

Role of Sir Sahibzada Abdul Qaiyum Khan in constitutional reforms in the North-West Frontier Province of the British India

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Abstract

This paper analyses the services of Sahibzada Abdul Qaiyum Khan in granting constitutional reform to North-West Frontier. Quaid-i-Azam of Sarhad, Sahibzada Abdul Qaiyum, after his retirement from government service in 1919, started a struggle for constitutional reforms to the North-West Frontier. The constitutional reforms introduced in British India since its inception in 1901 were not extended timely to North-West Frontier, due to which it remained a Chief Commissioner's Province till 1932. Sahibzada Abdul Qaiyum pleaded the case on all fronts, including the Bray Committee, Indian Legislative Assembly, Delhi Proposals, annual sessions of All India Muslim League, Simon Commission, Haig Committee, and Round Table Conferences held in London. After a long struggle, North-West Frontier was levelled from a Commissioner Province to a Governor Province, and a Legislative Council was formed in 1932. After the elections, Sahibzada Abdul Qaiyum was elected as the Minister of the Transferred Departments of N-W.F.P. After five years, according to the Act of 1935, the Legislative Assembly was formed, and he was elected as the first Chief Minister of N-W.F.P. in 1937. The article reviewed primary and secondary data available in the provincial archives, Peshawar, National Documentation Centre, Islamabad, British Library, London, and other libraries.

Article History

Received:
12-Sep-2022

Revised:
21-Dec-2022

Re-revised:
11-Feb-2023

Accepted:
21-Feb-2023

Published:
13-Mar-2023

Keywords: N-W.F.P., Bray Committee, Delhi Proposals, Simon Commission, Haig Committee, Indian Legislative Assembly, Round Table Conferences London.

How to Cite: Khan, G. D. & Ullah, H. (2023). Role of Sir Sahibzada Abdul Qaiyum Khan in constitutional reforms in the North-West Frontier Province of the British India. *Liberal Arts and Social Sciences International Journal (LASSIJ)*, 7(1), 1-23. <https://doi.org/10.47264/idea.lassij/7.1.1>

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1. Introduction

Nawab Sir Sahibzada Abdul Qaiyum Khan (1864-1937) belonged to a well-known religious family of Topi, Swabi of North-West Frontier Province (Eighteenth Amendment, 2010)¹ of Pakistan. He was a descendant of Ibrahim Lodi's family. Abdul Karim, a scion of the family accompanied Ahmad Shah Abdali on his Indian campaign in 1758 and on their return; he stayed behind, settling on the Indus bank. Being religious, his descendants were given the title of Sahibzada (Javid, 1975). He was born in 1863 (Sultan-i-Rome, 2013) but extant official documents indirectly indicate 12 December 1864 as being his date of birth (Ahmed, 1989). He was three years of age when his mother died and was nine when his father was stabbed to death in 1873. Afterwards, he was brought up by his maternal uncle, Syed Ahmed. He completed his early education in the village of Kotah, District Swabi. He got further education in Mission School Peshawar.

He joined the government services in 1887 (IOR.L&PS/11/135) in the office of the Commissioner as a reader. During his government service, he served on lien as a member of Durand Line demarcation commissions in the Mohmand, Kurram, and Asmar regions. He also served as Assistant Political Officer from 1917 till his retirement in 1919. His political career started when he was selected as a non-official nominated member of the Central Legislative Assembly² representing N-W.F.P. by Viceroy, the Marquess of Reading. In reward for his services, he was awarded various titles by the British Government like C.I.E (Companion of the Order of the British Empire) in 1908 in the time of the Viceroy, Lord Minto (Principal Events 1905-1910, Vol. IV, 1910). On June 3, 1929, for his public services in India, he was honoured with the title of "*Qaiser-i-Hind*" (Qaiyum, 1977). On January 1, 1916, he was designated with the title of '*Nawab*'. He was also honoured with the title of K.C.I.E (Knight Commander of the Star of India) (Principal Events 1905-1910, Vol. IV, 1910).

Sahibzada Abdul Qaiyum is known for two great services which he rendered for the people of the province, one is the promotion of education and the other is getting constitutional reforms for the North-West Frontier Province. For these two services, he is called Sir Syed and Quaid-i-Azam of Frontier Province (Shafi, 1937). On March 29, 1849, the British government proclaimed its sovereignty over the Frontier districts after the Anglo-Sikh war. They made the trans-Indus Pakhtun³ areas part of the Punjab province. After occupation of frontier districts, the British turned their attention to the adjoining tribal areas and Afghanistan to occupy it for Imperial purposes. The British Government feared the Czarist Russian advancement toward Central Asia, who conquered the Khanates of Khiva and Bokhara. Even modern-day Afghanistan came into existence as a buffer zone between Czarist Russia and British Indian Empire (Qaiyum, 1945).

Though frontier districts were made part of the Punjab province in 1849, the central government find themselves less satisfied with their administration from Lahore and as a result, numerous proposals for separation of trans-Indus areas were put forward to have direct and

effective control over the frontier district and the adjoining tribal areas (Howell, n.d.). Such a separation scheme of trans-Indus areas was proposed by the British for various reasons and one of such was the Russian advance into Central Asia. A vigilant precautionary Frontier policy was felt to be the need of the day during the viceroyalty of Lytton (1876-86). Therefore, the Secretary of State of India, Marquess of Salisbury (term of office 1874-1878) considered it reasonable to put Western and North-Western border areas of British India directly under the jurisdiction of the Central Government of India.

Accepting his suggestions, Lord Lytton submitted a scheme in April 1877 for the trans-Indus province. He proposed that the new province should comprise six districts namely, Bannu, (excluding the cis-Indus areas of district Dera Ismail Khan, Hazara, Kohat, Peshawar, Dera Ghazi Khan and the trans-Indus Sindh (excluding Karachi). It was proposed that the new province should be under the control of a Chief Commissioner who will also act as an Agent to the Governor General of British India. It was also suggested that under the Chief Commissioner of the new province, there should be two Commissioners working under him, one for the Baluch areas and the other one for the Pashtun areas (Baha, 1978). This scheme was, however, rejected by Salisbury as it involved major changes and financial burdens (Sultan-i-Rome, 2013). Similarly, the British engagement in Second Afghan War (1878-80) was another reason for the failure of Lytton's scheme.

The new Viceroy, Lord Curzon in January 1899, emphasized the formation of a new province comprising of trans-Indus Pakhtun majority districts such as Bannu, D. I. Khan, Kohat, Peshawar, and five political agencies named Khyber, Kurram, Malakand, North Waziristan, and South Waziristan. The result of the decision of British Government was “that the conduct of external relations with the tribes of the frontier should be more directly than heretofore under the control and supervision of the government of India” and thus the whole of the territory was put under the jurisdiction of the Government of India in 1901 (Rahim, 1931). The boundaries of the five settled districts constituted, were determined in October 1901, and the only change has been in the transfer of the village of Naranji from the Dera Ghazi Khan in the Punjab to Dera Ismail Khan (Latimer, 1911). Lord Curzon carefully left the fierce hill tribes in a “marchland” between the Province and the actual border at the Durand Line (Spain, 1954).

The British Government sanctioned the formation of Frontier province and Lord Curzon proceeded with his plan and appointed Lieutenant Colonel H. A. Deane as the first Chief Commissioner of new N-W.F.P. On the recommendation of Deane tehsils of Hazara district i.e. Haripur, Abbottabad, and Mansehra were made part of the new province. Formally, the new province came into existence on November 9, 1901. The inauguration of this new province was held at Shahi Bagh Peshawar on 26 April 1902 by Governor General Lord Curzon. This inauguration was attended by local dignitaries of the province (Khan, 1995). Each district of the newly established province was headed by a Deputy Commissioner. In the district administration, *tehsildars*, *naib-tehsildars*, *kanungos*, and *patwaris* were appointed to assist the Deputy Commissioner (Collins, 1932).

Benefits of the Acts of 1909 and 1919 were not conceded to the Frontier Province. The government had implemented autocratic and tyrannical laws such as Murderous Outrage Act of 1877 and Frontier Crimes Regulation (F.C.R) in Frontier Province, and the adjoining political agencies. Once, Maulana Mohammad Ali Johar declared that N-W.F.P. was practical as *Sarzamin-e-Bay-Ayin* (a territory without a constitution) under British rule (Yousafi, 1968). In 1909, the British government introduced Minto-Morley Reforms in British India. This Act provided many political advantages to Indian people and society such as increased political representation in central and provincial assemblies, involvement in local administration, and separate electorates. However, the British government found it repugnant to their interest to extend this limited democracy enshrined in the Act in North-West Frontier Province.

On August 20, 1917, the British Government declared a clear policy that the aim of the Government in the future constitutional reforms is to increase the representation of the Indian people in the administration, gradual introduction of democracy, self-governing institutions, and responsible political institutions in the British India. To take a practical step in this direction, Mr. Montagu, along with other members visited India to investigate the matter in association with the Viceroy. Their report was the result of six months of inquiry (Dixon, n. d). The report suggested substantial measures for strengthening the self-governance in the provinces (Dixon, n.d).

The Act of 1919 was introduced with a diarchy system of provincial governance in all the provinces of British India except Burma, N-W.F.P., and Baluchistan. However, Baluchistan and N-W.F.P. were kept out of the scope of the 1919 reforms for security reasons. Consequently, North-West Frontier Province was put in dictatorial hands of the British Indian government. The Central, as well as N-W.F.P. government, considered the implementation of the 1919 Act contrary to the government interests. Further, it was also argued that N-W.F.P was yet not ready to exercise democracy. Chelmsford specified that the Act of 1919 had no concern with North-West-Frontier Province, where the provincial Chief Commissioner of has “other things to think about” (Baha, 1978). The 1919 Act was implemented in eight out of nine governor provinces. However, in Burma, it becomes operational in January 1923 (Indian Statutory Commission Vol. II, 1930).

Sahibzada Abdul Qaiyum started his struggle for granting constitutional reforms to Frontier Province just after his retirement in 1919. In this connection, his whole political career is connected with the important political proceedings that happened in British India where he played a significant and influential role. These political and constitutional proceedings were broadly categorized by his role in Bray Committee, Indian Legislative Assembly, Simon Commission, Indian Round Table Conferences, Haig Committee and his interaction with the All-India Muslim League. Besides these, he through his public speeches in conferences, seminars, and meetings raised the voice for constitutional reforms to be granted to Frontier Province. His struggle brought fruit when at the end of Second Round Table Conference, British premier, Ramsay Macdonald upgraded the Frontier Province to a full fledge Governor

Province. During his struggle, he got the support of Jamiat-i-Ulama-e-Hind and the local religious figures like Abdul Hakim and local Khilafat Committee to advocate for extending political reforms to N-W.F.P. (Khan & Islam, 2021). After the closing of Round Table Conferences, a White Paper was issued by the British Government in March 1933. On the base of this Paper a new Indian constitution was drafted and approved by both chambers, the House of Commons and the House of Lords. The Government of India Act 1935 was based on the White Paper which was passed on August 2, 1935 (Sultan-i-Rome, 2004). According to this Act of 1935, N-W.F.P. was granted full autonomy having its own Legislative Assembly.

2. Literature review

To conduct the titled research, relevant literature about Sahibzada Abdul Qaiyum Khan's role in constitutional developments in N-W.F.P on different forums was referred. This study attempts to provide glimpses into the nature of the contribution of Sahibzada Abdul Qaiyum to grant constitutional reforms for N-W.F.P. like British India's other provinces. N-W.F.P. was last province that has been delayed in granting constitutional reforms by the British until Sahibzada Abdul Qaiyum came forward and struggled to grant reforms to N-W.F.P. There are studies produced by scholars on the political history of N-W.F.P. in a cursory way. Very few works have been done on the role of Sahibzada Abdul Qaiyum Khan in constitutional advancement of N-W.F.P. Presently no systematic study on the titled research is available. This study would be the first attempt to fill the gap in political and constitutional history of N-W.F.P. There is party literature, addresses, assembly debates, speeches, proceedings of the meetings and official records on the topic. All the researchers and writers mainly emphasized one or other aspects of Sahibzada Abdul Qaiyum in their works.

The only existing work based on historical research is *Sir Sahibzada Abdul Qaiyum, Life and Work* (Ahmed, 1989), a published doctoral dissertation. Such type of literature throws light on the life and work contributed by Sahibzada Qaiyum Khan. This work includes general biography, government services, post-retirement activities, role in legislative bodies, and Sahibzada Abdul Qaiyum Khan's Contributions towards Islamia College, Peshawar. The primary source would be supported by various secondary materials. These include Mir Abdus Samad Khan's *Loai Pakhtoon: Sir Syed-i- Sarhad Sahibzada Abdul Qaiyum Khan* (Khan, 1982). This Pashto book is translated into Urdu and depicts light on the overall contributions and services of Sahibzada Abdul Qaiyum while referring to primary and secondary sources, but it lacks an in-depth study of the topic of my research. Dr. Fakhr-ul-Islam's book *Khyber Pakhtunkhwa: A Political History 1901-1955* (Islam, 2014) as the name indicates is a political history of the Frontier province while neglecting the themes and areas under my topic of research. Miss Lal Baha's published Ph.D. thesis, *N-W.F.P. Administration under the British Rule, 1901-1919* (Baha, 1978) is only confined to the period from 1901-1919. It has a brief description of the formation of N-W.F.P. and its educational developments, especially the foundation of Islamia College Peshawar but does not cover the events beyond its limitation so it fails to cover the period of the active political career of Sahibzada Abdul Qaiyum.

Shafi Sabir's Urdu book *Tarikh Suba Sarhad* briefly discussed that the British Government to contemplate the Simon report (Sabir, 1986) convened Round Table Conference in London. Diwan Chand Obhrai in his book *The Evolution of North-West Frontier Province* narrates that the Viceroy Lord Irwin outlined the objective of the R.T.C., as that of reaching solutions to all the problems in India through mutual consultation and agreement, to be rectified later by the Parliament (Obhrai, 1983). This is the only secondary source that vehemently narrates the important events of constitutional developments in the Frontier province but again lacks the role of Sahibzada Abdul Qaiyum towards constitutional developments.

The next part consists of the literature that touches briefly on the titled research but sheds light on the contribution of Sahibzada Abdul Qaiyum's achievements towards constitutional developments in N-W.F.P. Most of the other secondary sources like *Sarhad Aur Jedojihad-i-Azadi* by Maulana Allah Bakhsh Yusufi and *North-West Frontier Province: History and Politics* by Sayed Wiqar Ali Shah deal mainly with the political developments in N-W.F.P and role of All-India Muslim League (AIML) towards constitutional reforms for N-W.F.P. These only briefly discuss the Sahibzada Abdul Qaiyum Khan role towards constitutional developments in N-W.F.P. without understanding the operations behind the scene. All this secondary literature helps us to understand the political developments, British policies, and the role of the All-India Muslim League, etc in the N-W.F.P. but fails to comprehensively express the contributions of Sahibzada Abdul Qaiyum Khan who remained in active politics from 1924 to 1937.

In the biannual research journal of Islamia College, Peshawar Noshad Khan shed light on the political struggle of Sahibzada Abdul Qaiyum when in January 1924 he was nominated as non-official nominated member of the Legislative Assembly of India by Lord Reading (Khan, 2003). In this august House, he and Quaid-i-Azam Muhammad Ali Jinnah had long parleys regarding the future of Indian Muslims. Similarly in the *Quarterly Journal of the Pakistan Historical Society* in Vol. LV of January-June 2007, Himayatullah under the topic Jinnah, Muslim League and Constitutional Reform in N-W.F.P., briefly elaborated the struggle of Sahibzada Abdul Qaiyum for constitutional developments in Frontier province along with All India Muslim League.

3. Research methodology

As "research is a scientific and systematic search for pertinent information on a specific topic" (Kothari, 2009), and for conducting research certain research methods which include all methods or techniques are used. The materials for studying history can be divided into two groups, those where men consciously recorded to transmit information and the relics (Vincent, 1911). The main consciously transmitted information is in archives, documentation centres, and libraries including biographies and diaries, etc. The methodological tools to explore this study are generally historical covering the dynamics and dimensions of the role of Sir Sahibzada Abdul Qaiyum in getting constitutional reforms for N-W.F.P. This study was

conducted based on library and archival research and the method used in the present investigation is an analysis of historical records and documents by adopting the techniques of recording notes, content analysis, references, abstracts guides, etc. In short, it is a qualitative analysis based on historical research.

The author has consulted the primary data mainly from the directorate of archives, Peshawar, National Documentation Centre (N.D.C.), Islamabad, and British Library, London in the form of autobiography, official record, letters and correspondence, speeches and addresses, and assembly debates, etc. Certain institutes and libraries have also provided sufficient material in the form of primary and secondary data on the topic such as Islamia College, Peshawar library, Directorate of Archives and Libraries Peshawar, Provincial Assembly Library, Peshawar, Hakim Abdus Salam Public Library, Haripur, Cambridge University Library, National Library of Pakistan, Islamabad, National Institute of Historical and Cultural Research (NIHCR) Islamabad and Oxford University Library, etc. This article has also utilized articles published in national and international journals. This article has also used websites related to historical data on the topic in the form of online access. For references, APA Style is used.

4. Analysis and discussion

For the sake of convenience, Sahibzada Abdul Qaiyum's contributions, services, and achievements towards constitutional reforms in North-West Frontier Province in chronological sequence are as under:

4.1. Bray Committee

Most of the Hindus of the Frontier Province, and many of their co-religionist elsewhere, would like to see the Frontier districts reunited with Punjab (Manchester Guardian, 1929, Aug 19) and they endeavoured to re-amalgamate it with Punjab (Shah, 2007). A Hindu member Sir Sivaswami Aiyer in September 1921 moved a resolution in Legislative Assembly urging the government of British India that N-W.F.P.'s judiciary be placed under supervision of the Punjab High Court. Furthermore, it was also suggested that an inquiry committee may be constituted to examine whether the purpose of N-W.F.P.'s creation is achieved or not, and based on the findings of such inquiry, a decision should be taken about its reunion with Punjab. Further. It was also stated in the resolution that if the re-integration of N-W.F.P. was not wise then a suitable constitutional development should be recommended for the Frontier Province. The central Assembly passed the resolution. Consequently, a committee comprising of Sir Deny Bray officialising Foreign Secretary as its President (Rangachariar, 1924) was formed in April 1922. The Bray Committee consisted of eight persons, among which two were Hindus and three were Muslims, who toured the frontier province and recorded the opinions of various persons and officials. The Committee examined 22 official witnesses, 13 of whom were European officers. Non-official Indian witnesses examined were 76, of whom 28 were Hindu, the rest being Muslims (The Hindustan Times, March 18, 1925).

Unfortunately, the ventilation of the question of re-amalgamation tended to throw the two communities into antagonism, the Hindu minority (only 8 percent of the population) being for, and the Muslim, against the reunion of the Province with Punjab (Story of N-W.F.P., n.d.). The Hindu argued for the strengthening of the executive's power. Sahibzada Abdul Qaiyum was the first witness who laid the case for the Province before Bray Committee. He pleaded that if for any unknown reason, it was not found possible to introduce a full-fledged governor province then the people as a whole would rather like go back to Punjab and be amalgamated than lose their right of civil citizenship (Indian Round Table Conference, Sub Committee V Proceedings, 1931). On the question of desirability, the settled districts named Bannu, Hazara, Kohat, Peshawar and D. I. Khan be separated from the adjoining Tribal areas and re-amalgamated with Punjab, on this almost all distinguished administrators were against the separation of settled districts from tribal tracts. Sahibzada Abdul Qaiyum stated before the Bray Committee that the separation of settled districts from adjoining Tribal areas is "neither advisable nor practical" (Indian Statutory Commission, Vol. II, Recommendations, 1930). The majority of the Bray Committee finally concluded that "in existing conditions, it is not merely inexpedient, for all practical purposes, it is impossible to separate the districts and tracts" (Indian Statutory Commission Vol. II, Recommendations, 1930). The committee in its Report in October 1922 recommended liberal institutions with certain safeguards instead of its reunion with the province of Punjab (Obhrai, 1983). The Government paid no heed towards Bray Committee Report and considered its implementation inappropriate and as a result no action was taken to materialize it.

4.2. Parliamentary career of Sahibzada Abdul Qaiyum

Sahibzada Abdul Qaiyum, in January 1924, was nominated by Viceroy Rufus Isaacs, Marquess of Reading, as a non-official member of the Legislative Assembly of British India (Khan, 2003). This legislative assembly was also sometimes called as "Central Legislative Assembly" and "Imperial Legislative Assembly. During the session on Wednesday, January 30, 1924, Sahibzada Abdul Qaiyum and other members took their oath of office (Indian Legislative Assembly Debates, January-February 1924, Vol. 1, 1924). Sahibzada Abdul Qaiyum, from this platform, endeavoured to serve the interest of N-W.F.P. He demanded reforms in N-W.F.P. to bring it to the same level as rest of the provinces of British India. He expressed his unhappiness that these reforms were not introduced in N-W.F.P. as if the Pathans were "untouchable" who didn't form part of India (Indian Legislative Assembly Debates, Vol. 1, 1924). The Muddiman Committee Report also known as the Report of the Reforms Enquiry Committee, 1924 was the outcome of the Government of India Act, 1919. The Swarajists passed a resolution from the imperial legislature of British India for an amendment to secure a full self-governing Dominion status for India. As a result of Swarajist resolution in the imperial assembly, a committee consisting of nine (09) members headed by Sir Alexander Muddiman was constituted to look into the 1919 Act to dig out issues, shortcomings and deficiencies therein with objectives to devise solutions, suggestions to fulfil the needs, aspirations of Indian people and of British

imperial power. They recorded the views of the population in majority and minority on the ethnic ground.

Sahibzada Abdul Qaiyum and like-minded Muslim members of the Legislative Assembly formed a party within the Assembly known as the Parliamentary Muslim Party of the Legislative Assembly. Sahibzada Abdul Qaiyum along with the other seventeen members presented a memorandum on the behalf of their party to Muddiman Committee. In the memorandum, they declared that “in the case of the Provincial Government, their party favoured gradual development toward the grant of full provincial autonomy.” They stated that their party believed that “the principle of responsibility should be introduced in the constitution of the Government of India towards the self-Government development in the provinces.” They in the memorandum also suggested that “complete religious liberty should be granted to all, and no territorial distribution might hereafter be decided on, which shall affect the Muslim position of the majority in the provinces of the Punjab, Bengal, North-West Frontier Province, Baluchistan, and Sindh if constitute into a separate province” (Appendix No.5 to the Report of the Reforms Enquiry Committee, 1929).

Sahibzada Abdul Qaiyum strongly objected over the Muddiman recommendations and opinion regarding majority and minority of people in which franchise was recommended for the depressed and labour classes whereas North-West Frontier Province was completely ignored. Sahibzada Abdul Qaiyum was also nominated as the Chairman of various committees constituted by Central Legislative Assembly, like Standing Finance Committee, Standing Committee on Emigration, Committee on Public Petitions, Committee on Education, Land, and health, etc. (Indian Legislative Assembly, Vol. 1, 1932). He obtained the support of Muslim leaders in other Provinces and the demand for a reformed constitution became a unanimous Muslim demand in the province. In this effect, in 1926, the Indian National Congress and Hindu Mohasiba turned down a resolution (Hamid, 1960).

Later on a Muslim member named Syed Murtuza Sahib Bahadur from a Swarajist party presented a resolution in the Indian imperial Legislative Assembly with the terms that the “Assembly recommends to the Governor General in Council that he be pleased to extend to North-West Frontier Province, the provisions of the Government of India Act which relate to Legislative Councils and the appointment of Ministers, etc., with protection to the minorities.” In his opening remarks, Syed Murtuza Sahib Bahadur stated firmly that he presented the resolution “not as a member of that Party, but as a member of the All-India Muslim League” (Coatman, 1926).

Syed stated that his resolution is clearly according to the spirit of British justice and fairness and deserved to be accepted. He also made a stressful appeal to Hindu members of the assembly to accept it in the larger interest of the people of N-W.F.P. He assured the Hindu members that they should not worry because it was not the Hindu-Muslim question and instead it was a question of fundamental right to the people of N-W.F.P. (Coatman, 1926). Sir

Sahibzada uttered in full support of this resolution moved by Syed Murtaza. Pandit Malvia, Sir Hari Singh, and other Hindu members strongly opposed it while the official circles of the Assembly remained completely neutral on this resolution.

Though he was demanding and struggling for the above mentioned reforms for N-W.F.P, but he did not consider it very much advantageous. He used to prefer a mere advisory council for frontier. Further, he used to have the belief that as the line of constitutional advancement had been chalked out for India and, that being so; the province of N-W.F.P ought to be dealt like any other British-Indian province. He through arguments persuaded the members of the Assembly that constitutional reforms were the need of the day for his Frontier province. He urged before the House about the adverse Para, 38 of the Reform Inquiry Report which states that we (Frontier) people are capable of doing everything that the people of the other provinces can do. He advocated that the people of N-W.F.P. had proved themselves loyal to the government of British India who fought for them not only against the Arabs and Turks but also, several times with the Afghans. He questioned the House “who have defended the borders of India in 1919 and who has got the credit for it” (Indian Legislative Assembly Debates, Vol. VII, No. 8, 1926). As Hindu community was against the reform of the Frontier and threatened that if constitutional reforms will be given to them, “some secret societies” among the Muslims will overthrow the mighty British Government. Sahibzada Abdul Qaiyum strongly objected to this threat of Hindus and told the House, “it was the minority, not the majority that went in for unconstitutional methods” (Indian Legislative Assembly Debates Vol. VII, 1926).

4.3. Interaction with All India Muslim League

Sahibzada Abdul Qaiyum continued his struggle for constitutional reforms for Frontier Province on all political fronts. During his stay in Delhi as a member of Indian Legislative Council, he used to be in contact with Quaid-e-Azam Muhammad Ali Jinnah on All India Muslim League (A.I.M.L) forum. In the 17th session of A.I.M.L., Sahibzada Abdul Qaiyum Khan was made a part and parcel of the newly proposed committee for the formulation of a constitutional scheme for India in consultation with other political organizations of the country. The sole purpose of this committee was to devise a scheme of reforms having the consensus of other political organizations and to present it in the council of the Muslim League for approval and then to present the report to the Royal Commission for fair consideration (Pirzada, 2007).

Similarly in the eighteenth session of A.I.M.L., held in Delhi on December 29-31, 1926, a Central Committee comprising Sahibzada Abdul Qaiyum and eight other members was constituted on the same lines as that of A.I.M.L., 1925 annual session. In this session of A.I.M.L., a provincial committee for N-W.F.P. was appointed and Sahibzada Abdul Qaiyum was also nominated as its member along with ten other members. This Committee was empowered to include other members to Committee and organize a report suggesting future

reforms for N-W.F.P province. The committee was required to submit the said report to the Central Committee for further and final consideration (Pirzada, 2007).

Later on, on 20 March 1927 Muhammad Ali Jinnah called a meeting of Muslim legislators of the different legislatures at his residence including Sir Sahibzada Abdul Qaiyum Khan to analyze the possibilities of introducing joint electorate in India. Resultantly, Delhi proposal was the outcome of this meeting. In Delhi proposal, the Muslim league leadership offered to give up conditionally the right of self-electorate in favour of a joint electorate for the Muslims (Qalib-i-Abid, 2007). Among the Delhi Proposal, one was relevant to Baluchistan and N-W.F.P. It was demanded that reforms in Baluchistan and N-W.F.P., should be introduced on the same ground as introduced in other provinces of British India (Ahmad, 1992).

Sir Sahibzada Abdul Qaiyum was part and parcel of a thirteen members Committee, appointed by the All-India Muslim League, Jinnah group to confer with representatives of other organizations to press them to accept the Muslim proposals as embodied in the All-India Muslim League resolution IV of Calcutta 1927 and to report the result to the council before proceeding with the framing of the constitution (Shahid, 2007). The Resolution IV of the Calcutta session of the All-India Muslim League (A.I.M.L) declared that the Muslims could not give up separate representation in favour of Joint representation unless Sindh was separated and reforms were introduced in N-W.F.P. and Baluchistan (The Times of India, March 7, 1928). As part of the election campaign, Jinnah manifested his intentions of the election campaign in N-W.F.P on Sahibzada Abdul Qayum Khan and sought his assistance in this regard. When Jinnah ultimately came to N-W.F.P in 1936, he was welcomed and received Sahibzada Abdul Qaiyum and Jinnah stayed at Sahibzada Abdul Qaiyum Khan residence at Yakatut, Peshawar.

4.4. Simon Commission and Sahibzada Abdul Qaiyum

The British government had promised that after ten years of promulgation of the Act of 1919, a commission would be formed to recommend the changes in the said Act and to “extent modify and restrict the degree of responsible government in British India.” It was declared that this commission will determine the opinions of the political leadership of India for structuring the new constitutional framework in India. It was also clarified that the Commission will inquire to what extent the modifications should be done in the Act of 1919 to satisfy demands of the people and ensure a responsible and workable government (Talat, 1989). However, the Constitutional Commission was appointed in 1927 before the expiration of ten years famously known as the Simon Commission. The mandate of the Simon Commission was to assess the working of the Act of 1919, and to have the opinion of different Indian political leadership (Shah, 1999).

The Simon Commission under the leadership and chairmanship of Sir John Simon was formed to suggest a framework for the future constitution of India. Apart of John Simon, the Simon

Commission consisted of Lord Strathocona, Lord Burnham, Richard Lane-Fox, Richard Lane-Fox, Stephen Walsh, and Edward Cadogan. Later on, Stephen Walsh resigned from the committee, and he was replaced by Vernon Hartshorn. All members of the Simon Commission were British, not a single man was from India. Therefore, the Indian political leadership particularly Indian National Congress, Jinnah League refused to cooperate with Simon Commission and expressed their disappointment and dissatisfaction very clearly to the British government. Despite the boycott, the Simon carried out its job and visited India three times in total, first in February-March 1928 and again in October 1928 and April 1929, met here some political forces in India and framed their recommendation for the future constitution of India (Bashir, 2013).

The working mechanism of the Simon Commission was such that each witness had to prior submit written memoranda and oral evidence in the presence of the press which was used to be examined later. Sir Sahibzada Abdul Qaiyum was also part of this Committee representing N-W.F.P. along with other leaders such as Nawab Ahmed, Nawaz Khan, Nawab Muhammad Akbar Khan, and Rai Bahadur Karam Chand.

The Central Committee of India consisting of Sir Sankaran Nair as its Chairman, and other eight members, except Kakabhai Permchand who was absent, along with Sir Sahibzada Abdul Qaiyum Khan cross-examined the witnesses in Peshawar on the ground of memorandum submitted by the Khans of N-W.F.P. In the memorandum, the Khans of the Frontier province submitted various proposals for the extension of reform for the province with the hope of approbation. They demanded full reforms for Frontier province like other provinces of India having its council composed of two-thirds nominated and one-third selected members. They also demanded three seats in Council of State that four seats in the Legislative Assembly should be reserved for Frontier province (Nair, 1930). During the cross-examination of the witnesses, Sahibzada Abdul Qaiyum declared that “the demand for reforms for the Frontier province was practically a life-and-death question for the province” (Nair, 1930).

The Hindu community of N-W.F.P. was opposed to the introduction of reforms in the province. However, the Muslim block represented by astute political leaders such as Sir Abdul Qaiyum (Dhawan, 1928,) demanded the reforms in the Indian Legislative Assembly. Hindu community in their memorandum laid down a resolution that “the Reforms Scheme is entirely, neither workable nor beneficial in N-W.F.P. owing to the peculiar situations, geographical, financial, and political, and also highly prejudicial to all Indian interests” (Datta, 1928). Similarly, the Hindu community objected over the introduction of full-fledged reforms on the communal and separate electorate basis. They did not want the political and constitutional development in N-W.F.P as was happening in the rest of India (Datta, 1928). He argued that the province is financially very weak, could not support itself and each year a sizeable portion of the India exchequer is needed to be spent here to meet the expenses. He also argued that in the current conditions, the Hindus economic contribution in the exchequer of this province is almost 80% and their share in land ownership is also considerable.

On the basis of the above-mentioned contribution to the province, they demanded representation in local and imperial council in accordance with their contribution to provincial and Indian exchequer. They also favoured judicial integration of N-W.F.P with Punjab. They argued that a bench of Punjab High Court; consisted of two judges should be established in Peshawar to look into the judicial matter. Rai Bahadur Diwan Chand favoured gradual reforms in N-W.F.P., argued that Pathans are mentally not fit for smooth functioning of democratic institutions. He considered extension of democratic institutions in par with other provinces of India is illogical. On this comment, Abdul Qaiyum replied that when a question of Muslim mentality comes in, he hardly controls his feelings but here he will try to be mild as he is at present performing his duties as cross-examiner of the witnesses examined by Simon Commission in Frontier province.

The Sikh community, however, was not against the reforms but have safeguards before Statutory Commission by demanding 25 percent of seats in the Council and the same percentage in all the administration be secured to them. Further, the Sikh community declared that about fifty percent of the seats of high posts should be filled by competition (Nair, 1930). Inspector General (I.G.) of Police of N-W.F.P., Mr. F. C. Isemonger was also cross-examined about the matters related to law-and-order conditions, nature of court proceedings and rights to appeal, etc. The Deputy Commissioner, Peshawar H. A. F. Metcalfe was also cross-examined to inquire about the nature of cases and the jurisdiction of *Jirga* in tribal areas who have no power to recommend death in criminal cases (Simon, 1930). Simon Commission in their recommendations endorsed the views of the Bray Committee and recommended immediate constitutional reforms in the province. The Bray committee had recommended the establishment of suitable democratic institution in the province. Concerning N-W.F.P. to defence of India, Commission recommended that “the limit of this control and supervision must be defined by others and disclaimed any intention of formulating the nature of amendments to be made in Government of India Act” (Indian Statutory Commission Vol. II, Recommendations, 1930).

4.5. Representation of N-W.F.P. in Round Table Conferences held in London

The British government conducted the first Round Table Conference (R.T.C.) in the Royal Gallery of the House in London to negotiate on Simon Commission Report, minority issues, and the overall future constitutional structure of British India and princely states. Lord Irwin, the Viceroy of India conducted a joint session of the Council of State and Indian Legislative Council on 9th July 1930 and stated that “the purpose of Round Table Conference is to find out solutions for the entire constitutional issues of India via mutual agreement and consultation, to be rectified later by the Parliament” (Obhrai, 1983). In September 1930, the Government announced the nomination of Sahibzada Abdul Qaiyum as the representative of North-West Frontier Province in the R.T.C. In this first Round Table Conference powers and authorities of provinces, federal government, provincial legislature, provincial executive and central government, and relations of Indian government with British Crown.

Sahibzada Abdul Qaiyum in fifth Plenary Meeting of General Discussion of R.T.C., on November 20, 1930, in his long speech, stressed the need of granting reforms to Frontier Province and told the representatives that he is appealing to the British government on behalf of the people of his province who had delivered great services to the British Empire as protectors from North-West borders or in other words acted as the gate-keepers of British Indian Empire. Further, he argued that the people of the province rendered services for the British government. Even they fought for the British against their brothers in Afghanistan. He argued that in World War I, the soldiers belonging to N-W.F.P. fought courageously for the British Empire. He mentioned that currently, soldiers from N-W.F.P. in the British army are greater than in any other region of India. He simply claimed equal rights. He in hidden words while quoting a proverb explained “even a flea in your trouser can make you very uncomfortable”, threatened the British not to consider the people of his province even small in numbers as lean and weak. He told the audience:

“When Frontier was separated from Punjab, we were assured by the government that via direct management and supervision of the Central Government of British India, the Province will flourish in every aspect. We accepted the assurance and did not protest but the question is what we have got after the separation? Other provinces are progressing while we are retarding” (Samad, 1982).

To make the work convenient of First Round Table Conference, nine Sub-Committees were set up. The fifth committee dealt with reforms in N-W.F.P., to consider a suitable modification in the constitutional setup for N.W.F.P. This sub-committee consisted of twenty members with Mr. A Henderson as chairman. It held its meetings on December 28th, and 30th 1930 and on January 1, 1931.

After a fruitful discussion, this committee recommended that N-W.F.P., be levelled to the status of a full-fledge governor province and all the responsibilities should be entrusted to it as practiced by other provincial governments of British India under the Act of 1919. It was suggested the executive of the province should be comprised of a governor assisted by two ministers, who should be unofficial members of the provincial assembly and one of them should be elected. The committee recommended that the Governor of the province should not only function as an executive of the province but also perform his duties as a Political Agent for the control of adjoining tribal areas of Frontier Province. The legislature should consist of a unicameral legislative council having not more than 40 members. It should also consist of fourteen nominated members and not more than six to eight official members. A Franchise committee would be set up for the solution of issues related to franchises and minority representation would be based on population.

The report of the committee pleaded that more funds will be needed to run the governmental machinery of the state in frontier province. It was suggested that the province should get the

funds out of the central exchequer. On January 16, 1931, Sir Sahibzada Abdul Qaiyum, while commenting on the report of the sub-committee, argued that two further paragraphs should be added to the report. The first proposed paragraph was that no special hindrance or measure should be taken which could make the province's constitutional status different and distinct from other provinces of India. He pleaded that a rule should be introduced that only the Governor General could make amendments to the constitutional structure of the province. In the second proposed paragraph, Sahibzada Abdul Qaiyum suggested that the representation would be granted to N-W.F.P. in the upper and lower Houses of the British Indian Parliament by six and two seats respectively (Indian Round Table Conferences November 12, 1930-January 19, 1931). He also pressed for the weightage for both houses for six and two members respectively whereas the Bray Committee and the Simon Commission had recommended four and two members and the Government of India suggested three and one representatives for the N-W.F.P.

It was suggested that the districts of the province should be ceased as centrally administered areas and they should be under the administration of their provincial government. Despite, the recommendation for a separate province, it was mentioned that the central government should adjust the administration of the province in the light of needs of the local political environment and the degree of the All-India interests in the province necessitate. In pursuance of upgrading the frontier province to a governor province, it was recommended that there should be a classification of subjects between transferred and reserved subjects. It was suggested that if needed the government can constitute a committee to divide the subjects between transfer and reserved subjects while broadly following the division given in the 1919 Act.

From September to December 1931, the British government called a second Round Table Conference in London. Nawab Sahibzada Abdul Qaiyum Khan also participated in the conference. He told the house in the first Plenary Meeting on November 28, 1931, that the people of his province "are more determined to achieve their legitimate rights of equal partnership with the rest of India in the constitutional advance of the country and nothing short of equal status with other Governor's Provinces will satisfy the people of the five settled districts" (Indian Round Table Conference, Second Session, 7 September-1 December 1931, 1932). He further suggested certain modifications and changes in the section of the Report of sub-Committee V of the R.T.C. He emphasized the need for urgently introducing the reforms and suggested a policy of kind neutrality in the tribal areas.

In the sub-Committee, all Provincial Administration was entrusted to the Governor General as head of the province while Sahibzada Abdul Qaiyum suggested that provincial administration should instead be "assisted by the advice of two Ministers drawn from the non-official members of the Legislature at least one of whom should be elected" (Indian Round Table Conference Second Session, 7 September 1931-1 December 1931, Proceedings of the Plenary Sessions, 1932). He suggested that on the advice of the two Ministers, the Governor of the province will act upon, and no nominated non-officials are needed in the new Legislative

Council. He also suggested that to run the machinery on subvention from the central government is an indispensable part of the scheme of reforms. Gandhi also participated in the second session after the Gandhi-Irwin Pact on March 4, 1931. Sahibzada Abdul Qaiyum requested Gandhi to back the Frontier Reforms. Gandhi replied that “when India would be independent, the Frontier would also get complete autonomy” (Suleman, 2013).

4.6. Member of the Haig Committee

The Governor General of India, in the light of recommendation of the Sub-committee of Round Table Conference and with the prior approval of Secretary of State for India, constituted a committee for the inquiry of classification of subjects and financial impactions involved in upgrading the status of the Frontier Province. So, under the chairmanship of H.G. Haig, the Governor General of India established the committee via a resolution of the Government of India in the Reforms Office on May 2, 1931, Sir Sahibzada Abdul Qaiyum was made a part and parcel of this Committee while Rai Bahadur Lehna Singh was its Secretary (N-W.F.P. Subjects Committee Report, 1931). This Subject Committee for N-W.F.P. was also called the Haig Committee. The Committee office was set up in Peshawar to make proposals for the subjects which will be administered by the new Provincial Government and estimates of the monetary assistance, the provincial Government needed from the Central Government to fulfil its responsibilities for the administration of the provincial subjects. This Committee received valuable pieces of evidence and examined several non-official witnesses at Peshawar and Abbottabad.

This Committee presented its report on 23, June 1931 and stated that “the subjects which are Central throughout India must also be central in settled districts of N-W.F.P and tribal territories” (Obhrai, 1983). Haig Committee unanimously agreed with the Simon Commission’s view that Law and order must be a provincial subject. Tribal areas were a central subject so, Frontier remissions meant that “the tribal allowances granted to the trans-border tribes for various considerations connected with the control of the border were classed as a central subject” (N-W.F.P. Subjects Committee Report, 1931). All roads except purely military roads in the settled districts should be treated as Provincial subjects. Health and education were declared as provincial subjects. As the Frontier Province was a deficit province in terms of revenue and expenditure, it was recommended by the Subject Committee that subventions should be granted to it from the central revenues. Sahibzada Abdul Qaiyum objected that Haig Committee had fix the lowest figure of subvention of Rs. 1,1700000 for Frontier Province. Government not only did not include anything for schemes submitted to them for approval but also cut down the figure to Rs. 1,000000 without any reason or justification on sheer ground of financial stringency (IOR: L/P&J/9/47). For Frontier Province, a subvention from Central Revenues was fixed provisionally for three years at a ten million of rupees a year. The Report of Haig Committee was signed by all members except Rai Bahadur Thakur Datta who had written lengthy minutes of dissent expressing that no further reforms should be given to N-W.F.P. (IOR: L/P&S/12/3135).

4.7. Granting of reforms to N-W.F.P.

British Prime Minister J. Ramsey Macdonald, Chairman of the Second Round Table Conference announced reforms for Frontier province on December 1, 1931, that it is upgraded to a full-fledged governor province. However, he argued that, unlike other governor's provinces of India, the subject's distribution in N-W.F.P. be made according to the local political environment and the necessities of the central government of India. Now the long struggles of Sahibzada Abdul Qaiyum brought fruit in the form of a legislative council of its own. To take part in the proposed popular election in the first-ever legislative body of the province, he has to stop playing a role in the Indian Legislative Council. He left Delhi on March 15, 1932, to take part in the elections.

To give a practical shape to the suggestions of the Round Table Conference, the central government arranged an election in the Frontier province. The total seats in the Assembly of the Province were kept at forty. Out of these forty, elections were held for twenty-eight seats of the provincial Legislative Assembly whereas the remaining twelve seats were reserved to be nominated by the Government. As distribution of seats was based on population so out of these twenty-eight seats, five seats were reserved for Hindus, one for Sikhs, and twenty-two for Muslims. The nominated members comprised five European, one each for Muslim and Sikh, and non-officials, four Muslims and one Sikh. Sahibzada Abdul Qaiyum remained uncontested from his ancestral constituency, Topi, Swabi. On April 16, 1931, the Viceroy of India, Lord Willingdon, and his wife, Lady Willingdon came to Peshawar and installed Sir Ralph Griffith as Governor of the Province (Javid, 1975). The main reason behind the instalment of Griffith as Governor was that he was an experienced man whose career, since he joined the Political Department has been spent in the Frontier Province (The Times of India, 1932, Mar 3).

On April 19, 1932, the oath ceremony of members of the Legislative Council took place at Victoria Memorial Hall, Peshawar, and Sahibzada Abdul Qaiyum took oath as the only Minister of Transferred Department on April 20, 1932, on which day the Viceroy addressed the Council, and the message of King-Emperor was read. The Honourable Minister, Sahibzada Abdul Qaiyum was also the Minister for the Education Department as well as Finance. In his speech at N-W.F.P. Legislative Council, George Cunningham praised Sahibzada Abdul Qaiyum for his successful role in Round Table Conference in these words:

“The Round Table Conference in London of which we are proud to possess in this House a very distinguished representative who pleaded the cause of this Province and India with great skill and devotion” (Khyber Mail, 1935).

Sahibzada Abdul Qaiyum was very powerful and influential in N-W.F.P. (Marsh, 2009) and served as Minister of the Transferred Department for five years and struggle hard for the betterment and development of frontier Province to boost it in all walks of life. In this 1935

Act separate electorate system was introduced in N-W.F.P. This separate electorate was initially adopted for Indian provinces except N-W.F.P in 1909 act (Shah, 1999). The new 1935 Act was based on Simon Report, white paper, and Round Table Conferences (Banerjee, 1977). Under the 1935 Act, N-W.F.P. was entitled to full provincial autonomy. The government decided that the 1935 act would come into force from 1 April 1937. In 1937, the elections were held in N-W.F.P under Indian Act 1935.

The Government announced that the 1935 Act would come into force on 1 April 1937. Under the 1935 Act Elections were held for the provincial assembly in 1937 and Sahibzada Abdul Qaiyum became the first Chief Minister of the Province. The no-confidence motion in Sir Sahibzada Abdul Qaiyum Ministry was passed in the Assembly on September 3, 1937 (Singh, 1943). The first Congress Ministry without a majority was formed in N-W.F.P. in September 1937 by Dr. Khan Sahib, the leader of the Congress Legislative Party.

5. Conclusion

Sahibzada Abdul Qaiyum struggled hard to grant the constitutional right to Frontier Province. He is known as Grand Old Man who raised the voice for Frontier Province and obligated the British Government through his speeches and statements to grant N-W.F.P., a constitutional status practiced in the other provinces of British India. The success of Sahibzada Abdul Qaiyum in the Central Legislative Assembly and the first two rounds of the Round Table Conferences held in London materialized in the grant of Constitutional Reforms for N-W.F.P. whereby the province would have its own Legislative Council. Elections were held and subsequently on April 16, 1932, Sir Ralph Griffith was installed as Governor of N-W.F.P. and the same month on April 20 Sahibzada Abdul Qaiyum had taken charge of the office as only Minister of the Transferred Departments. During his tenure as Minister of Transferred Departments in all eleven sessions, 105 sittings of N-W.F.P. Legislative Council were held, wherein sixty-eight resolutions were discussed, of which five were moved by him. Moreover, twenty-two bills, fifteen government and seven private bills were introduced. After the five-year term, the next step of constitutional development for N-W.F.P. Legislative Council was its growth into Legislative Assembly for which elections were held in 1937. He secured his seat from Haripur South and formed his ministry on April 1, 1937, which lasted till September 1937 when Dr, Khan Sahib dissolved his Ministry.

Declaration of conflict of interest

The author(s) declared no potential conflicts of interest(s) with respect to the research, authorship, and/or publication of this article.

Funding

The author(s) received no financial support for the research, authorship and/or publication of this article.

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Notes

¹ The National Assembly of Pakistan passed the Eighteenth (18th) Amendment to the Constitution of Pakistan on April 8, 2010. In this amendment, the name of the North-West Frontier Province was changed to Khyber Pakhtunkhwa. Under the amendment, the word "Baluchistan" was replaced with the word "Balochistan" and for the word "Sind" the word "Sindh" was used. In the present study, the former name of the province "North-West Frontier Province (N-W.F.P.) or Frontier Province will be used.

² Under the Act of 1919, Imperial Legislative Council was converted into a bicameral legislature, with the lower house called as Imperial Legislative Assembly, the Central Legislative Assembly and the Indian Legislative Council, and the upper house called as Council of State.

³ The Pakhtuns are also called Pashtoons, Pushtoons, and Pakhtuns. The names depend on the ascent and dialects of different areas.

[Last Updated: March 27, 2023]
