

From States to State : A Study of the Muslim Legislators' Convention (1946)

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In February 1946, the British government announced that a Cabinet Mission would be sent to India to resolve the constitutional impasse. It was widely speculated that a post-war settlement might lead India to early independence. Moreover, the results of the 1946 general elections made it clear that any future constitutional talks would inevitably involve the issue of Pakistan. The election results marked a polarisation between the two contending parties-Congress and the Muslim League-with their conflicting election planks, for the former it was the immediate independence of *Akhand* (meaning undivided) India and, for the latter, Pakistan or partition of India. The claim of the Muslim League to be regarded as the only authoritative and representative body of the Indian Muslims was largely vindicated in the elections, with the exception of the N. W. F. P capturing 423 (87.76%) out of a total of 482 Muslim seats. Meanwhile, in general and

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special constituencies the success of Congress was magnificent as it secured 929 (88.22%) out of 1090 seats. The end of the elections and the arrival of the Cabinet Mission on 24 March came to Jinnah as an opportune moment to express his view on Pakistan in concrete terms something which he had so long been avoiding deliberately. Against this background, he convened a conference of the newly elected Muslim League members of the central and provincial legislatures in Delhi, known as the Delhi Muslim Legislators' Convention, on 7-9 April.

The subjects to be discussed at the Convention were earlier considered by the Working Committee of the AIML at a number of meetings held under Jinnah's Presidentship. A sub-Committee was appointed with Nawab Ismail Khan (U.P.) as Chairman, Hasan Ispahani, (a non-Bengali businessman in Calcutta), Abdul Matin Chowdhury (Assam), I. I. Chundrigar (Bombay) and Chaudhury Khaliquzzaman (U. P.) as members to draft a resolution for the consideration of the Convention.² There was no doubt that Jinnah was the League's 'star-turn constitutional expert.'³ It can be presumed that the status of the Sub-Committee was no more than that of draftsman. The draft resolution was debated in a 69-member Subjects Committee which was formed by taking 10 per cent of the legislators in each province.⁴ At the open session of the Convention held on 9 April, Suhrawardy (the Chief Minister of Bengal) was asked by Liaquat, obviously under Jinnah's advice, to move the official resolution which *inter alia*, stated :

“That the Muslim nation will never submit to any constitution for a united India and will never participate in any single constitution-making machinery set up for the purpose...That the Zones comprising Bengal and Assam in the North East and the Punjab, North-West Frontier Province, Sind and Baluchistan in the North-West of India, namely Pakistan Zones, where the Muslim are in a dominant majority, be constituted into a sovereign independent state. That two separate constitution making bodies be set up by peoples of Pakistan and Hindustan for the purpose of framing their respective constitutions.”⁵

The resolution marked a fundamental departure from the Lahore Resolution which virtually envisaged two independent Muslim states in two Zones of India.⁶ While the Lahore Resolution contained the words ‘independent states’, the Convention resolution incorporated the term ‘a sovereign independent state’ and, thus, it urged the establishment of one Pakistan state comprising the two Muslim Zones. Unlike the Lahore Resolution, it indicated the six so-called Pakistan provinces as constituting the boundaries of the state. Though the issue is of the utmost historical significance, no primary documents of the Subjects Committee debates are available.⁷ The maintenance of ‘strict secrecy’⁸ in League quarters may be one reason for the lack of information about the proceedings of the closed meetings in government records. However, the writings of different leaders actively involved may contain reliable evidence.

Chaudhury Khaliquzzaman claims that he drafted the Convention resolution. Admitting that the word 'States' was the original term of the Lahore Resolution, he substituted the word 'State' for 'States', as he says, "without any intention." He explains his position further :

"May be in my subconscious mind I felt that in public conception the word Pakistan denoted one single state, federal [or] confederal. The Committee also did not question the change."⁹

A (typed) copy of the draft resolution bears the words 'sovereign independent states.'¹⁰ This shows either that the substitution of 'state' for 'states' was made by a higher authority (i. e. Jinnah) and not by Khaliquzzaman, or that the latter did it but only in a second draft, in which case his 'subconscious mind' theory does not hold good. In any event, the members of the Sub-Committee or the Working Committee, as composed, were not expected to question the change. From Bengal Hasan Ispahani was included in the Sub-Committee. He lived in Bengal for business purposes but he was definitely not of Bengal. Moreover, he was one of the most loyal and trusted lieutenants of Jinnah. Besides Ispahani, Akram Khan and Nazimuddin¹⁰ who were members of the Working Committee of the AIML from Bengal, were also tied to the apronstrings of Jinnah's leadership.¹²

Referring to the Legislators' Convention resolution and its marked contrast to the Lahore Resolution of 1940, Shila Sen takes the view that 'this change went unnoticed in 1946...none of the Bengal League leaders

at the time was clear in his mind about the form of Pakistan or the position of Bengal and Assam in the future Pakistan.¹³ It must be remembered that during 1943—1945 some attempts were made in Bengal by the Muslim League leaders and a group of Muslim literati and journalists organised around the newly founded Calcutta-based the East Pakistan Renaissance Society (1942) to give some definite shape to the Pakistan Scheme as far as the Eastern Zone was concerned, developing the ideal of Eastern Pakistan of some kind of Greater Bengal, consisting of Bengal and Assam provinces and a portion of Bihar, as a sovereign state. Both groups within the Bengal provincial Muslim League (BPML), known as, the Hashim—Suhrawardy group (representing the emerging Muslim middle class) and the Khwaja group (representing the landed aristocracy) engaged themselves in demarcating the boundaries of the contemplated state.¹⁴ In his *Draft Manifesto* (1945) of the BPML, Abul Hashim outlined the highlights of a constitution of the proposed state.¹⁵ All these developments together with Hashim's protest against the Convention resolution in the Subjects Committee contradict the view of Shila Sen. Hasan Ispahani, certainly not a friend of Hashim, in *Qaid-E'Azam Jinnah As I Know Him* refers to the Subjects Committee controversy on the form of Pakistan, whether state or states.¹⁶ In *Retrospection*, Abul Hashim narrates the incident as follows :

"...in the Subjects Committee of the convention, Mr. Jinnah placed a resolution demanding one Pakistan state. I (Hashim) rose on a point of order...

I said, 'your resolution is void and ultra vires... The Lahore Resolution of 1940 does not contemplate one Pakistan state but it contemplates two independent and sovereign Pakistan states...The convention of the Muslim League legislatures is not competent to alter or modify the contents of the Lahore Resolution..., which is now accepted as the creed of the Muslim League.' Mr. Jinnah said, 'I see, the Moulana Saheb (as Jinnah called Hashim) is banking upon the plural 'S' which is an obvious printing mistake.' I (Hashim(requested Nawabzada Liaquat Ali Khan... to produce the original minute-book (of the Lahore Resolution) . in it Mr. Jinnah saw under his own signature the plural 'S'. Nawabzada Liaquat Ali said, 'Qaid-e-Azam we have lost our own case.' Addressing me, Mr. Jinnah said, 'Moulana Saheb I do not want one Pakistan state but I want one Constituent Assembly for the Muslims of India.'¹⁷

Ispahani's account differs from Hashim's in the last sentence. He says, "... The Qaid-E-Azam replied what really mattered was the intention and not the world. In fact, he directed that the records be rectified."¹⁸

Like his political master (Jinnah), Ispahani also maintains that the word 'States' was a 'typographical error.'¹⁹ In spite of his claim that Jinnah had ordered the correction of the "error", the last edition of the ATML constitution, published just before partition would show that the word 'States' remains unchanged.²⁰ Ispahani further holds the view that "the nation from

the beginning had looked forward to a united sovereign Pakistan.²¹ This is a distortion of the truth. Even on the eve of the 1945-46 elections, Ispahani himself made a speech urging the establishment of 'independent and sovereign states' for the Indian Muslims.²²

Although Jinnah was all-powerful, in the Subjects Committee the fourteen members from Bengal²³ should have been able to offer persistent opposition to the Convention resolution. Yet Abul Hashim's was the lone voice of protest.²⁴ Indeed the Bengali members were divided between the Hashim-Suhrawardy and the Khwaja groups. Like Nazimuddin, Akram Khan and Ispahani, their supporters in the Subjects Committee were Jinnah's followers. In the absence of any clear-cut scheme for Pakistan from Jinnah, for some time the Khwaja group thought of an independent Eastern Pakistan in the light of the Lahore Resolution. When Jinnah came forward with the idea of a single Pakistan, the group fell into line. This shows that for the members of the Khwaja group, the ideal of Eastern Pakistan was not a matter of deep conviction.

The role of Suhrawardy and other members belonging to the Hashim Suhrawardy group remains controversial. They were not known to have registered their protest in the Subjects Committee; indeed it was Suhrawardy who moved the resolution in question in the open session of the Convention. After a few months, the same Suhrawardy along with Abul Hashim, Sarat Chandra Bose and Kiran Shankar Roy initiated a move for a united and independent Bengal.²⁵ It is possible that Hashim was also the voice of Suhrawardy and

their supporters in the Subjects Committee.

It can be argued that the Legislators' Convention was not the proper body to amend the Lahore Resolution which was adopted at the Annual session of the AIML and later became its creed. The Convention resolution was not an amendment but 'entirely a new document'²⁶ designed to serve a particular purpose; Serajuddin Hussain,²⁷ like other sympathisers of Suhrawardy, holds the same view; "the resolution moved at the Legislators' Convention of 1946 by Mr. H. S. Suhrawardy was adopted as a vehicle of ushering in a separate Constituent Assembly for the proposed homeland of the Muslims, obviously with the intent to frame a constitution based on the Lahore Resolution²⁸" However, the point is that Jinnah could have claimed a single Constituent Assembly for the Muslim Zones without substituting the word 'State' for 'states' in the Convention resolution. There was no doubt about the fact that Jinnah wanted one Pakistan state. Immediately after the Convention, he, raised the demand for a 'corridor' linking the two Muslim Zones.²⁹ Only a few months later *Dawn*, the mouthpiece of the AIML, published a map of Pakistan³⁰ in which Bengal and Assam were shown as its parts, whereas the map produced by the East Pakistan Renaissance Society named these two provinces as Eastern Pakistan.

It was Fazlul Huq (Bengal) who moved the Lahore Resolution in 1940. Shifa Sen seems to be right in holding the view that by asking Suhrawardy to move the Legislators' Convention resolution Jinnah sought tactfully to bury any, future controversy about the

removal of 'S' from the word 'States.'³² It can be presumed from Abul Hashim's protest in the Subjects Committee that Jinnah understood that there would be more controversy on the issue if the Convention resolution were even placed before the council or the open session of the AIML. So, he refrained from referring it to these bodies, which alone were constitutionally competent to make any change in the aims and objectives of the party. What really mattered to Jinnah, as Ispahani said, was the intention. He, of course, succeeded in establishing a single Pakistan, though the creed of the League in black and white remained the establishment of 'independent states', meaning more than one Pakistan.

What could be other possible considerations that led Suhrawardy to move the resolution? In fairness to him, it may be said that he simply obeyed Jinnah's command,³³ Hashim states that he deliberately absented himself from the open session of the Convention at the time when Suhrawardy was moving the resolution as he feared that if he were present, Jinnah would have asked him to move it. Suhrawardy was not even a member of the Sub-Committee appointed by the Working Committee of the AIML to draft the Convention resolution. His relations with the League High Command had already been strained to a considerable extent. Suhrawardy was not the type of man who could be expected to remain ever loyal to the League High Command. He was never nominated by Jinnah as a member of the working committee of the All-India Muslim League, His ascendancy as the League Parlia-

mentary Leader in Bengal in place of Jinnah's ever loyal Khwaja Nazimuddin came to the dislike of the High Command. Perhaps Suhrawardy did not want to risk his Parliamentary leadership by disobeying it. Already there was a bloc of supporters of the Khwaja group within the Bengal League Parliamentary party. However, the main consideration for Suhrawardy seems to have been the need for unity in the struggle for Pakistan. As the very issue of Pakistan was still undecided and uncertain, he might have thought that first one should aim at getting some kind of Pakistan conceded by the other parties, i. e., Congress and the British government, and only thereafter determine the status of Bengal and Assam.²⁴ Any disunity among the Muslim community at that stage could be disastrous to the prospect of any sort of Pakistan; the Muslims were urgently required to forge greater unity in their ranks in order to press strongly the demand for Pakistan, capable of sinking the Hindu opposition. It will be evident from an inside study of Suhrawardy's role in the move for a United Independent Bengal during April-May 1947 that by moving the Convention resolution he did not drift away from the original ideal of independent Eastern Pakistan, rather it was for him a matter of strategy and tactics.

However, it is incredible that the exponents of an independent Eastern Pakistan or some kind of greater Bengal did not publicise their ideal, which largely remained the preserve of a number of leading figures at the top. This is further disgraceful that at this

junction in the history of founding a nation state, the leadership failed to rise to the occasion and self-aggrandizement seemed to receive more attention than that of a higher cause as the statehood ideal was.

Notes and References

1. In the N. W. F. P., the Muslim League was able to secure only 17 out of 36 Muslim seats.
2. Chaudhury Khaliqzaman, *Pathway to Pakistan*, (Pakistan : Longmans Green and Company Ltd., 1961), p. 340 ; also Nawab Ismail Khan to Khaliqzaman, 20 October 1953, *ibid.*, p. 343.
3. Casey's interview with Hasan Ispahani on 24 November 1944, Casey's *Personal Diary*, Photo Eur. 48/3, p. 150, in India Office Library, London.
4. See the composition of the Subjects Committee in Pirzada (ed.), *Foundations of Pakistan : All India Muslim League Documents*, Vol. II, (Karachi : National Publishing House Ltd., 1970), pp. 510, 511; also Jinnah's opening address at the Legislators' Convention, *ibid.*, p. 507 ; *Millat* (Bengali), 12 April 1946, pp. 2, 7.
5. Quoted in various newspapers and books. See *Star of India*, 9 April 1946, p. 1 and p. 6 ; *Millat*, 9 April 1946 : S Pirzada (ed.), *op cit.*, pp. 512-13 ; Chaudhury Khaliqzaman *op. cit.*, pp. 340-41 ; also *Muslim League Legislators Convention*, vol. 280, part ii, p. 78, *Archive of Freedom Movement* (AFM), Karachi
6. The Lahore Resolution stated, inter alia, that "geographically contiguous units are demarcated into regions which should be so constituted, with such territorial readjustment as may be necessary, that the areas in which the Muslims are numerically in a majority, as in the North-Western and Eastern Zones of India, should be grouped to constitute *Independent States* in which the constituent units shall be autonomous and sovereign." S. Pirzada (ed) *op. cit.*, pp. xxiii-

- xxiv. Emphasis provided.
7. The writer has been able to consult two files on Legislators' Convention at the AFM, Karachi University Library, but nothing was found regarding debates on the resolution within the Subjects Committee.
 8. S. Pirzada (ed.), *op. cit.*, p. 511.
 9. Chaudhury Khaliquzzaman, *op. cit.*, p. 341.
 10. This is to be seen in *Muslim League Legislators Convention*, vol. 280. part ii, pp. 75-77.
 11. As Nazimuddin went abroad long before the Legislators Convention, he was unable to attend its meetings or those of the AIML Working Committee. Akram Khan and Ispahani attended. It is easy to understand what role would have been played by Nazimuddin had he been present.
 12. Casey's *Personal Diary*, photo Eur. 48/3. pp. 186-87.
 13. Shila Sen, *Muslim Politics In Bengal, 1937-1947*, (New Delhi : Impex India, 1976), p.207.
 14. For details, see Harun-or-Rashid, *The Foreshadowing of Bangladesh*, (Dhaka : Asiatic Society of Bangladesh, 1987), pp. 216-225.
 15. See the *Draft Manifesto in Star of India*, 23 March 1945, p. 3.
 16. Also see K. B. Sayed, *Pakistan The Formative Phase, 1857-1947*. (London : Oxford University press, 1968), p. 116.
 17. Abul Hashim *In Retrospection*, (Dhaka : Mowla Prothers, 1974). p. 109.
 18. M. A. H. Ispahani, *Qaid-E-Azam Jinnah As I Knew Him*, (Karachi : Forward Publications Trust, 1966), p. 159.
 19. M. A. H. Ispahani, *Ibid.* p. 160.
 20. See Nawab Ismail Khan to Khaliquzzaman, 15 November 1953, Chaudhury Khaliquzzaman, *op. cit.* 344
 21. M. A. H. Ispahani, *op. cit.*
 22. In his presidential address at a public meeting held in Calcutta on 8 April 1945, Hasan Ispahani said : "Muslims are determined to carve out their homelands as *completely*

- Independent and sovereign states.* "Star of India, 9 April 1945, p. 6. Emphasis provided.
23. They are: H. S. Suhrawardy, Abul Hashim, Khan Bahadur Moazzemuddin Hussain, Khan Bahadur Sharfuddin Ahmad, Khan Bahadur Mohammad Ali, Hamidul Haq Chowdury, Shamsuddin Ahmad, Fazlur Rahman, Chowdhury Moazzem Hussain, Abdullahel Baqi, M. A. H. Ispahani, Khan Bahadur Gofran, Ahmad Hussain and Khan Bahadur Nurul Amin. S. Pirzada (ed.) *op. cit.* p- 511; *Millat*, 12 April 1946, P. 2,
24. In an interview with the writer, (late) Shah Azizur Rahman, a strong supporter of the Khwaja group who attended the open session of the Convention as a student leader, stated that a good number of Bengali delegates were not in favour of the resolution as it was an amendment of the Lahore Resolution. (Interviewed on 10 November 1982 in Dacca) In another interview, (late) Maulana Abdur Rashid Tarkabaghish who attended the Convention as a member of the Bengal Assembly, said that he was definitely against the resolution but opportunity was not given to him express his opinion. (Interviewed by the writer on 3 November and 13 November 1982 in Dacca.)
25. For details, see Harun-or-Rashid, *op.cit.*, pp. 273-340.
26. Serajuddin Hussein, *Look Into The Mirror* (Dacca: Mohiuddin Ahmed, 1974), p. 4.
27. He was a reputable journalist. Before 1947 he served in *Azad*. He became the News-Editor of the most popular and widely circulated Bengali daily *Ittefaq*, the mouthpiece of the Awami League during the Pakistan period. Serajuddin Hussain was one of the journalists killed by the Pakistani Armies and their collaborators during the Bangladesh war of liberation in 1971.
28. Serajuddin Hssain, *op. cit.*
29. See Jinnah's interview with Victor Lewis, the special correspondent of the Welsh daily *The Western Mail*, in *Star of*

- India*, 11 April 1946, p. 1.
30. See Harun-or-Rashid, *op. cit.*, Appendix-C.
 31. *Ibid.*, Appendix-B.
 32. Shila Sen, *op. cit.*, p. 208.
 33. Abul Hashim, *op. cit.*, p. 110.
 34. See Suhrawardy's interview with the press in *Star of India*, 13 April 1946, p. 3. Suhrawardy said, The question before the country now was one of Pakistan and Hindustan. Expressing his desire to determine the status of Bengal later on, he said, 'Bengal ought not to be dismembered and I believe that my Hindu friends also would like Bengal to remain one entity.'