

Role of 'Ulamā' in Islamization of the Constitution of Pakistan during 1947-1949

* Dr. Khalil Ahmad

** Majid Rashid

***Dr. Mumtaz Ali Khan

Abstract

Early history of Pakistan shows that the westernized leadership of newly established Pakistan in 1947 to 1949 tried their best to make Pakistan a secular state. It was the result of steady pressure by 'Ulamā' that played a key role in a fundamental constitutional development based on Islamic Ideology. They rendered noteworthy services for this goal. This paper endeavors to highlight the significant services of different 'Ulamā' for Islamization of the constitution of Pakistan. It concludes that 'Ulamā' battled day and night to make Pakistan an Islamic state. They strongly rejected the modernists' notion that Islam was a system for crude and tribal society of seventh century Arabia. The struggle by 'Ulamā' eventually met with success providing the constitution of Pakistan an Islamic perspective.

Keywords: *Pakistan, Constitution, 'Ulamā', Islamization*

Jinnāh's inaugural speech to the Constitutional Assembly of Pakistan was interpreted differently by the diverse religious and political elements of Pakistani society. Liberals and seculars considered it a forerunner to the formation of a secular constitution, while 'Ulamā'

*Assistant Professor, Department of Humanities and Social Sciences, KFUIT, Rahim Yar Khan

**Lecturer, Department of Humanities and Social Sciences, KFUIT, Rahim Yar Khan

***Head of Law Department, NCBA&E Lahore

termed it *Jinnāh's* aspirations towards a modern Islamic State. Religious elements argued that many times in his speeches, *Quāid-e-Azam* stated that Pakistan will be an Islamic state. In one of his messages broadcasted for America in February 1948, he said that he did not know what would be the final shape of the constitution being formatted by the assembly, but he believed that it would be an Islamic and democratic constitution. The Islamic system of life is applicable in our lives as it was fourteen hundred years ago.¹ Religious mind of Pakistan believed that the base of Pakistan's demand was a sacred statement *Lā Ilāha Illallāh*. So whether it was the issue of language, education, national anthem, national flag, the slaughter of cow or a war of constitutional rights, all was a conflict of Islam and atheism.² This paper aims at exploring the efforts of 'Ulamā' for Islamization of the constitution of Pakistan.

To 'Ulamā' the first task was to mold all the institutions and laws according to the Islamic teachings. They felt there were two basic issues: (1) Explanation, protection, and implementation of the ideology of Pakistan and the formation of such a constitution that have no conflict with Islam. (2) Re-organization of such elements who wished Islamic rules and code of conduct.³ The very first assignment of *Majlis-e-'Ulamā'* was to co-ordinate with the national government to design a modern constitution in the light of Quran and Sunnah. Secretary *Majlis-e-'Ulamā'*, *Shafiq Ahmad Siddiqi* wrote a special letter to the members of *Majlis-e-'Ulamā'* Pakistan and advised them to include 'Ulamā' from all sects and schools of thought so that the basics of the Islamic constitution should not have any contradiction.⁴ *Mawlānā Abd-ul-Sattār Khān Niāzī* in Punjab and *Mawlānā*

¹ Ahmed Raeis, *Pakistan Aur Jama'at-e-Islāmī* (Faisalabad: Al-Mezān Publishers, 1986), 54-55.

² Ikram Azam, *Pakistan: Geopolitical and Strategic Compulsions* (Lahore: Progressive Publications, 1990), 276.

³ Monthly, *Charāgh-e-Rāh: Ideological Pakistan No*, (December 1960): 239.

⁴ Shafiq Aunbālave, Shafiq Siddiqi, *Hayāt-e-Shaikh-ul-Islam Allāma Shabbīr Ahmed 'Uthmānī* (Deoband: Uthmānī Tahqīqī-o-Tasnīfī Idāra, n.d), 49-51.

Abdul Hamīd Badāyūnī in Karachi demanded implementation of *Qur'ānic* rules without any delay.⁵ *Mawlānā Abul A'ālā Mawdūdī*, who had vehemently opposed the creation of Pakistan, migrated to Pakistan and broke his silence by delivering a series of lectures in the University Law College Lahore on 18th February 1948 and moved the four points: (1) The real sovereignty belongs to Allah and the country administrators can work as agents. (2) The state would be governed under *Sharī'ah*. (3) Islamic *Sharī'ah* would replace all laws contrary to Islam and in the future no such laws would be formed. (4) The boundary line drawn by Allah about the exercising of powers must be observed.⁶ On February 27, 1948, *Allāma Shabbīr Ahmad Uthmānī* presented two resolutions in the meeting of the constitutional assembly. The Muslims had demanded Pakistan to have a separate state and they can lead their lives according to Islamic *Sharī'ah*. Now the people of Pakistan are in a hurry to obtain those noble objectives.⁷ When *Quāid-e-A'zam Muhammad Alī Jinnāh* toured East Pakistan in March 1948, he assured that this promise should be fulfilled very soon.⁸ *Allāma Uthmānī* demanded an announcement from CAP that the main idea behind the constitution would be Islam. Allah has sovereignty and authority and the government and power given by Allah in a State through the medium of masses can be used only under the guideline and circle of authority drawn by Allah. Islam would be the life pattern of collective and individual life of the Muslims. Every bill, ordinance or law would have an Islamic impact. The minorities would

⁵ The Daily, *Eastern Times*, 30 January 1948.

⁶ Dr. Hafiz-ur-Rehman Sadeqi, *Qarardady Maqased say Islami Qanoon Tak* (Karachi: Tāhir Sons Publishers, 1981), 29.

⁷ The Daily, *Nawā-ē-Waqt*, 1 March 1948.

⁸ Munshī Abd-ur-Raḥmān Khān, *Ta'mīr-i-Pakistan Awr 'Ulamā-i-Rabbānī* (Lahore: Idāra-i- Islāmiāt, 1992), 142.

have opportunities to follow their beliefs and their rights would be properly protected.⁹

'Ulamā' from Congress (*Jamī'at 'Ulamā'-e-Hind*) had remained in Pakistan in large numbers. They hold a meeting under the President-ship of *Mawlānā Ahmad Alī Lāhorī* and demanded that Islam should be implemented soon in Pakistan. *Jamī'at* announced as the formation of Pakistan had become a reality, all the differences had come to an end, all the services of *Jamī'at 'Ulamā'* were for the stability of Pakistan. On 15th April, *Mawlānā Bahā-ul-Ḥaq Qāsamī* demanded the government through a resolution that the demands of MJUI Lahore regarding the implementation of Islamic laws, check on drinking, observing purdah and compulsory prayer (*Namāz*) should be approved and the obligations set by Islam should be fulfilled neglecting the destructive thinking and actions of westernized people.¹⁰ *Allāma Shabbīr Ahmad Uthmānī* said in a statement on 14th May 1948 that to formulate the Islamic constitution, a committee of Scholars should be arranged. He had presented a resolution in the assembly but it had not been discussed in the last two sessions.¹¹ He demands the government of Pakistan to make a committee of Scholars from abroad if needed. He thought that the environment of Pakistan was most favorable for Islamic form of government.¹²

Allāma Shabbīr Ahmad Uthmānī having co-ordination with *Allāma Eḥtishām-ul-Ḥaq* and *Zafar Ahmad 'Uthmānī* decided to have a sketch and to be presented to members of the assembly to make Pakistan constitution according to Quran & Sunnah. A committee of 'Ulamā' was to be made including *Mawlānā Sayyed Sulaimān Nadavī*, *Muftī Muhammad Shafī Deobandī*, *Mawlānā Sayyed Manāzir Aḥsan Gīllānī*, *Dr. Hamīdullāh Haiderabādī*, *Mawlānā Zafar Ahmad 'Uthmānī*, *Mawlānā Idrīs Kāndhalvī*,

⁹ Prof. Anwār-ul-Ḥassan Shīrkōtī, *Khutbāt-i-'Uthmānī* (Lahore: Nazīr Sons, 1972), 309.

¹⁰ The Daily, *Inqilāb*, Lahore, 11 April 1948.

¹¹ The Daily, *Pakistan Times*, Lahore, 15 May 1948.

¹² The Daily, *Nawā-ē-Waqt*, Lahore, 17 May 1948.

Mawlānā Badar 'Alam Mīrathī, and *Mawānā Eḥtishām-ul-Ḥaḡ Thānavī*.¹³ Some of these 'Ulamā' were not in the country. All the other 'Ulamā' feeling the seriousness of the issue at the order of Sheikh-ul-Islam immediately came to Pakistan. A manuscript was prepared and works on it continued later on. All these were raising the issue of the Islamic constitution and there were processions and meetings in different parts of the country.¹⁴

Due to the death of *Quāid-i-A'zam Muhammad Alī Jinnāh* on 11th September 1948, whole the country falls into a swoon. People were not ready to believe in this news. The *Quāid* had a great love and respect for *Allāma Uthmānī*, so he had left a will that his dead body should be handed over to *Allāma Uthmānī* for funeral rites. *Liāqat Alī Khān* showed the will to *Allāma Uthmānī* and he acted accordingly. Another point of the will was for the government to take advice from *Allāma Uthmānī*.¹⁵ On 14th December 1948 *Allāma Uthmānī* presented a resolution of condolence over the Constitutional Assembly. He made an emotional speech and paid tribute to *Quāid-i-A'zam*. He highlighted his matchless services and his role as a history maker.¹⁶

On October 9, 1948, *Attāullāh Shāh Bukhārī* said in a gathering in Lahore that they have settled all their contradictions with Muslim League. They were true well-wishers of Pakistan. He said that if anybody from his Party was proved a traitor of Pakistan, he would be first to like to see the person gun down.¹⁷ *Allāma 'Uthmānī* said the sureties given by *Shāh Sāhib* about

¹³ Hafiz Muhammad Akber Shah Bukhārī, *Shaikh-ul-Islam Pakistan* (Lahore: Qadir Sons, 1992), 144.

¹⁴ Monthly, *Charāgh-i-Rāh*, December 1960, 144.

¹⁵ Walī Mazher Advocate, *Azmatōn kay Charāgh* (Multan: Rezā-ē-Mawlā Press, 1990), 22.

¹⁶ The Constitutional Assembly of Pakistan (CAP) Debates, Vol. iv, 1948-49, dated 14-12-1948, 5-7.

¹⁷ The Daily, *Nawā-ē-Waqt*, Lahore, 11 October 1948.

his group and the individual to be unconditionally loyal to Pakistan, had made *Allāma* Much easy and relaxed.¹⁸

After the death of *Quāid-i-A'zam*, Governor-General *Khāwja Nāzim-ul-Dīn*, during his two year period of power and authority, has arranged many conferences of 'Ulamā' for better practice of Islamic rules in East Pakistan. He advised his staff to completely observe Islamic practices so that they set up a follow able example for the common people.¹⁹

After the correction and amendment in many rough sketches, a final draft appeared. We announced "we have done our job. Now the government and members of the assembly must pay their duty and get approve manuscript which was finalized at the end of 1948.²⁰ In a nutshell, preparation of sketch for the constitution of Pakistan, making of the constitutional committee, its formation, and approval, all that was the result of eminent Scholars from MJUI and the other 'Ulamā'.²¹

The basic manuscript was still waiting for approval from the Constituent Assembly of Pakistan (CAP). Secular group was busy to spread hatred against 'Ulamā' and to bring a secular system. So *Allāma Shabbīr Ahmad 'Uthmānī* decided to resign from Constitutional Assembly but some of his friends stopped him and asked to expose the intentions of the ruling class. On 7th February Provincial Minister *Bashīr Ahmad Sheikh* made a speech in a mosque in Faisalabad. He said, "Pakistan has faced heavy loss in imitating the West. Only Islam and its principles can solve our problems and guide the Muslims on the right path".²² Many 'Ulamā' and old workers of the Pakistan Movement were also raising voice for an Islamic constitution. *Allāma 'Uthmānī* stressed the government may take action and announce that Pakistan is an Islamic state and steps must be taken to

¹⁸ The Daily, *Imrōz*, Lahore, 26 October 1948.

¹⁹ The Daily, *Nawā-ē-Waqt*, Lahore, 25 September 1948.

²⁰ The Daily, *Zamīndār*, Lahore, 4 February 1949.

²¹ Internal clashes about the improvement of Objectives Resolution. The Monthly, *Charāgh-i-Rāh*, Karachi, December 1960, 241-42.

²² Report of the Court of Inquiry, Punjab Disturbances-1953, Lahore, 1954, 15.

solve the issues of the people in the light of Quran and Sunnah. If Pakistan could not follow Islamic principles, it might not remain.²³

Mawlānā Eḥtishām-ul-Ḥaḡ Thānavī made a speech at the conference. He said: "Politics and religion are not two different things in Islam. If Muslims will try to separate these two, it will be harmful".²⁴ The eminent Scholars, guessing the intentions of the rulers, decided to make their struggle strong for the Islamic nature of the constitution of Pakistan. *Mawlānā Uthmānī* said at another event, "if the Islamic constitution is set aside in Pakistan, my line of action will be different from yours."²⁵

The struggle by 'Ulamā' met with success in March 1949 when *Liāquat Alī Khān* introduced the Objectives Resolution in the CAP. Supporting the resolution *Allāma Uthmānī* observed that the concept of separation of religion and politics was alien to the teachings of Islam. The government must be run on Islamic principles and it should be controlled by the people who had firm faith in them. He then emphasized the need for implementing the Islamic economic system.²⁶

Miān Iftikhār-ul-Dīn and the Hindu Members opposed the Objectives Resolution because of its Islamic content. However, the CAP adopted it on 12 March 1949.

'Ulamā' performed a historic role and worked hard to protect the Ideology of Pakistan under the leadership of *Allāma Uthmānī*. 'Ulamā' proved their loyalty to Pakistan with their efforts to make the Ideology of Pakistan as the base of the constitution. The Objectives Resolution was presented by Prime Minister of that time *Liāquat Alī Khān* but it was prepared by *Allāma Uthmānī* and *Muftī Muhammad Shafī* after deep meditation.²⁷ This

²³ Bukhārī, *Shaikh-ul-Islam Pakistan*, 146-147.

²⁴ The Daily, *Imrōz*, Lahore, 7 February 1949.

²⁵ Qureshī, *Caravān-i-Shōq*, 309-10.

²⁶ Pakistan kā Manshōr-i-Āzādī, Official Publication, Karachi, 1949, 1-20.

²⁷ S.M. Akram, *Modern Muslim India and the British of Pakistan* (Lahore: Institute of Islamic Culture, 1987), 486-488.

resolution gave a direction to Pakistan. Now no dictator or a ruler can deviate from it and no one can deny its fruitfulness.²⁸

With the death of *Allāma Shabbīr Ahmad 'Uthmānī*, the most powerful, effective, and important element disappeared from the struggle. The nation had been deprived of a religious guiding source and a true Scholar in the real sense of the word. His presence was a pillar of support for all of his companions in the cause.²⁹

Conclusion

The constitutional history of Pakistan reflects the social, economic, and political dynamics of the state and exhibits the clashes between the politico-religious and secular groups. In this article it is concluded that 'Ulamā' battled day and night to make Pakistan an Islamic state. They strongly rejected the modernists' notion that Islam was a system for crude and tribal society of seventh century Arabia. It was these 'Ulamā's efforts that provide the constitution of Pakistan an Islamic perspective.

²⁸ CAP Debates, Vol. V. 949, Dated 7-12 March 1949, 43-48.

²⁹ Bukhārī, *Shaikh-ul-Islam Pakistan*, 108.