do not belong to the League. I say I am one of those who laboured hard to bring the League into being. In the year 1906 there was a Deputation which awaited on the Viceroy Lord Minto, headed by His Highness the Agha Khan in which all the Leaders of the Muslim nation throughout India joined and to whom Lord Minto advised that the only step which they should take to safeguard their interests was not to look to the British Government but to look to themselves for protecting their own interests. His Excellency suggested that if the Muslims were politically wise, they should have an All-India Organisation for the Muslims for the protection of their interests. The question arose how was this to be done. Nobody came forward, but at last the late Sir Salimullah Bahadur of Dacca gladly volunteered his help and extended an invitation to the Muslims throughout India to assemble at Dacca and lay the foundation of the Muslim League. He is now in Heaven. Were he alive, Sir, he would have borne out what I have said and testified to what I had done to bring together the leaders of Muslims in Dacca. About ten persons had been selected to tour about throughout the country for this purpose and let the House know that I was one of those ten. The meeting took place in December 1906. Very little of all these is known to those who talk so big about the Muslim League. On the 28th December, 1906, the foundations of the League were laid in the city of Dacca. Nawab Salimullah Bahadur spent more than a lakh of rupees for organising that meeting and for laying the foundations of the Muslim League. After that, seven years passed, about the details of which I need not trouble this House. In the year 1914, the Muslim League and Indian National Congress decided to work side by side on the same platform for the political emancipation of India. I was present not only then but throughout all these joint meetings. I may tell the House that it was then that the late lamented Quaid-i-Azam not only came into the League, but became President of the Organisation. Then, Sir, years passed. In the year 1918, I was elected President of the Delhi Session of the All-India Muslim League and the Indian National Congress also held a Session at Delhi under the presidency of Madan Mohan Malaviya. Years passed after that.

In 1936 differences arose and I was not given any ticket by the League to fight elections. I, however, fought on tenants' ticket. I did not secure the majority, but I remember Khwaja Nazimuddin was the Leader of the League, and I snatched a victory from him. The Muslim League felt that the League Party was demoralised and Khwaja Nazimuddin made an offer to me for a Coalition Ministry. I immediately agreed and when the time came for me to nominate my Council of Ministers, I put the name of Khwaja Nazimuddin at the top, and I am proud that I had been able to pay him a compliment in that way. Among others, I suggested Khwaja Nazimuddin, Shaheed Suhrawardy and carried on the Government of Bengal under Provincial Autonomy. I was commanded by the Quaid-i-Azam to attend the Lucknow Session and try to bring together all Muslim political parties on the same platform. This was November 1937. I addressed that meeting, Sir, and let me tell all those who carry on the controversy about Bengali and Urdu that I addressed the House for an hour and 45 minutes in Urdu and earned the commendations of the audience comprising top-ranking Ulema from all over India.

1937 passed. Slowly and slowly it became necessary to define the Muslim position and to draft a resolution on the basis of which the fight

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for Pakistan might be carried on. I come to the year 1940,—to the Lahore Session. I was not only given an opportunity of having vetted the draft but when I was in Bengal a lakh of delegates desired that the honour of moving the Resolution should be given to me.

"Qur'ae fal ba name manay diwana zadand."

"It therefore fell to my humble lot."

I was on the dais. Near to me was Mr. Ghyasuddin Pathan. I moved the resolution. My friend Tamizuddin Khan who is sitting over there was there. It was seconded by Chaudhri Khaliqz Zaman, who is now Governor in East Bengal.

Now, Sir, I will not go on repeating the history of the Muslim League. Suffice it to say that I am no new comer. I have seen the ups and downs of the political life in India in almost all its phases. I have been in the League, sometimes outside it, but never have I done anything to do the slightest harm to the cause of the Muslim League. Now as to what are the obstacles to my joining the Muslim League and following the example set by my friend Shaukat Hayat Khan and others. The reason is obvious. I have an idea that the League in West Pakistan is carrying on its work fairly and satisfactorily. At any rate, it has its own policy which cannot be said to be dishonourable. Far different is the case in East Bengal. Since this question was being debated in this House, I felt it necessary to put before the House not merely the opinions of the Members, but if possible the voice of the people of East Bengal as far as that voice could be gathered and formulated. Sir, I felt it my duty to approach all political parties and extend invitation to the Leaders of all political thought to come and stand on the same platform, consider the whole situation and then decide whether we should support these proposals, reject them, or support them partially or reject them partially, whatever was the decision of the majority. On the 9th of October, Sir, I may tell the House, that I collected nearly three lakhs of persons in Dacca—the biggest meeting that was ever held in Dacca. There, Sir, after discussion over six hours, a Resolution was adopted unanimously by all the Parties. It is printed and with your permission, I would read it to the House. The question is, Sir, is East Bengal behind these proposals, or is East Bengal opposed to these proposals? What is the opinion of the people of East Bengal regarding these proposals? There is no doubt that there are many members of the House from East Bengal who are supporting the proposals. Sir, is it the support of the few Members here that is wanted or do you want the support of the people of East Bengal? Have any of my friends here, who talk so loud about the support given, consulted a single person—man, woman or child—as regards these proposals and ascertained their views? They are giving their personal views. This is not representative and in the face of this unrepresentative character of the opinion that is being pressed here, let me read out to the House the Resolution adopted when I addressed about three lakhs of people, followed by a meeting at Mymensingh—a couple of lakhs—and another meeting at Comilla—a couple of lakhs, and so on. I have addressed those meetings already and when I go back and address more such meetings I will send number of persons who may have come forward to give their opinion. you copies of more Resolutions passed at meetings attended by a clossal

Sir, this is the opinion of East Bengal recorded at that mammoth gathering :—

East Bengal's Reaction to the Constitutional proposal before the Constituent Assembly at Karachi

Whereas the so-called agreed solution of constitutional dead lock announced by the Prime Minister of Pakistan gives no indication of East Bengal's universal demand for complete zonal autonomy on the basis of the historic Lahore Resolution of 1940 and recognition of Bengali as one of the State languages.

And whereas the proposed constitutional solution deals only with composition and power of Federal Legislature and the election of the Head of the State and Prime Minister, to the exclusion of all other aspects of a constitution ;

And whereas the proposed checks and balances virtually negates democratic rights of a majority commanding confidence of the people to implement their policy and programme and by providing mandatory 30 per cent. zonal support for acceptance of any measures gives constitutional sanction to undesirable zonal distrust and suspicion instead of encouraging mutual confidence and goodwill and sanctions separate communal electorate ostensibly to safeguard communal interest but really designed to perpetuate reactionary leadership thriving upon communal hatred and jealousy ;

And whereas the creation of an undemocratic and retrograde Upper House is deliberately designed to put a constitutional clog on popular and progressive schemes in the guise of checks and balances ;

And whereas the House of Units is given powers co-extensive with the powers of the House of Peoples :

And whereas in the composition of the House of Units East Bengal has not been given the status of zone but East Bengal with a population of four and a half crore has been put on equal footing with Baluchistan and Karachi and other very small units, the population of which will not exceed even forty lakhs.

And whereas in the present announcement of the leadership of the House is silent about other reactionary recommendations of the Basic Principles Committee Report such as suspension of the constitution by the Head of the State according to his sweetwill and behest and giving autocratic powers to the Head of the State to appoint or dismiss the unit cabinets without referring to the wishes of legislature and the impediments placed by Basic Principles Committee on the independence of judiciary and the inviolability of the fundamental rights of the citizens ;

And whereas the Basic Principles Committee Report fails to equalize the advantages of administration and justice by arranging alternative sittings of the government and Federal Court in Karachi and Dacca.

And whereas East Bengal, during the last six years of consideration of constitutional problems has declared unequivocally in favour of a unicameral Federal Legislature directly elected by the people having two specified reserve subjects, namely Defence and Foreign Affairs, which means powers to raise Army, Navy and Air Force and maintain them in time of war and peace and deal with political relations with foreign countries and formulate the foreign policy.

And whereas a country's constitution cannot be considered and accepted piecemeal, but has to be placed before the people as a composite whole for their consideration ;

It is hereby resolved that this meeting of the citizens of Dacca convened under the joint auspices of all political and cultural parties except the Muslim League do hereby reject the constitutional formula announced by the Prime Minister and warns the Central Authority not to hazard imposition of any constitution unacceptable to the people.

It is further resolved that the people of the country have no confidence in the authors and supporters of the constitutional schemes and solutions announced by the Prime Minister on behalf of the Muslim League Parliamentary Party and demands immediate dissolution of the Consenbly for a fresh election of a Constitutional Assembly directly by the people on the basis of universal adult franchise and on joint electorate system.

This meeting calls upon the people of the country to express their views on this issue through Press and Platform from all districts, sub-divisional and rural centres.

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Now, Sir, as I have said, after this several meetings were held. What then, Sir, is the position? Sir, I have got great respect and regard for all my friends who come from East Bengal—who are Members of this House—but let me remind them how we have been elected. The elections of 1946 were something like a miracle in disguise. In 1946, Pakistan had not been announced, nor had the British left, but it was known that the British would go and that Pakistan would come into existence. The position then was that Pakistan was in the offing. The Muslim League at that time was at the height of its glory and as a matter of fact it was the most disciplined Party at that time in politics, and last but not least, the whole movement was headed by no less a person than the Quaid-i-Azam, who was at that time the most powerful political factor in the whole world. Sir, the position then was that the people knew that a ticket from the Muslim League would ensure their election. The result was that my friend, Mr. Suhrawardy, who was the President of the Parliamentary Party—Khwaja Nazimuddin had no voice there—issued tickets for a price—we have no knowledge whether the money was collected or not, or what happened to it—and it so happened that anyone who had a Muslim League ticket got a seat. In fact, getting a ticket meant getting a seat. I must say—I have always been of the opinion—that my friend, Mr. Suhrawardy, did not make a good choice of candidates. He allowed to rush in everyone who could pay the money—the ticket money—and then got the ticket. However, all these things do not matter to the House now. Then they had to elect the quota allotted to East Bengal. It was decided that it was no use going through the process of election and the whole matter was left to the Quaid-i-Azam and he practically nominated the members at the instance of his advisers. I am most grateful myself because I also got a nomination and that is why I am here and I am grateful to those who had suggested my name. Now, Sir, it is evident that this is no election. Of course, whatever the Quaid-i-Azam decided was done. We may take his word as law, but it is not election; it is not democracy. With that also I need not quarrel. The point is that my friends who thus came into the House represented none but their own selves. He got the ticket. He came here. He saw, conquered and took his seat. Can he say: "My view is that of the people of 16 districts of Eastern Pakistan"? He cannot say that. But what did he do? As soon as he knew that his opinion would be required in this House and by the Party, he should have gone about, consulted the people if they differed from him. He should have argued and said: "No, you are mistaken. It is a very good thing. Accept it." I must say how I feel about it. Instead of coming here and saying I represent $4\frac{1}{2}$ crores of people of East Pakistan,—representing as I do—I give my view that it is an excellent thing. I do not, therefore, for a moment mean to cast any disparaging remark, but I may tell my friend here that they have taken too much upon themselves by coming forward as representatives collectively of the $4\frac{1}{2}$ crores of the people—Mussalmans—of East Pakistan. They cannot do so.

Now, Sir, I have heard it—at least I have read in English papers—that my friend Mr. Azizuddin Ahmad and some other persons have congratulated the people of East Pakistan for the self-sacrifice they have shown in one or two matters. The self-sacrifice is in respect of those portions of the Report which were definitely dangerous to the interests of East Pakistan. My friend Mr. Azizuddin Ahmad in supporting the claims of the people of Pakistan has deliberately made a sacrifice and praise has been given for that sacrifice. The people of East Pakistan have not made any sacrifice. Who are you to say that sacrifice has

been made ? This is the position, Sir. The best thing that can be done is that this Assembly should be adjourned until the Members of this House come in contact with the people of the country and then let them come and give their opinion. As regards Western Pakistan, the report is that it is all in their favour and I have no doubt about it.

The Honourable Dr. A. M. Malik (East Bengal : Muslim) : The question is of six years.

Mr. A. K. Fazlul Haq : If it is not acceptable to all and if it is acceptable only to some people of Western Pakistan. Then ?

The Honourable Malik Muhammad Firoz Khan Noon (Punjab : Muslim) : It is fair to both sides.

Mr. A. K. Fazlul Haq : I do not want to go into details. It is for this House to decide and not for me to say. What I submit is that the Prime Minister has bracketted me with Mr. D. N. Dutta.

Mr. Bhupendra Kumar Dutta (East Bengal : General) : You mean the Chief Minister of East Bengal, and not Prime Minister.

Mr. A. K. Fazlul Haq : He is Chief Minister today, but he may be Prime Minister tomorrow.

I am glad that he has bracketted me with a gentleman and not with thieves, murderers or corrupt people, whose company I do not want to keep.

Now, Sir, so far as this Report is concerned, it is a matter of great importance that if you could wait for 6½ years, why not wait for ten years or more. Let another generation come, and so on till perhaps India itself will not be recognizable in this context. There is no need of constitution till then. Let us carry on as hitherto. Why should these constitutional reforms be shelved down our throat ? I object, because, as I have already submitted, I have ascertained the views of the people of East Pakistan and they are definitely against it. If their views are in favour of this Report, then they may be put before the House. My difficulty, therefore, in joining the Muslim League is that the Muslim League is in favour of the proposals to which the country is opposed, and that is a fact. As a matter of fact I have read the statement that has been issued by my friend Mr. Suhrawardy. With that expression of opinion I agree, but I do not accept his appeal to come and join the Jinnah Awami League. That portion of his statement I reject. But so far as the condemnation of the Report is concerned, I need not repeat that I accept the reasons that he has given. So, I say, the question of my joining the Muslim League or not joining it does not arise.

I do not know whether I can make suggestions, but there are one or two of a very vital character so far as East Bengal is concerned. I ask the House, especially my friends from Western Pakistan, to consider the geographical position of Eastern Pakistan *vis-a-vis* the Centre, the seat of Government. We are in Eastern Pakistan ; the Central Government is at Karachi. The Centre is on the circumference and consider, Sir the disadvantages of the governed people who are governed from 2,000 miles away, without any communications whatsoever which can bring the governed into close contact with the governors. It means coming by aeroplane, in addition to the risk of your being through a crash and losing your life, you have to spend Rs. 500 or 600. How many of us can afford this sum ? If you want to file an appeal in the Federal Court, you have to go to Lahore and spend thousands of rupees. What harm have the people of East Pakistan done that 4½ crores of them be put to this

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disadvantage. Why advantage should be given to Western Pakistan so as to make the people of Eastern Pakistan feel that they are not being fairly treated and you expect them to say that everything is quite all right in Pakistan. The fact is that it is not all right in Pakistan. There is no meaning in it. The least that can be done is that if the Centre is located at Karachi, the Judiciary should be located in East Pakistan at Dacca or some other place. If the Army is located in Karachi, then the Navy should be located in East Pakistan. I need hardly say that East Pakistan has produced the best sailors whose feats of valour are known the world over. They have been engaged in increasingly large numbers by the Western countries, particularly British Merchant Shipping. These men hail mostly from Noakhali, Sylhet and Chittagong, who in turbulent waters and days of war got up the ropes and can be trusted to keep the ships afloat. Times without number they have proved their worth by their perseverance and presence of mind and everything that goes to make a good sailor. These are the only suggestions I can offer at the present moment. It is impossible to satisfy reasonable men in East Pakistan if you have the Federal Government at Karachi to administer East Pakistan from a distance of 2,000 miles. I will be asked if I criticise so much to give what my alternative suggestions are to the Basic Principles Committee's recommendations. I make only one suggestion: Let us feel in actual practice that we are fully autonomous; we have our own government; we make our own laws. Only we will not cut ourselves adrift from the other portion. We will be cemented with the other portion with as strong ties as are possible but we must have our own laws. It is quite evident, Sir, that if you frame a constitution which suits Baluchistan, the Tribal Areas of Baluchistan, Bahawalpur and other States, it is likely that that may not suit Eastern Pakistan. Four and a half crores of inhabitants are there in East Pakistan. Twenty-five per cent. of this population happens to be non-Muslim. The position is quite different from Baluchistan where everybody is a Muslim. You cannot have the same constitution for all the different units of Pakistan. It must be different from unit to unit. Leave East Pakistan to work out its own destiny. My friends Mr. Moazzem Hossein said that Pakistan has come to us as paradise on earth. I beg to be excused, our experience has been quite different—paradise or no paradise, so far as East Pakistan is concerned, up-starts have got the better of all checks and made fortunes—there is bribery and corruption of every kind. There is no check of any kind on anybody. People who were beggars ten years ago are millionaires today. Even officials are making crores of rupees, while the poor cultivator in the village is struggling for bare existence. I have seen myself men fighting dogs for a mere mouthful. I have seen this in Dacca. May God grant that this state of affairs may soon be over! May God grant that Pakistan in its proper form may come to us which may gladden our hearts, fill it with hope for prosperity, peace and happiness for the people. So far as I am concerned I will stick to my guns to work for the people. I am told that they have forecast a very bad destiny for me. Honourable Mr. Nurul Amin is not here but I would point out that I set up a school master against him and he defeated Mr. Nurul Amin, who lay sprawling on the ground. Nobody knows who will be what. Now, Sir, I will not in spite of the thunders of the Chief Minister, in spite of his fulminations, in spite of anything that my friends here may say about me, cease fighting the battle of those who cannot fight it for themselves. I will go on fighting with heart full of trust in God and I can assure this House that whatever may be the consequences and the obstacles in my way, I will go on struggling in the

hope that I am serving those who deserve my services most; those dumb and inarticulate millions whose interests I have always considered to be my most sacred charge.

Shaikh Sadiq Hasan (Punjab : Muslim) : Sir, after the great oration of Mr. Fazlul Haq my speech will fall flat. His speech, however, would have been more effective if he had not been changing sides so often. I do not know he may still change and join us again.

Sir, there are a few points to which I would like to refer. First of all I must thank the Honourable the Prime Minister for his efforts in relation to the B. P. C. Report and for having solved the deadlock. If all of us were to pull on opposite sides—Bengalis on one side and the Punjabis on the other side,—I am afraid the rope will break. It is therefore the duty of all genuine Pakistanis, whether they are Muslims or Hindus, to come to a compromise. I do not at all believe in provincialism and I am indeed very happy over the solution of the deadlock. I wish there were less suspicion amongst ourselves. We should emulate the example of England, Scotland, Wales and North Ireland. These people always put the good of their country above everything else. Unfortunately here suspicion prevails. It is the duty of each of us to remove suspicion and not attempt to accentuate it as my friend Mr. Fazlul Haq has attempted to do.

Sir, there has occurred delay in constitution-making. I shall be very frank as I generally try to be about my comments. It is not the fault of the members here. I would respectfully suggest to the new Government—after all it is a new government—to have more meetings in the year than what we have had so far, in order that the Constitution may be finalised by the end of the next year.

My honourable friend Mr. Fazlul Haq has raised so many objections on the Report of the Basic Principles Committee. But, Sir, it should be realised that it is not something final. If at all there are any people to blame, they are the members who were signatories of the Basic Principles Committee. They are to blame. However, there is still time to rectify. This is not the word of God. It is still to be decided by the Muslim League Assembly Party at its meetings and by the members of this House.

Mr. Fazlul Haq is indeed a charming personality. There is not the least doubt about it. But if he were not fickle-minded and if he had not been changing sides he might have benefited us by his counsel; in the Muslim League Assembly Party we could have arrived at a more satisfactory solution. Sir, I would also say that this report is a combination of noble Islamic spirit and British spirit of colonial policy. To illustrate the point I will read just one directive principle: "The State shall endeavour to secure basic necessities of life, like food, clothing, housing, education and medical relief for those citizens of Pakistan, irrespective of caste or creed, who are temporarily or permanently incapable of earning their livelihood due to unemployment, infirmity, sickness or any other similar reason." It is a grand promise but I am sure it will cost us more than what we are spending on the Army. There are so many other promises which will need tremendous amounts of money. May I also refer to another provision in the Report. This relates to the promotion and maintenance of Islamic moral standards. One of the most important and fundamental moral standards is the fulfilment of a promise. I am telling not only to Government but to all members because they are responsible for the working of the Government. I have to remind the Honourable Members of the Muslim League Assembly Party about it. I do not want to remind

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the Government alone because I am as much to blame for this as the Government itself because the Government gives us the full opportunity to discuss everything in the Party. But if we say "yes" to everything put before us and do not go deeply and take proper decisions or offer constructive suggestions then I may say how the government alone is to blame. In fact as I have said we are equally to blame. Now if we the Members force the Government to act upon the principles and upon the promises made by the Muslim League at the time of election then they can set many things right and fulfil many promises thus made. I do not blame the new Government as it has only recently come into power. So I say we the Members of the Muslim League Assembly Party have failed in their duty that they owed to the people. Now we have made this great promise, i.e., promotion and maintenance of Islamic moral standards. We have taken upon ourselves a heavy responsibility which we cannot easily discharge and unless we make great efforts to observe and propagate these high principles the condition of the country will never improve; so we should make efforts and sacrifices in this direction.

A word about Islamic State. Well in this matter I have to address my non-Muslim friends for whom I have got great respect. After all we are all Pakistanis and when you and I both have accepted Pakistan as our homeland and owe allegiance to it there should be no difference. Sir, we the Muslims in India struggled, suffered and made sacrifices for Pakistan. During this struggle lakhs of men were killed, over 50 or 60 thousand women were abducted. And this was all done not for nothing but for an ideology. We underwent all this in order to have the Islamic State, where we wished to live according to our own ideology. These heavy sacrifices were made for this purpose. But I want to tell my honourable friends in few words, as I do not want to enter into any kind of controversy that if we all act according to the noble principles of Islam, one of which I have read to you just now and model our lives according to the true spirit of Islam then we will not only lead an honourable life but we would be able to improve the moral standards all around us. These noble principles will not in any way spoil the morals but would rather improve them in all directions. Along with this the minorities will be free to develop their cultural, religious and social activities in the manner they like as their religion, lives, honour and property are guaranteed in the Islamic polity.

As I said before I have great respect for the Hindu Members especially those who have suffered for the freedom of India. Some of them have been jailed and they have undergone 15 to 20 years' imprisonment. I really wish we Muslims had attained Pakistan a little later after going through ordeal when people would have had to go to jails for long terms. Then we would have found out who were the people who were really ready to suffer for the nation and who were the people who would have run away from the struggle. It would then have served as a test and after this test we would have emerged a stronger people just as in India they are at present. I will ask one question from non-Muslims and I think they would be fair in its reply as I have faith in their fairness. I say according to them and even according to us, ours is a religious state and India, as claimed by them, is a secular state. Now take the case of the oft-occurring massacres, riots and killings which are taking place over there. Compare it with our State over here and you will find that in comparison no massacres or riotings take place here. How many of them you can recount in couple of years. Mind again what does the Government of India do in this respect. I may make it clear that I do

not blame any of these gentlemen sitting opposite. You are not certainly responsible for that. I may tell you that just compare the secular and religious states as they are said to be and see the difference for yourself. As I said you are not to blame for what happens in India and you are just like our brethren. It is not your fault as to what happens in India. But read what the Government of India says. It throws all blame on the Muslims of India and says Muslims are the cause of the riots. It is really very strange. How can you imagine that a minority, living on the sufferance of the vast majority, will cause all these troubles, and will cause all these great massacres in which the minority alone suffers and great many are dead and wounded. It is simply unbelievable. Indian Government puts this blame on the Muslims—because they just want to put the Muslims, who are the victims of these riots, into jails. Why do they want to do so? The Hindus want first to terrorise the Muslims by these riots and then they want to cow them down in such a way that they may not be able to raise their feeble voice against all these great sufferings. They want to cow them down like the Shudras of old. Sir, I know a good deal about how Shudras were treated in days gone by because I claim to be a descendent of Brahmins. I am a descendent of Kashmiri Pandits. Mr. Chattopadhyaya says that I am a wooden Brahmin or something like that. But since I am aware of the history of Brahmins I know and I can understand what my ancestors did to Shudras thousands of years ago.

Dr. Mahmud Husain (East Bengal : Muslim) : Once a Brahmin, always a Brahmin.

Shaikh Sadiq Hasan : While my friend, Mr. Chattopadhyaya does not agree with me when I claim that I am a Brahmin, a Kashmiri Pandit, I claim that my caste is the highest among the Pandits. So, Sir, I say I know what my ancestors did thousands of years ago with Shudras. They made them economic slaves with the result that they have forgotten their culture ; they have forgotten their religion ; they have forgotten everything pertaining to their history. In fact economically they are so much depressed that they cannot live a life of human beings and they cannot think of equality with others. It seems that the so-called secular State of India is going to do the same, and is going to repeat these very tactics, with the Muslims of India. I would like to point out that our Government is more generous and I would appeal to them to be more liberal in this respect and they should do no such thing which may be undesirable or condemnable in the eyes of the world at large.

Sir, there is another point and that is about joint and separate electorates. I am not going to discuss it in detail or dilate at length. What I would say is only this that these gentlemen over there, my honourable friends sitting opposite in this august House, have got separate electorates. They can fight elections on separate tickets. They attack the Government in speeches. Nobody would say that they have no such right and it is their democratic right. We do not object to it. Certainly they have the right to say what they like ; they have the right to ventilate their grievances. But I want to draw their attention to the case of India again where there is joint electorate for all. Now see there, whether the Muslims in the Parliament have been able to raise their voice against all these massacres that have been taking place over there. Have they the courage of saying what you have got the courage to say here and the manner in which you can talk here? You have got all this due to separate electorates. The Muslims in India are depressed because they have to depend upon general masses who consist of both Hindus and Muslims and the Hindus are in a big majority so they have

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to become traitors to their own people—at least most of them, I do not say all of them. I do not want to discuss that, but I am pointing out the fact and it is for my honourable friends to see whether these are true facts or not.

Now, Sir, two points have been made, viz., Federation or Confederation. Mr. Fazlul Haq wants confederation and Mian Iftikharuddin also wants Confederation. They are both leaders without following and are sitting separately.

About Confederation I would like to say a few words. It means, as was once proposed by Sultan Ibne Saud, that there should be confederacy of Arab States, absolute autonomy with a weak centre. It would mean washing of our hands from Pakistan, if we establish confederation; it would result very quickly in disintegration of Pakistan. I do not consider them as friends of Pakistan who think in these terms.

On the other hand, Federation requires a strong Central Government, but not everything which the Centre wants. Certainly there are a number of departments, which should be given to the provinces and there is no reason why everything should vest in the Central Government. I think this is a very wrong policy of the Central Government. By all means have a strong Centre, but do not grab more and more power and have everything vested in the Central Government. Now, take the case of East Bengal. If the Indian Government does not allow us to pass through their territory, it will take one week to reach that province from here and it will be very difficult for the Central Government to manage the affairs of East Bengal from here. Therefore, I say that more powers should be given to the Provinces so that they are able to manage their own affairs more quickly.

Now, Sir, I would like to say a few words about the reservation of seats for women. We have given them adult franchise and I am proud to say that I was one of them who were a party to that decision. When I was an Adviser to Honourable Sardar Abdur Rab Nishtar, who was then Governor of Punjab, we along with other Advisers decided to give adult franchise to the women. In England about 50 years ago, they had to suffer a great deal in that connection. Miss Parkhurst and so many other women had to go and remain in jail for many months for demanding adult franchise for women. I am proud to say that we have taken decision to give adult franchise to women. It is our duty to help the weaker section of the population to come up to the standard that is required of them and take part in our deliberations. By giving them adult franchise, we have given them an opportunity to have votes and have representation in the legislatures. I agree with Begum Shah Nawaz, but I go further and say that we should at least give 10 per cent of the seats both in the Lower House as well as in the Upper House to women. (*Hear! hear!*) We should be helpful to the weaker section of our society; our women have suffered for hundreds of years and the time has now come that they should have an effective voice in our society.

Mr. Mohammad Abul Quasem (East Bengal : Muslim) : There is no bar for them to come in.

Shaikh Sadiq Hasan : My friend here says "There is no bar for them to come", but why do you not create such condition as would make their coming in easier. Why not give them 10 per cent. of the seats in the Federal Legislature. If you do that, they will be happy and satisfied. I am sure if women had been associated with the Government as they

have more tender hearts there would have been more amenities of life for our people. In England, the destitutes have got the Old Age Pensions, they have got Unemployment Insurance Act and they have got Children's Aid Schemes. But we people, with all our promises, have not yet done anything but if we had ladies in our Government, I am sure, they would have thought of such things because they have more tender hearts to feel the miserable plight of the people. They would have certainly felt pity from them. I think we should do something to improve the condition of our weaker section, I mean, the women, and this will in itself be an Islamic act.

Sir, I now come to the colonial policy followed by the authors—not the Government—of the Basic Principles Committee Report. I think Mr. Chattopadhyaya was associated with the Basic Principles Committee.

Shri Sris Chandra Chattopadhyaya (East Bengal : General) : Yes, I was.

Shaikh Sadiq Hasan : About him, and the Muslim members of the Committee I will say whenever they are on platform they say one thing and when they come here, they say another thing :

"Hati ke dant khane key aur ; dikhane key aur."

"The elephant has one set of teeth for chewing and another for show."

This is the condition of our members of the Basic Principles Committee. This is the colonial policy that they are following which I am going to describe.

Take the case of Baluchistan and I will read out to you the provision :

"In the case of units other than the Capital of the Federation, not having legislatures at the time of the commencement of the Constitution, the manner of filling of seats from that unit should be adopted by an Act of the Federal Legislature."

Now, Sir, this means that even after the lapse of six years, you are not prepared to give legislature, to Baluchistan. You still anticipate that when the Act will be passed, may be after a year or two, Baluchis will not be entitled to have a legislature of their own. In this connection I am proud to say that in 1926 in the Central Assembly, Delhi, India, when Sardar Nishtar and Sardar Bahadur Khan and even Khan Abdul Qaiyum Khan were only rising lawyers and when Dr. Khan Sahib and Khan Abdul Ghaffar Khan were unknown people, at that time, I raised my voice in favour of autonomy to be given to the Frontier Province, but it was not agreed by the British at that time to give them any autonomy.

Mr. President : Shaikh Sadiq Hasan ! just listen. Frontier Province is not the motion before the House at all.

Shaikh Sadiq Hasan : Sir, I am saying only that these Frontier members who were in the B. P. C., what would have been their condition if the Frontier would not have been brought to its present status. On the same analogy my argument is that why are they neglecting Baluchistan. Why the people of Baluchistan are not being given their rightful share in the governance of their country ? Why do you deny Baluchistan full autonomy ? If you do not accede to their just demand, they would remain degraded as they have always been. This is my argument. Do you know, Sir, what was the condition of Frontier before it was given autonomy. Such was the condition there that the people of Frontier were treated by the British Government as barbarians in 1932. I would remind my these three friends of Frontier, who no doubt are very honest type of people, the case of Ghulam Noor who was hanged without any trial within 24 hours and for which Sir Abdur Rahim raised a voice in

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the Central Legislature of India. So, see such was the condition prevalent in the Frontier Province, my friends, Sardar Bhadur Khan, Sardar Nishtar, Sardar Qaiyum Khan, would not have been given any opportunity to rise, they would have been most probably rotting somewhere ; one of them might have been a Chairman of the District Board and the other gentleman might have been a Member of the Municipal Committee and they would not have attained to the position which they are occupying today. Sir, my argument is that in the same manner they should realise that Baluchistan has also its right. In the case of Baluchistan, I would say that you are following the same colonial policy which is followed by the British in respect of their colonies and thereby you want to keep the people in perpetual subjugation. I warn you not to be greedy. The Members of the B. P. C. did a wrong thing in denying Baluchistan the status of a full provincial autonomy. But I hope our Prime Minister who is very liberal in his view, would make necessary amendments in the B. P. C. Report for giving Baluchistan a legislature of its own.

Mr. Ahmad E. H. Jaffer (Sind : Muslim) : What about Karachi ?

Shaikh Sadiq Hasan : I am coming to that. First of all I would like to take up the issue of Kashmir for which we always shed crocodile tears. Sir, I would say, we need not be anxious about Kashmiris so much, but we have to be anxious for ourselves and for our existence. Geographically you see, it is the head of Pakistan and Pakistan's economy and agriculture depend entirely on Kashmir. Punjab and Bahawalpur can be absolutely ruined if they divert the course of the rivers and as a matter of fact they have done so in the case of a certain river, namely Ravi, and if Bhakkara dam which they are constructing in their own territory is ready, we would not get any water from Ravi. The second importance attached to Kashmir is that it is very near to our Military Headquarters Rawalpindi. Within half an hour an aeroplane can come and bomb us. So it is not only in the interest of Kashmiris but in our own interest that you should do something for them. By simply shedding crocodile tears, it will not do any good to them. 30 lakhs of Kashmiris are in terrible plight, they are decimated, and they are terrorised. There are many traitors over there. In Jammu Province lakhs of persons are being brought from India in order to put an obstacle in the way of holding a free and impartial plebiscite. I appreciated it very much when the *Dawn* said "Do not give honeyed lolly pops to the people". If you are really genuine and anxious about Kashmiris, I say do something for them. The framers of the B. P. C. Report have completely forgotten the Kashmiris to give them any representation because they were afraid that Frontier may not like to lose one seat ; Punjab may not like to lose two seats ; Sind may not like to lose one seat. They say, when the Federal Legislature will come in existence, the question of the representation of the people of Kashmir will be taken into consideration. See, what has India done. India has already given representation to the Kashmiris. But why are you feeling shy of giving them any representation in our Legislature ? You have got Azad Kashmir Government functioning. Give them some representation. I do not think it would effect East Pakistan in any way because of parity. So they need not be anxious. But the Punjab would not mind giving one or two seats to Azad Kashmir. Punjab is generous enough. And I would like some other Province also to lose its one or two seats in the Federal Legislature for giving representation to the Azad Kashmir Government.

Sir, I now come to Karachi. Karachi is the capital of Pakistan. Here we have got a very large number of intellectual and rich people. On account of tyranny let loose in India on the Muslim population, the people are being driven to Pakistan. The people cross the border and come to Karachi and swell its population. So the population of Karachi is daily increasing. In Karachi on one side we see intellectual and rich people and on the other side we see slump and poor people. If you raise the status of Karachi and give them some weightage in the Federal Legislature of Pakistan, the people of Karachi would be satisfied. In this connection I want to point out that all the revolutions have taken place in the capitals of the countries of the World. French Revolution took place in Paris; Russian Revolution took place in Leningrad; in Lahore we could not have driven out Malik Khizer Hayat Ministry if there had been no trouble there. It was only this trouble in Lahore which removed him. He would not have cared what happened in Amritsar, what happened in Jullunder. So in the interest of the Government, you have to keep your Capital satisfied and pleased, as the English Government keep London very much pleased. Governments come and go. In the interest of the nation, you have to keep Karachi in a contented state of mind. It is said: What is the fault with the Chief Commissioner? Sir, I do not blame him. He is doing his duty. But the question is that when you require something for yourselves, why do you not do the same thing for others. It is a thing which is un-Islamic. You are talking of Islam and doing something which is the reverse of Islam and this does not behave at least to the authors of the B. P. C. Report and those people who talk about Islam.

As regards dishonesty and corruption, my honourable friend wants me to say something about corruption. After clause 18, paragraph 2, I wanted to introduce a new clause dealing with corruption, but the members of my Party said "No, no". I do not know why. Therefore I dropped it and cannot address upon it now. There were only 3 or 4 voices for yes, but the rest said "No, we do not want to hear anything about corruption." So I had to drop it, at that time.

With these few remarks, I take my seat.

Mr. Shahoodul Huque (East Bengal : Muslim) : Mr. President! My esteemed friend Mr. A. K. Khan has found fault with the authors of the B. P. C. Report for transgressing the terms of reference and attempting to produce a draft constitution, consideration of which is taking more time now than a report enunciating the basic principles only would have taken. He has also complained that the Report contains more details than was called for. I say, if the authors of the Report have given us a draft constitution instead of a mere enunciation of principles, they have done a better job of it and therefore deserved felicitations rather than our denunciation, because the task of the Drafting Committee has been made easier thereby and very little time will be required now for the Drafting Committee for finalising a full-fledged constitution.

He has also made a grievance that the Report says nothing about the allocation of finances between the Centre and the Units. This is probably due to the fact that the Federal List, Provincial List, Concurrent List and Residuary List of subjects have not been finally settled by this House.

My friend Professor Chakraverty has been very ungracious in characterizing the Report as "neither fish nor flesh nor red-herring" but as a hotchpotch obviously meaning thereby that it is neither Islamic which it pretends to be nor of any one foreign brand. He has further said that

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though there has been an attempt to please all, it has pleased none, not even the Muslims and it is not worth the huge expenditure incurred on it.

I do not agree with him and Mr. Fazlul Huq that it has pleased none. Considerable volume of public opinion all over Pakistan in recent months, if not before, has hailed the Report and has pressed hard through press and platform for finishing the consideration of the Report during the current session of the Constituent Assembly so that the constitution-making may be completed within June 1954.

Sir, it is out of regard for this public opinion that the general discussion anterior to consideration clause by clause of the Report has started in this House since the 7th of October, 1953, a red-letter day in the history of constitution making for Pakistan.

Untiring zeal, firm determination and robust optimism of Mr. Mohammad Ali have made this possible by evolving a formula about the quantum of representation of the different Units in the House of the People and in the House of Units and about the election of the Prime Minister of Pakistan from a zone different from the zone from which the Head of the State is elected, which has been almost universally hailed all over Pakistan. This formula, which has received the blessings of the Pakistan Muslim League Council also in its last session just over, has resolved the deadlock born of provincial jealousies which was defying solution so long. Let us hope, once for all it has resolved the deadlock and has saved Pakistan from disintegration, but how it works has yet to be seen. Mr. Mohammad Ali rightly deserves therefore the encomiums that have been showered on him by the nation.

I agree with Mr. Chakarverty that the Report has entailed heavy expenditure but for good many reasons that was inevitable.

Replies to other points raised by the learned Professor have been given by other speakers, so I shall not tread on those grounds again.

Why Pakistan and how Pakistan has carved out for her a place in the map of the world are now matters of history and many of the previous speakers have spoken at length on them, so I should not be a party to repetition. It is quite obvious that Pakistan shall be a sovereign Islamic State, wherein we shall establish Nizam-e-Islam. Without this Pakistan will be meaningless. The rest follows consequentially. Unfortunately the Report has fought shy of saying that Pakistan shall be an Islamic State or that the religion of the State shall be Islam. If one covers the other, it would be quite unnecessary to state both in the Constitution.

The Report is silent about the State language or languages. Time is ripe now for settling the vexed question of language or languages which in the past had proved an apple of discord producing disastrous results. If we decide to have it laid down in the Constitution in an appropriate place, and I suggest it should be laid down in unambiguous terms in the Constitution itself in its operative part, that Pakistan shall be an Islamic State. I would suggest also that the name of the State should be "The Republic of Pakistan". Names like "Islamic Republic of Pakistan", "Islamic Sovereign Republic of Pakistan" do not appeal to me. What is there after all in a name? Repetition merely of the words "Islam" and "Islamic" here, there and everywhere, does not make a thing Islamic in complexion, character or spirit. For God's sake save Islam from ridicule by not putting the word here, there and everywhere, more often than not, quite unnecessarily.

Sir, I cannot help saying that many things which should have found place in the operative part of the Report to make the Constitution Islamic in spirit and character, have found place in the Directive Principles of the State Policy and things which should have more appropriately found place in the Directive Principles have found place in the operative part of the Report. Propriety as well as expediency have both become casualties here.

Sir, in clause 3 of Chapter III it has been laid down that "No Legislature should enact any law which is repugnant to the Holy Quran and the Sunnah". And this clause has been said to contain the whole crux of the Islamic Constitution. In clause 7 of the same chapter, it has been laid down that "The provisions of this chapter shall not apply to Money Bills."

Are not these contradictory to each other? To be consistent and honest clauses 7 and 8 of this chapter need scrapping. We can deceive ourselves, we can even deceive others but surely we cannot deceive Allah. There is a genuine apprehension that these may land the infant state in difficulties. May Allah help us and may His light be our guide.

What about the administrative or executive orders which are repugnant to the Quran and the Sunnah? Is not detention without trial for an indefinite period repugnant to the Quran and the Sunnah?

Provision should be made that no one should be detained without trial for more than three days. (*Hear, hear from the Opposition.*)

I fully agree with my esteemed and learned friend, Dr. Omar Hayat Malik that provision in the Constitution should have been made for compulsory military training of each and every young man in Pakistan up to a certain age. I fully agree with him that education should be made free and compulsory up to the secondary stage, and free elections should be ensured by dissolving the federal and provincial legislatures three months before their election and by setting up and, if possible, by retaining permanently an incorruptible Election Commission.

The enormous distance of East Bengal from the Military Headquarters in the West Pakistan separated by 1400 miles of foreign territory and surrounded on three sides by foreign territory calls for special defence measures being taken for that part of Pakistan and the question of making provision for creating the post of an Additional Commander-in-Chief with all the paraphernalia attached to that office for East Bengal seems to me to be worth deep consideration.

I fully endorse the view of Mr. Nurul Amin that in the present context of Pakistan, the Centre should remain sufficiently strong but at the same time provinces should also be allowed to work out their own destinies in their own way in matters in which co-ordination is not felt unavoidable. I fully agree with him that there should be only one list of subjects to be called the Federal List and all other lists should go.

Now that by the compromise formula we are reducing the strength of the House of the People from 400 to 300 and the strength of the House of Units from 120 to 50, I see no justification for retaining sub-clause (2) of clause 98 of the Report unaltered which reads thus :

"(2) Members of the Legislature of a Unit should not be less than 75 and not more than 350."

Such large number of Members for legislatures of the Units will consume a considerable amount of the finances of the Unit in the shape of salary,

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allowances and other amenities for the Members and will reduce them into a medley of rabbles.

I suggest that the minimum and maximum number of Members for the Legislatures of the Units be fixed at 50 and 200 respectively. While the House of People for the whole of Pakistan shall consist of 300 members, what justification is there that the Legislature of East Bengal should have 309 Members, while in both the elections will be fought on adult franchise? It looks as if we are out to divide the spoils amongst ourselves.

From certain provisions in the Report, it seems clear that its authors suffered from two complexes—one the “Complex of Complacence” and the other the “Complex of Fear”.

Complex of complacence is that the authors of the Report hope to make us, the presentday “so-called Muslims” as “true Muslims” by legislation. If legislation could turn out true Muslims as coins by a mint, then the offence of murder for which law of the land provides capital punishment, would have vanished from the world. Shooting at sight for the smugglers of the border area would have stopped smuggling. You cannot reform people by legislation merely. Quite different method is necessary.

I would cite only one typical instance of “Complex of Fear”. Very cogent and apparently convincing arguments have been advanced from our side why we are in favour of separate electorate for the minorities. Provision of separate electorate which did good to us while we were in the minority while in India it has been said cannot be denied to the minorities here in their own interest. But let us see what is the view of the minorities themselves in this matter in this House. Barring Mr. Bhandara who represents less than one per cent of the total minority population, their unanimous demand is for joint electorate. If we in this side of this House can claim to represent the Muslims of Pakistan, it goes without saying that the minority members sitting opposite represent the minorities of Pakistan, and if their demand is for joint electorate, it does not appeal to me why we should deny them this right unless we are afraid of them. (*Hear! hear! from the Opposition.*) If there is any fear that the minorities who form only 15 per cent of the total population will be able to dominate over 85 per cent. of the Muslim population, then obviously the authors in the grip of fear complex are guilty of under-rating the worth of Muslims. On the Pakistan issue the provincial elections in 1946 were fought and these Muslims demonstrated the unity of purpose by voting even the lamp posts set up by the Muslim League for the sake of Pakistan. Now after Pakistan has been achieved, what is the cause for fear that the Muslims should behave differently? Hearts of the Muslims have been very sound. I am, therefore, in favour of conceding joint electorate to the minorities in Pakistan (*Hear! hear! from Opposition*).

Independence of the Judiciary should be secured and safeguarded at all costs and by all possible means and with a view to ensure this, appointments of District Judges should vest in the Head of the respective Units, to be exercised according to their discretion; of the subordinate judiciary in the High Courts or Chief Courts of their respective Units. The appointment of Judges of the Chief Courts, High Courts and of the Supreme Court should vest in the Head of the State within his discretionary powers.

Independence of the Public Service Commission, the Election Commission and the Election Tribunal, both Federal and Provincial, should be

secured at all costs and by all possible means and their appointment and dismissal should vest exclusively in the Head of the State within his discretionary powers. In these matters, the Head of the State should act according to his discretion and not according to the advice of his Council of Ministers.

A proviso in the following words should be added after sub-clause 2(b) of clause 61 and after sub-clause 2 (b) of clause 113 if a vacuum is to be avoided in the office of the Legislature when a Legislature is dissolved.

"Provided that whenever the House of the Federal Legislature or the House of Units as the case may be is dissolved, the Chairman shall not vacate his office until immediately before the first meeting of the House of the Federal Legislature or of the House of Units, as the case may be, after the dissolution."

Sir, it is a report as its name implies and not the last word on the Constitution as has been so clearly said by Mr. Brohi. I join hands with Mr. Brohi when he says there is no opposition and no Government party in this Sovereign Constitution-making Body and welcome the members sitting opposite to us to come and take an effective part in the deliberations of this House. We are engaged in a very difficult as well as a delicate task. We are not concerned only with today, but we are concerned also with tomorrow and all future tomorrows. It has been rightly said there is nothing static in politics—politics and political opinion may change to be in consonance with the changed circumstances as there have been so many changes in our political thoughts and outlook. But Constitution of a country is something static as it cannot be altered so easily. We are in the midst of drafting a Constitution for all the citizens of Pakistan irrespective of caste, creed or religion.

Let all of us, therefore, put our heads together, make such changes as are found necessary and let us give a Constitution for which we may be thanked and blessed and not blamed by the present as well as the future generations of our people.

Let Heaven's Light be our guide in this difficult task.

With these few words, Sir, I support the motion before the House before I resume my seat.

PAKISTAN ZINDABAD, NIZAM-E-ISLAM ZINDABAD.*

Shri Sris Chandra Chattopadhyaya : Mr. President ! I am asked to say something in connection with the consideration of the Basic Principles Committee Report. I am a signatory to this Report and, therefore, I have some difficulty at this stage when the report is under general discussion and not under detailed discussion. But one thing I find almost every morning when I open the morning paper : I find some decision, by the Muslim League Party about some of the provisions of this Report, which I call fantastic. This Report Mr. President you also know, was practically carried by a majority—it is not a unanimous report—but it was at that time settled that we should also sign the report but if now everything is decided outside this House, what is the good of a man like me, with about ten men behind me, speaking when matters have already been decided ? I find today, for instance, that it has been decided that Pakistan will be an Islamic or Muslim State. I found previously on some other day that the Head of the State will be a Muslim. I have also found something about electorate. Practically the points in dispute have been decided behind our back ! But, in spite of that, I consider it my duty to place our viewpoint before the House ; you can take it or reject it, I do not mind. If

*Long live Pakistan, long live Islamic Constitution.

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you say that it is an Islamic State, it is a Muslim State, as my friend, Mr. Nurul Amin said the other day, then we have nothing to do with the framing of the Constitution. Pakistan was obtained by the Muslim League and the Muslim League is entitled to frame the Constitution; that is his opinion, but what I shall say—and I shall prove it from the records—is that Pakistan was not obtained by the Muslim League; Pakistan was obtained as a result of an agreement between the Muslim League and the Congress. It was a free gift by the Congress. But for that agreement Pakistan would have been nowhere. It may be that our old friends, the Britishers, might have been still in Pakistan as well as in the present India—not geographic India, the present political India, or might have left by June 1948 without division of India. Therefore, that contention of Mr. Nurul Amin, Chief Minister of East Bengal, that Pakistan was obtained by Muslim League does not hold good as I shall show from the Act and the documents which created Pakistan and Political India. Muslim League did not fight against Britishers for Pakistan, their direct action was against the Hindus only. My contention is this that this Constitution will be framed by the Constituent Assembly of Pakistan solely; the Constituent Assembly of Pakistan has got the sole authority to frame this Constitution. There is no other power, I can say, even in the world, to ask the Constituent Assembly of Pakistan not to do it. In that case the Constituent Assembly will fail in its duty. We considered that to be our duty when we accepted the membership of this body. Some people like my old friend Shaheed Suhrawardy, and another old friend, Mr. Fazlul Haq, want this Constituent Assembly to be dissolved and another Assembly to be elected to frame this Constitution. I ask them, where they were when the Independence Act of India, which founded Pakistan and India and which provided the manner how this Constituent Assembly would be elected, was passed? Did they oppose it? I can say I opposed it as I wanted that the Constituent Assembly ought to be elected by adult franchise, but when it was accepted by all, we were defeated. Mr. Fazlul Haq is not present in the House and Mr. Suhrawardy is not now a member of this House, but I should like to ask them: why did they accept it? This is based upon the Scheme of 3rd June and that Scheme of 3rd June was accepted by the then my old friend, Mr. Jinnah, as President of the Muslim League and it was also accepted by Pandit Jawaharlal, in what capacity I do not know. Mr. Jinnah was not an autocrat and while accepting and broadcasting the Scheme he stated that it must be ratified first by the Council of the Muslim League and the Council of the Muslim League met on the 9th of June, 1947. Members from all parts of India came to attend the meeting. As far as I know, many of them were opposed to the scheme, because there was no mention at all that it would be a Muslim State, except that it would be known as Pakistan. There was also no mention of Islamic principles. I can say that as the Muslims wanted some places where majority of the population would be Muslim, those areas were carved out of India. Of course I admit that before the 3rd June scheme the Muslims nation wanted division of India on the two-nation theory, but you will see that when the scheme of 3rd June was accepted, practically the two-nation theory was given up and everything was given up, excepting that Pakistan will be in that area where the Muslims will be in majority, and in that State there will be non-Muslims also. It will be a composite State. It was not on the ground of two-nation theory that India was divided. Therefore, some places were carved out where Muslims were in majority

and some places for non-Muslims where they were in majority. As soon as you accepted that scheme, it became the State of the people, irrespective of class, creed or religion. It, therefore, became the State of everybody, whoever may be the citizens within that area. As far as I know, nobody among the hundred and odd members who came to attend the meeting of Muslim League Council at Delhi was in favour of the scheme accepted by Mr. Jinnah, but after Mr. Jinnah had spoken for about fifteen minutes, all those who were opposed did not speak a word against the scheme; on the other hand, they accepted it unanimously.

Now, Sir, it has been said that this Assembly does not represent the people. It does not matter. I say that this is a statutory body created by the Indian Independence Act of 1947, on the basis of the scheme of 3rd June, which is printed in this book in my hand and which I can give if desired. The scheme was accepted, and its acceptance was broadcasted on the same day by Mr. Jinnah, Pandit Nehru and Lord Mountbatten, as also by Mr. Attlee. The Congress accepted it on the 15th or 16th June. The scheme was accepted by both the Muslim League and the Congress. There was, of course, opposition in the Congress, but it was carried by a snap division with the help of Mr. Gandhi. There was a very small margin of votes, and then the Independence Act was passed. Assent was given to it by the King, I think, on the 18th July. Although the Act was assented on the 18th July, all arrangements had been completed for division of India, on the 15th of August and for handing over the sovereignty of Pakistan and India to their respective bodies. I think Mr. President will remember that the election of the Members of this House—I mean the Constituent Assembly of Pakistan—took place before the 18th July, probably on the 5th of July, 1947. The election was by different blocks. Pakistan Block elected Pakistan Members. Members were divided. Those who belonged to East Bengal, they elected us. That is the position. Now, they say dissolve it, but then there would be a deadlock. Who will then frame this constitution? How are the members to be elected? Whether it will be on adult franchise or what? Who will take that decision? We are the sovereign body. We can repeal the Independence Act of India. We can repeal everything. There is nobody on earth who can stop us from doing it. The Governor-General has no authority so far as this House is concerned. This House is independent of the Governor-General of Pakistan. The Governor-General has got no authority whatsoever over the Constituent Assembly when we sit here as constitution-making body and not as legislature. The Governor-General does not represent the people. The Governor-General merely represents only the King or Queen. It is very painful to me to say that although we call ourselves independent, we are not yet independent. We have got our Queen. I attended the Coronation of Queen Elizabeth in London and I heard when she said last of all that she was Queen of Pakistan. According to that, Pakistan is a dominion of Great Britain, although British Parliament has got no authority now to make any law for Pakistan. British Parliament has no authority whatsoever. Therefore, those who ask for the dissolution of this House I ask them: "Do you want Constitution or you do not like to have a Constitution?" It is true we have taken six years but we are framing the constitution now. What is this B. P. C. Report? Is it constitution?—The Report is merely some suggestions by a committee? These are mere suggestions. These suggestions you can alter, amend or reject—and that authority is only with you; not with any outsider. Therefore, why this clamour for the dissolution of this House. I am glad that Mr. Mohammed Ali, after all

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these difficulties was able to move his motion. There was an attempt to send it to the cold storage. Some said: "Return it to that Committee." That would have meant further delay. We can finish consideration ourselves within a month or two. Then we can send it to the Drafting Committee. The final stage will be when the draft will come before us. Then there will be a real debate but we shall be able to finalise it by next June. Here so many extraneous things were brought in: about religion, about nationality and so many other things—about *parda*. Which religion is good and which religion is bad; all these things I am hearing for the last so many days. This place is for the consideration of this report only. If you say that this religion is good and this is bad, that would not help. I never criticise any religion. This is not my part. All religions according to my opinion are good. I respect all religions. There is no question of tolerance—I respect all religions. I may not be following a particular religion, I respect all religions. I find good points and I try to adopt them. My friend Sheikh Sadiq Hasan said that I am a Brahmin. Yes, I am a Brahmin and my religion is:

"Whoever worships me in whatever method it comes to me. All over the world the man follows the methods of mine."

This is Brahmanical religion.

That is my religion. My religion does not say that I should criticise other religions and utter disrespectful words about other religions. They say this line is given by God. I do not believe this. These are men-made. Only they were superior men. They made these things and we are following. Whoever worships me in whatever method, it comes to me. Whatever method! Do not quarrel with method—all methods are approved by Him. Follow your own religion which is personal. There are several schools of Hindu Philosophy and there are several sects. Brahmanical religion was of very high order. Therefore I tell my friend Sheikh Sadiq Hasan that as I am a Brahmin I cannot criticise any religion, rather I respect all religions. My religion does not allow me to discriminate between man and man. To me all men are equal. Only my religion says—

"All living creatures are manifestation of God. Shiv is god. Any living creature is god; according to my religion."

No God-fearing man can hate any man whatever may be his caste, creed or religion. Only my religion speaks of—

I am He, you are He.

You will read Vedanta Philosophy which is one of the best schools of Hindu philosophy: I am god according to my philosophy. This is the conception of my religion. All men are my god. I consider all the members of this House (pointing to the members) are manifestations of God. But if you say you are God, you will be hanged, like *Anal Haq*, who said, "I am God". I can say from my books that I can be god if I have got those qualities. About ourselves it is said that we worship images. No. We do not worship images as such. I have no difference with the crux of Islam. The crux is the same. You say *La Illaha Illah* and I say "I am one no second." *La Illah Illah* means no god but God. Similarly "I am one and no second." It means difference in languages only—one in Arabic and the other in Sanskrit. When *La Illaha Illah* came into existence? Only 1,300 years ago. You got *La Illaha Illah* only 1,300 years ago. To us "I am one on second" came long ago. When it came we do not know—it

may be pre-historic, I do not know. But what is the difference? People do not understand. That is in Arabic and this is in Sanskrit. You say Allah and I say Bhagwan. Turks say Lern instead of God. It is only a question of language. In our language we call Bhagwan. "I am one but I shall appear as many." It came long after. Worship of God in the shape of images came long after for the benefit of the weaker people. Preamble to introduction of this sort of worship of god will clearly show this.

"For the benefit of the devotees, description of God's images."

All people cannot have conception of God without description and as such worship of gods in the shape of images was prescribed for them to make them godly-minded. They say the constitution will be according to Islamic principle and ask us, "Why are you afraid of Islamic principles?" My reply is, I am not afraid of the Islamic principles as they are but as they are now followed; I am afraid of that. You know, Mr. President, the Constituent Assembly formed the Basic Principles Committee, which split up into three sub-committees on different subjects to report on different matters. The Basic Principles Committee decided also to create the Board of Maulanas. It is known as Board of Talimaat-i-Islamia and it was to advise us. I do not know whether we had really got any authority to constitute that Board but that Board was there. And we have been spending nearly 5,000 rupees per month on that Board—or 75 to 80 thousand rupees a year. Now that Board has been working for the last four years, so imagine how much expenditure was incurred on it. This Board submitted some sort of report to us. So we got that piece of report after spending 3 or 4 lakhs of rupees. But where is that report or reports that they submitted. Where are they? After spending so much money what is the result; even the Members are not entitled to get copies of those reports. They are shy of producing those reports before the Members of the Constituent Assembly even! Why? Are they afraid of showing us as to what are those Islamic principles which the Board has enunciated. If they are good we will accept them but why do you not show them to us. Now these are supposed to be great Maulanas because each of them gets a salary of Rs. 1,000. They are respectable Maulanas. Why are you shy of showing that report to us. I request you, Mr. President, to distribute those reports of the Ulema Board to the Members of this House and after reading those reports if we find those principles as laid down by them to be acceptable and not against the non-Muslim citizens of Pakistan in any way I shall not be afraid of Islamic principles. I shall accept them. Now if those provisions contain some things like the one mentioned by my friend Lalmia the other day about *purdah* and womanhood according to Islamic principles then I would ask Begum Shah Nawaz to express her opinion about those principles. Even now somebody says that *murdah* is introduced for this reason. But he has given reasons defaming womanhood. What really he said I do not wish to utter even. I know that these things happen even behind the *murdah* also. I may mention that I have met many ladies—Muslim and others—modest women, shy women—they are decent women. They are nice women despite the fact that they mix with people. The plea that because they mix with people they would get spoiled, I do not agree with that.

Mr. Zaheeruddin Chowdhury Moazzem Hossein (Lalmia) It is not correct. I have said nothing of the sort. It is a mis-statement. I have quoted a statement of facts only.

Shri Sris Chandra Chattopadhyaya : I have heard you saying something about women in America and other places. You have clearly said that because there is no *purdah*, therefore there are those things found there.

Mr. Zaheeruddin Chowdhury Moazzem Hossein (Lalmia) : I submit this is absolutely an incorrect statement. You are not mentioning my statement ; you are saying something else. In my speech I have never used the word "*purdah*" ; not even once.

Shri Sris Chandra Chattopadhyaya : You were saying that all these things happen because there is no *purdah* in other countries. But I have seen the Muslim women and I have met them and I know they are very good and nice ladies. Now if you say that is Islam (*Interruption*) Now if you say that that is the Islamic principle then I am not going to accept that and if the Board's principles are Islamic principles all non-Muslims will be afraid of them. Now even today, this very day, I have read the evidence given by these Maulanas before the Enquiry Committee at Lahore where the Maulanas are examined. What is their opinion ? Even today itself I have read that non-Muslims of Pakistan will be treated according to Islamic principles as *Zimmis*. They have, therefore, no rights whatsoever except, as I have said while opposing the Objectives Resolution, that they will only be treated as hewers of wood and drawers of water and perform the essential services like *mehtars*. This is what these Maulvis intend to give us. They do not want to give the non-Muslims any rights. How can you say that at this stage one should not be apprehensive of the Islamic principles when such things are clearly and openly said and advocated ? Now there is another principle and Mr. President will agree to that, that there cannot be any friendship between a Muslim and non-Muslim. Now what is the reason for it ? It is beyond me to understand that. If that be so, how can non-Muslims live with the Muslims ? I have got very good Muslim friends, such dear friends, although I am 80 but I have got very good Muslim friends. I have got such good Muslim friends that I can say they are more friendly to me than even my Hindu friends and now because I am a Hindu, as they say, we cannot have friendship ; we cannot be friends.

Sardar Abdur Rab Khan Nishtar (Punjab : Muslim) : What do you say please, there cannot be... ?

Shri Sris Chandra Chattopadhyaya : There cannot be any friendship. The Muslim should not accept a non-Muslim as friend. That is the argument. Now if that is an Islamic principle then Islamic principles string in my nostrils. I cannot say where it is. I cannot give which part of the Quran or Sunnah give this injunction as I do not know that but I have found pamphlets in Bengali containing this direction and they were being distributed in East Bengal. Now in those pamphlets it is said non-Muslims cannot be friends. They say it is in the Quran. My friend Mr. Nurul Amin said the minorities will get protection and they will be treated generously. I am at the fag-end of my life, but I say most emphatically that I never demanded protection. I want protection from nobody. The State will protect me because I pay for my protection. I do not want to be protected at this old age. It is most defamatory to say that I will be protected. It is a defamatory word to say that Mr. Nurul Amin will protect me. I hate the word "protection." I say, who protects him ? Physician heal thyself : Now regarding generous treatment. I never asked for generous treatment. The word "generosity" smacks charity. I do not like to be a charity-body. I never said I

want any generous treatment. I do not want any safeguard ; I do not want any reservation in services or anywhere else. What I ask for is, give me my rights. I want to tell Mr. Sadiq Hasan, who says he is a Brahmin, that I want no reservation. I am not a charity-boy and at the fag-end of my life I shall live as a charity-boy. I say the same to Mr. Nurul Amin. And I also say why they dare make such statements ; simply because they have got a majority. Knowing that in Pakistan Muslims are in a majority they make such statements. I decided to stay in Pakistan after the announcement of division of India in June, 1947. When on the 16th June this division, this scheme of Pakistan and rest of India, was accepted by the Congress there was a meeting of the Pakistan Members of the Congress, viz. those Congressmen who were members of the All-India Congress Committee,—Members hailing from East Bengal, Punjab, Sind and some other places—all gathered together. I was there and I think it was I only who was present there from East Bengal on that day. The Sind members and the Punjab members all decided not to stay in Pakistan because it has got Muslim majority. I told them I will stay in Pakistan, come what may. When the Congress accepted that scheme, I as a true Congressman accepted it. You will find, Sir, that there was an appeal made by the Congress that this scheme must be successful ; I wanted to make the scheme of Pakistan successful. Therefore, I stayed in Pakistan. I had long discussion, Mr. Nazimuddin knows it, with my old friend, Quaid-i-Azam Jinnah, here as well as in Dacca, about everything. Unfortunately, he is dead now and I have lost in him a great friend. I had that discussion in Dacca in 1948 and that was my last meeting with him and he told me, " My dear friend, accept my words, we were friends and we shall remain as friends ". We parted. My time fixed for that interview was—and Khwaja Nazimuddin knows that also—only ten minutes ; that was the time allotted to me for interview ; but I took 45 minutes. He kept me detained with him. You know Mr. Jinnah was very particular about time, but in my case, he did not worry about the time. He kept me with him for 45 minutes and the time fixed for interview with other persons had to be cancelled. I know the time of Mr. Fazlul Haq was also cancelled. Then, when we departed and shook hands, I asked his permission to disclose the subject about which we had talked. He told me standing, " You will tell these two things to your people : not to be afraid and not to leave Pakistan, because it will be a national modern State, independent State, and Hindus—I say Hindus generally because they are the only non-Muslims in East Bengal—will have the same rights as the Muslims." You know, Sir, Mr. Jinnah did not use words without thinking over them carefully, he never spoke like us. That was what he said I could disclose to my people. But what is the fact now ? Is this equal right you are providing for us : that the Head of the State will be a Muslim ? Is this equal right ? It is against the promise given by the Quaid-i-Azam. I want to know what is the Islamic law or Islamic principle ? I am speaking about myself. Is it not derogatory to the self-respect of the Hindus ? I am a citizen of Pakistan as real as you are, you will accept that. Then why will you make this provision in your Constitution that the Head of the State will be only a Muslim ? Why will you not allow everybody else to hold that office ? I say, Sir, it is ludicrous if anybody would say in India that the Head of the Indian State will be a Brahmin or a non-Brahmin only. Then, what is the difference between you and Malan of South Africa ? What is the difference, I want to know. This Constitution is not only for Pakistan, you have declared with trumpets that we

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shall frame such a Constitution that will be model to others but, I say, this will be a model only to Malan of South Africa. Do you know what is the provision there? Here also you have made a similar provision. We shall be able to vote; even there is also the same provision, the coloured people are entitled to vote, but their representative will only be the white man, in their election. You have not decided that the Head of the State will be elected by the Muslim votes only; he will be elected by the members. I have got to vote. There also the coloured people have got the right but to whom the vote is to be cast? The white man! Their representative will be a white man. They have no question of religion, but colour is the religion now in the matter of voting. White men have got the best religion because they are colourless; others are coloured. They are superior people. I had a talk with some South African people in New Zealand when I was there, and they said you have also got separate electorates in your country. I told them that the creator of the present electorates was the white man, our erstwhile enemies, the Britishers, who wanted to dominate this country by the principle of "Divide and Rule". But now we have got independence, we have got our Constituent Assembly and we shall be able to give a go-by to these separate electorates.

In Canada, Mr. President also knows him, Mr. Pocock, a South African, came one day and by that time we had also got separate electorates here also.

Mr. President: Mr. Chattopadhyaya! I think you will continue for some time more. So, will it not be better if you resume your speech in the evening?

Shri Sris Chandra Chattopadhyaya: Yes, any time suit me.

Mr. President: Then, in that case, I will adjourn the House now. The House stands adjourned till 6 p.m. today.

The House then adjourned till Six of the Clock in the Evening.

The Constituent Assembly of Pakistan re-assembled in the Assembly Chamber, Karachi, at Six of the Clock in the Evening, Mr. President (The Honourable Mr. Tamizuddin Khan) in the Chair.

REPORT OF THE BASIC PRINCIPLES COMMITTEE—*Consideration contd.*

Shri Sris Chandra Chattopadhyaya (East Bengal: General): Mr. President! I was discussing the matter about Islamic principles. Now I shall place before you what occurred and what is occurring in Lahore. About this Islamic principle I have read very carefully the proceedings of the Lahore Enquiry Court—I do not generally read the papers but sometimes I read these things which appear in Court's proceedings. In one of the proceedings you will find—you will find it in the proceedings of the Court published in today's *Dawn*—that a question was put by a Judge of the Enquiry Court to one great Maulana of Deoband. I have great respect for some of the Maulanas of that place. I met some of them during the Khilafat Movement and I learnt something from them during the course of my discussion with them. But when a question was put to a Deobandi Maulana by the Court, whose Chief Justice is Mr. Munir, to express his opinion about the statement of Quaid-i-Azam

Mohammad Ali Jinnah which was made by him on the 11th of August—thereby giving up the two-nation theory, where practically he said that Pakistan will be one united nation and that Pakistan will be for all the citizens of Pakistan if they really consider themselves as the citizens of Pakistan ; they must be Pakistani nationals and if any one says that he is not a Pakistani national, he may live in Pakistan but he will be treated as an alien. Therefore, when the Court enquired of the above-mentioned Maulana whether by this statement the Quaid-i-Azam meant the inclusion of non-Muslims also in Pakistan national. In reply to that the Maulana said that “ the statement of the Quaid-i-Azam was against the principles of Quran ” and he also said something else which I could not very well understand. His contention was that there could not be two nations living in Pakistan ; there will be only one nation in Pakistan and only Muslims will be Pakistanis and something like that as if he was not a pucca Musalman. We always accepted Mr. Jinnah's statement as our Charter of Liberty and therefore we always used to quote that. But if that Maulana explains this in this way, that reminds me of Queen Victoria's Proclamation which after 50 years, Lord Curzon interpreted it another way and that opened our eyes. He said that the meaning of the Proclamation was not that as we understood it but it was that “ as far as may be ”, it is not absolutely true that all British subjects will have the same right. That was in 1903 and that opened our eyes. We always considered that Proclamation as our Charter. We accepted Lord Curzon's interpretation. That opened our eyes and you know the result ; how the people stood up against the British Government which is now no more here.

Then another question was put up to him about the Ahmadias or Qadianis, namely : “ Why do you object to them ? ” He said that Qadianis are non-Muslims and therefore they cannot be appointed in any key-positions, they cannot be treated in the same way as the Muslims and such offices as carry with them the final authority, cannot be entrusted to non-Muslims. Now I ask : Is this our position in which you want to put us ? Do you interpret and say that no Muslim can owe allegiance to an individual or body that is not Muslim ? Is this the interpretation, Mr. President ? What shall we do ? Now as soon as this Report was presented and published it was said that this Report ought to be rejected lock stock and barrel. It amounted practically as no-confidence on the members of this body who made this Report. They wanted some more things. They became inimical to Khwaja Nazimuddin because he signed that Report and presented it and they declared him Kafir and passed sentence of death on him. They also became against Ahmadiis stating that they are non-Muslims. Of course they have their reasons for that. They believe in *Khatam-i-Nabuwat* which they say is the principle of the Muslims. It means the last Nabi. Now what was the result ? In the Punjab there was martial law and many lives were lost, some were sent to jail and what not. I do not mind if the Muslims according to this principle declare the Ahmadiis as non-Muslims. That is no concern of mine. It is the concern of Ahmadiis and the pucca Muslims. How strongly they object and feel in the matter is clear from the fact that lately they passed a resolution in Karachi—I was then in Dacca but I read it in the papers—that Mr. Zafrullah must go. That question was put to that Maulvi in the proceedings before the Tribunal there and he said : “ Because he was a non-Muslim. ” Now Mr. Zafrullah is our Foreign Minister. He was asked to go not because he is an incapable man or inefficient. That is not so, but because he was considered as a non-Muslim. For so long he was considered a Muslim and now they declare

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him as a non-Muslim. So far as we are concerned, we are already non-Muslims : we are Kafirs. What hope can we have if you accept that to be an Islamic principle. Mr. President, you can understand our difficulties. We do not know where we are. We only read translations of the *Ayats* ; we get explanations or interpretations from some friends. I get interpretations of it from my friend Mr. Nishtar in the Committee. I got explanation from my friend Moulana Akram Khan ; I took explanation from Shabbir Ahmed Usmani who is now dead. I got explanations from some Moulvis. I had a great friend Hakim Habib-ur-Rahman who is now dead. He was an Arabic scholar. I took explanation from him. This man has written some books even. But each man gave different explanation. Where do we now stand we really do not know. This all creates difficulties and so far as we are concerned that creates an apprehension. It may be that these Moulvis will one day say that because this State of Pakistan is administered according to Islamic principles, therefore we cannot be allowed any image worship. You know Hindus worship images. Whether they are justified in doing so or not is a different matter. How and under what circumstances this image worship was introduced will be clear to you when you read the Hindu books ? You will find in the Puranas why such image worship is indulged. It is because the ordinary people cannot have conception of God without image and that helps them to be godly. The ordinary man cannot conceive the idea of Nirakar Brahman. He is not literate and therefore he worships gods in the shape of image and, as I said, it helps him to be godly. Now we Brahmins have no image worship. We recite *mantras*. We have three times *Sandhyas* and recite *mantras*. It is just *Namaz*. If you read these *mantras*, there is no necessity for image. The Hindu reads *mantras* and do as *Sindva* three times and reads *mantras* according to the school to which he belongs. We have Sama Veda, the Yajra Veda. You have got different schools of thought among the Muslims. It reminds me of one thing. In Lahore enquiry a Moulvi was asked "How many sects are among the Muslims." His answer was that there were 73 sects. I think he belonged to one sect. Then the next thing he said was that "out of them 72 sects will go to hell." This will not affect us. These Maulvis say all the other 72 sects will go to hell. This is the position, and therefore I find difficulty about that.

Sir, I commence with the 3rd June Scheme, which was signed as I knew at that time. Of course I have not got the document.

Sardar Abdur Rab Khan Nishtar : Nobody signed it.

Shri Sris Chandra Chattopadhyaya : I come to it. I shall ask you the next question. Of course, on the 3rd June the Scheme was announced and broadcast. But, Sir, on the 2nd June there was a Conference in which it was finalised and I think my friend Nishtar was there on the 2nd June when it was finalised. There were Pandit Jawaharlal Nehru, Kriplani and Sardar Patel. Sardar Patel is dead and I have no contact with Pandit Jawaharlal Nehru and Kriplani and cannot produce them. But Sardar Abdur Rab Nishtar is here. That was the agreement and on that agreement this Independence Act was based. Mr. Nishtar knows the Scheme. Mr. President, Sir, you may also know it. The Scheme you will find in this book "The Making Of The Indian Constitution By Bannerjee". History has been traced here and from page 443 downwards you will find this Scheme. I do not wish to waste my time, and the time of the Honourable Members of this House by reading the entire Scheme. I ask whether in the entire Scheme you

find mention of two nations. It was a composite nation. It was to be decided according to majority. Those parts in which Muslims were in majority will come to Pakistan and those areas in which Hindus were in majority would go to India. Only this, but not Muslim areas or Hindu areas. There will be about four crores of Muslims in India it is mentioned here—and there will be one crore and 90 lakhs of Hindus in Pakistan. There will be plebiscite in Frontier and Sylhet and they will decide whether they will go to India or to Pakistan. Although Frontier is absolutely a Muslim majority area, still I think there was some trouble whether they will come to Pakistan or India. And as regards Indian India, that is those so-called Maharajas, they were declared free and absolutely sovereign neither coming to Pakistan nor to India. And that, Sir, we accepted. The Congress accepted that and the Pakistan accepted that. Sir, I stand on that. My friend Mr. Nurul Amin says that others have practically no right. Can you say that? If you say that, then, Sir, that is breach of faith, breach of trust and breach of pledge so far as minorities are concerned, so far as Hindus are concerned. Similarly, Sir, if India says that Muslims have no right it will be breach of faith on the part of India.

Sir, I do not know what will happen if the Muslim League goes from Pakistan and the Congress goes from India. I do not know what will happen, because only Muslim League and Congress are the parties to this Agreement. Therefore, I always want that Muslim League stays in Pakistan. I want it. I can go to the Muslim League Members and tell them that you are party to that Agreement, and that if you do not stick to it you commit breach of faith. Sir, the hands of the Muslim League in Pakistan and Congress in India are tied by this Agreement.

My friend, Mr. Fazlul Haq, today said that there is no Muslim League now. I am sorry to hear that. I think it was day before yesterday or a day earlier that my friend Mr. Nishtar said that Muslim Leaguers who got Pakistan, are now practically brushed aside. I read his speech. He said that those Muslim Leaguers who achieved Pakistan are not in charge of the Muslim League and of the administration now, and only those who did not want Pakistan are now in office, both of League and administration.

Sardar Abdur Rab Khan Nishtar : How can that be ?

Shri Sris Chandra Chattopadhyaya : I ask you to read today's *Dawn*.

Sardar Abdur Rab Khan Nishtar : How could I say that those Muslim Leaguers who did not want Pakistan are in charge? How is it possible that one was a Muslim Leaguer but not in favour of Pakistan? It is contradiction in terms.

Shri Sris Chandra Chattopadhyaya : I ask you to read the *Dawn* of today. According to that paper your interpretation is that those who were not Muslim Leaguers have become Muslim Leaguers now while the condition of those Muslim Leaguers who fought for Pakistan is like that of Dodo in Madagascar; they are gone. If that be the position I cannot find how they could break that solemn pledge, that scheme, that agreement and you will find that Mr. Jinnah also in his speech of the 11th August, 1947 said that this was by agreement or by settlement. He gave out his mind on that day after Pakistan was formed. He said that in Pakistan there will be no Muslim, no Hindu, no Christian, that religion is a personal thing and they would be allowed to go on with their religion. He was a man of his word. He knew that scheme and therefore when

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that was discussed, as I have told you at the beginning, he said that this will be a national modern State. By nationalism, he said it includes Muslims as well as non-Muslims. That is my point and that is my right. I say if you break that agreement you will be known like the Britishers' history of broken pledges. History will be against you. You can do anything you like because you have got absolute majority ; we have none, but you will not be able to turn us out. Do whatever you like, you will not be able to turn us out unless the methods by which West Pakistan was denuded of Hindus are adopted or an incident like that of February, 1950 happens in East Bengal. Unless that happens you will not be able to turn out one crore of Hindus from East Bengal. I know what the position of the Hindus would be according to the report. There were Hindus in West Pakistan also because in that scheme seats were allotted to them there according to their population. You will find there how many Muslims will be members of the Constituent Assembly in East Bengal, how many Muslims would be in West Bengal, how many Hindus will be in West Bengal, how many Hindus will be in East Bengal and in the Punjab and other places. There, you will find that Punjab was given five or six seats.

Mr. Ghyasuddin Pathan (East Bengal : General) : Five.

Shri Sris Chandra Chattopadhyaya : That means 50 lakhs and Bengali Hindus were given twelve seats, then another seat for Sylhet was included, which means one crore and thirty lakhs. Now in Bengal 30 lakhs have gone. I do not wish to say how and why they went ; that is past history and I do not wish to rake up rancour. They have left. We are here and we have no intention of leaving Pakistan.

The other day a Member was telling us that on account of this Partition a large number of Muslims have come from India. I am sorry for that ; Jawaharlal ought to have saved them and I can say also from your record that now there are 91 or 92 lakhs Hindus practically in Pakistan. I find from the chart given in the B. P. C. Report, that when it was proposed to have a House of 400 members, seats for the Muslims in East Bengal were 153 and then there were seats for Hindus, other than Scheduled Castes, Christians and Buddhists by separate electorate. Now they come forward and say there are no Hindus in West Pakistan. Where are the sixty lakhs of Hindus according to that scheme. In Sind there are only two seats plus one seat, that is three seats. There are some Hindus and I am told that in Sind there are about 3 lakhs of them. For Karachi there is no seat for the Hindus. I am sorry for my friend, Seth Sukhdev : no seat for the Hindus in Karachi. These are the figures given in the chart. Therefore, so far as West Pakistan is concerned you can adopt your Islamic principles or do anything you like.

Syed Khalil-ur-Rehman (Punjab : Muslim) : Are you asking for weightage ?

Shri Sris Chandra Chattopadhyaya : You have not understood me then. I do not ask for weightage ; I am not Muslim League ! You wanted weightage in united India ; we did not. I am a Brahmin and in united Bengal there were only twelve lakh Brahmins still we wanted joint electorate without reservation. I do not want any weightage now, but according to this chart in the Report there are no Hindus.

An Honourable Member : Where ?

Shri Sris Chandra Chattopadhyaya : In West Pakistan.

Sardar Amir Azam Khan (Punjab : Muslim) : Why do you not read note No. 1 ?

Shri Sris Chandra Chattopadhyaya : I am reading. Do you think that I shall not read everything ? Then in the N.-W. F. P., Tribal Areas, Bahawalpur, Baluchistan, etc., etc., no seat for the Hindus or anybody. My friend asks me to read the footnote ; I am coming to that. This is the condition. Now the Frontier Hindus and the Sind Hindus will vote together ; rather the Frontier Hindus, Sind Hindus, Punjab Hindus and Hindus of other places will all vote for Sindhi Hindus. This shows a sorry figure. Mr. Abdul Qaiyum Khan told me that are three or four or five Hindus in the Frontier ; they will vote for some Sindhi Hindu. Do you think that any of them will stand and these Sindhi Hindus will vote for him. I have seen in former elections that nobody in a district in Bengal will vote for a man coming from the other district. Because of this situation created by the separate electorate Punjabi Hindus will go without representation by them otherwise voting could be cast for a person who is really a representative. A Punjabi Hindu could say that Mr. Nishtar is my representative and I shall vote for him. A Hindu would do it. Ask Mr. Nazimuddin how he became Chairman of Dacca Municipality. There were seven votes for a Hindu and there were seven votes for Kh. Nazimuddin, a Muslim. The Chairman was a Hindu—a Congressman. He gave his casting vote in favour of Kh. Nazimuddin, and he was elected.

Mr. Mohammad Abul Quasem : He must have purchased his vote.

Prof. Raj Kumar Chakraverty (East Bengal : General) : Is it a purchasable commodity ? Does it not lower Kh. Nazimuddin's position that he purchased the Chairman's vote ?

Mr. President : I hope Mr. Chattopadhyaya will be allowed to speak undisturbed.

Shri Sris Chandra Chattopadhyaya : It was deliberately done. Kh. Nazimuddin knows it. We apprehended that and I instructed my Congress member—I was then in charge there—that if there was tie between Kh. Nazimuddin and Rai Bahadur, he should vote for Kh. Nazimuddin. Afterwards Kh. Nazimuddin told me jokingly : " You selected a lesser evil ". But he knew that I had deliberately instructed him, although I was not a member. So that is the position. That could be done and that we want.

Sir, there is no declaration in our Report as to what will be our State. We have practically the status of a Dominion and we are in that way under the British Queen. The Head of our State, the Governor-General is a representative of the Queen, not a representative of the people. The first thing that we want to declare is that Pakistan should be a sovereign democratic state, free from or outside the British Commonwealth of Nations. That is the first thing that I want, and that is my proposal, if you want ; you say that Pakistan has come to stay. I am not satisfied with that statement that Pakistan has come to stay only. You have seen that there are a number of States that have come to stay. They are states in name only. I want Pakistan a real State ; a real prosperous state ; a real great state ; a real united state. By unity I mean unity between the citizens of Pakistan so that it may get its proper place in the comity of nations, when you will be able to do that, then I shall consider that this is a really great Pakistan which the citizens of Pakistan want. I have repeated that in several places as a representative of Pakistan Assembly, not State, and I have had long discussion on this

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point. But when you say that you have dominion status, I become a bit nervous, a bit unnerved. We want to be outside the British Commonwealth. You may call it merely a sentiment, but sentiment is a most important thing in the case of a state and in the case of a people. We wanted to be independent. We had long discussion why we want independence. How, we were asked, would we achieve that? Some persons measured their hands with ours. "I am a big hand if I used a spear. You will not be able to catch it. You do not understand it." I was told. I said it did not require a big hand or leg. How the Japanese pigmies defeated the strong and tall and bulky Russians. Then frequently we had discussion on Bengalese martial qualities. I said and say now that Bengalis were the best military people in the world before 1857, when the Bengali Pultan was disbanded, on the ground that Bengalis are intelligent people but also they are good fighters and therefore they must not be in the Army. In 1804 Lord Minto said any nation would be proud of an army composed of Bengalis and there is Mr. Pathan sitting there. I would suggest to read the history of old Bengal and the history of the Bengali Pathan.

Mr. Ghyasuddin Pathan : Let us create history by fighting.

Shri Sris Chandra Chattopadhyaya : I want to create that. I can always say that Bengalis and Pathans will mix brains and arms. That is my point. The British Government emasculated us. I do not want that the people of East Bengal should be treated like that. I want that there should be military training for all adult people in Bengal. I do not want a regular army ; that will be costly. I want military training to be given to all adults. Allow these people to cultivate their land and call them up at the time of difficulty. Give them a little pension or something like that. During the first war I was for a Bengali regiment. That great enemy of ours—Lord Macauley—used to say that Bengalis were cowards. I took round some English Officer and he admitted, looking to the people of East Bengal that they were strong and stout. I am not referring to West Bengal. Sir, Mughals could not easily conquer East Bengal. Great battles were fought near Dacca. You should have noticed that Akdala's Fort is still there. At the time of the war both the Hindus and Muslims combined to fight for their country. One day the Sultan called all the people and said : "Come one and come all ; come Hindus and come Muslims—save your mother country." All came and fought together. Akbar set Mansingh of Ambor to conquer Bengal and he was also defeated. Anyhow that is a different story. Therefore, I say Bengalis should be recruited in the army.

I was saying that we must be out of the British Commonwealth. We have nothing to gain. And even if we have something to get, we are ready to give it up in order to raise our position and as a free, independent and sovereign State. We do not want a foreigner to be the head of our country.

Mr. President ! Some people complain that there has been a delay in the presentation of the Report. Why it was delayed, they question. They say that the members of the B. P. C. were worthless and they delayed the report. Well, Sir, various circumstances came in the way which caused the delay. I ask my friend Sardar Abdur Rab Nishtar, who was the Chairman of our Committee to say how many days we had to spend to tackle the Board of Talimat-i-Islamia. How many days ? Ten days ; not one. I should thank Sardar Abdur Rab Nishtar for the way he tackled them. They agreed to a certain thing ; went out and

then came back saying : " We did not understand at that time." Again there was delay. We directed the proceedings to be printed. I wish the proceedings were handed over to the members here. They would then understand. All this is for your safety, Mr. President. I ask you to supply the members here copies of the proceedings of the sub-committees. We signed the reports and submitted them to the Basic Principles Committee. Then you will find that it was not a fault of the members of B. P. C. You will notice the developments yourself. The report we signed was acceptable but now they make it Islamic. That you will do at your own responsibility. We shall not be responsible. I could point out from those papers whether what I say today is justified or not. Even if you try to satisfy the Mullas at this stage you will not be able to do that. We spent Rs. three lakhs on this Board. We created that Board. Is there any reason in spending five thousand rupees on this Board per month whose reports you dare not publish ? Their report has been sent to a pigeon hole. Why is it so ? Why are not the members allowed to have a look at their report ? That is my grievance. The Basic Principles Committee is *functus officio* after presentation of the Report but that Board is still in existence at enormous costs.

Then, Sir, I want that the words should be deleted which say that the Head of the State shall be a Muslim. They point out that the Head of the State in the United Kingdom must be a Christian, therefore he should be a Muslim here. In the United Kingdom he should not only be a Christian but he should be head of the Church of England. You will be in trouble when you say that the Head of the State should be a Muslim. Which Muslim ? Clear it now. Preferably a Sunni ; preferably a Hanafi !

Honourable Members : Any Muslim.

Shri Sris Chandra Chattopadhyaya : Clear it now. Otherwise there will be difficulty. The Muslims have 73 sects. We have already witnessed fight between the Quadianis and non-Quadianis. There are differences between Shias and Sunnis. There are differences between Momins and others. They want separate electorates. Make the position clear now ; otherwise there will be difficulty. In the United Kingdom the Head of the State should belong to the Church of England and he must be a Christian. I understand therefore they have kept that provision. You will find that in England there was a great fight between Protestants and Catholics. When there was a Catholic king he used to burn the Protestants and there was the burning of Latimar and Cranmer. And when there was a Protestant king he used to turn out Catholics. The result was that Church became the arena of sectional battles and ultimately James II who was a Catholic was driven out of the country and then they decided that the King of England will be the head of the Church of England and he will owe allegiance to the Church of England. Now the history of this episode goes back to Henry VII and VIII, who wanted out the Church of England from the domination of the Pope. Previously the Pope was the head of the Church of England too. They wanted to get out of this system as the Archbishop of Canterbury did not support the Kings of England *vis-a-vis* the Pope as the King wanted to divorce Catherine. In fact he wanted to get divorce after divorce as he was behaving in that manner. So that provision in England is the result of all these historical developments and that is why the King in England was made the head of the Church and was also confined to a particular school of Christianity. But here Mr. President, as everyone has said and as I explained, you have no church system. Muslims have got no church

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system. There is no priesthood in Islam. So it is not necessary that the head of the state will also be the head of the church as Muslims have no church or priesthood as it is called. Therefore that question does not arise at all that Head of the State should necessarily be a Muslim. I do not think it is necessary for him to be a Muslim because he will have to lead Idd or Juma prayers. In fact Juma Prayer is not at one place. It is held in different places, and places are very many. It will be really difficult for the head of the state to go everywhere to preside over the Juma prayers or lead them, besides there are different sects and the head of the sect will not be allowed to lead other sects. That is the main point and so far as Muslims are concerned I am glad to say that priests have no place in their religion. Therefore that analogy does not hold good. Besides that in England the Head of the State is not elected; he is hereditary there; foreign princes come and rule over England of course by the approval of the Parliament. Therefore my point will be that that must be deleted,—the provision that the Head of the State will be a Muslim. As you see I differ from this provision. I say it is not at all necessary to have any head of the state. We can have something like Switzerland where there is no President. Therefore, what is the good of keeping the Head of the State. He has practically no powers; so why keep him at all? He is simply for ceremonial occasions and for state drive with 10 or 12 horses and bodyguard moving by his side. But I say large amount of money would be spent on him and when he has no powers, what is the use of keeping him. In Switzerland there is the system that from amongst the Ministers a Chairman is chosen who acts as Chairman of the Ministers or the Federal Executive. Similarly here also one of the Ministers can become the Chairman and play the part of the Head of the State.

Sardar Abdur Rab Khan Nishtar : That means they have an elected Head of the State for one year.

Shri Sris Chandra Chattopadhyaya : That is a secondary question. I am opposed to the head of the state being a Muslim. I do not want that provision.

Mr. Ghyasuddin Pathan : You want a Chairman.

Shri Sris Chandra Chattopadhyaya : There will be the Cabinet Ministers and one of them will be elected as Chairman for one year; next year they will elect another man to be Chairman.

Mr. Ghyasuddin Pathan : Chairman of the Cabinet ?

Shris Sris Chandra Chattopadhyaya : Now what the head of the state will do. He will be simply signing some state documents or will be assenting the Bills. Now lakhs of rupees will be spent on the maintenance of this office and I think it would not be less than 10 to 15 lakhs of rupees that we will have to spend for keeping the President in office. Sir, as you know our State is not a very rich state and we cannot afford to spend so much money on this useless office.

Now I want to say something about the second House. Now what is this Federal Government. It is an agreement of different independent states to form one Government. But Pakistan was not created out of independent states. There were no independent states out of which Pakistan came into being. It was created *en bloc* as one state out of a united country on 14th August, 1947. The best thing would have been to have a unitary system of Government if the two wings had not been away from each other. But on account of East Bengal being separated

by 1,400 miles from the West Pakistan and there being no corridor to pass through the federal form had to be adopted. Now if we become unfriendly with India East Bengal will be cut off practically from three sides ; not only cut off but it will be in danger. East Bengal is surrounded by foreign states nearly on all sides except south. There is Assam ; there is Bihar ; there is West Bengal ; there is Arakan. There is no outlet except by way of Nalas, Khalas and canals within the range of big guns and small guns. So there is no outlet and therefore its defence presents a difficult problem. Therefore special treatment is necessary for East Bengal. So far as West Pakistan is concerned it is contiguous area and it can form one state. Really instead of having so many states it may be able to form one unit—one state. The population will be even then, when it is united, less than East Bengal. If East Bengal can remain as one Province or state then the Provinces of West Pakistan with a smaller population can easily form one state or unit. That will be much less expensive at the same time because instead of having seven governors there will be one governor. In my opinion, therefore, some form of loose federal system is necessary and actually you have drawn it in that manner. It is a loose federal plan and not actual federal system. They say that in a federal system there is need for two Houses. Now what was the first Federal Government. It was United States of America. How it came into existence. The Americans fought their freedom battle against the Britishers at that time in 1775 or so and there were 13 or 14 States—different States with different nationalities. But when they won the battle of freedom they in the first instance refused to form one government. George Washington was therefore in difficulty. To meet that difficulty he devised the plan of Upper House. They even then refused to join, especially New York, as it had very large population. Afterwards, if any of the States wanted to secede from the Federation, it could do so under that provision. To avoid that difficulty the Upper House was formed by having two members from each of the States. That was the provision there. But, here what is the plan. As I see it, the Upper House is absolutely unnecessary appendix. It is only to spend some money which is not necessary at all. Besides, you see, the citizens of Pakistan, 80 per cent. of them, are Muslims and you say, they are one nation. There were several nations in U. S. A., but here we have practically one nation. You are afraid of a few Hindus and that is why you are dividing them.

Mr. Ghyasuddin Pathan : Not at all.

Sri Sris Chandra Chattopadhyaya : We want to be as much a Pakistani nation as you are. Why are you afraid of the Hindus. Majority of the citizens are Muslims. You simply divide the country according to population and form constituencies. Why can't you unite ? There is some suspicion ; West Pakistan does not trust East Pakistan. Now, if you divide in two Units, West Pakistan and East Pakistan, this is dangerous. This is also dangerous if you divide East and West and divide it by 1,400 miles, a time will come there will be complete separation. There may not be any communication between West Pakistan and East Pakistan. You will give a handle to it because you create one Pakistan, one Unit in East Bengal and some Units in West Pakistan. You have said 175 members East Pakistan and 175 members West Pakistan which comprises of several Units ; they will be divided according to their population. But, practically, there are two divisions. You make one block West Pakistan and another block, East Pakistan. But my difficulty is this : you say this is a compromise formula. I do not wish to stand in the

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way ; but I can only point out the difficulties. Responsibility is yours. There was that parity formula in our previous Report. How this parity was attained ? That was firstly the agreement between some of the members from East and some from West Pakistan and they had accepted that parity formula. But then there was an objection from the Punjab that East Pakistan has been treated generously and it was then, the difficulty arose. They did not trust East Bengal. Now, you have attained this new formula. I do not know how and what was the way by which you have come to agree to this formula. I am sure, when you will adopt it here, then within 15 days there is bound to be trouble again. Again, you will have to act according to some principle and if you go outside that principle, you will find these difficulties every time. In compromise, I have seen difficulties when I was a pleader. If we asked for compromise, each party thought that it was a loser and the next day, each wanted to re-open the case. The next day there was an application filed that there was no compromise amongst them. In compromise such things always happen. The same is the case here in regard to this formula which you have brought before the House. Of course, it is an agreed formula and you may adopt it, but we shall not be responsible for that.

Then, Sir, about separate electorates. The first thing that I find in this Report is that there is no provision for the reservation of seats for women. I do not know when it was removed. Begum Shah Nawaz and others wanted reservation of some seats for women and I think, they obtained that, but now, I don't find any trace of that provision in this Report. What was the cause for its removal : was it only to satisfy the Mullahs ? I am against any sort of reservation, but for women, I think, we must have reservation of seats. But, their argument is that circumstanced as it is in Pakistan, agitation by the Mullahs will make it impossible for them to get any seats in joint electorates. That is, what I understand, to be their argument. I quite appreciate that. Circumstanced as the women are, if they want reservation of a few seats, I am ready to give them though I am against all reservations. This agitation by the Mullahs will always be there and they will not be able to get any seat in the legislature. They will say at every stage that the women have got no right to become members of a parliament ; " this is against Islamic principle ; this is against Islam " they will say. I do not know why, but this is what they will always say. They will propagate that theory and our women will never get any seat. Therefore, if they want some seats reserved for them, they may be reserved for some time. I wish our Report, the Report of the Sub-Committee, ought to have been placed before the House, but unfortunately, it cannot be disclosed unless permitted by the Honourable President, the whole thing would have come to light. I shall not disclose that. Then, again, even yesterday, they said something about the rights of women. According to the Maulanas, I find that the women must be kept under the charge of men ; they have no independent existence. That is the provision of *Allah* as they say. I cannot give you that quotation. I shall find it out. They have quoted some number of verse. If this is the position of the women, let there be some reservation for them.

Now about separate electorate or joint electorate. We want joint electorate. Mr. Brohi yesterday told me that ' if you want joint electorate, we can offer you that but without reservation or something like that ! I say we the upper class Hindus do not want any reservation of

seats nor do we want any reservation for anybody else. But if there is any backward class like women and if they want reservation, let them have it at this stage. But we do not want any reservation of seats for scheduled castes. At least those who are listed in the scheduled castes of Dacca District are against this and have voted against this long ago. They also pronounced that they should not be declared Scheduled Castes. The other day when Mr. Brohi was reading from a book of Dr. Ambedkar in which he has said that if 'we call ourselves Scheduled Castes, it will remind the people of untouchability and it would appear that untouchability is perpetuated there. If you say there are backward classes, make a list of all backward classes and then let them have a reservation. I have no objection to it. But so far as Scheduled castes are really concerned, we are trying—whatever our previous condition was—to get away with the untouchability. In Bengal really we have got no untouchability. In Southern India if a Scheduled caste man sits with any other man of different caste, that man becomes impure.

Mr. Ghyasuddin Pathan : Do you allow them to go to your temples ?

Sri Sris Shandra Chattopadhyaya : Yes. That means untouchability. But in Bengal, there is no such system or practice that if a man of Scheduled caste sits with me I go to take my bath. But in Madras and Maharastra countries, they have got this evil prevalent. Of course we have got caste system in Bengal. I admit that. But it is not of that crude form. Therefore Gandhiji wanted to remove the very name of Scheduled castes because it smacks of untouchability. He gave them the name of Harijan. But you will find Bengal Scheduled caste people refused to be called Harijan because in other words they did not want to be excluded from the Caste Hindus. They are using their surname practically in such a way that ordinarily the people will not understand that they belong to the Scheduled Class unless they say they are scheduled castes. Mr. Das is a scheduled class member but as his surname is Das he cannot be recognised as Scheduled Caste in this way unless he discloses his identity. Therefore what I say is that if you want to give reservation of seats to the backward class, make a list of such people. I know and Khwaja Nazimuddin also knows that in Dacca District there is one caste called 'Boai' which is listed as Scheduled Caste. They spent a huge sum of money to remove their name from the Scheduled Castes. They approached Khwaja Nazimuddin also in this connection and he promised to get it removed but ultimately he could not remove that. I know of many cases such as 'Shasmals', 'Sutradhar', 'Naths', 'Jogi' they were all listed in the Scheduled caste but later on they removed themselves from this class because they considered that that name was not suitable. That is my complaint. The upper class Hindus living in East Pakistan are in minority and the scheduled castes are in majority and so you are cheating them by separate electorate. If there is a joint electorate of Hindus, they will get more seats in the open competition and I know the condition of East Bengal. It would be difficult to get.....

Dr. Mahmud Husain (East Bengal : Muslim) : How many of them are in this House now ?

Mr. Ghyasuddin Pathan : He is speaking about the future.

Shri Sris Chandra Chattopadhyaya : I am speaking of the present. Then why do you divide the Hindus ? They are part and parcel. Of course I do not want to say much at this stage about this. But so far as Muslims are concerned you may think that after attainment of

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Pakistan you have become a Royal class and therefore you do not wish to approach these non-Muslims for votes. That may be the reason behind it. You think "why should we go to these Hindus for votes". Muslims like Mr. Pathan and Mr. Amin think that they are Royal family. . . .

Mr. Ghyasuddin Pathan : No, no.

Shri Sris Chandra Chattopadhyaya : . . . and why shall we go to them for vote ? No, let us separate. If for that reason you want to have separate electorates, then have it, but why do you divide the Hindus among themselves. Read the history of separate electorate. Read the memoirs of Lord Morlay and see how the separate electorates were introduced. I have read the history thoroughly. At that time Lord Minto was Governor-General of India and he was in difficulty. You will find that one man was responsible for this thing. They wanted to placate the Muslims. At that time Mr. Pathan was not born even.

Mr. Ghyasuddin Pathan : As they did with the Hindus earlier ?

Shri Sris Chandra Chattopadhyaya : The Hindus came out with bomb for attainment of independence.

Mr. Ghyasuddin Pathan : I am happy that I was not born then.

Shri Sris Chandra Chattopadhyaya : Then, when they found that in spite of the separate electorates they could not divide the Hindus and the Muslims, because, unfortunately there then came the Khilafat movement. They were in danger. They wanted to grab Turkey's land and therefore there occurred the Khilafat movement and that was a joint movement of Hindus and Muslims. They scented danger. They were in very difficult position and then they wanted to divide the Hindus from the Muslims but they found that Hindus and Muslims were joint. The Khilafat movement was a tremendous movement. At that time the Hindus and Muslims gave a joint front. They used to speak jointly on the open platform. My friend Mr. Fazal Haq remembers it—He gave 24 hours' notice to quit India : Go out or otherwise you will not be able to go with your *topi* even. Then came the Simon Commission and they again wanted to divide the Hindus also between schedule caste and caste Hindus. That is the history. But I say that so far as Pakistan is concerned, it is not a foreign rule. All of us wanted independence. We have now got independence. At that time we used to say : "We do not want to mend it but we want to end it." But that question does not arise now, Mr. President. We now want to amend it but not end it. We want improvements, we want developments, we want to be one united nation. That is the position now.

I say this communal electorates is : (1) opposed to the teachings of history. I shall not amplify it now but when that stage comes I shall speak more on it. (2) They presented class division. (3) They stereotyped the existing critical situation. (4) Separate electorates is an undoubted obstacle in the way of the growth of sense of common citizenship. (5) They constituted a very serious hindrance to the development of the self-governing principles. I will now leave this point. Do whatever you like.

One point has been raised by my friend Mr. Sadiq Hasan. He said there was no mention about Baluchistan in the Report. Before the Committee was constituted there had been an Inquiry Committee about Baluchistan constituted. The Member of that Inquiry Committee had submitted the Report and it was presented to us, but afterwards it was

shelved. That is not the fault of our Committee, because the Inquiry Committee's Report is there. You can press the Government to bring it forward before you.

Then there is the question of Karachi. We find when Karachi was made the capital,—Mr. Khuhro was then the Member here, and he proposed for the return of Karachi to Sind at that time saying that "we built Karachi and you are now depriving us of Karachi." Of course he got some answer. It was: "you did not build Karachi, it was built by Hindus who have left and therefore it comes to the Central Government." Now we find recently that Sind wants Karachi back. They say "we want Karachi." This House in which we are now sitting was Sind's Parliamentary House and we have deprived them of it. The question to consider is what sort of Government should be in Karachi. Some people, the refugees, want that Karachi should get a provincial status. But I find Pirzada Abdus Sattar is moving to get it back. He says that Karachi must be returned to Sind. The question is what form of Government should be there. Of course I do not like Government by the executive, by the Deputy Commissioner. I think Pakistan Government should also consider whether the capital should be kept here in Karachi. Karachi is also on the boundary line and not strategically suited for capital, because capitals should not be near boundary line. So far as East Bengal Members are concerned, they think that it is very difficult for them to come to Karachi and it will be better if the capital is shifted somewhere. In any case, the question of Karachi was never referred to us and there is no mention of it being given provincial status here.

Sir, I have taken much of your time. I must say in the end that I am opposed to Pakistan being called an Islamic State. Sir it is a composite State. If you want to mention any name like England, it can be United States of Muslim and Hindus'; or 'United States of Muslims and non-Muslims like the United Kingdom of England, Scotland and Ireland. It is not called an English State. It is the United Kingdom of England, Scotland and Ireland. In fact, I do not want any name. Let it be a modern State, National Sovereign State. I do not want to give any name. Sir, I had been to England, I had been to Scotland. I know in Scotland there is some agitation to cut off from England. There is a party in Ireland also. I met many people there, and about the second House they said they were going to do away with it. New Zealand has abolished it. In Australia there were indications when I visited that country last that the Upper House will be abolished within a year or so. I do not know in Canada, the Upper House has yet been abolished or not, but when I went there last time they said that they were going to abolish it. So, Sir, only in England and America, they will have the second House. In England, they are merely show boys. They have given no power to the Upper House. Then, Sir, there is one more power in the hands of the House of Commons, which can break the poisonous teeth of the Upper House. The House of Commons can create any number of Lords to reduce the hereditary Lords into minority. So they are always afraid and cannot create any trouble. But here there will be trouble and the Upper House will create deadlock.

Sir, I have taken much of your time. I thank Mr. Brohi and I thank Mr. Mohammad Ali, for moving this Resolution for consideration of this Report and support the motion for consideration.

Syed Abul Basher Mahmud Husain (East Bengal : Muslim) : Sir, there has been enough of discussion on the Islamic character of the B. P. C. Report. But the Report leads me to a question "Whether Allah

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got Islam preached through His Prophet and left it for our protection or whether we are to mould ourselves to be called as a Muslim ? ” The first answer must be in the negative. But the second answer should be in the affirmative.

Now let us see how far we have approached Islamic ideal after the Objectives Resolution has been passed by this august House. Since that Resolution, no change in the order of life of the leaders and the public could be noticed in order to say that the Objectives Resolution has been in the process of being implemented. We are leading the same life as we were used to before the achievement of Pakistan. The difference can only be found in public statement to the effect that we are having an Islamic State.

Now if we really mean “Islam” to be followed in our way of life, then we should ascertain its spirit and form. Spirit and form are two cardinal factors for achieving the ideal. Form without spirit is worthless and useless say and except deceiving the common strata of people. And such deception cannot hold good for a long time. So spirit is essential to give a true colour to the form.

Now the spirit as it is understood cannot be demonstrated but it can be judged from actions. If our actions cannot connote the spirit, the tall talk on spirit of Islam will be of no help.

The growing mistrust and distrust amongst the Muslims and more particularly in non-Muslims is because of the fact that they do not find either spirit or form of Islam in us. Now what is the attempt to achieve both. Some would say that by legislation it cannot be achieved and some would say that legislation is essential in view of the mental outlook of the public in general. To me, both are correct. So it has become necessary to legislate so far as it is deemed necessary. For the slavery of the last 200 years has impressed in our mind that nothing can have its effect unless there is legislation and none would follow the provisions unless the leaders themselves follow them. Although the natural tendency ought to have been to educate the people in that model and then the ideal would make its appearance in usual course. So in this state of affairs, it is really very necessary to start with the achievement of ideal from both angle of vision—by legislation by people's representatives and by our action in everyday affairs of life.

People in Pakistan in frustration accept change without asking for decision as to whether legal or illegal, constitutional or unconstitutional. So unless we come with the approach of Islamic State in legislative measures with action, I am afraid, time may come when we may have to face a thorough change over.

It is hightime that we come with the ideal in its proper form. There should not be any hide-and-seek policy and there should not be any compromise in Islamic ideal. The more you want to make a patchwork in Islamic State occasionally invoking Democracy, Republic Federation, etc. in the light of the Constitutions of the United Kingdom, the United States of America, etc., the more danger you will invite in your State. Be straight, go straight, there is success. I am confident, and you will all agree that Islam, if followed in spirit and letter, will be the torch-bearer for peace in the whole world and none would find the necessity of International Courts, etc. In this respect, one instance is sufficient. The test of *Iman* is to remove a thorn from the pathway. And your *Iman* is

not complete if your non-Muslim neighbour, not to speak of your Muslim neighbour, does not feel secure of his life and property in your hands.

Iman (fatih) is the essence of Islam and if such be the test, do you think, Sir, that Islamic State can be a menace to any non-Muslim ? But our non-Muslim friends are afraid, because they do not find us Muslims in action. There is no good citing old stories of Khalifas, we are to be judged by our action ; so let us all work and proceed.

Sir, in order to make a proper Islamic State, I wish the Head of the State, who is proposed to be Muslim is given wide power for social reform in accordance with the Quran and the Sunnah and the State language should be Arabic so that it may be easy for all to understand what is in the Quran and what we say in prayer.

And in all fairness and in order to maintain the clause 3 as we find in the Report, it is desirable that clause 7 is deleted with a substitute that steps should be taken to re-adjust the existing laws in accordance with the Quran and the Sunnah.

Sir, for some reason or for other we are creating Provinces without the least consideration of heavy expenses and this we do just to please the stalwarts only. But when a suggestion is extended for dividing East Bengal into Provinces, the cry of economic stringency would be the main hurdle.

But, Sir, there is always a talk of closer proximity between the two wings but no practical suggestion is ever thought of. There is no good having a team of selected persons from one wing visiting the other. The only substantial good can only be achieved if the Central Government has got its winter sitting at Dacca for at least four months. If it is so done people of this wing will necessarily visit the East wing of Pakistan and can come in closer contact in economic and social matters and as a result better and healthy feeling would grow and the so-called provincialism would die out.

What is after all meant by provincialism ? It is nothing but taking active share in the administration of the country. One group of people having the advantage of being once in the sphere of administration cannot for all time block the way for others. Due share in administration should be given to people in consideration of their numbers and not in consideration of space. That is democracy.

Sir, in one breath we speak of economy and in another we create provinces which mean expenses in lakhs of rupees to maintain the standard of a province by having a Governor, Ministers, Secretaries who are all likely to be from one wing whereas the other wing would remain satisfied with a Governor and Council of Ministers only. If creation of Provinces is made for better administration then we should at once come with the proposal for dividing East Bengal into several provinces.

Now just a few words on Judiciary. The seat of the highest court will be at Karachi as it is the Federal Capital. But the long distance separating the two wings, making it imperative on the State to declare that the Supreme Court should sit at Dacca in the Eastern zone for one half of the year to enable the public of that zone to have the advantage of the highest judiciary. Unless it is stated in the Constitution and the period of its sitting at Dacca is specified, people will remain at the mercy of the charitable disposition of the Judiciary. If the public in East Bengal are sure of getting the highest judiciary there once in every year, they would

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increase the filing of cases and in the long run Government will be gainer but unless it is enacted in the Constitution none would go in filing cases in view of the heavy expenses and troubles involved in pursuing a case in the highest judiciary.

So I would appeal to you, Sir, that there should be a definite clause in the Judiciary Chapter for holding the Supreme Court once in every year at Dacca.

With these words, Sir, I support the B.P.C. Report.

Mr. Abdul Monem Khan (East Bengal : Muslim) Mr. President ! Sir, I rise to lend my wholehearted support to the motion tabled by the Honourable the Prime Minister, particularly because it has, after all, broken a longstanding deadlock.

Sir, today we have assembled here to adopt the Basic Principles, which will give a final touch to the framing of the first Constitution of the biggest Muslim country in the world. It is indeed a very significant moment in the history of Pakistan and a memorable day in the life of our nation.

Sir, the main discussion was directed towards the Islamic character of the Constitution and much heat has been generated over the same, by some of our Honourable friends sitting opposite, who vehemently opposed it. In my humble opinion, Sir, the Constitution of a country must reflect the ideals on which its people want to base their political life. In Pakistan, these ideal were never debatable or ambiguous and had long been clearly set forth in the "Objectives Resolution" passed by this august House on the 12th of March, 1949. The most outstanding feature of the said Resolution is that the Constitution of Pakistan would be based on the "*ideals of Islam*", wherein the Muslims shall be enabled to order their lives in accord with the teachings and requirements of Islam, as set out in the Holy Quran and the Sunnah. I would like to remind the House that the Father of the Nation, Quaid-i-Azam, gave expression to his feelings on this matter on many an occasion and his views were endorsed by the nation in unmistakable terms. Pakistan was founded because the Muslims of the Indo-Pakistan Sub-continent wanted to have a "Homeland" of their own, where they would be able to build up their lives in accordance with the teachings and traditions of Islam, because they wanted to demonstrate to the world that Islam provides a panacea to the many diseases which have crept into the life of humanity today. I would quote here only a few of his sayings, by which the Quaid-i-Azam explained before the world what Pakistan really meant and what it would be.

While defining Pakistan, the Quaid-i-Azam as far back as the year 1945, on the 30th November, while addressing the students at Peshawar said :—

"We want to get rid of the British but we do not want the change of masters. Let three-fourths of India belong to Hindus, where they can rule as they wish, and let Muslims have one-fourth of India where they are in majority. Let us both be free."

Again in his message to the Frontier Muslim Students Federation dated the 18th June, 1945, the Quaid-i-Azam explained :—

"Pakistan not only means freedom and independence but the *Muslim Ideology*, which has to be preserved, which has come to us as a precious gift and treasure and which, we hope, others will share with us."

Then again on the 24th November, 1945, while speaking at the session of the Frontier Muslim League, the Quaid-i-Azam openly declared:—

“Our religion, our culture and our Islamic ideals are our driving forces to achieve independence. So I say to the Congress: ‘Live honourably according to your way of life in your homelands and let us live in our homelands honourably and independently’.”

So far as the minorities are concerned, the Quaid-i-Azam continued:—

“Our religion, our history and our traditions are the strongest and most effective guarantees for the effective protection of the political, religious and cultural rights of non-Muslims. We want to live and let live according to our own ideals, aspirations and mode of life” said Quaid-i-Azam Mohammed Ali Jinnah, adding “that is Pakistan”.

Sir, even on the face of these clarifications and declarations, there seems to be a section amongst us who pose to be more progressive with advanced ideas and broader outlook, hold this view that if Pakistan is declared as an “Islamic State” and “Islam” as the State religion, they will go down in the estimation of the world outside. But may I ask them, through you, Sir, to lay their hands on their breasts and to say as to what has enabled them to earn this status and this position, that today they dare to compare themselves with the world nations? Did their so-called progressive outlook help them in any way? No, most certainly not. “It is Islam and the cry of Islam. It is the unity of the ten crores of Muslims in the name of Islam, at the clarion call of the Quaid-i-Azam that has given you the position.” Why then, should one suffer from that complex. Remember those famous verses of Sir Iqbal which run thus:—

“Quwwat-i-bazu-ai-Muslim ne kiya kam tera,

Tujh ko malum hai leta tha koi nam tera.”

“Canst thou say that even once

One of these did thy name recite?

It was the mighty Muslim arms,

Fulfilled the task and gave them light.”

I would fervently request those of my honourable friends, the votaries of progressive ideas and of the Western culture to take a lesson from the above lines of Allama Iqbal and to mould their future accordingly.

Sir, there seems to be another section which upholds the view that everything that smacks of Islam or Muslim should be placed either in the Preamble or in the directive principles and should not be incorporated in the operative portion. Sir, Pakistan was achieved some six years ago with the avowed object of enabling Muslims to lead their lives according to Islamic ideology and the Objectives Resolution was passed over four years ago, but even a cursory glance at what we have achieved during this period would reveal that we are still far away from the goal. The reason for this state of affairs is obvious. It is admittedly impossible for an individual to live in accordance with the scheme pronounced by Islam, unless the whole society consciously conforms to it, makes the law of Islam the law of the land. But this cannot be done without first framing an Islamic Constitution for the country and thereby erecting the whole superstructure of our young State on Islamic principles.

Again, Islam is the only force which can make us really united from within and if we, God forbid, submit to the pressure of anti-Islamic elements in our society and get deflected from our chosen goal of making Pakistan an ideal Islamic State, the very integrity of our country would be endangered.

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Sir, here is a State carved out of the Indo-Pakistan sub-continent with the declared object of enabling the Muslims to lead their lives according to their own ideals, the ideals laid down in the Holy Quran and the Sunnah, the late Quaid-i-Millat Liaquat Ali Khan on whose broad shoulders had fallen the mantle of the Quaid-i-Azam, repeatedly stated that this country would function as the 'laboratory of practical Islam'. The popular urge of converting Pakistan into a full-fledged Islamic State is only too visible. To ask an overwhelmingly Muslim people to discard its innermost conviction in framing the constitution is to ask it to commit suicide. For the sake of a handful of persons who may have come to disbelieve either in Islam itself or in its dynamic possibilities, this essential need cannot be overlooked.

So, Sir, if the pledges of Quaid-i-Azam and of the Muslim League for the foundation of an Islamic State in Pakistan and the passing of the Objectives Resolution by this august House were not frauds to deceive the people, it is imperative that the Constitution of Pakistan should declare it most unequivocally to be an Islamic State, and 'Islam' as the State religion. These things should be incorporated in the body of the Constitution itself. It is essential for removing all doubts about the nature of the State and for stopping propaganda of secularism, communism, atheism, materialism and other godless cults which cut at the very root of the creed of Pakistan, and which are growing in strength and threatening the disintegration of the 'Millat'.

I must congratulate the authors of the B.P.C. Report for inclusion of para. 3 in Chapter III of Part I, that "No Legislature should enact any law which is repugnant to the Holy Quran and the Sunnah", in the operative portion of the Report. I would also suggest that the following paras should be added after the said para :—

(a) That the name of the State should be 'Islamic Democratic Republic of Pakistan', and

(b) an organisation should be set up for making the teachings of Islam known to the people and for *Amr-bil-Maruf* and *Nehi-anil-Munkar*.

Sir, if we mean business, we must come out with a clean hand, and should not fight shy to tell the world outside, what we actually mean and want to do. When 19 out of the 31 principal states of the world including U. K., have openly declared their State religion in the Constitution, I fail to understand what stands in our way in doing so. Are we to take our inspiration from U.S.S.R. which is heading towards godlessness ?

Mr. President ! Sir, after the final fall of the Khilafat-e-Rasheda at the battle of Karbala, Pakistan was the first democratic State which has been conceived, demanded and formed on the basis of Islam. Islam, the Shariat of Islam, is the one and the only cohesive principle of Pakistan. Some of our friends sitting opposite, including Mian Iftikharuddin and Mr. Dutta and others, tried to set up U.S.A. and U.S.S.R. as the ideal. I want to tell them, through you, Sir, "Do not be carried away by the glamour of Washington and the glitter of Moscow. Let us call back the world to Mecca and Medina which is the only minaret beaconing humanity to the heaven of safety and salvation, peace and progress. How can you expect guidance from Europe and America, the West and the East to guide you in politics and sociology when they have plunged humanity into two world wars in one generation and have brought her to the creator of the third and perhaps the last" ?

Islam is not only a perfect religion. It is also a perfect polity and a complete code of life. It is the only order which in history, has conquered race, colour and class divisions, ordered man's individual and social life on a universal pattern and realised in actual practice a real social democracy, a just economy and a world brotherhood. It still can unite races of the East and the West and get justice for all peoples of the world.

In that faith and fortified by that conviction, let us march forward into the future and by the grace of Allah the Almighty victory will crown our efforts. (*Applause*).

Now, Sir, one word regarding the State language. I feel it my bounden duty to mention here that there is a very important omission in the B.P.C. Report. Language plays a very important part in the life of a nation and its growth, and State language is invariably mentioned in the Constitution of every civilised country. But in our B.P.C. Report there is no mention as to what should be the State language of Pakistan. There is an urge from all quarters that the State language of Pakistan should be declared without further delay. I do sincerely feel that this should be done immediately and it be incorporated in our Constitution; otherwise much scope will be left for adverse criticism which is bound to create discontent and distrust amongst our people. I regret very much to read the speeches of the Honourable Mr. Feroze Khan Noon and Dr. Abdul Huq, publicly made the other day at Karachi in connection with the State languages of Pakistan. To set at rest all such controversies a decision should at once be taken by this House, and in this session.

Sir, if there be only one language in an Islamic State, what I sincerely feel should be, then "Arabic" should be the only State language in Pakistan. But under the present circumstances if the House decide that there should be more than one language, as we find that in Canada there are two languages, in the Swiss Confederation there are three languages and there are countries with more than half a dozen languages, in that case I would suggest that Arabic, Bengali and Urdu should be the State languages of Pakistan and a clause to that effect should be incorporated in the B.P.C. Report.

Sir, I would like also to mention here and express my viewpoint regarding the Head of the State and his powers. The discretionary powers of the Head of the State have expressly been mentioned in para. 23 of Chapter I of Part III in the B.P.C. Report. It is evident that it is never the intention, that the Head of the State should exercise any more power in his discretion other than those mentioned in the said para. This being so, the words "unless the text otherwise requires" in para 12(3) be not omitted, will create confusion and the Head of the State might fall back upon those words to perform some other functions other than those provided under the constitution in his discretion. Similarly the words "should hold office during the pleasure of the Head of the State" in para. 27(5) should be omitted and similarly other powers not covered by para. 23 should also be deleted from the Constitution. I say all these, as I strongly feel that the recent happenings in Pakistan should be an eye-opener not only to this nation but to all the nations of the world.

Now, Sir, before I conclude, I make bold to make some observations on certain allied matters. While welcoming the parity and the formula that was given by our Prime Minister, I submit most sincerely that its scope should be extended. The parity formula has been welcomed in

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all quarters because it has among other things resolved the Bengal-Punjab controversy. But, Sir, what I do honestly feel is that unless the parity formula is also extended in the matter of appointments of other Cabinet members, including Ministers of State, Deputy Ministers and Parliamentary Secretaries, the real bone of contention will never be removed. A compromise between the Head of the State and the Prime Minister will not solve the whole problem. We must be realistic in our views and we must put a clause of that nature in the Report for our future amity and friendly feelings. There is another important item which always tends to create discontent and disruption between the two Zones, I think, that also to be a very vital issue. I mean the service ratio in all the Central services including the Military service. As there are provisions for appointment, etc., of High Court and Supreme Court Judges and also of Auditor General, there should also be some such provisions in the Report for the appointment of a "Ratio Officer" to control appointment in various central services according to the ratio fixed for the two Zones. This is really a very vital issue and deserve serious consideration of the House for making the parity formula as a permanent solution of all future controversies.

Shri Dharendra Nath Datta (East Bengal : General) : Ratio Officer ?

Mr. Abdul Monem Khan : As I have already said he should be designated as "Ratio Officer".

Sir, this morning we all came prepared to listen with full attention to a senior member of this House. We all expected that we shall hear many things which might have escaped from the Report of the Basic Principles Committee. I mean, we expected some new light, some new and useful suggestions from a member who claims himself to be the senior-most public man not only in Pakistan or in the Indo-Pakistan sub-continent, but in the whole world. Mr. Fazlul Haq, made a sweeping general remark saying that those who are sitting in this House are all baby politician of few months without having learnt much of politics and having no knowledge of constitutional law. Naturally we expected to hear from him many a sound constitutional formulae still undiscovered, but to our utter disappointment it was found that a very senior member of this House, a new recruit on the Opposition Benches, made a pretty long speech without much reference to context of the B. P. C. Report. We thought he would be throwing some new light to the future constitution of Pakistan. To our utter disappointment he devoted the entire time in narrating his biography ; his checkered career starting from 1906 up to 1940. I shall not take much of the valuable time of this august House in discussing the life of Mr. Fazlul Haq or of any *fossilised or baby* politician but I shall be failing in my duty if I do not attempt to unfold only a few chapters of the life sketch of the Honourable Mr. Fazlul Haq for the information of this House.

Sir, I shall not go back into those pre-historic days. Let us begin from 1936 when the Quaid-i-Azam first started organising the Muslim League. As you all remember that Quaid-i-Azam went to Calcutta in 1946, and made an attempt to unite all the Muslim Leaders in the fold of the Muslim League but Mr. Fazlul Haq did not join. He formed a separate party known as the Krishak-Proja Party. He fought the Bengal Assembly election on Krishak-Proja ticket, and he was returned with a small number of followers on Krishak-Proja ticket. This morning also he was

talking of having support of 90 per cent. of people but let me remind him, through you, Sir, that even in that election of 1937, the members returned on Muslim League ticket formed the largest single party in the Assembly of undivided Bengal.

Shri Dharendra Nath Datta : It is not so.

Mr. Abdul Monem Khan : It was so.

Shri Dharendra Nath Datta : It was the Congress Party.

Mr. Abdul Monem Khan : I shall prove by documents. Just wait a bit.

He won the election on the slogan of abolition of Permanent Settlement. This slogan was responsible for the defeat of Khwaja Nazimuddin who was himself a big zamindar. Soon after the said election Mr. Fazlul Haq deserted the Krishak Proja Party and joined the Muslim League in order to become the Chief Minister of Bengal. His followers in a joint statement condemned him for this betrayal. I read from the speech of Quaid-i-Azam at Serajganj in reply to Mr. Dutta who might have known all these but will not be confessing in this House. Let Mr. Dutta rebut it or say the Quaid-i-Azam did not speak out the truth.

The Quaid-i-Azam in that memorable speech dated the 15th February, 1942, said.....

Shri Dharendra Nath Datta : Five years after !

Mr. Abdul Monem Khan : The Quaid-i-Azam said :—

“Bengal is a continent in herself. With our young and poor organization we captured no less than 66 seats in the Assembly and became the largest single party that was returned to the House.”

Are you satisfied, Mr. Dutta ?

Shri Dharendra Nath Datta : I know, I was a member of the Assembly.

Mr. Abdul Monem Khan : You might have forgotten very conveniently.

Then the Quaid-i-Azam went on :—

“The Krishak-Proja Party contested the elections as well. Mr. Fazlul Haq was then the champion of the Projas. His party won some seats. After the elections he conveniently forgot the Projas and others and became, by joining the Muslim League, the leader of the largest party in the Assembly. Not only did he throw over the Projas and the others but he became a member of the Muslim League and preached the creed of the League all over the province, keeping in his pocket at the same time the small Proja group.”

I beg to “Pandit Jwahar Lall too.”

As you all know, Mr. Fazlul Haq was then appointed as a member of the Defence Council set up by the Viceroy. He was asked by the Quaid-i-Azam to resign, the circumstances under which the Quaid-i-Azam asked him to do so you must also know. But Mr. Haq did not resign. The offer of the expansion of the Viceroy's Council was considered by the All-India Muslim League Working Committee of which Mr. Haq was also a member. The said offer was unanimously rejected by the Muslim League Working Committee. But in spite of this Mr. Haq accepted the Viceroy's offer of nomination on the Defence Council secretly, without the permission of the President or without consulting the Muslim League Working Committee. The other Premiers, namely Sir Sikander Hyat Khan and Sir Muhammad Saadullah, who also accepted the

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nomination resigned immediately after the receipt of orders from the Quaid-i-Azam, President of the All-India Muslim League. I would read the relevant portions from the Quaid-i-Azam's speech in that connection also :

"Mr. Fazlul Haq accepted nomination on the National Defence Council secretly without reference to the President and without consulting the Working Committee. When the news was published it was found there were others also who had accepted such appointment but be it said to the honour of the others that both Sir Sikander Hyat Khan and Sir Mohammad Saadullah bowed to the decision of the Working Committee and resigned from the Defence Council."

"*Mr. Haq's Pet Game.*—The third Muslim League Premier, a Premier that Bengal has produced, I do not know how but it is certainly difficult for any part of the world to produce another like him, wanted time to consider whether he should resign from or remain on the Defence Council. Mr. Haq has a pet game that we all know so well. We know when he plays it. When in difficulty Mr. Haq always either wants time or falls ill. The Working Committee did not refuse him time because the Working Committee is a sensible, responsible and considerate body. He was given ten days' time to come to a decision. He was informed that if he did not resign within that time disciplinary action would be taken against him. He decided, after resorting to many tricks which are public property, to resign from the Defence Council but with what grace? You have all read the contents of the letter that he addressed to the Secretary of the All-India Muslim League on the 8th of September, 1941. He made many vile, undignified, false and unjustified accusations against the President, the Working Committee, and the Council of the All-India Muslim League. Remember, up till then the Council had not even considered the matter of Mr. Fazlul Haq's action. It was naturally impossible for any self-respecting organization to permit such libellous and scandalous allegations against its President, the Working Committee and the Council. He went on and on trying to tax the patience of every respectable Muslim in the country and ultimately, you may say, surrendered to the demand of the League in substance if not in form. He requested us after his re-affirmation of loyalty and assurance that he meant no insult or reflection on the President or any member to treat the whole incident as closed. The Working Committee in its magnanimity worthy of a great organisation complied with his request and considered the incident as closed."

This is the character of the gentleman who was speaking this morning in this august House of responsibility, of dignity, of honesty and prestige.

Now, Sir, following the above incident Mr. Haq left the Muslim League in 1941 and formed a Ministry with the help of Congress and Hindu Mahasabha popularly known as Shyama-Haq Ministry and the Muslim League Party went into Opposition. Mr. Haq was this morning abusing Honourable Mr. Nurul Amin for the use of the Safety Act, forgetting for the time being that his regime was notorious for repression, for the misuse of this black law. I again read from the Quaid-i-Azam's speech :

"Now I come to another important matter because it vitally concerns the Muslims of the Province. The Muslim League Party is in the opposition and is, therefore, so long as the Constitution is in operation, entitled to approach the Muslims and to appeal to their electorate against the misdeeds of the Government in power. We are not interfering with the Hindus at all. We are going to our own people and, surely, are we not entitled to do so? We want to tell the electorate of the *treachery of Mr. Fazlul Haq*. We want to tell them and prove to them how Mr. Fazlul Haq is doing incalculable harm to the Muslims of Bengal and to the Muslims of the whole of India. We want to tell them the truth and Mr. Fazlul Haq hates this. We want to tell them to call upon the representatives they have sent to the Legislature to come to their senses. We want to tell them that these men are causing fatal injury to Muslim interests. Surely we cannot be denied this right. In no country where a constitutional form of government is in operation this fundamental right is denied. Our men are being persecuted and prosecuted. The penal codes of the country are being wrongly utilized. The Defence of India Act, the use of which is permitted only in certain cases and conditions, is being openly abused. I do not know what to say. *Is it the Bengal Government or the Bengal misgovernment that is in the saddle?* It is the special responsibility

of His Excellency the Governor to see that his Ministers do not abuse power and the sooner the Governor acts in the matter the better will it be for the peace of the province. As I have said, every effort is being made to prevent us from appealing to the people. Mr. Fazlul Haq realizes more than any one else in the province that almost 99 per cent of the Bengal Muslims are against him and those who have betrayed the Muslim cause. They dare not face openly and place their case before the people. They want to stop us. We want to tell the truth, they tell the untruth."

Mr. Fazlul Haq is not here. Let him hear these things through our friends sitting opposite as to what Quaid-i-Azam has said about him and his then administration. He has said: "Is it the Bengal Government or the Bengal mis-government that is in the saddle"—so let not Haq now realise what the Quaid-i-Azam said about him.

Sir, Mr. Fazlul Haq challenges the popularity of the Muslim League and its present Government. Let us examine how far his Ministry was acceptable to the people. During his Ministry in Bengal he could not dare even to go out on tour in mufassil. In all the bye-elections in both the Lower and Upper Houses candidates set up by him were defeated including one of his honourable colleagues in the Cabinet, Mr. Abdul Karim, there holding the Education portfolio. Mr. Fazlul Haq was speaking aloud that one school teacher defeated Mr. Nurul Amin. Let Mr. Fazlul Haq now remember that his honourable colleague, the then sitting Education Minister of undivided Bengal, was defeated in the Council elections by this Mr. Nurul Amin, the present Chief Minister of East Bengal.

Mr. President: Mr. Monem Khan will you take some more time?

Mr. Abdul Monem Khan: Yes, Sir, I will require some more time.

Mr. President: Then, I think the House may be adjourned now and you will continue your speech on Monday next.

Mr. Abdul Monem Khan: Very well, Sir, thank you.

Mr. President: The House stands adjourned till 10 a.m. on Monday next.

The Assembly then adjourned till Ten of the Clock on Monday, the 26th October, 1953.