Genesis of Federalism in Pakistan: A Historical Content Analysis

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ABSTRACT

This article would attempt explore the roots of federation of Pakistani with respect to analyzing its political and Constitutional history from the British India. Because the idea of federation in this region has its roots in that period. The ideas of federalism emerged from the British introduced constitutional schemes. In response to that schemes, Congress and Muslim League had its own demands and which manifest their particular orientation for federalism. The theme of this article is to explore the differences of Congress and Muslim League on the federal arrangement in British India and on the future union of India. In this regard position of Muslim League is especially put in to consideration that what the party has its ideology regarding the federal form of government. For understanding the nature of Muslim league’s ideology regarding federalism, the politics and policies of Muslim League are studied in this article. This article poses challenge to the claims which are taken as granted that the League was a champion in demanding the maximum provincial autonomy in British India. The article would also highlight role of Leagues’ politics in Muslim Majority provinces to understand its nature of politics for federal arrangement in India. The important question that why Pakistan did not been a viable federation is sought out in the nature of Muslim Leagues politics in British India. A content analysis method is adopted which is qualitative study to find the historical context of evolution of federalism in Pakistan.

Keywords: Federalism; Theory; British India; Muslim League; Provincial Autonomy

INTRODUCTION

Pakistan emerged a democratic federal state after its independence in 1947. It was only federation in name; actually it was some sort of strong centrist federation. It failed to fulfill the basic characteristics and requirement of federation. It is right that one cannot fix the specific
model of federation and the same could not be applicable to the other nation state. Every federation has its distinct features evolved from its history, geography, particular class, culture, ethnic composition, military, bureaucratic institution, democratic culture, diversity of languages and religions, prevailing in the society. But these factors contribute to give different shape to every specific federation. The federation in its true sense and spirit would be one that qualifies the basic characteristic. Ronald L. Watt proposes the following general characteristic which a viable federal state should possesses,

i. Two orders of government each acting directly on their citizens.

ii. A formal constitutional distribution of legislative and executive authority and allocation of revenue resources between the two orders of government ensuring some areas of genuine autonomy for each order.

iii. Provision for the designated representation of distinct regional views within the federal policy making institutions, usually provided be the particular form of the federal second chamber.

iv. A supreme written constitution not unilaterally amendable and requiring the consent of a significant proportion of the constituent units.

v. An umpire (in the form of courts or provision for referendum) to rule on disputes between government.

vi. Process and institutions to facilitate inter-governmental collaboration for those areas where governmental responsibilities are shared or inevitably overlap (Watts, 1996).

It is the reason that scholars on federalism understand Pakistani federation a quasi-federation because it did not fulfill the basic criterion of federation (Adeney & Bhattacharyya, 2018; A. Shah, 2012). The federation of Pakistan has no full characteristic that a viable federation must have. This default starts with the inception of Pakistan. It became a centrist federation which created apprehensions and distrust against the Muslim league and the federal government (Deese, 2019; Topich, 2018). Ian Talbot enumerates the list of authoritative policies which Pakistan inherited from colonial powers. These were preventive detention, prohibition of political actions and control of Press, Pakistan’s ruling elite resuscitate the emergency powers of 1935 government of India Act, which facilitated the centre to dissolve a provincial government. Public and Representative Officers Disqualification Order (PODO), a colonial legacy’s was introduced soon after independence. More ever, Christophe Jaffrelot writes about Mohammad Ali Jinnah that he wanted to build a strong state relying on the three fold principle, one nation, one culture and one language (Jaffrelot, 2005). The vision and the culture of power in newly emerged state did not create a favorable environment where democracy and federal idea could be developed. Series of these events, paved the way for the debacle of Bengal in 1971.

METHOD

I have adopted the qualitative methodology to do my research work because this type of methodology suits my research plan. There are books, research papers, reports, newspapers, thesis and Constitutions. The study plan is more related to the reading material than doing the field work. I have gone through the primary and secondary resources during my study. Primary sources which I studied were Constitutions of Pakistan along with certain amendments and the
Constitutional Acts which were introduced by the British government in India. Secondary sources which I studied were containing books, research articles, thesis, magazines, reports and newspapers.

A huge set of books and documents have been read in order to determine the evolution of federalism in Pakistan. First a list of books and official documents were gathered and then filtered according to need of this paper. This ends with the descriptive study of the topic to determine the genesis of federalism in Pakistan since 1947.

RESULT AND DISCUSSION

History of Pakistan is differently traced. It is full of the accounts of demand for maximum provincial autonomy and loose federation. Most of the writers on the federalism in Pakistan praise and applaud the struggle of Muslim League that it revolved on the single agenda and goal that was to struggle and fight for the cause of Muslim minority to get maximum provincial autonomy and loose federation. To some extent, it is a fact of history that Muslim league was in favor of loose federation in United India. But here arises a question that if Muslim League was engaged and committed with the idea of loose federation and provincial autonomy then why it failed to develop federation with its true spirit after making of Pakistan. Could its answer be satisfactory that it supported the cause of provincial autonomy and loose centrist federation in United India because of the fear of permanent Hindu dominance after the British withdrawal? Muslims were in sheer minority, they would never become successful to form government in the Centre and provinces, if India would be a unitary state. Could it be possible reason that after independences of Pakistan, there was no fear of Hindu domination? In Pakistan Muslim constituted the absolute majority of total population, they were in absolute majority; they had no sense of fear of dominance of other entity in Pakistan. Therefore, they became less interested in making Pakistan federation resting residuary power in the units. Is that explanation satisfactory to understand Pakistan a failed federation?

Second aspect of the question could be that Muslims started to interact with politics by the introduction of social and political reforms in India. Muslim shaped their political identity with respect to these developments. Syed Jaffar Ahmed traces the Muslim political consciousness when Indian population was divided into different communities and these should be adequately represented at the Centre. Muslims started to demand their representation as a separate community. The government accepted Muslims demand as a separate community in the Indian Council because in 1892 elections to the Councils, Muslims were not given representation. In this way, Muslims further struggled to demand adequate share in legislatures and government (Ahmed, 2013). This political consciousness among Muslims developed in the provinces where Muslims were in minority. However, it did not develop in the provinces where Muslims were in majority. Muslim minority provinces UP (now Uttar Pardesh) and Madras was the Centre of Muslim politics.

Most part of League’s struggle was these Muslim minority provinces. This policy of League even went to extend that it has to secure the interests of Muslim minority provinces when they were repugnant to the interests of Muslim majority provinces. This state is justified with incorporation of weight age formula in Lucknow Pact 1916. A formula suggested that Muslims would get less representation than their population in both legislators in those provinces where they were in majority but more in provinces where they were in minority. One can find another example of it. It was in 1928 in All-Parties Muslim convention; Mr. Jinnah declared that he was ready to have compromise to exchange the advances of separate electorate against a quota of 33% of the seats at the Centre. This was fact that he defended the minoritarian Muslims (Jaffrelot, 2002). The Provinces where Muslims were in majority, remained in less interest of
Jinnah and the League. Muslim majority provinces were not in the list of priority in Leagues politics. Therefore, there became very less connectivity between the League and these provinces. Ian Talbot writes:

“Sindh Muslim League in 1920s and 1930s was only nominally interested in the two most important political movements with far-reaching effects in Sindh. The first was that of the Khilafat Movement, while the second was the movement of Sindh’s separation from Bombay presidency. All-India Muslim League only after 1925 started to take interest in Sindh’s separation, not because the All-India Muslim League loved Sindhi Muslims but because the central League organization wanted to use the issue of Sindh’s separation to pressurize the government for constitutional reforms. That was the reason why the Sindhi Muslims turned away from the League and formed in 1932 Azad Sindh Conference.”

Katharine points out that until the late 1930s Muslim League could only claim to represent those Muslims in Hindu majority provinces (Adeney, 2016). Another place, he quotes Khalid bin Saed, “It had always been the contention of Mohammad Shafi that Muslim majorities particularly where they were narrow as in Punjab and Bengal, were being sacrificed in order to get more seats for Muslims than were due to them on the basis of their population in Hindu majority (Adeney, 2016). This was the political strategy of Muslim League, to overwhelmingly represent the cause of Muslim minority provinces. The mindset of the League is shifted from this strategy to make province in which Muslim are in majority after 1937 election. 1937 elections remain harbinger for the Muslim League to shift their focus in the Muslim majority provinces. Katharine writes that change in the fortunes of the League came after the 1937 elections when the congress gained the majority control of five provinces and the League suffered an electoral debacle (Adeney, 2016).

Very poor performance of League can be judged with results of elections. Muslim League could able to secure only 26 Muslim seats out of the 482 seats which were reserved for Muslims on the bases of separate electorate (Ahmad, 1959). The results of elections indicate the very poor appeal of Muslim League in Muslim majority provinces. League could be able to get only 5% of Muslim vote. League before the elections have understanding with Congress to form coalition government, but with the absolute victory in six provinces, Congress declined to form government with league. It proposed severe conditions, such as dissolution of parliamentary board and merger of the UP Muslim League into Congress. Kuldip Nayar pertinent to the formation of ministry in 1937 writes about Jinnah that if Nehru had realized to form coalition government of League and Congress in UP. The Pakistan could not have been formed in future. This was the time and circumstances, Jinnah changed the League’s strategy.

Talbot writing about the position of League at the time of 1937 elections that pitifulness of League can be seen in the performance of elections. It captured only single seat in Punjab, shows the very narrow social base of League. Hamza Alvi expounds this failure to reach an accommodation with the Congress after the 1937 elections finally forced Jinnah to reconsider his strategy. Still the League has no greater influence in the Muslim regions of India but it was only limited to the salaried Muslims of UP, Bombay and Bihar. The 1937 elections as he is reemphasizing were the game changer of the politics of Jinnah (Alavi, 2002). Alvi further explains that now the position of Jinnah was that he was ready to gain the support of landlords at any cost and price in Muslim majority provinces. Alvi gives the reason behind all this to make the League at least nominally the ruling party in Muslim majority provinces. This will provide base of legitimacy of claim that he is the sole and legitimate voice of the Muslims of India (Alavi, 1988). The Lahore resolution of 1940 is the culminations of Jinnah’s changed strategy. The content of resolution is mentioned here,
“It is the considered view of this session of the All-India Muslim League that no constitutional plan would be workable in this country or acceptable to Muslims, unless it is designed in the following basic principle, namely, the geographically contiguous units are demarcated into regions which should be so constituted, with such territorial readjustment as many 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 (Khan, 2005).

The resolution was passed in Lahore and it was later known as Pakistan Resolution. Hamid Khan writes in the defense of resolution that it was the only statement on which Jinnah could get consensus of the Muslim community all over India. There were after all severe contradictions between the interests of Muslim majority provinces and Muslim minority provinces (Khan, 2005). Jaffrelot states that “Jinnah asked for a separate state, a state that the minoritarian Muslims could govern” (Khan, 2005). He traces the roots of this project in the speech of Allama Mohammad Iqbal delivered at the annual session of Muslim League at Allahabad. Iqbal incorporates only Sindh, Punjab, NWFP and Balochistan in his dreamy desire. However, Chaudary Rehmat Ali’s proposition in pamphlet ‘Now or never’ in 1933, includes Punjab, Kashmir, Sindh, NWFP and Balochistan. Both the schemes unfortunately have no place for Bengal to be incorporated. He considers that Lahore resolution itself is ambiguous about its meaning. Weather it is proposing one state or two states (Khan, 2005). Hamid Khan criticizes the content and incompleteness of resolution that it was exploited by Mount Batten and Nehru for the partition of Bengal (Khan, 2005). The Lahore resolution is perceived by the ethno-nationalist a Magna-Carta of Pakistan because all the provincial leaders derive their ideology for separatist movements or for maximum provincial autonomy from this resolution.

Talbot analyses that freedom struggle has shallow roots in the territory where Pakistan was formed because the movement was late comer not only in Punjab but also in other provinces which likely were to form Pakistan (Baxter, 2000). Muslim League had stronger position in the salariat class of Muslim minority provinces. Because political consciousness as a separate entity of Muslims formed and developed there, it was the unfortunate 1937 elections which broke the deep slumber of Mr. Jinnah about the electoral politics to gain and win Pakistan for a minoritarian Muslims. There after the establishment of a strong centre was life line for many Muhajir politicians who lacked electoral support in the country (Alavi, 2002). In Sindh, Muslim League nominally existed till the mid of 1940. The strength of Muslim League was worst in NWFP, that till 1947 or the independence of Pakistan it had no any ministry there. There was government of Congress in NWFP at the time of independence of Pakistan.

History is evident that Muslim League, we find its interaction with provinces which constituted Pakistan was in the beginning of last decade of half of twenty centuries. It was too late to come in provinces to strengthen its party and represent masses from Muslim majority provinces within the local masses. This attitude of lack of interest of League in communicating with the masses created insurmountable challenges after independent. This was the reason that Muslim League became a centralized political party which is the absolutely against the federal democratic and devaluation norm of politics. Talbot writes about the dangerous consequences of centralized and authoritative politics. He writes that the centralization of power in hands of Jinnah and his allies on the AIML working committee nevertheless set a dangerous precedent. Jinnah always maintained that his authority was not dictatorial but rested on the AIML constitution, the working committee always rubber-stamped his behest and the centralizing power conferred by the AIML constitution provide a model for Pakistan’s future political development.
If we concentrate on the political and constitutional development in India with respect to Muslim community, one can find innumerable speeches and statement of Jinnah which are sufficient to make him the hero of federalism and champion of provincial autonomy. But if we look above discussed paradigm, the history of Muslim League its structure, its foundation in the Muslim majority provinces, there is as such no greater role of Jinnah and League to make the provinces base for their struggle and power so that these provinces have future prospects for maximum provincial autonomy and loose federation where the residuary powers rest in federating units.

Now I would like to discuss another side of the coin, where Jinnah is widely praised for his achieved role. He tries every possible way to represent Muslims. There is however no challenging and contradiction in the statement that Jinnah did every possible effort for the federal form of government and maximum provincial autonomy for provinces. One would never find any fact, statement of Jinnah which testifies Jinnah that he supported unitary form of government. He was the only federalist of India who wanted true federation in India.

The debate of federalism in the India was the culmination of reforms presented by the British government, in order to address and pacify the national movement for the self-home rule, later it developed to demand the complete freedom. But it is not correct to say that federal idea had no existence before the introduction of Montague-Chelmsford Reforms 1919. Katharine finds its root in the Mughal Empire where there was decentralized authority in the princely kingdoms of empire (Adeney, 2016). In colonial India, we find federal India in the indigenous, nationalist movement when Muslim League and Congress jointly organized their annual sessions in Lucknow 1916. We find some glimpse of federal idea demanded by the Muslim League and Congress in their charter of demands. The demand of the both political parties regarding the federalism were, that they demanded from British government a greater provincial autonomy, the scheme of demands allocated subjects to the centre are defense, foreign affairs, customs, ports, telegraph, mint, salt, opium, railways and tributes for Indian states and remaining subjects should be allocated to provinces (Nazir, 2008a). Charter of demand of both political parties, further includes, provincial legislative council which should have full authority to deal with all matters affecting the eternal administration of provinces such as power to raise loans after taxes and to vote on budget. Other features of scheme which were in favor of Muslim minority provinces were separate electorates and one third percent reserved seats in the central legislature.

The joint struggle of both, Congress and Muslim League pressurized the government to introduce the reforms. Their struggle succeeded to some extent. British government introduces the constitutional scheme which is known as Montague-Chelmsford Reforms in 1919. The features of reforms were that the numbers of Indians in the Governor General’s Executive Council increased to three, bicameral legislature was introduced in the scheme. The distribution of the subjects in lists was that, Centre was given foreign affairs, defense customs, relations with Indian states, currency, railways and telephone. Provinces were allocated local government, public health, education, irrigation and agriculture. Diarchy was the distinct features of the reforms. Provincial subjects were further divided into reserved and transferred subjects. Reserved subjects were given to governors and transferred to the ministers (Nazir, 2008a).

Though scheme of reforms introduced the bicameralism and the principle of division of powers which constitute the essentials of federalism, yet it was a shallow scheme pertinent to the criterion of federalism. It provided very limited provincial autonomy. According to Syed Mujawar the reforms were quite unsatisfactory. The reforms did not allocate authority to the ministers but make them powerless, helpless due to the complicated distribution of powers and administration was divided into parts which are against the principle of diarchy (S. M. H. Shah, 1994).
There was consensus among both political forces, Congress and the League on the questions of federal form of government in India. Muslim League was more inclined to the provincial autonomy. It was of the view that provincial autonomy was in the interest of Muslims (Ahmed, 2013). Mujawar thinks that prior to the Montague-Chelmsford Reforms 1919; there exists no any division in the rankings of political parties about the issue of the federal form of the government in India (S. M. H. Shah, 1994). The reforms failed to satisfy League and Congress. Both political parties opposed the reforms. Raza Rabani calls the Reforms that they were on the opportunistic bases but the concept of federalism was gaining importance and acceptance in India (Rabbani, 2011). Katharine Adeney contradicts with the views of Jaffar and Mujawar not wholly but partly. She may agree with them on the position that prior to the Montague-Chelmsford Reforms, there was consensus on the federal form of government between Congress and Muslim League. But she disagrees with them, and claims that throughout the nationalistic movement there was consensus about the federal form of government. But the gap and fissiparousness was found in them about the form and design of federalism (Adeney, 2016). Montague Chelmsford Reforms were rejected because they fail to accommodate the political interests of Muslims and Hindus. The reforms did not remain successful to placate and pacify the political forces in India.

The bonhomie between the Congress and Muslim was still active and led in to the very popular movement, Khilafat. The Khilafat movement was not only limited to religious demand for restorations, or protection of Khilafat, religions places and Harmain Sharifein (Macca), but the masses united under one platform to get self-home role. This was movement of masses different religions background people mingled with each other, they exchanged visits in the religions places of other religions. Unfortunately, this bonhomie short-lived and died down quickly. After the ending of Khilafat movement, on the face of Chauri Chaura event, announced by Mr. Ghandhi, there existed no any collective and combine struggle for independence against British government. Riots on the communal bases created deep holes in the unified concept of struggle. Muslim and Congress after this never agreed on common goals and single platform. Muslim League started its journey to secure more and more provincial autonomy due to the fear among Muslims due to the majority of Hindu population. Initially Jinnah thought of the reservation and safeguards in the loose federation will solve the Muslim minority provinces. However, Muslims were in sheer minority in the provincial and central legislature. These political dynamics circumstances shaped the ideas of Jinnah regarding the federation. Now, then Jinnah demanded the loose federation in united India. This could be possible solution in multi-religions country. He demands that strong-centric federalism will not guarantee the protection of Muslim rights. One can find the glimpses of loose federation in the resolution passed, by Muslim in 1924 in Lahore.

“Existing provinces of India should be united under a common government on a federal basis, so that each province shall have full and complete provincial autonomy. The function of Central government being confined to such matters only as are of general and common concern” (S. M. H. Shah, 1994).

The path was straight forward; the policy was very clear that was of the loose federation in which residuary powers rest in the provinces. After the failure of Montague-Chelmsford Reforms of 1919 and one of the provision of 1919 act, that after the 10 years, a committee will be set up to investigate the failure and success of the act of 1919. So it was scheduled to be the formed usually in 1929 but it was formed two years earlier in 1927 due to problems in home.
(England) and abroad (India). The statutory committee was held by Simon later known as to be Simon Commission. Committee structure was that it had no any single member from India but it had all members from Britain. It reached India in February 1928, was boycotted by the most of Indian political parties except Unionist Party and the Shafi League. Due to the protest and boycott on the part of Congress and League, British government challenged Indians to form Constitution of India consensually. The challenge was accepted by the politician of India and all parties’ conference was invited in Bombay 1928. All parties’ conference formed committee which formed the constitution in the three months, published their report known to be Nehru report because the committee was held by Motilal Nehru. Some of the features of Nehru report are mentioned here.

i. It proposed a fully responsible government both at the centre and in the provinces. Provinces be assigned enumerated functions, whereas the residuary powers were to be assigned to the centre.

ii. It introduced bicameral legislature upper house named as senate and lower house of representative. Elections of senate were to be held from provinces, with the method of single transferable vote.

iii. The principle of joint electorate was introduced instead of separate electorate on the basis of adult franchise.

iv. Both the houses of legislation have equal powers except the money bills.

v. It suggested forming a supreme court consisting of the lord president and oath judges were appointed by governor general.

vi. It provided for fundamental rights which were nineteen in number.

vii. It proposed joint electorate with reserved seats for minorities on population basis there were no reserved seats in Punjab and Bengal but it was ensured that religious minorities would be protected. New provinces would be formed on lingual basis (Khan, 2005).

The report was considered and accepted by all the parties Congress held in Lucknow on 28 August, 1928. The large section of Muslim League rejected the report on the basis of joint electorate. Congress in its session in December 1928 accepts the report.

The irony of history is that many Pakistani scholars dismiss the report that it was not federal but suggesting unitary form of government. As Raza Rabbani celebrated personality and politician describes one of the feature of Nehru report that it suggests unitary form of government at the Centre which is quite contrary to the fact. Adeney criticizes those writers who understand that Nehru Report suggests a unitary form of government. She calls those bigwigs have not studied the report carefully. The report is federal in its nature though it has some glimpses of centrist federalism but it is not proposing unitary form of government in its essence (Adeney, 2016). The Nehru report did not satisfy Muslim Leaguers however it antagonizes them. It prepared draft of amendment in the Nehru report but Congress declined their proposed. Then, Muslim League held a special meeting in March, 1929, in which Jinnah presented his very popular fourteen points.

i. Form of the future constitution shall be federal with the residuary powers vested in the provinces

ii. A uniform measure of autonomy shall be granted to all the provinces.

iii. In the central legislature, Muslim representation shall not be less than one-third.
iv. No bill or resolution or any part, thereof shall be passed in any legislature or any other elected body if three-fourth of the members of any community in that particular body oppose it as being injurious to the interests of that community.

v. Sindh should be separated from the Bombay presidency.

vi. No cabinet, either central or provincial should be formed without proposition of at least one-third Muslim ministers.

vii. No change shall be made in the Constitution by the central legislature except with the concurrence of the states constituting of the Indian federation (Rabbani, 2011).

The fourteen points of Jinnah are very attractive and specimen document which envisages federal form of government and protection of the rights of minorities other than Muslims. The fourteen points of Mr. Jinnah were rejected by the Congress and deadlock continues for the consensus constitutional formulation. The feature of federal state can be determined by the speech of Allama Mohammad Iqbal in the annual session of Muslim League in Allahabad. The address is known as Allahabad address. Through his speech, Iqbal demands the territories of the Punjab, Sindh, Balochistan, N.W.F.P and Kashmir should be united into separate autonomous states, Mujawar Hussain by analyzing this speech, points out that rationale behind this demand was, Muslims could only progress in different aspect of lives when, they will be free from Hindu domination and second rationale is the demand was of granting maximum provincial autonomy to the provinces (S. M. H. Shah, 1994).

The constitutional reforms remain bone of contention among British government, Congress and the Muslim League, both political parties hardly agree on the constitutional scheme because of the vast gap and difference in the nature of their demands and priorities. To untie knot of the tangle, Simon Commission published its report in 1930 but the report was rejected by Indian politicians. Congress launched the civil disobedience movement in 1930 when Mr. Gandhi and Irwin failed to sign a pact. Congress demanded for the constitutional assembly to frame the constitutional of India. British government announced the round table conferences (Khan, 2005).

Mushtaq Ahmed writes about the conferences that the demand of Congress was centre should be strong while Muslim League proposed that powers of Centre should be narrowly defined and all the residuary powers should be vested in the provinces. This was the reason that British Government introduced Act of 1935 with three power sharing lists, federal list, provincial list and the concurrent list (Ahmad, 1959). Jinnah, while explaining his points of view in first Round Table Conference, he asked the government to introduce in India a system which was federal, not only in the letter but also in spirit. He asked them that Centre should be allocated defence, foreign affairs and armed forces. He demanded that Centre should have a bicameral legislature with the upper house directly elected by the provincial assembly while the lower house directly by the people. Finally, British government announced the constitutional reforms in the form of detailed 1935 act, which had 14 parts, 321 sections and to schedules. Syed Jaffar Ahmed calls the Indian Act of 1935 not a federal because federal part of the constitution was never implemented (Ahmad, 1959). Muntazara understands that it was the first federal constitution introduced in the India (Nazir, 2008b). It proposes to set up federation, consisting British Indian provinces and the princely states (Rabbani, 2011). The government of India Act, though it was the federal constitution, yet it failed to address the grievances of Muslims and Hindus. The Central government was still in the control of British government. The provinces were circumscribed through the extra-ordinary powers of Governor General, imposing through Governor or his power of assenting or with holding assent from provincial legislature (Ahmed, 2013; Eltrudis & Monfardini, 2020; Gray & Barford, 2018; Lægreid, n.d.; Wight & Perham, 1947). Jinnah rejected the Act on the ground that federal scheme which is
proposed in the Act is devoid of all basis elements and fundamental requirement of federation. Secondly he rejected the Act due to the entry of princely states in the federation on their own terms and conditions would be very detrimental to the vital interests of British India. Congress also opposed the Act but it did not oppose on the basis of federation as a structure of government. It concurred with the British over extend of Indian control of those structures (Adeney, 2016).

Congress won 1937 provincial elections. It secured the majority in six provinces; dismal result of Muslim League in election lost the legitimacy to claim that it is sole representative of Muslim of India. Congress authoritatively denied to forms coalition government with Muslim in even UP. Moreover, the Pirpur Report and Sharif Report disclosed anti-Muslims and pro-Hindu politics of Congress. This was a time and background, Jinnah’s idea of loose federation in United India changed. He started to launch new scheme that was of partition of India and a separate homeland for the Muslims. The Lahore resolution of 1940 was passed by All-India Muslim which envisages both partition of India and separate states for the Muslims. Initially it mentions two states; later on it was amended to a single state by the Delhi Convention of Muslim League legislatures in 1946 (Ahmed, 2013). Ethno-nationalist leaders do not accept the amendment because they think that those legislatures were not so competitive to amend the resolution which was passed by the working committee of Muslim League and the leaders from the Muslim majority and minority areas represented their provinces. This happened amendment was passed in 1946. Then, Jinnah rejected the idea of loose and wider federation in the perspective of united India. He envisaged that loose federation is not the solution for the communal problem of India. It was his 1943 speech, which testifies the rejection of the idea of federation and confederation in united India. He says,

“We are asked by some constitutional pundits what can there not be some sort of loose federation or confederation? People talk like that…. There are people who talk of some sort of loose federation. There are people who talk of giving the widest freedom to the federating units and residuary powers resting with the units. But they forget entire constitutional history of the various parts of the world. Federation however described and in whatever terms it is put, must ultimately deprive the federating units of authority in all vital matters. The units, despite themselves would be compelled to grant more and more powers to the central authority, until in the end the strong central government will have been established by the units themselves. They will be driven to do so by absolute necessity if the basis of a federal government is accepted (Ahmad, 1959).

Now question arises, that Jinnah rejected the loose or broader federation in the United India. Jinnah did not endorse the idea of confederation. He even did not accept the idea of loose federation in India with residuary powers resting in the federating units. There is question that what did Jinnah want for the future structure of Pakistan. Syed Jaffar Ahmed thinks that Jinnah rejected federalism in particular circumstances of India. The political conditions developed in a way that Jinnah thought that federalism in United India will not be possible solution. Therefore, he rejected even loose form of federation.

CONCLUSION

The Lahore resolution is major and important source in understanding the ideology of Jinnah about the federal form of government. It very clearly explicates that Jinnah was struggling for federal form of government. However, the resolution mentions of two sovereign and autonomous states within the north-western and eastern zones. In this regard, Syed Mujawar is
of the view that term sovereign and autonomous were used to indicate that the future constitution of these areas would be of federal character (S. M. H. Shah, 1994).

Another speech of Mr. Jinnah rejects the federalism in United India with residuary powers vesting in the provinces. Jinnah states;

“It is not of much importance whether the units in theory have the residuary powers or the Centre. But once the units accept the basis of a federal government. It follows that it will be inevitably and out of sheer necessity resolve itself into an all-powerful central authority; and the units will be compelled to grant and delegate more and more powers to the Centre, which also can hold these units, as connecting links-more or less country councils or glorified municipalities or feudatory states under the central authority….. Remove from your mind any idea of some form of such loose federation. There is no such thing as loose federation. When there is a central government and provincial governments, they will go on lightening until you are pulverized with regard to your powers as units (S. M. H. Shah, 1994).

Another famous interview of Mr. Jinnah with the Associated Press of America in November 1945, the Quaid-i- Azam explained theory of Pakistan guaranteed that the federated Units of the National Government would have all the autonomy that you find in the constitution of U.S.A…. Canada and Australia (S. M. H. Shah, 1994). Syed Mujawar quotes another statement of Jinnah in 10 December 1945, He declared that the Pakistan government modeled on the lives of the autonomous provinces, with the key powers in matters of defence and foreign affairs etc. would remain in the Centre. This was the vision of great leader, Mr. Jinnah about the future of Pakistan. There is no iota of doubt that Mr. Jinnah through his speeches, statements and interview succinctly explains that form of future constitution of Pakistan shall be federal. A Centre has essential powers and the residuary powers vest in the federating units.

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