
Jinnah's Principles of Government

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The present paper investigates Quaid-i-Azam Muhammad Ali Jinnah's principles of government. It is an attempt to analyze his ideals, principles and vision towards politics and governance. He envisioned a modern Muslim State, the constitution of which would be democratic embodying the essential principles of Islam such as democracy, rule of law, freedom of speech and expression, women's rights, human rights, equality, tolerance, justice and fair play for all to all, a country where all citizens could freely practice their religious beliefs and achieve political and economic independence. It is only in this perspective that the high ideal of the freedom of belief acquired great significance. His assurance to the citizens of Pakistan that all of them were 'equal citizens of one State' should leave no one in doubt that Pakistan guides enshrined as a modern liberal state guided by the Islamic ideals set in practice by Prophet Muhammad(PBUH) himself. He made it crystal clear that whether it was the question of relations between the democratically elected representatives of the people and the civil-military bureaucracy, or the deliberation of its citizens, or the issue of rapid development, he was optimistic and convinced that Pakistan would emerge as strong modern country. This would be possible, he emphasized, only when the principles of 'service above self' and 'fair play' ruled supreme in translating high ideals into policies of good governance

Introduction

There is between 150 and 200 sovereign states in the world today, the number varying according to how the word sovereign is defined. Each has its own unique ethnic and social composition and its own unique history. The interplay of these, and other, factors has created, in turn, a unique system of government. There will be similarities between different systems but, in the final analysis, each is distinctively unique. ⁽¹⁾ We use the word government in a variety of ways. In a general sense, we use it to mean an orderly way of running a community's affairs. We speak of an administration, in a more specific context, as a setup of individuals who hold the authority to inspire people into behaving in certain ways. Therefore,

the government has the power as well as authority. Their authority is legitimate, in other words. ⁽²⁾ "There are certain basic principles regarding the proper role of government. If principles are correct, then they can be applied to any specific proposal with confidence. The true statesman values principle above popularity, and works to create popularity for those political principles which are wise and just." ⁽³⁾ Jinnah had all the qualities of statesmanship. Resolution, faith, intellectual vigor, idealism and patience are the qualities Muhammad Ali had in abundance. He could not fail with the sense of realism he had; a genuine pragmatic approach he followed and a set of ethical values he upheld supreme. ⁽⁴⁾ The Quaid was optimistic and convinced that Pakistan would emerge as a strong modern country. This would be possible, he emphasized, only when the principles of 'service above self' and 'fair play' ruled supreme in translating high ideals into policies of good governance.

The Constitutional Form of Government

Constitutional government is a regime type that is characterized by the fact that "Government" operates within a set of legal and institutional constraints that both limits its power and protect the individual liberty of the citizens of the polity. Central elements of the constitutional governments therefore are the set of rules or "basic laws" that establish the duties, powers and functions of government and define the relationship between state and individual.

Constitution

Having a constitution is a common characteristic of all nation-states. Across the world, constitution is a significant part of any political setup, thereby it not only becomes the most widely spread phenomenon, but also as a significant "epiphenomenon", as to the organization and direction of the polity of nation, i.e. the role and organization of government. Constitutionalism has been defined broadly by Paul Heywood as: "a set of political aspirations and values reflecting the need to preserve liberty by external and internal checks on administrative powers. Values and norms, in such a description, are related to activities of government and that the governmental actions are constrained by these". ⁽⁶⁾

Jinnah's Struggle for Constitutional Government

Jinnah was well-aware with constitutional political methods. ⁽⁷⁾ At the Muslim League meeting at Bankipur in December 1912, Jinnah invited as a guest, supported and explained "self government suitable to India", he said, "It meant government of the people, by the people". ⁽⁸⁾

He always argued in favour of constitutional methods, and added "mine is the right way-the constitutional way is the right way". ⁽⁹⁾ He struggled for the achievement of the sacred goal of Pakistan in a constitutional manner. The demand

for the establishment of Pakistan was, therefore, a demand for the right of self-determination of the Muslims as a nation, for the achievement of this right; Quaid-i-Azam launched a constitutional and democratic movement. He, therefore, believed in the supremacy of the people in the affairs of the state. It was this aim in view that, he had expressly stated that ‘the Constitution of Pakistan can only be framed by the Millat and the people. The Constitution and the Government will be what the people will decide. He remained true to his ideal. After the establishment of Pakistan, he did not impose a constitution of his own choice because the reason for the emergence of Pakistan was the Indian Muslim’s desire to preserve and foster Islamic values.

Jinnah’s Principles for Constitutional Government of Pakistan

Quaid-i-Azam Muhammad Ali Jinnah was determined to build Pakistan as a constitutional democratic form of government. He believed that there was no friction between a polity entertained in accordance with modern constitutional laws and the Islamic state. Muslims tend to reason that what passes as a democracy and hence constitutional government is at the very heart of Islamic teachings. According to Quaid, fairness, justice, compassion and honesty are all tenets of Islam and an inheritance from the Prophet, who he said thirteen centuries before, “all men are equal in the eyes of God...today I trample under my feet all distinctions of caste, colour and nationality.”⁽¹⁰⁾ The state of Pakistan will be state where every citizen will have equal privileges and they will share equally all obligations that come to a citizen of Pakistan.⁽¹¹⁾ ‘Islam gives us a complete code’, the Quaid said: “it is not only a religion but it contains laws, philosophy and politics. In fact, it contains everything that matters to man from morning to night. The foundation of our Islamic code is that we stand for liberty, equality and fraternity”.⁽¹²⁾ In his Eid message, September 1945, Quaid said:

“Everyone, except those who are ignorant, knows that the Quran is the general code of the Muslims, A religious, social, civil, commercial, military, judicial, criminal, penal code, it regulates everything from the ceremonies of religion to those of daily life; from the salvation of the soul to the health of body; from the rights of all to those of each individual; from morality to crime, from punishment here to that in the life to come, and our Prophet has enjoined on us that every Mussalman should possess a copy of the Quran and be his own priest. Therefore, Islam is not merely confined to the spiritual tenets and doctrines or rituals and ceremonies. It is a complete code regulating the whole Muslim

society, every department of life, collectively and individually”.⁽¹³⁾

What do these various utterances of the founder of Pakistan indicate? It seems to us that he was anxious to give a constitutional government based on Islamic ideology a dynamic interpretation, and to him, making constitutional government meant basing it upon Islamic principles, particularly the principle of equality, brotherhood and social justice. What he tried to imply is that Pakistan should not be Islamic and democratic, possessing these qualities as two distinct and separate attributes, but that it should be through the democratic process, Islamic. Democracy becomes an aspect of its Islamic-ness, a part of the definition of the Islamic state.⁽¹⁴⁾

Quaid-i-Azam Muhammad Ali Jinnah stated constitutional government has to made important policy statements and laid down guidelines to control the destiny of the nation and its people. Jinnah made a pledge: “My guiding principle will be justice and complete impartiality, and I am sure that with your support and corporation, I can look forward to Pakistan becoming one of the greatest nations of the world”.⁽¹⁵⁾ His wisdom and compassion made him concentrate on the poorest as well as the freedom of Pakistani richest. Furthermore, he stated that “Maintaining law and order is the first duty of government, so that the religious beliefs, property and life of its people are fully preserved by the state”.⁽¹⁶⁾

Constitution of Pakistan in Jinnah’s Eyes

The Constituent Assembly of Pakistan was to operate in accordance with the Government of India Act, 1935, as amended by the Independence Act.⁽¹⁷⁾ The Quaid wanted that the Constitution of Pakistan, which would be its fundamental law, should be framed as early as possible. He, therefore, believed in the supremacy of the people in the affairs of the State. It was with this aim in view that, he had expressly stated that, “The Constitution of Pakistan can only be framed by the Millat and the people. The Constitution and the Government will be what the people will decide”. After the establishment of Pakistan he did not impose a constitution of his own choice, but made it absolutely clear in the Broadcast Talk to the People of the United States of America, on Pakistan, Recorded in February 1948 that:

“The constitution of Pakistan has yet to be framed by the Pakistan Constituent Assembly. I do not know what the ultimate shape of this constitution is going to be, but I am sure that it will be of a democratic type embodying the essential principles of Islam. Today they are applicable in cultural life as they were 1300 years ago. Islam and its idealism have taught us democracy. It has taught equality of man, justice and fairplay to everybody. We are the

inheritors of these glorious traditions and are fully alive to our responsibilities and obligations as framers of the future constitution of Pakistan. In any case Pakistan is not going to be a theocratic State to be ruled by priests with a divine mission. We have many non-Muslims, Hindus, Christians, and Parsis—but they are all Pakistanis. They will enjoy the same rights and privileges as any other citizens and will play their rightful part in the affairs of Pakistan”.⁽¹⁸⁾

Quaid-i-Azam was very concerned about the constitution of the new state. Before and after the making of Pakistan, he affirmed, on innumerable occasions, his belief in the equality of man, social justice, democracy as taught by Islam.

The Democratic Form of Government

Democracy is a Greek word originally means ruling by people or exercising political power by people.⁽¹⁹⁾ According to the Stanford University, democracy definition is “a method of group decision making characterized by a kind of equality among the participants at an essential stage of the collective decision making”⁽²⁰⁾ and it has some types like direct, representative, and deliberative democracy. Government by the people exercised either directly or through elected representatives a political or social unit that has such a government. The common people, considered as the primary source of political power.

Jinnah's Principles of Democratic Government

Jinnah visualized Pakistan in terms of an agency by which his hundred million followers could reach out towards the goal of a welfare state. To him in any case, the people were the ultimate sanction of all power and authority in Pakistan. While his belief in constitutionalism led him on the one hand to disdain and oppose, for the most part of his political life, civil disobedience movements and direct-action methods, it led him, on the other, to adopt the democratic approach towards politics.⁽²¹⁾ During his long political career Jinnah had built a reputation as an astute constitutional thinker, and it was constitutionalism which characterized his actions in the political arena and his fight for Pakistan.⁽²²⁾ Quaid-i-Azam being a lawyer and a man of principle firmly believed in and his commitment to democratic government was beyond any doubt. Democracy was the type of government he had faith in with all that democracy implies, elections, fundamental rights, government and opposition, adult franchise accountability of the state to the governed.⁽²³⁾ On 21 May 1947, in an interview with Reuter's correspondent, Doon Campbell, Quaid said:

“The Government of Pakistan can only be a popular representative and democratic form of Government. Its Parliament and Cabinet will both be finally responsible to the electorate and the people in general without any distinction of caste, creed or sect, which will be the final deciding factor with regard to the policy and programme of the Government that may be adopted from time to time.”⁽²⁴⁾

The Quaid was quite clear about democratic government which was to be introduced in Pakistan. To him the democracy was the way of life of the Mussalmans and through it alone Pakistan could achieve a place of honour, dignity, and glory in the comity of nations.⁽²⁵⁾ He explained this concept of democracy in his speech made at Sibi Durbar on 14 February, in the following words:

“I have had one underlying principle in mind, the principle of Muslim democracy. It is my belief that our salvation lies in following the golden rules of conduct set for us by our great lawgiver, the Prophet of Islam Muhammad. Let us lay the foundations of our democracy on the basis of truly Islamic ideals and principles. Our Almighty has taught us that “Our decision in the affairs of the State shall be guided by discussions and consultations”.⁽²⁶⁾

The Quaid visualized Pakistan with a popular Democratic government which would be free of the clutches of capitalists. My guiding principle will, be justice and complete impartiality”.⁽²⁷⁾ Pakistan would be People’s democracy in which sovereignty belonged to the people.⁽²⁸⁾

Bureaucracy should be Subordinate to the Parliament

The original Personnel of the Pakistan Administrative Service were a legacy from the British. After the establishment of Pakistan the Indian Civil Service was replaced in Pakistan by the Civil Service of Pakistan. As servants of the people it was not enough that they should act justly but that the people should feel that justice had been done to them.⁽²⁹⁾ The Quaid emphasized the need for developing a relationship of respect and understanding between the cabinet and bureaucracy. The Quaid recognized that the political parties and civil services need to reorient their attitudes if they want to preserve democracy. In his address to Gazetted Officers at Chittagong on 25 March, 1948 he said:

“You have to do your duty as servants; you are not concerned with this or that political party that is not your business. It is a business of politicians to fight out their case under the present constitution or the future constitution that may be ultimately framed, you therefore, have nothing to do with this party or that party. You are civil servants. Whichever gets the majority will form the Government and your duty is to serve that Government for the time being as servants not as politicians... it is up to you now to act as true servants of the People even at the risk of any Minister or Ministry trying to interfere with you in the discharge of your duties as civil servants”.⁽³⁰⁾

The bureaucracy, the “backbone of the State”, in Quaid-i-Azam’s view had to remain scrupulously aloof from politics as it was not its function to determine the character of the government but to carry out policies of whichever government happened to be in power at given time.

Separation of Power in Executive and Judiciary

The executive in Pakistan had been from its very inception very powerful and dominating. The quality of the administrative functions in Pakistan, since its emergence as a state, had been dominated by the executive.⁽³¹⁾ Political tradition in the Indo-Pak sub-continent was that of a strong executive, first under the oriental rulers, then under the British. The Viceregal system of the British Raj had great impact on the political tradition which Pakistan inherited, and this tradition was not in tune with democratic ones. Some members of the bureaucracy in British India got key position in the governmental machinery in Pakistan.⁽³²⁾ All the characteristics of the Viceregal system have been in operation in Pakistan ever since its establishment. Executive role as a centralized institution that held the heterogeneous and physically separate parts of the country together should be recognized. The Quaid in his address to gathering of the civil officers of Baluchistan at Sibi 14 February 1948 said:

“Pakistan is now a sovereign state, absolute and unfettered and the Government of Pakistan is in the hands of the people. Until we finally frame our constitution which, of course, can only be done by a Constituent Assembly. Our present provisional constitution based on the fundamental principles of democracy not bureaucracy or autocracy or dictatorship, must be worked. You officers should

realize that these are the principles which should be borne in mind. You all know that we are starting from scratch. It is a terrific burden and if you want to make Pakistan a great country in the comity of nations, you must forget, as far as possible, your pleasures and put in as much time and as much work as you can in the job which is entrusted to you”.⁽³³⁾

The superior courts have been asked to resolve a number of constitutional deficiencies Pakistan had gone through. The independent judiciary is also regarded as a fundamental ingredient of democracy, the respect for the judiciary is significant in Pakistan. It is also the legacy of the Islamic concept of justice, the concept of legal sovereignty has been strong in the annals of Islam.⁽³⁴⁾ Quaid said: “It is my belief that our salvation lies in following the golden rules of conduct set for us by our great law-giver, the Prophet (PBUH) of Islam. Let us lay the foundations of our democracy on the bases of truly Islamic ideals and principles. Our Almighty has taught us that our decisions in the affairs of the state shall be guided by discussions and consultations”.⁽³⁵⁾ In an Interview with a representative of the Associated Press of America, Quaid Said:

“The theory of Pakistan guarantees that federated units of the National Government would have all the autonomy that you will find in the constitution of the United States of America, Canada and Australia. But certain vital powers will remain vested in the Central Government such as the monetary system, national defence and other federal responsibilities. Each Federal State or province would have its own legislative executive and judicial system, each of the three branches of Government being constitutionally separate”.⁽³⁶⁾

Quaid envisioned this sort of a constitutional rule in Pakistan. He wanted the law to be supreme and wanted to see justice dispensed without fear or favour.⁽³⁷⁾

Conclusion

The basic and most important principle of Quaid’s good governance was that a nation’s political institutions be democratic. Three broad elements of political decay that led to democratic break down in Pakistan are: first, the lack of accountability and rule of law, as evidenced in massive corruption, smuggling, drug trafficking, criminal violence personalization of power and human rights abuses. Second, the inability to manage regional and ethnic divisions peacefully, in

a way that gives all groups of citizen a stake in the system. Third, economic crises or stagnation deepened by the failure to implement reforms to liberalize the economy and to rationalize and strengthen a corrupt bureaucracy. The problems fed on one another, undermining confidence in all public institutions and in future. To be effective and stable ant to sustain popular legitimacy, it must be a self-restraining state. There must be independent judiciary, guarantees of civil rights and elections, thereby allowing citizens to seek preservation of their redness and rights against administrative action. A useful measure would be able to supplement leadership training in order to develop an internal constituency for civic accountability. The right to free and fair elections should be guaranteed by appropriate constitutional or legal safeguards. To preserve the integrity of democracy in Pakistan, government must strive to rid themselves of bribery and graft because the duties of government were clearly spelt out by the Quaid-i-Azam. The Quaid's principles on every vital issue are available for Pakistan's guidance into a safe and secure future. But even his basic national motto of 'unity, faith and discipline' has always been ignored and over the years Pakistan has become a fragmented society, a fragile polity and a fumbling system.

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