

# JUSTICE SYED MAHBUB MURSHED

## A PROFILE



Principal Shah Muhammad Khurshid Alam

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**JUSTIC MAHBUB MORSHED**  
**A PROFILE**  
*By*  
**PRINCIPAL**  
**SHAH MUHAMMAD KHURSHID ALAM**

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## PUBLISHER'S NOTE

The Bangladesh Cooperative Book Society has been publishing various books in Bengali and English for many years. It is possible that our books donot become best-sellers but we are satisfied that the subjects we chose and the authors of our books were always sober and beneficial for our fellow countrymen.

This book about late Syed Mahbub Murshed is the story of an extra-ordinary personality. His court-verdicts had caused great impact on contemporary society. In this book mention has been made by the author of many political leaders who played important roles in the freedom struggles of 1947 and 1971 i.e. before Partition of British India and the Liberation of Bangladesh.

The Bangladesh Cooperative Book Society is a commercial organisation but profit is not the only motive of its operations. It is hoped our readers will appreciate the spirit of service underlying our book-publishing programme. As the nation is at cross-roads now, this society will continue to publish thought provoking books to steer our destiny towards a safe course.

We hope our readers will always encourage us to continue our work. We shall welcome their suggestions for improvement.



---

**(Munawwar Ahmad)**

*Chairman*

Bangladesh Co-operative Book Society

# PREFACE

Someone said “A drop of ink makes millions think.” This book about the late Justice Syed Mahbub Murshed is meant to do just that. Bangladeshis who read this book will certainly feel proud that Syed Mahbub Murshed discharged his duty to the nation with outstanding competence. He set a high standard for all professionals to emulate.

The late Justice Syed Mahbub Murshed was arguably the most distinguished constitutional lawyer and the most eminent jurist of Bangladesh. He was, indisputably, the country’s most articulate human rights advocate and its most eloquent civil libertarian.

The writer of the book, the late Shah Muhammad Khurshid Alam died while the manuscript was in the printing stage. His love and high regard for Syed Mahbub Murshed is very much evident in every page of this book.

He has mentioned many prominent persons of India, Pakistan and Bangladesh in this book to give it a proper perspective. Serious readers of this important biography of Syed Mahbub Murshed would be able to learn many events which had influenced Syed Mahbub Murshed’s life and work.

Bangladesh is, today a sovereign state. It is a country that is committed to the principles of democracy, secularism, nationalism and social justice. This country owes its existence to the tireless work of dedicated leaders like the late Mr. Justice Syed Mahbub Murshed who helped to make the emergence of the sovereign republic of Bangladesh a reality.

This book contains specimens of Syed Mahbub Murshed’s speeches and writings in the Appendices. It is hoped that this book will stimulate more research about the life and work of the late Syed Mahbub Murshed.

**Mohd. Benaul Islam**

*Vice-Chairman*

Bangladesh Co-operative Book Society Ltd.

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*Syed Abdus Salek*  
*Father of Justice Syed Mahbub Murshed*



*Justice Syed Mahbub Murshed*



*Justice Syed Mahbub Murshed and his wife  
Laila Arjumand Banu*

## CHAPTER: ONE

### **Votary of Discipline**

Justice Syed Mahabub Murshed had been a votary of discipline throughout his life. He maintained discipline and it formulated his character. Especially discipline built up his academic career. To speak the truth he was an academician till his end and it had been his concerted endeavour to grow in wisdom, knowledge and learning. It did never strain him and pleasantly it had been inherent in him, mystically developed with a beatific vision.

Syed Mahbub Murshed was found to conform to the order of nature feeling the depth in it with poetic and mystic visions developed in him, embellished by contemporary views and ideas in the arena of art and culture. He was not an artist but he profiled in himself a portrait of character beautified by art and culture.

Mahbub Murshed had his roots in the people and tried to organize and systematise them under the rule of law to enjoy more and more benefits within the fundamental rights of citizenship confirmed by social justice within the purview of economic order of fair division of wealth.

He maintained a fine balance enriched by religious and moral fervour. Liberty is not a licence to act willfully and Syed Mahbub Murshed considered moral and religious spirit developed in human endeavours to protect the liberty of others. His views were similar to those of John Stuart Mill (1806 - 1873) who said : “The liberty of the individual must be thus far limited, he must not make himself a nuisance to other people.”

Syed Mahbub Murshed is to be considered in this background. He gave himself a form which he never tried to bring into broad day light. He made himself visible only within decency and decorum. Was he a supreme figure? It is not a matter to be considered. He never claimed any supremacy. He worked for justice but did not like to bring himself to the notice of all people. He had the depth of understanding what was to be done and what was not to be done. This depth had prevented him from appearing before the public unnecessarily. He was not only an

illustrious son of the South Asian sub - continent. He left behind a chequered career to teach the whole world the value of discipline within the purview of legal framework. He was conscious of what he wanted to do and he had unhesitatingly done it, not for selfish ends but for the fundamental rights inherent in human beings.

He had never run after a coveted political position. He had many opportunities for this but never utilised them. He created an arena for himself and he remained satisfied to concentrate within his chosen arena. John Sutart Mill said : “The worth of a state, in the long run is the worth of the individuals composing it.” Possibly Mahbub made concerted endeavours to enforce the worth of the individuals in the ways and means he adopted in his career.

Mahbub Murshed was not only a book-reader he was a book-worm and a book-hunter too. He had gone into the depth of books, tried his best to realise their contents and nourished himself on them till his death. He maintained a natural vocabulary not chewing words like the chewing gum as practised by many people in Victorian style. Inwardly, Mahbub Murshed in his youth nurtured a typical romanticism not to have love affairs with maidens but to follow the style of Umar Khayam. It had developed in his thought but not in practice. He enjoyed the novels of Charles Dickens (1812 - 1870) especially his Tale of Two Cities. Pickwick Papers had been his life-long companions. Charles Dickens was his favourite author so much so that Mahbub had himself started writing an English novel. But no trace of it is available now.

From his school days Mahbub Murshed had the chance to live in many mofussil towns where he made a galaxy of friends. He developed a sociological attitude to ascertain the varied traditions there and he became familiar with them to develop a broader outlook to learn the history and a total picture of the Indian sub-continent. He had gone through Voltaire (1694 - 1778) to imbibe the juice from the writings of this French author, famous for his satirical philosophy. He did it in his young days while he was a student of Calcutta Presidency College. He valued the essence of Voltaire’s saying : “Chance is a word void of sense, nothing can exist without cause.” Mahbub Murshed always developed his sense of cause and effect. So greatness of the great men, writers and philosophers influenced him from young days to formulate his own character, to stand for justice.

Mahbub Murshed absorbed the progressive and modern trends by enlightening himself with the depth of the Holy Quran with which he had become well-conversant from his boyhood as a heritage of his extra-ordinary family having the mystic Ashura spirit of the Tragedy of Karbala wherein his forefather Imam Hussain (RA) embraced martyrdom under the iron yoke of new Umayyah monarchy of Yazid. In reality Karbala had been a clash between monarchy and democracy. Democracy was an order discovered by Mahbub Murshed in the course of recollecting his family background. Democracy remained as an order in the career of Syed Mahbub Murshed till his death. Verse No. 11 of the Holy Quran in Surah As-Saff says :

That ye believe in Allah  
And this Messenger, and that  
ye strive (your utmost)  
In the cause of Allah,  
With your wealth  
And your persons:  
That will be best for you,  
If ye but knew!

Mahbub Murshed was a descendent of the house of Hashim wherein Allah's last but greatest Messenger, Hazrat Muhammad (S.M.) appeared. His daughter Hazrat Fatima (RA) and his son-in-law Hazrat Ali (RA) both coming from the same House of Hashim, were married to each other to offer the world Hazrat Hassan (RA) and Hazrat Hussain (RA), two grandsons of the Prophet of Islam (S.M.). Syed Mahbub Murshed's family descended from Hazrat Imam Hussain (RA). Mahbub Murshed always maintained his own purity of character in recognition of the holiness of his family background.

In himself Syed Mahbub Murshed built up a noble character while at school in search of knowledge and learning. In reality nature builds up a person's character and Mahbub's parents only offered him the opportunity to develop his God-given nature.

In a poem of modern Iranian poet Bahar, Mahbub found flowers blooming and at length withering. Every survival is temporary and a human career is also temporary between life and death within the purview of the rule of nature. Mahbub Murshed had surrendered himself within this order.

He had interest in Nationalism, no doubt but he never left Internationalism and he kept a balance between the two. It is said, Mahbub Murshed could not laugh jokingly but he could laugh to create a cheerful mood. His enjoyments and amusements were within the limits of discipline.

Mahbub Murshed showed signs of greatness even during his young age and exercised reasoning to justify him right or wrong. Possibly it created an incentive for him to enter the world of law in order to pave the way for legal human endeavours.

Mahbub Murshed maintained order in his academic career. The very first lesson he received from his parents was of congenial discipline in life for harmonious co-existence. Mahbub Murshed had one elder sister and two elder brothers. He learnt from his family blessings of discipline. So nothing ever worried Syed Mahbub Murshed. He had developed an extraordinary sense of “no dislike for anybody” and he had come to stand always knowing the pros and cons of the matter concerned. He never let his instinct go astray, rather he guided himself with the Ashura spirit of democracy. In him democracy was an order, the most acceptable concept of human endeavour and it was not possible to enjoy the juice of democracy in the midst of disorder and anarchy!

Justice M. R. Kayani delivered many sermons which have been compiled at length in books. His sudden rise was to find out ways and means for the rule of law. To Syed Mahbub Murshed it was not wise to give sermons as the sermons were often used by the demagogues for their selfish ends. Mahbub Murshed was always cautious in making comments and wrote court verdicts very carefully in order to produce far-reaching effects to attain the goal of democracy.

Syed Mahbub Murshed was delighted by the concept of justice enunciated by Islam and he made himself conversant with the verses of the Holy Quran and practised these by regular reading with the depth of meaning for the mystic philosophy inherent in the Holy Book. He never did it as a public-show. He had considered it mystically developed and he had gone to the mosque to say his prayers without ostentation. He bore in mind verse 58 of the Holy Quran in Surah Nisa which says :

“God doth command you  
To render back your trusts  
To those to whom they are due,  
And when ye judge  
Between man and man  
That ye judge with justice  
Verily how excellent  
Is the teaching which He giveth you  
For God is He who heareth  
And seeth all things.”

Mahbub Murshed knew it by heart as he was conversant with Ashura-spirit which is a revolutionary zeal in the march of justice. Mahbub Murshed had been a voracious reader of Ibn Khaldun’s Muqaddimah to settle the muqaddimahs (court cases) of human beings. To him it was no biased attitude but to ensure justice by following the laws of nature and guidance of religion. Ibn Khaldun stood as the favourite Philosopher for him while analysing the history of human endeavours. To him Ibn Khaldun appeared as follows: “Coming to Ibn Khaldun we see the erudite statesman and political philosopher merged into one, and it was perhaps due to this happy aggregation of his natural capacities that he has created a special niche for himself in the history of world philosophy. It is no wonder that men of such world-wide experience and remarkable calibre should have forestalled later European authors in their breadth of vision, inventive mind and power of analysis.” (Haroon Khan Sherwani : Muslim Political Thought and Administration : Reprint 1976 : Page- 22).

It has been said earlier that Mahbub Murshed happened to be a book-hunter going through books to enrich himself with comparative studies to make his stand, unique and unparalleled in nature.

In the order of discipline Mahbub Murshed had styled himself as a self-critic i.e. his criticism had been concentrated within himself. As a jurist he had profiled himself absolutely depending on Almighty Allah and like Al-Marwardy he had been blessed by the blossom of roses in which he found fragrance and a sense of relief for the brain so that nothing could hinder his eloquent expression.



Justice K.M. Sobhan rightly evaluated Mahbub Murshed by writing: “His superior power of interpretation of legal principles and fearless disposition of constitutional matters once prompted Ayub Khan to say, “Pakistan was rightly proud of two things: the cricket team and the judiciary.” The indomitable character of Mahbub Murshed had compelled a despot and dictator like Ayub Khan once to come down to the judiciary. It is said to be a great achievement for Mahbub Murshed although he was not the only architect of legal framework in Pakistan.

Whatever might be the odds, “justice comes from Almighty Allah and He has delegated the cause of judgment concerted in the human endeavours formulated by the rules and regulations in order to pave the way for justice. Generally, justice prevails at length although the times and circumstances sometimes take the course to kill human patience and tolerance. But justice prevails with the divinity resting on the moral spirit of religious fervor inherent in the judges. This quality may be visible more or less varying from person to person. The qualities enriching a judge are formed in the sense of morality and memory combined by wisdom, learning and knowledge as emphasised by Al-Marwardy.

Justice Mahbub Murshed symbolised himself as per the picture drawn. His greatness as judge has not come to the public-view to say what was with Syed Mahbub Murshed who remained behind the screen in fulfillment of the conditions necessary for a judge. (Shah Muhammad Khurshid Alam: The Daily New Nation, Dhaka, Friday 3 April 1998)

In analysing the career of Mahbub Murshed as Chief Justice we come to the role of self-discipline. He had managed events to create the face of a jurist and he developed the refined taste for expression as a man of humanity. In this respect there is none parallel to him in the sub-continent.

He had gone through the rights and obligations of citizenship conscious of what to do and what not to do. His judgments have identified him as a great jurist, litterateur, liberator and humanist the qualities he

had developed by comparative studies. He could not leave behind an autobiography and his reminiscences off and on, are the only items which hold the history of the sub-continent, the world, Pakistan and Bangladesh for posterity.

According to Abul Hassan Ali bin Muhammad bin Habib Al Marwardy the essential conditions for appointment of a judge are that he should be honest, pious and above suspicion. He should be well-versed in the principles of law and lastly he should not have any defect in his power of seeing and hearing, so that there should be no doubt left during the presentation of a case. Al-Marwardy was of the opinion that it should be made absolutely certain whether a person was really possessed of these qualities either by previous knowledge or else by means of examination. He regarded this office so sacred that when a man had been appointed as a judge he was neither to be dismissed nor should he ordinarily resign his post. (Haroon Khan Sherwani: Muslim Political Thought and Administration : Page- 150-160)

Al-Marwardy's view has been brought into picture because his own time and circumstances had been very clumsy and had many transitional points. The monarchy under the Abbasids of Baghdad and the Fatemids of Egypt had been contrasted together with a new type of monarchy under the name of Buwahyid and Saljuk sultans and Al-Marwardy had to adjust himself in order to establish the rule of law.

Syed Mahbub Murshed had also lived between 11 January, 1911 and 3 April, 1979 covering the length of 68 years, 2 months and 22 days. He also covered three transitional periods including : (a) the period upto 14 August, 1947 under British imperialism and monarchy, (b) the period under Pakistan between 14 August, 1947 and 16 December, 1971 and (c) the period in Bangladesh upto his death. These periods were of transition full of odds and clumsiness !

Mahbub Murshed witnessed many leaders coming and going over half a century. He had the statesmanship to turn himself into a political scientist and philosopher of the highest order. He expressed his historic judgements in order to bring about far-reaching effects for demo-

cratic set up. His views resembled those of Edmund Burke (1729-1797) who said "Government is a contrivance of human wisdom to provide for human wants. Men have a right that wants should be provided for by this wisdom." Mahbub Murshed loved the Prophet of Islam (S.M.) of whom he had gone into the depth of studies by the poetic vision of an Iranian poet of whom he was very fond and whom he quoted frequently. He was Shaikh Sadi. Mahbub Murshed had the same views as expressed by great orator and philosopher Abul Hashim in his "As I see It" (Page- 19-20) saying : "The poet (Sadi) adored the Prophet with his heart and his heart, saturated with respect, admiration and love for the Prophet speaks to the world. The poet's ecstatic experience sings :

"He attained eminence by his deeds,  
He dispelled darkness by his beauty,  
He made his conduct in every respect beautiful,  
Beseech blessing for him and his kins."

Syed Mahbub Murshed had a glamorous and beautiful order in his career up to his death and this order had mystic elements never shown outwardly. Consequently, he never ran after favour, except submission to Almighty Allah like the rose of Basra (Al-Marwardy) blossoming till now and for evermore.

Refinement pervaded his character; poetic visions ornamented him lavishly, comparative studies enriched him with wisdom, knowledge and learning and lastly, he stood as a fearless soldier for rule of law.

So Mahbub Murshed's life is a lesson in discipline. He was successful in great human endeavours. This synopsis is necessarily placed before the story of his life which will be now narrated in its proper perspective.

## CHAPTER : TWO

### **The Conditions Between 1911 and 1979 :**

It is necessary to present Syed Mahbub Murshed in the perspective of history. Syed Mahbub Murshed was a product of history as was his favourite English poet William Cowper (1731 - 1800) who versified: "Where once we dwelt our name is heard no more. Children not thine have trod my nursery floor. / And where the gardener Robin, day by day/ Drew me to school along the public way,/ Delighted with my bauble coach and wrapped/ In scarlet mantle warm, and velvet capped./ It's now become a history little known./ That once called the pastoral house our own."

Mahbub Murshed grew up with childlike curiosity when the First Great World War started on 28 July, 1914 and ended in 1919 with the Treaty signed between the Allies and Germany at Versailles. He could not fully understand the events as he was a mere child of three when it started and a boy of eight when it ended. He was then learning Arabic alphabet to enable him to recite the Holy Quran very sweetly in combination with lessons taught to him by a respected Maulvi who appeared to him like an angel and the melodious voice of his noble mother and eldest sister who appeared to him as the sublimity of the perfection of the highest order. From them he learnt the terrible dangers of war for which he developed a hatred as a boy.

The Second Great World War started on 3 September, 1939 and ended in September, 1945. Syed Mahbub Murshed was then between 28 and 34. This was the crucial stage crossed by Mahbub Murshed witnessing the world-affairs in the context of sub-continental politics divided by the British Imperialism. Mahbub Murshed was then young, energetic, curious and meritorious and on the point of romanticism and mysticism, not far off from moral and ethical values of his family. Himself he was not a portrait profiled then, rather Mahbub Murshed thought of the Muslims anxious to survive in the midst of the communal riots abnormally disrupting the fundamental rights of citizens in the sub-continent everywhere. Psychologically the Muslims living in Calcutta did not feel a sense of security. It also affected the mind of artist Zainul

Abedin (later on called Shilpacharya) who sketched the masterly paintings of the Famine of 1943. It was the story otherwise depicted to tell about the nakedness of the suffering of the hungry people of undivided Bengal. Zainul Abedin had also to nourish the Muslim spirit then in order to overcome the barrier created by the Hindus in the arena of fine-arts for beautiful expression. It was a situation created by the Indian National Congress under a veil hiding its caste Hinduism spirit. Syed Mahbub Murshed was then young and this situation affected him. He started to consider politics as a tug of war, balancing nothing. Meanwhile young and curious brains like Mahbub Murshed's felt interest in analysing the political ideas of Benjamin Disraeli (1804-1881) who said; "There is no gambling like politics." This appeared to Mahbub as the gospel truth as he could not find out the avenues open to make the comparative studies. When Ibn Khaldun's Muqaddimah was made available for him, he was able to balance his ideas with scientific concept of history in combination with human endeavours. He also became well acquainted with John Stuart Mill, Hobbes, Locke, Rousseau, Voltaire, Karl Marx, Nizamul Mulk Tusi, Al-Marwardy, Ibn Rushd, Al-Beruni and others.

After Mahbub's birth in 1911, his maternal uncle A.K.Fazlul Huq left government service, to join politics. An arena was created in the career of A. K. Fazlul Huq in sharp contrast with the sub-continental political career of Maulana Abul Kalam Azad who was born in 1888, fifteen years later than A. K. Fazlul Huq. Mahbub Murshed was born 23 years after the birth of Maulana Abul Kalam Azad.

To Mahbub Murshed these two figures in his youth were fascinating. Not these two only; there were some other personalities too in order to ascertain the contemporary events of the sub-continent-sized peninsula. Whatever might be the odds there prevailed aristocracy in politics and to speak the truth it was not open to the commoners. These two major figures however fascinated him more as their arenas of action were in Calcutta. Later on Fazlul Huq was more concentrated in "Bengal-politics" as he wanted to alleviate the sorrows and miseries of the peasants and debtors, downtrodden by the so-called feudal lords of Bengal, mostly belonging to Hindu community. The sufferers mostly belonged to the Muslim community to whom Fazlul Huq appeared as

the only ray of hope and aspiration. It was the story of their subjugation. In the long history of Fazlul Huq's continuous and fearless struggle he was embraced by the masses who gave him the title of Sher-e-Bangla. It was not academically conceived. It came from the core of the hearts of people. It was not a pseudonym. It was an oration by universal consensus of Bengal masses. Fazlul Huq was garlanded as Sher-e-Bangla the garland survives with our history of emancipation. It will continue to remain fresh. He did never dream of a Muslim Bengal. His only dream was concentrated on how the Muslims of Bengal would survive with equal fundamental rights of citizenship ensured in parallel with the Hindus of Bengal. His thoughts were far-reaching as the pioneer of the Muslim struggle for existence.

It is claimed that the book under the title "India Wins Freedom" is the autobiography of Maulana Abul Kalam Azad. The book has created a sensation all over the world. It contains the contemporary political trends in the sub-continent. In reality, this book was compiled by Professor Humayun Kabir on the basis of the talks between him and Maulana Azad. Now the suspicion has come to prominence whether it is the autobiography of Maulana Abul Kalam Azad or a biography compiled by Humayun Kabir. The suspicion is prominent for the higgledy-piggledy stories elaborated which do not carry the truth of events narrated. Moreover, Maulana Abul Kalam Azad was not well-conversant in English. He happened to be an eminent Urdu literary figure and he could have written his autobiography in Urdu to be considered as a valuable addition to Urdu literature. However, the book cannot furnish a correct picture of the political trends prevalent in the sub-continent.

In India political movements could not create the grounds for adjustment since the British yoke was established by the British abandoned-son Clive in the Battle of Plassey, at Amra Kanan of Murshidabad on June 23 in 1757 on the defeat of the unfortunate last Nawab of Bengal, Serajud Dawla who was mercilessly killed on July 2 in 1757 by Muhammadi Beg having been deputed by Miran, son of Mir Jafar Ali Khan. It was the tragedy of tragedies in history. It was the most cruel conspiracy hatched by Lord Clive in connivance with the most hated betrayers like Mir Jafar Ali Khan, Raja Raj Ballav, Ghasseti

Begum, Raja Ray Durlov, Umi Chand, Jagat Seth, Yar Latif Khan and others. The darkness over the history of India i.e. subsequent occupation of its provinces followed one after another till entire India went under the British Yoke.

The Muslims tried their best to regain their lost glory but the Hindus mostly considered the British yoke as a mere change of masters. They found more sense of relief under the new masters when the consolidation of the British yoke was complete. It was an irony of fate to speak of the melancholy contrast in history and it took 190 years to regain independence in 1947. These are the stories of misfortunes and sufferings and the stories are long. We cannot go into the length and breadth of them.

We are more concerned with the history of Bengal. As the British yoke started from here, the movements for driving out the British Imperialism also started from Bengal. It is no contrast in history and possibly this is why Gopal Krishna Gokhale said : "What Bengal thinks today India thinks tomorrow." So the new education system introduced by the British was not accepted by the Muslims at first and they lagged behind upto the first decade of the twentieth century obviously busy in their struggles to boycott British Imperialism. Possibly the truth is evident in the District Gazetteers published so far. There prevailed a lack of clear understanding among Muslims what to do and what not to do, to be safe under British Imperialism.

Politics is not a game fairly played and it has no binding rules and regulations like modern sports and in the contemporary period nothing is visible to help us draw the whole picture. The reality is made available in the pages of history after much time is past. It is an irony of fate that the roles played by the heroes and heroines are not remembered. The sub-continental history has not gone beyond the truth of this idea scientifically laid down in the principles of scientific history as advocated by Ibn Khaldun.

Regarding the history of this sub-continent some periods may be formally classified as much as the records are made available to depict the history as narrated below :

(a) Hindu (pre- Muslim) period : upto 700 A.D. Concerned with Ancient India

(b) Muslim Period, advent, victory and rule in west India : From 700 A. D. to 1357 A.D.

(c) Muslim Period in East India including Bengal : From 1202 A.D. to 1757 A.D.

(d) British Period : Entrance as merchants, East India Company-colonialism, expansion, victory and rule-From 1757 A. D. to 1947 A.D.

(e) Pakistan Period: North - West Indian Region and East Bengal: From 1947 A. D. to 1971 A.D.

(f) End of colonial Rule and Independence of Bangladesh, creation of Sovereign Bangladesh: 16 December, 1971.

The Indian Sub-Continent lies within the confines of a compact Peninsula: In the north the Himalayas, in the south Indian Ocean, in the west Arabian sea and Afghanistan and in the east Myanmar (Burma).

In the first century of British Imperialism there had been colonial expansion but there had been revolts, counter-attacks too within the purview of region to region. The British took the opportunity of disunity amongst the native Indians and captured the entire peninsula very ruthlessly, cruelly and mercilessly massacring the relentless freedom fighters.

In Mysore of the Deccan the resistance from Haidar Ali and Tipu Sultan was heroic and chivalrous. In Bengal Titu Mir's uprising and Faraezi Movement led by Haji Shariatullah of Bahadurpur had been relentless to make the journey of British Imperialism not easy and thereafter, the resistance was followed by Nil-tax movement, Revolt of the Sanyashis , Sepoy Revolution in 1857, Tragedy of Balakot with Shahid Shah Syed Ahmed Brelvi and Shahid Shah Ismail enforced by the mujahids of Bengal including Shah Sufi Shaikh Nur Muhammed of Mahisash of Mirsarai, Chittagong. It was not an easy task for Britishers to ensure their expansion. The Muslims were busy to regain the lost freedom and they lagged behind in their concerted endeavours by non-co-operation towards Britishers. So they could not accept the British



methodology of English education and mostly, the Hindus adjusted and compromised with the British. They accepted the English methodology of education and created a fervour and spirit of adaptability in order to ensure privileged and advantageous position for themselves. They were economically favoured by the advantages they borrowed from Britishers. The Muslims were left down - trodden, oppressed and suppressed. The situation was arrested by the foresightedness of Sir Syed Ahmad of North India and Nawab Abdul Latif of Bengal. They motivated the Muslims to receive English education in order to conform to the trends of time. The situation was created not to hinder the spirit of the Muslim struggle led by Haji Shariatullah, his son Mohsenuddin Duda Mia, Titu Mir and others to upgarde the Muslim peasants and tenants but on proper study Sir Syed Ahmed and Nawab Abdul Latif realised the depth of the problem. They concluded that by revitalisation of Muslim spirit they could bring about the changes in the order of struggle by contesting the Hindus who were already in advantageous position by adopting the British pattern of education. So the Muslims had not faced the oppression and suppression from the British Imperialism only. On their tragic condition of life another rivalry was created to make their sorrows and sufferings more bitter which kept them downtrodden. This rivalry was created by the privileged and educated Hindu hierarchy already turned hostile to the Muslims, especially to the Muslim peasants of Bengal. The course of historical trend took altogether a different shape.

The story of the life of Maulana Abul Kalam Azad should be taken into consideration. He collaborated with the Indian National Congress in order to ensure the freedom of entire India under one common platform in collaboration with the leadership of Mahatma Mohandas Karamchand Gandhi (born on 2 October, 1869 and killed on 30 January 1948 by Nathuram Godse of Hindu Mahasabha).

Mahatma Gandhi is said to be a great Indian diplomat, the greatest of the great political leaders that India has produced. He has been named as the father of the modern Indian Nation. His autobiography "My Experiments with Truth" is world famous to record the centurian career of a statesman to turn him into a political scientist of non-violent non-co-operation movement in the style professed by Count Leo

Nikolaevich Tolstoy (1828-1910) who almost ran contemporary to M.K. Gandhi. Leo Tolstoy happened to be favourite one to Mahbub Murshed in his youth. Tolstoy was a great Russian writer, social reformer and religious teacher who maintained discipline in life. His epochmaking, short-story "How much land does a man require" was the powerful essence, spirit and ingredient for Acharya Binoba Bhave to launch his 'Bhudan Yagna' movement in India.

However, Maulana Abul Kalam Azad (1888-1958) as a top-ranking leader of Indian National Congress served the purpose of M. K. Gandhi as his leader for integrated freedom of India. He was elected President of the Indian National Congress in 1923 and again in 1940. He held the post upto 1946. In 1946 he played a prominent role to lead the negotiation on behalf of Indian National Congress with the British Cabinet Mission. Jajabar (Binoy Gangopadhyya who matriculated from Chandpur Hassan Ali High School) in his book 'Dristipat' upheld that Maulana Abul Kalam Azad was the only Indian statesman who carried on his discussion in his mother-tongue Urdu, as a mark of ovation to Maulana Azad. Human myth-making faculties are very prominent and Jajabar failed to report that Maulana Azad was not well-conversant enough in English to conduct the talks with the British Cabinet Mission. No doubt he stood as a top-ranking leader of Indian National Congress before partition and now, as a matter of fact he is not even included in the list of 20 top Indian national leaders. His granddaughter Najma Heptullah has been refused vice presidential candidacy. It was flatly refused by the Indian National Congress President Sitaram Kesri who left the helm of Congress leadership to Sonia Gandhi, Italian widow of Indian Prime Minister Rajib Gandhi. Nowhere in India the name of Maulana Abul Kalam Azad is uttered except against the name of Islamia College established by Sher-e-Bangla A. K. Fazlul Huq, maternal uncle of Syed Mahbub Murshed, to promote the cause of the Muslims of Bengal.

The establishment of Islamia College was the need of the time in order to remove the educational backwardness of the Muslims of Bengal in response to the call of Nawab Abdul Latif to substantiate the Muslim - spirit advocated by Haji Shariatullah, Titu Mir and others. Their spirit of freedom was there but modernity was also the need of

the time. The spirit of modernity was brought to lime-light by Nawab Abdul Latif who left no stone unturned to bring English education to the Muslims of Bengal. Everywhere the turning points centred round Dhaka. To speak the truth Pakistan was created in Dhaka. How and why — the reason is obviously visible in the historical truth.

It was Lord Curzon : the then Governor General of India who created a separate province of East Bengal wherein entire Assam was included with the capital located in Dhaka and Lord Curzon ensured it in 1905 along with a separate province which included West Bengal, Bihar and Orissa the capital being located in Calcutta. But it was an eyesore to all Hindus, supported by a portion of the Muslims too. They started Swadeshi Andolan which gave birth to the armed - cadres called the “Anushilani” and “Jugantar”. However both the parties started revolutionary platforms. In the context of these revolutionary parties their details may be verified in the version given by Maulana Abul Kalam Azad in whose name Islamia College was renamed to destroy the essence of Muslim education in modernity under Sher-e-Bangla A. K. Fazlul Huq.

Maulana Abul Kalam Azad has written: “It was during this period that I came into contact with Shri Shyam Sundar Chakraborty, who was one of the important revolutionary workers of the day. Through him I met other revolutionaries. I remember I met Shri Arabindo Ghosh on two or three occasions. The result was that I was attracted to revolutionary politics and joined one of the groups.

In those days the revolutionary groups were recruited exclusively from the Hindu Middle Classes. In fact all the revolutionary groups were actively anti- Muslim. They saw that the British Government was using the Muslims against India’s political struggle and the Muslims were playing the government’s game. East Bengal had become a separate province and Barnfield Fuller, who was then Lieutenant Governor, openly said that the government looked upon the Muslim community as its favourite wife. The revolutionaries felt that the Muslims were an obstacle to the attainment of Indian freedom and were like other obstacles to be removed” (India Wins Freedom: Maulana Abul Kalam Azad: Page - 475)”

This is the observation made by the Indian play-boy national leader

of whom there are the proverbial stories. It may be noted that before his death on 22 February 1958 Indian newsmen mostly accused him of communalism. Same was the fate of his commentator Professor Humayun Kabir before his death in 1969. Humayun Kabir named his son Muhammad Krishna with Hindu-Muslim mixture who was born in wed-lock with his most meritorious Hindu wife Shanti. Later on he was made Hanuman Kabir to characterise him with king Sugrib of the Ramayana in order to depict him almost like a Hindu god.

The Muslims struggled upto 1858 but even the Sepoy Revolution could not offer any favourable result and they were tortured and persecuted mercilessly. To bring about the renaissance and revival in the sub-continent the pioneer of Muslim English education had appeared in the person of Sir Syed Ahmed (1817-1898). He established the Muhammedan Anglo Oriental (MAO) College at Aligarh in 1857 and it was later on turned into Aligarh Muslim University (wherefrom the word "Muslim" was omitted by Maulana Abul Kalam Azad while he was the Education Minister of independent India). The Muslims were inspired to seek English education and then they were termed as the enemies of freedom.

Nawab Sir Salimullah of Dhaka (1872-1915) supported the creation of new East Bengal province. Sir Salimullah developed a great affection for Fazlul Huq as in him he found a challenging young man of personality with extraordinary merit and talent. In a happy mood Sir Salimullah said with smile over his lips so openly: "You Fazlul Huq please occupy my chair and offer me your brain." Such was the relationship created between Sir Salimullah and Fazlul Huq and absolutely it was due to their sincere love for the Muslims of India.

It was Fazlul Huq who created the Muslim League in 1906 under the leadership and inspiration of Sir Salimullah. Was it not Fazlul Huq who moved the Pakistan Resolution on 23 March 1940 in Lahore? The banner of Muslim League was raised by Fazlul Huq in 1906 and his Muslim League proposed for Pakistan. So Dhaka created Pakistan but history of Pakistan has failed to give due credit to Dhaka !

Sir Salimullah felt that one single Muslim organisation was the cry-

ing need of the time and he wanted it to be formed within the shortest possible time. Meanwhile, the Hindu terrorists started growing day by day to inflict the last dose of crushing blows to the Muslims. To keep the partition of Bengal in vogue it was evidently necessary to organise Muslims. Sir Salimullah decided to hold an All India Muslim Education Conference. An organising committee was set up. The committee was headed by Nawab Sir Salimullah as President with Nawab Viqarul Mulk and A.K. Fazlul Huq as Joint Secretaries. To ascertain the joining of Muhammed Ali Jinnah in the conference, Nawab Salimullah sent A K Fazlul Huq to Bombay to invite Jinnah. Accordingly, Fazlul Huq went to Bombay and met Jinnah who expressed his reluctance to attend the conference. Jinnah was already then a Congress leader but Nawab Salimullah's image was greater than Jinnah's in the sub-continent in respect of rendering services to the cause of the down-trodden Muslims. All India Muslim Education Conference was held in Dhaka on 30 December, 1906 with its venue at Ahsan Manzil. The conference was attended by Maulana Muhammad Ali, Maulana Shawkat Ali, Nawab Viqarul Mulk, Nawab Mansurul Mulk, Wazir Hassan, Justice Shafiuddin, Sir Rafiuddin Ahmad and others and it was held as a huge gathering with new enthusiasm to find out the definite cradle for the Muslims of India. A strong delegation under the leadership of Khan Bahadur Hemayetuddin and Nurul Huq Chowdhury from Barisal detailed the aims and objectives of the conference. The proceedings of the conference were recorded by Fazlul Huq as there was no alternative left and knowing fully well the ability of Fazlul Huq, Nawab Salimullah honoured him with the hard task. Fazlul Huq made a masterly speech on Muslim-education with the guideline what to do and what not to do and suggested ways and means to unite the Muslims on a common platform for the Muslims of India. The extreme brilliance of Fazlul Huq came to the lime-light. In the conference Nawab Sir Salimullah proposed for formation of All India Muslim League and the resolution was unanimously adopted in un-equivocal terms. So, All India Muslim League came into being in Dhaka on 30 December, 1906 under the leadership of Nawab Sir Salimullah and the Muslims felt a sense of relief as new vitality and inspiration were created amongst them. No doubt, Fazlul Huq was the brain behind it as he had to nurse it to come into being and Nawab Sir Salimullah was very much moved

by Fazlul Huq's talent, creative ability, brilliance and merit ornamented by the most scholarly knowledge of English. The situation may have changed later but the historic contribution of Dhaka cannot be forgotten as it paved the way for creation of Pakistan without which Bangladesh and its creation could never be possible. It was made possible to decorate one of the illustrious sons of Asia like Syed Mahbub Murshed to be installed as Chief Justice who is said to be the only grand judge as per Al-Marwardy and Ibn Khaldun's theoretical concept of justice within the jurisdiction of the sub-continent and in reality, they proved themselves as the grand judges covered by the rule of justice. Surprisingly, Justice Syed Mahbub Murshed was the nephew of Sher-e-Bangla A.K. Fazlul Huq.

History of the Muslims of the sub-continent is an episode to be told by long stories. To go into the depth of history, the revivalism that started centering round Calcutta, was a melancholy contrast for the Muslims and they lagged behind after the Battle of Plassey in 1757 without any consequential effect for them in respect of education, trade, commerce and social standing. They struggled for existence with the Muslim spirit in vogue but they were misguided to invite the backwardness more as they did not like to conform to the trends of the time. The ideas were puritan and fanatic without going into the details what to do and what not to do and they brought about the bitter truth of the irony of fate for them.

During the early part of the 19<sup>th</sup> century regeneration had started amongst the Hindus under the leadership of Raja Ram Mohan Roy (10 May, 1774 to 27 September, 1833) and the first British Baptist Missionary William Carey (1761-1831). Raja Ram Mohan Roy was an Indian scholar and social reformer to identify himself as the pioneer of modernity in the midst of puritan orthodoxy. William Carey took up alternative course of life between 1800 and 1830 as professor of oriental languages including renovation of Sanskrit- Bangla at Fort William College, Calcutta to the advantage of the Hindu community as a whole. He became famous as an oriental scholar and published twenty-four different translations of the scriptures.

The Muslims were far off from the essence of this Regeneration

and they could not compromise with the modern education before the Sepoy Revolution in 1857 was over.

However there were some exceptions. One such exception was inherent in the family of Hussain Shahid Suhrawardy, one of the worthiest statesmen of Asia with all the odds he faced in India and thereafter in Pakistan. His maternal grandmother's house was located at Ghoramara of Midnapur and there is a story like the Bashkirs of Leo Tolstoy's i.e. "How much land does a man require". Her forefather came from Murshidabad to Ghoramara of Midnapur while Shah Suja was the Subedar of Bengal. He allowed him to possess the land as far as he could have traversed the land on a horse-back and Ghoramara, it is said, was named after the land traversed by the said horse-race. Hussain Shahid Suhrawardy's paternal forefather Shah Aminuddin Suhrawardy (son of Shah Sirajuddin Suhrawardy) settled down from Murshidabad to Chitwa of Midnapur. Both the families belonged to the same stock. Suhrawardy's forefathers owned much landed properties there. These families had the mystic elements in them to propagate the cause of Islam. Aminuddin Suhrawardy although endowed with religious fervour and spirit supported the cause of modern education too. Although he was a spiritual personality he educated his three sons Muhammad Ali, Ubaidi and Mobarak Ali in combination with English education when they received their education in Calcutta.

Maulana Ubaidi Suhrawardy was the maternal grandfather and Maulana Mobarak Ali Suhrawardy was the paternal grand father of Hussain Shahid Suhrawardy. So the entire family had the link with Murshidabad. We are concerned with Maulana Ubaidullah Al Ubaidi Suhrawardy as his activities were later on diverted and concentrated in Dhaka as it was made more congenial for pioneering the modern education as the arena was already created by Nawab Abdul Latif who ventured to form Muhammedan Literary Society wherein Maulana Ubaidi became associated with Nawab Abdul Latif. Maulana Ubaidi was a great scholar at the time and he started his life with education in Arabic and Persian. In later times he developed his scholarship in English too and it was a rare combination developed in him. He endeavoured to motivate the Muslim Youths in order to educate themselves in modern science and English and he was awarded a prize for compil-

ing the essay on the influence of Anglo-European civilisation in 1864. In 1865 he was appointed Professor of Anglo-Arabic at Hoogly College where he taught the first Muslim Barrister Justice Syed Amir Ali as his pupil. In 1867 Maulana Ubaidullah Al-Ubaidi Suhrawardy and Syed Amir Ali jointly translated 'Makhajul Uls' written by Moulana Karamat Ali, into English. In 1873 he compiled the Anglo - Arabic grammar in contrast with Sanskrit - Anglo - Bangla venture of Fort William College. He also compiled the Persian grammar in contrast with English grammar. In 1886 he compiled his Persian poetical verses book and he compiled as many as 48 books. He wrote his autobiography wherein the miserable conditions of the Muslims were depicted. Sir Syed Ahmed, the pioneer of Aligarh movement was his bosom friend. His autobiography named Dastan-i-Ibrat was the source of inspiration for the Muslim re-awakening. Maulana Ubaidi was one of the directors of Aligarh College established by Sir Syed Ahmad and he used to contribute regularly in "Tahzibul Akhlaq" magazine of Sir Syed Ahmed.

Maulana Ubaidi extended his leadership in the renaissance movement of East Bengal. In 1879 on 13 December Maulana Ubaidi formed the Friends Association which inspired the Muslim womenfolk for modern education. Maulana Ubaidi lived in Dhaka between 1874 and 1886. In 1879 Dhaka Aliya Madrassah was established and Maulana Ubaidi was one of its founders. From the day of its inception till his death Maulana Ubaidi had been the superintendent of Aliya Madrassah. The madrassah was established by Nawab Abdul Latif's tireless endeavours with the money received from Mohsin Fund. The privilege of English education was made open to the madrassah and Maulana Ubaidi recommended for reformation of madrassah education with English teaching combined. Maulana Ubaidullah Al-Ubaidi Suhrawardy died in 1886 and was buried in the graveyard adjoining Lalbagh Shahi Kellah.

On the reformation and revitalisation for Muslim Renaissance the work was led by the combined services of Nawab Abdul Latif, Maulana Ubaidullah Al-Ubaidi and Sir Syed Ahmed and specially the Muslims of East Bengal grew up under the untiring services rendered by Nawab Abdul Latif and Maulana Ubaidullah Al Ubaidi Suhrawardy. These



pioneers were contemporaries. Aliya Madrassah wherein it was established in 1871 has now become the venue for government Nazrul Islam College in lieu of government Islamic Intermediate College. Aliya Madrassah has been shifted by the government to Bakshi Bazar in majestic and massive buildings.

The services rendered by Nawab Abdul Latif and Maulana Ubaidi opened the chapters for new journey of Dhaka and on the congeniality created by them it was made possible for Nawab Sir Salimullah and A. K. Fazlul Huq to create the Muslim League in 1906. They were all birds of the same feather. Their deeds were the noblest and like Virgil's saying: "The noblest motive is the public". They did their best for the Muslim-public but do we present their deeds to our new generation? They are kept ignorant of the deeds of the great men who brought about the regeneration of Muslim society. It is obviously necessary to record their deeds in the pages of our national history. Someone said: "Remembrance is the only paradise out of which we cannot be driven away." In the event of forgetting the noble names of the great pioneers, there remains every chance they will be lost into obscurity.

The picture of Bengal has been drawn by Pandit Jawharlal Nehru, in his "Discovery of India," as follows :-

"A significant fact which stands out is that those parts of India which have been longest under British rule are the poorest today. Indeed some kind of chart might be drawn up to indicate the close connection between length of British rule and progressive growth of poverty. A few large cities and some new industrial areas do not make any essential difference to this survey. What is noteworthy is the condition of the masses as a whole, and there can be no doubt that the poorest parts of India are Bengal, Bihar, Orissa and parts of the Madras presidency, the mass-lives and standards of living are highest in the Punjab. Bengal certainly was a very rich and prosperous province before the British came. There may be many reasons for those contrasts and differences. But it is difficult to get over the fact the Bengal, once so rich and flourishing, after 187 years of British rule, accompanied, as we are told, by strenuous attempts on the part of the British to improve its condition and to teach its people the art of self-government, is today a miserable mass of poverty-stricken, starving and dying people."

The conditions of Bengal were peculiarly manipulated to ruin the

economic structure of the inhabitants as a whole (to of the utter despair the Muslim specially) and it created misunderstandings amongst them. However, on the basis of the patronage offered to brilliant Fazlul Huq by Sir Salimullah, Fuller, governor of East Bengal appointed Fazlul Huq to the position of Deputy Magistrate. It was a very difficult task for the Muslims to be elevated to such position and Fazlul Huq proved his worth in government service. He was posted as S.D.O Jamalpur, the post was meant for ICS cadre then. However, he continued in service upto 1911 facing all the odds but he proved his worth by many noble deeds. He left the government service while he was posted as S.D.O of Madaripur where he did not join to take the option of joining as Assistant Registrar of Co-operative Department attempting the venture of extending co-operation to the peasants but he was due to be appointed Registrar. Injustice was done to him and in protest he left the job.

Meanwhile, Fazlul Huq had grown in political stature by forming the Muslim League in 1906 and a gap was created due to his absence from the political arena from 1906 to 1911 for being installed as Deputy Magistrate. His father Kazi Muhammad Wajed wanted to see him as a Deputy Magistrate and he fulfilled the desire of his father. This was the secret of his joining as Deputy Magistrate and we fail to guess what was what behind the screen. The real portrait in the screen is not generally exhibited. He reached Calcutta after resignation which was cordially appreciated by Nawab Sir Salimullah, Nawab Serajul Islam, Nawab Syed Nabab Ali Chowdhury, Sir Hassan Imam, Hussain Imam, Ali Imam, Maulana Akram Khan, Khan Bahadur Hemayetuddin, Sir Syed Amir Ali, Abul Kashem of Burdwan, Sir Ashutosh Mukherjee, Acharya Profulla Chandra Roy and others. He was accorded a warm reception. Fazlul Huq was the crying need in the politics of the sub-continent. On the request of Nawab Sir Salimullah he joined Muslim League. Nawab Sir Salimullah was President and Dhanabari's zemindar Nawab Syed Nabab Ali Chowdhury was General Secretary of Muslim League then. Fazlul Huq became very active to organise the Muslims and in 1912 he set up Central Muhammedan Educational Association ensuring the government grant for it. On 31 January, 1912 he met Lord Hardinge, Governor General of India under the leadership of Nawab Sir Salimullah and impressed upon him the demand for establishment

of Dhaka University. It was the step first taken by Sir Salimullah and A. K. Fazlul Huq to have one University at Dhaka. In 1912 a seat in Bengal Provincial Council for Dhaka Division fell vacant and adult franchise was not in vogue then. The voters were included on the basis of payment of tax and cess and consequently, the Hindus formed 90% voters. Muslim League was not a political party then and it was working side by side with Indian National Congress. Although Fazlul Huq left no stone unturned to uphold the Muslim cause he formed a union of non-communalists. Sir Salimullah of Dhaka and Aswini Kumar Dutta of Barisal pursued Fazlul Huq to contest the by-election. So he sought the election although powerful Roy Bahadur Mahendra Mitra was his rival contestant. It was the first political game played by Fazlul Huq and he snatched victory in the election by virtue of the union of the Hindus and Muslims both.

In 1915 also he was elected to Bengal Provincial Council from Dhaka Division and he won elections from 1913 to 1930 and it was unparalleled victory for Fazlul Huq. During this period he made eloquent speeches vehemently opposing the cancellation of the division of Bengal as to him it was an injustice caused to the Muslims to undergo the subjugations and sufferings more and more. He demanded compensation for the cancellation. Upto 1916 he addressed the house 148 times and in 128 speeches he covered the problems faced by the Muslims in respect of education. In four budget meetings he brought about the amendments for expediting the facilities for education of the Muslims in order to pave the way to save them from backwardness. In respect of education his demands were justified to reserve certain number of seats for Muslim students in schools, colleges and hostels, building separate hostels for Muslim students, appointment of one Assistant Director of Public Instruction for Muslim Education, establishment of two colleges in Calcutta exclusively for the Muslims, introduction of free primary education etc. He raised the question of education 90 times and at length by his strenuous and concerted endeavours he was able to bring forth the decision on 30 issues. He proved his worth as the most successful parliamentarian in the sub-continent. Finding his missionary zeal for education Fazlul Huq was recognised as 'Bentham of Bengal' by the then Director of Public Instruction Horne.

In 1911 Delhi Convocation of King George V the British cancelled

the creation of East Bengal Province on the basis of the opposition by the Hindu and Congress leaders. The dream for Muslim survival was nullified for the extremism shown by the Hindu leaders. To the utter surprise of the Hindu leaders of Bengal the capital of India was transferred to Delhi from Calcutta and they could not check it. Formal shifting was made in 1912. Maulana Muhammad Ali started Non-co-operation Movement in 1920 and it created the reaction in the conscience of Mahatma Gandhi. Mahatma Gandhi also started non-co-operation movement under Indian National Congress in 1921 and he found a theme in it to take the force in the course of action. Meanwhile, Nawab Sir Salimullah and Fazlul Huq had been continuous in raising hue and cry for a separate university in Dhaka and Dhaka University was established in 1921 to the advantage of the people of East Bengal for higher education. The Muslims started to pride themselves as the products of Dhaka University. Amongst the Muslims there was a sensation created. During the first thirty years of Dhaka University the Hindu students formed the majority still and the picture presented the backwardness of the Muslims in higher education. However, the two pivots who wheeled the entire race of establishing Dhaka University, their names had been bestowed upon the Halls to accommodate the Muslim students i.e. the majestic hostels of the residential Dhaka University to be named Salimullah Muslim Hall and Fazlul Huq Muslim Hall. Salimullah Muslim Hall was then estimated to be the biggest residential hostel in Asia and its massive and majestic standing with architectural fixtures with marble fitted domes still declare the glories of history in establishing Dhaka University. The magnificent house that accommodates Dhaka Medical College now, was the majestic building wherein Dhaka University Academic Campus was originally sited. One of the brilliant scholars of Dhaka University and famous literateur Buddhadev Bose said: "If you stand in one side of Dhaka University Academic Building, the other side is not visible and your eyes will have the state of burning or flaming strangely." These are the halls and buildings which were created as the result of the establishment of Muslim League in 1906.

Hussain Shahid Suhrawardy's father Zahid Suhrawardy was educated in Dhaka by his paternal uncle Maulana Ubaidullah Al-Ubaidi Suhrawardy at Dhaka Aliya Madrassah and Dhaka College. He passed the B.A. Examination from Dhaka College with distinction in 1889.

Hussain Shahid Suhrawardy's mother Khujista Akhter, the daughter of Maulana Ubaidullah Al-Ubaidi Suhrawardy was born in 1874 at his residence located at Madrassah Aliya campus of Dhaka. The father and mother of Hussain Shahid Sahrawardy were first cousins bearing the same blood. Khujista Begum, popularly known as Suhrawardiya Begum was an extremely meritorious lady. She was the first Senior Cambridge amongst the Muslim women of India. She successfully passed the B.A (Hons) Examination conducted by the Indian Education Board in Persian Literature. She was made the examiner in Urdu by Calcutta University and she was the first Muslim lady in India to be honoured by this laurel. She was a famous Urdu poetess. She compiled two books under the titles 'Aina-i-Ibrat' and 'Diwan-i-Durri'. Of them first one was included in the syllabi of Calcutta University. Her husband Zahid Suhrawardy was a Barrister with charming and refined manner. Zahid Suhrawardy and Khujista Begum's wed-lock gave birth to two sons Hassan Shahed Suhrawardy, born in 1890 and Hussain Shahid Suhrawardy, born in 1897 (19 years junior to Sher-e-Bangla A. K. Fazlul Huq) and both of them were held as the worthiest sons of the sub-continent to speak the truth in Asia too. For their widest mystic spirit of Ashura meant to cause the Tragedy of Karbala as a matter of melancholy contrast between democracy and monarchy prevailed into the parenthood of both the brothers and they had the mystic elements of the fervour inherent into the democratic spirit of Khulafa-i-Rashedin. Both Zahid Suhrawardy and Khujista Begum were conscious of their ancestor Hazrat Shahabuddin Umar Bin Muhammed Suharawardy (RA) who lived in the township of Suhrawardy in Iraq between 1145 and 1235. This great scion and sufi of Islam was the founder of Suhrawardy Tarika of Islam. He descended from the first Khalifa of Islam Hazrat Abu Bakar Siddique (RA) on paternal side and Hazrat Ali (RA) and Hazrat Fatima (RA) on maternal side with direct family link to Hazrat Imam Hassan (RA) and Hazrat Imam Hussain (RA), the grandsons of the Prophet of Islam (SM). Zahid Suhrawardy and Khujista Begum honoured their two sons by giving Hassan and Hussain as their names. Khujista Begum was conversant in mystic and sufistic culture of poet Hafez and was a devotee of Shams-i-Tabrezi. But she left no stone unturned in pioneering English education amongst the Muslim women under veil.

Hussain Shahid Suhrawardy's family stood unparalleled amongst the

Muslims of India to be compared with Nehru-family coming from a Kashmiri religious and devoted Brahmin family which originated in the 7<sup>th</sup> century amongst the Hindus of the sub-continent with mystic elements developed from harmonious entity to reach upto Motilal Nehru, who settled down at Allahabad of Uttar Pradesh of India raising his standard in the early twentieth century as one of the worthiest statesmen, lawyers and jurists of Asia. His son Pandit Jawaharlal Nehru, a versatile genius was the architect of modern India.

Khujista Begum was the eldest daughter of Maulana Ubaidullah Al-Ubaidi Suhrawardy and his second daughter Fatima Aziza Akhtar Banoo was the mother of one of the greatest statesmen and thinkers of India Abul Hashim's wife Mahmuda Akhtar Banoo. Akhter Banoo is the illustrious mother of an illustrious son like Badruddin Umar, son of Abul Hashem. Though contrasted with the thoughts and philosophy of father Abul Hashem, son Badruddin Umar has the depth of looking into the formation of a society where class-operation will not remain in vogue on the essence of Marxist Philosophy borrowed from social and historic sociological structure presented by Ibn Khaldun. Abul Hashem upheld Rabbaniyat with Rub who owns everything for human emancipation in order to ensure the proportionate distribution of wealth as advocated by Ibn Khaldun. The contrast between father Abul Hashem and son Badruddin Umar rests in the depth of thoughts for restoration of a political society free from oppression and repression by evils of hierarchy and despotism in order to ensure the economic emancipation of human beings with fundamental rights and social justice ensured. The contrast in the thoughts between the father and the son, does not differ as to reach the destination but they possibly differ in the plus and minus points of Rub. However, history will speak in course of time to show the truth and there is no finality in the truth where human emancipation rests. Abul Hashim's statesmanship had been proverbial because of his strict principle in the depth of political events upto his death on 5 October, 1974. Abul Hashim was born on 27 January, 1905 in the district of Burdwan, one year before the birth of Muslim League in 1906.

During the period of political changes upto 14 August, 1947 there had been three Muslim Chief Ministers in Bengal and they included Sher-e-Bangla A. K. Fazlul Huq, Sir Khwaja Nazimuddin and Hussain

Shahid Suhrawardy. So the politics centred round them but the wheels were contrasted as they did not move round in the order and the events were responsible for this disorder. Who was responsible? Everyone of them is responsible; everyone of them is not responsible but they contrasted to say what were what and it is a matter to have the illustrations from different angles. Theodore Roosevelt (1858-1913) said: "The most successful politician is he who says what everybody is thinking most often and in the loudest voice." Let us consider these three ex-Chief Ministers in their deeds according to the theme maintained. To our utter surprise, the destination of these three great sons of Bengal is congenially decided in the same place to take rest in the finality on their last eternal journey. In other words they were all buried in the same mausoleum near the historic gate wherefrom Suhrawardy Udyan starts. In reality, politics is a game to end with a smile of history.

Sir Khwaja Nazimuddin belonged to Nawab family of Dhaka. He was a well-educated man i.e. Barrister-at-Law enabling him to take shelter into the court of judicature as Lawyer but he had never been a celebrated lawyer. He had the riches out of the income of his share in the Dhaka Nawab Zemindary estate located within the erstwhile Barisal district, now Barisal Division. Nothing was found in him to demonstrate his creative talents as a public leader. His political career was wheeled with the momentum created in the opportunities made available for him. Still he was illustriously decorated in the coveted position of Governor General of Pakistan. He was born in 1891 and died on 1964 leaving behind him the history of martyrdom of the tragedy of Language Movement. He was a funny looking short man with a large belly. He was senior to Hussain Shahid Suhrawardy by one year and junior to A. K. Fazlul Huq by eighteen and his political game was the tug-of-war between the two ex-Chief Ministers. His simplicity and religious fervour were very much utilised by his intelligent brother Khwaja Shahabuddin whose temperament was balanced while his hospitality was magically extended with Bakar Khani as main item into the dishes served to his guests as part of entertainment having been installed as the Governor of N.W. Frontier Province (NWFP) and other item served was the rashagollas of Kala Chand Gandhya Banik. The Khans were highly pleased and charmed by Bakar Khani. However, Bakar Khani politics was manufactured by Khwaja Shahabuddin while swallowing

the essence of Khwaja Nazimuddin's politics. Whatever might be the odds in Nazimuddin, he was mild and gentle in temperament and this produced the fruits for him in politics. However, he enjoyed the essence in the midstream politics between A. K. Fazlul Huq and Hussain Shahid Suhrawardy. A. K. Fazlul Huq had the extreme sense of discipline to accelerate the election-tempo. He was unparalleled in this respect. He had the mass-view since the day of initiating the establishment of Muslim League although he belonged to a highly aristocratic family of the subcontinent having blood link with Nawab Abdul Latif, Nawab Sir Salimullah, Suhrawardys, Aga Baquer and other families which originated from the Arab Muslim sufis, who settled and propagated Islam in East Bengal. His common sense for the common people was very strong as he always had been in touch with them like Nawab Sir Salimullah of Dhaka who became almost bankrupt for his magnanimity. Dhaka University was housed in the waqf property of the Nawabs of Dhaka. Nawab Sir Salimullah could not tolerate the oppression of the Hindu Zemindars on the Muslims. He even cautioned Maharaja of Joydebpur for his reckless behaviour with the Muslims.

This concern for the masses was not found in Khwaja Nazimuddin. He did not dictate to anybody but he was dictated to by others. His politics manifested no Public welfare and did not go in parallel with Sher-e-Bangla A. K. Fazlul Huq, Hussain Shahid Suhrawardy, Abul Hashim, Maulana Abdul Hamid Khan Bhashani, Syed Badruddoza and others. Khwaja Nazimuddin had the cabin politics for cabinet position always but his cabin did never resemble "Uncle Tom's Cabin" and it was impossible for him to play the role for Toms. In the later course of trends sovereign state of Bangladesh came into being under the mandatory leadership of Bangabandhu Sheikh Mujib. We shall take into account the comment of Barrister Maudud Ahmed although he happened to be a bitter critic of Sheikh Mujib's regime but he could not deny the truth and in his book "Era of Sheikh Mujibur Rahman" he said: "Mujib is the greatest phenomenon of our history. His death was not his end. He will continue to remain as a legend in the political life of Bangladesh. Bengalis might have leaders in their history more intelligent, more capable and dynamic than Sheikh Mujib but none gave so much to Bengalis' political independence and a national identity himself not only with the cause of Bengalis but with their dreams. He be-



came the symbol of Bengali nationalism which gave birth to an independent and sovereign identity. The fact that there is a country called Bangladesh is a sufficient testimony to Mujib's status as a legend of our age."

Sheikh Mujib was born on 17 March, 1920 and died on 15 August, 1975. His killing along with almost the entire family depicts the history of conspiracy, cruelty, hatred and tragedy bringing about stagnation in the natural course of the governmental affairs. The killers have no cause to enjoy any essence and they titillate the conscience of the nation in order to earn the hatred for all the times approaching. The killers gained no benefit but the benefits are enjoyed by the self-seekers. Self-seekers cannot allow the killers to enjoy the benefits and anyhow the killers are restless to survive in the world as maniacs as mere dead men although they try to breathe without normalcy.

We have tried to draw the foregoing political picture so as to present Syed Mahbub Murshed's life as a curious boy, inquisitive young man, lawyer and jurist, grand judge and matured unparalleled personality. Analysing his own observations he reached the same conclusion as drawn by Longfellow (1807-1882) in his Psalm of Life: "Art is long and time is fleeting." Syed Mahbub Murshed witnessed the political trends and developed his aesthetic sense with artistic refinement. He started to argue with reasoning what to do and what not to do and formed an opinion isolating himself from the mainstream of politics. It appeared to him as the game of ducks and drakes. He decided to work for Muslim re-awakening and nourished in himself how to vitalise the Muslim strength to approach life in parallel with the Hindus. He took the political events one by one and learnt the historical trends in his youth while he was doing his B.A. (Hons) and M.A. and LL.B. He had a liking for comparative literature, specially English and Bengali and earned proficiency in Urdu and Persian fully and understanding Arabic practically to go into the depth of Diwan-i-Ali by virtue of his family background and tradition. He hunted the books for going through them.

However, the political trends turned upto the extremity when the Khilafat Movement was started in 1920 under the leadership of Maulana Muhammad Ali and Maulana Shawkat Ali on behalf of Jamiat-i-

Ulamay-e-Hind termed "Non-co-operation Movement. Mahatma Gandhi took the opportunity to come into alliance with the Muslims on the plea of vitalising his Non-co-operation Movement. However, it was an opportunity sought by Gandhi for the purpose of compromising anti-British movement. Khilafat movement offered Gandhi a chance to start his Non-co-operation Movement which was manufactured to bring the British to their knees by boycotting the British-made goods, the lower courts, legal professions and education and for introducing national products made by Charkha. The movement achieved some success but suddenly Gandhi suspended the movement in 1922 on the plea of violence by a mob at a police-station of Chauri-Chaura. So the Khilafat movement could not see the light of success, rather it ended in failure for sudden non-co-operation extended by Mahatma Gandhi!

Khilafat Movement was to support Turkey as it was made sickman of Europe by Allied Powers after the First World War. However when under compelling circumstances Mostafa Kamal Pasha himself had to abolish the institution of Khilafat, it shocked the Muslims of India. Gandhi's withdrawal of non-co-operation movement created the situation that led to break out of riots in India between the Hindus and the Muslims.

In 1925 the Muslims found a sense of relief in the Bengal Pact made by Deshbandhu Chitta Ranjan Das who ensured well-balanced job-facilities for the Muslims in order to pave the way for mutual co-existence. Chitta Ranjan Das was famous for non-communal spirit and he did his best for better communal understanding, Surely, it was a successful endeavour. But the caste Hindus created barrier in successful implementation of the terms of Bengal Pact. They started opposing it and consequently Bengal Pact, was withdrawn in 1925. So the relationship between the Hindus and the Muslims deteriorated very much to create the alarming conditions everywhere in India.

Thereafter, another attempt was made by Pandit Motilal Nehru to improve the situation in 1928. Motilal Nehru drafted the plan known as Nehru Report which proposed to give up separate electorates and suggested a federal government in which the provinces would enjoy autonomy in some spheres. On December 1928, the provisions of Nehru Report were brought under discussion in an All-Parties Convention

held in Calcutta. The Muslims tried their best to make some amendments but the Hindu delegates brazenly rejected all amendments and All India National Congress appeared before the Muslims as Caste Hinduism under veil whatever might be the stands taken by it on the plea of non-communalism. So Nehru Report could not do anything to protect the fundamental rights of the Muslims in India.

In Bengal the fate of the Muslims took a turn for the better under the leadership of A. K. Fazlul Huq who formed friendship with the poor peasants and tenants who comprised the Muslims mostly and he cherished a desire for the welfare of the Muslims always. He had great regard for Deshbandhu Chitta Ranjan Das who stood as the only non-communal Hindu leader in the truest sense of unbiased humanity. He was shocked at the untimely and mysterious death of Sir Salimullah in Calcutta. Fazlul Huq learnt welfare-politics for the poor Muslims from Sir Salimullah and he learnt non-communal welfare-politics for the poor and down-trodden people from Deshbandhu Chitta Ranjan Das. The essences of wisdom were awarded by Acharya Profulla Chandra Roy on question of humanity. The untimely death of C.R. Das shocked Fazlul Huq very much for his unparalleled patriotic spirit as Maulana Abul Kalam Azad in his observations commented: "In Bengal, Muslims were the majority community but for various reasons they were educationally and politically backward. They had hardly any place in public life or government service. Even though they numbered over 50 percent of the population, they held hardly 30 percent of the posts under the government. Mr. C. R. Das was a great realist and immediately saw that the problem was an economic one. He realised that until the Muslims were given the necessary assurances for their economic future they could not be expected to join the Congress wholeheartedly. He therefore made a declaration which took not only Bengal but whole India by surprise. He announced that when Congress would receive the reins of power in Bengal it would reserve 60 percent of all new appointments for the Muslims till such time as they had achieved proper representation according to population. He said the same in respect of the Calcutta Corporation and offered to reserve 80 percent of the new appointments on similar terms. He pointed out that so long as the Muslims were not properly represented in public life and in the services, there

could be no true democracy in Bengal. Once the inequalities had been rectified Muslims would be able to compete on equal terms with other communities and there would be no need for any special reservation.

The bold announcement shook the Bengal Congress leaders who violently opposed it and started a campaign against Mr. Das. He was accused of opportunism and even partisanship for the Muslims but he stood solid as a rock. He toured the whole province and explained his point of view to Muslims and Hindus alike. The strength and sincerity of his purpose was such that ultimately the Bengal Congress was converted to his point of view. His attitude made a great impression on Muslims in Bengal and outside. I am convinced that if he had not died a premature death, he would have created a new atmosphere in the country. It is a matter of regret that after he died, some of his followers assailed his position and his declaration was repudiated. The result was that the Muslims of Bengal moved away from the Congress and the first seed of partition was sown. (India Wins Freedom: Maulana Abul Kalam Azad : Page 23-24).”

Though Maulana Abul Kalam Azad played the role of ‘ a doll-like show-boy’ in Indian politics as an Indian national leader injuring the backbone of the Muslims, his observations here presented the correct picture of the conditions of Muslims in Bengal as depicted by Deshbandhu Chitta Ranjan Das. Deshbandhu died on 16 June, 1925 at the age of less than 55 as he was born on 5 November, 1870. The death of C. R. Das curtailed the union of the Hindus and the Muslims on the same platform forever.

However, Fazlul Huq took the essence of non-communal spirit of Deshbandhu C. R. Das to uphold the revitalisation of the down-trodden Muslims of Bengal and that is why, he is known as a “Bengalee first and a Muslim last.” It was a journey peculiarly developed by Fazlul Huq to revive the Muslim spirit, a sense remaining into the depth of his heart till his death on 27 April, 1962 (14 Baishakh, 1369 B.E). He was tireless for eradicating the grievances of the suffering humanity and there is none parallel to him in the sub-continent. His journey was not easy but his concerted efforts were continuous to remove the backwardness of the Muslims in Bangladesh, specially in respect of education and his welfare activities offered the far-reaching effects for es-

establishment of separate Muslim states in the sub-continent generating ultimately for creation and emancipation of independent and sovereign Bangladesh. It was only possible for an extremely meritorious and brilliant personality like Fazlul Huq, well-versed in Bengali, English, Urdu, Persian, Arabic and Sanskrit. He was an orator of the highest order and his place cannot be considered like that of an ordinary demagogue who creates pandemonium. No doubt Fazlul Huq was a true Muslim by conviction resembling his standpoint of congenial non-communal values for the oppressed people, irrespective of caste and creed without any bias as upheld by Islam. He valued religion for moral and ethical sense. He consolidated the views like W. Borrow who said: "Religion is equally the basis of private and public faith; of the happiness of the individual and the prosperity of the nation."

Fazlul Huq was stern to mould education courageously and no national leader could have done so much in the sub-continent what Fazlul Huq did for education. It was never known for him to miss the chance whenever made available for him to render the services for the cause of education mostly benefitting the Muslims in general. In December 1920 there was a general election in which Fazlul Huq could not offer his candidature as the embargo for Khilafat and Non-co-operation Movement was in vogue. He did not like to see the Muslims unrepresented so his nephew A H M Wazir Ali was allowed by him to be elected from Barisal. In 1922 when Mohandas Karamchand Gandhi withdrew support from Non-co-operation Movement Fazlul Huq was elected MLC in a bye-election from Khulna. In the mystic tussle of the Congress Fazlul Huq was always ready to tackle the mystery by his surprising representation. In 1924 he was elected from Khulna to the Legislative Assembly as MLC. Deshbandhu's Swaraj party though forming majority boycotted i.e. refused to join the cabinet. Meanwhile, there was a matter pending to be decided in respect of the Vice Chancellorship of Sir Ashutosh Mukherjee of Calcutta University. Sir Ashutosh had incurred the displeasure of the Governor of Bengal Litton who made it clear that Sir Ashutosh should cease to be Vice Chancellor after 31 December. Sir Ashutosh questioned and challenged the authority of Governor Litton to do so. The problem stood very acute to make the situation clumsy. Litton found none but Fazlul Huq to solve the problem and he needed the intervention from Fazlul Huq for solution im-

mediately. Fazlul Huq was then at Ajmer Sharif on behalf of the Muslims in connection with a riot-case there. He was wired there and brought to Calcutta. On 1<sup>st</sup> January 1929 Governor Litton installed Fazlul Huq as Minister of Education and Health. Reality was known to Fazlul Huq and he had no intention to make money by ministership but he thought it necessary to pioneer Muslim education. He did never run after money through ministership throughout his life and as an outstanding lawyer in the sub-continent his income was much more than anybody else. However, Sir Ashutosh had confidence in Fazlul Huq that he would never cause any harm to his dignity and honour. Fazlul Huq advised Governor Litton to appoint Sir Ashutosh's favourite person High Court Judge Sir C. Ward Greeves in the post of Vice Chancellor in lieu of the governor's favourite person. Sir Ashutosh remained appeased and the deadlock created meanwhile was removed. As education and health Minister Fazlul Huq appeared stern and bold and to him it was an opportunity to render services for the Muslims.

Principal of Presidency College C. Wordsworth was proposed to be made Director of Public Instruction (DPI) but Fazlul Huq dropped him for his anti-Muslim feelings. Fazlul Huq gave Dean the post of DPI and in protest Wordsworth resigned the Principalship of Presidency College and Fazlul Huq did not mind it. In lieu of him he made Bengalee Wrangler B M Sen the Principal of Presidency College, the first Indian thus installed. So long Fazlul Huq was the crying voice for free primary education everywhere in Bengal. From the very beginning as MLC he had been strenuous to create the post of ADPI (Muslim Education) to look into the welfare of the Muslims in education and this time he created the post. He appointed Khan Bahadur Ahsanullah of Khulna (founder of Nalta Sharif and Ahsania Mission, Nalta within Kaliganj Thana of Satkhira district) to the post of ADPI (Muslim Education). As the first incumbent Khan Bahadur contributed much to develop the roots and instincts of Muslim education. He made a name as an author on Islam and later on turned into a man of divinity and mysticism deeply immersed in the spirit of Islam.

Nawab Syed Shamusl Huda (1862-1921) pioneered and cherished the dream of establishing a separate college for the Muslims in Calcutta. Under his endeavour Government of Bengal sanctioned Rs. 900,000/ (Rupees Nine Lacs) only for the purpose and a plot was purchased at

Wellesly Square. But the establishment of the college was interrupted by the First World War and other consequent political unrests. Fazlul Huq expedited the foundation by starting the academic session and on 9 December, 1924 Governor Litton laid the foundation stone. Fazlul Huq made Alexander Hamilton Harley first Principal of Islamia College in addition to his duties as principal, Calcutta Madrassah. Islamia College had the tradition of producing many Muslim national leaders including Bangabandhu Sheikh Mujibur Rahman.

There is no end in political game and finality is a word absent in politics. Fazlul Huq's end was different. His end was calculated to remain in search of opportunities in order to ensure the welfare for the Muslims.

In 1935 Govt. of India Act introduced some one-sided reforms and within its purview general elections were held in all provinces of India in 1935. Meanwhile, an aristocratic coterie was created in Bengal by Jinnah under his companion-leaders including Akram Khan and Mirza Abul Hassan Ispahani but the forces under Abul Hashim of Burdwan formed the progressive elements. Misunderstanding was developed between Jinnah and Fazlul Huq contrasting people-orientation in Muslim League with aristocracy of Sir Khawaja Nazimuddin, a scion of Nawab family. Hussain Shahid Suhrawardy could not come out with right or left; he took the stand on intermediary course between the two trends as he wanted to save the Muslims of Calcutta from the ferocity of communal riots with his young comrades including Sheikh Mujib and others who felt a sense of relief under him. Consequently, Fazlul Huq had to contest the election with his force of peasantry under the banner of Krishak Praja Dal against Muslim League and Congress in Bengal. The results brought forth no reconciliation for forming a cabinet by an absolute majority party.

Fazlul Huq was in favour of abolishing the zemindary to uphold the rights of peasants and tenants and the formation of a cabinet was essential to ensure the cause of Muslims going on properly. Khwaja Nazimuddin could not secure any seat on the ground of Fazlul Huq's pledge for abolition of permanent settlement system (zemindary). Khwaja Nazimuddin was found helpless and Hussain Shahid Suhrawardy came forward to rescue him by leaving one of the two

seats he had won in South Calcutta so as to enable Khwaja Nazimuddin to win the by-election. But Fazlul Huq sent Khan Bahadur Fazlul Karim of Dhaka as a formidable rival candidate and it was then a painful situation created for Khwaja Nazimuddin who found no other alternative but to seek the mercy of Fazlul Huq. He took as his rescuer Hussain Shahid Suhrawardy to Fazlul Huq who was a man of magnanimity always. He advised his life-long associate Fazlul Karim to withdraw and Khwaja Nazimuddin was elected. In later course the return paid by Nazimuddin to Fazlul Huq and Shahid Suhrawardy was most unhappy beyond imagination.

Meanwhile Muslim League came to a compromise with Fazlul Huq and Maulana Akram Khan resigned the presidentship of Muslim League. Fazlul Huq and Shahid Suhrawardy were elected President and General Secretary respectively. It created a confusing reaction in Fazlul Huq's Krishak Praja Party but he appeased them by saying: "I cannot leave Muslim League to the so-called aristocrats and feudal lords and I cannot leave Krishak Praja Party to the mercy of Congress."

Jinnah and Fazlul Huq had no other alternative but reconciliation. Fazlul Huq never had any good relation with the central League leadership. Huq was not known to have held any desire of becoming an all-India leader. His political career centred round Bengal. He had a deep conviction and feeling that, though the Bengali Muslims always played a special role in the Indian Muslim politics, their particular problems and interests did not receive due attention from the non-Bengali leadership of the Muslim League. He knew that his relationship with them might not last long. In 1937 Jinnah's acquiescence in a coalition under the leadership of Fazlul Huq and the latter's joining the Muslim League seemed to be a "marriage of convenience." Jinnah needed Huq's backing for organising the League in Bengal and for establishing its prestige throughout India. On the other hand, to overcome Congress opposition and for staying in power, Huq equally required the active support and co-operation of Jinnah and the League (History of Bangladesh 1704-1971: Political History of Ministries of Bengal 1937-1977: Harun-Ur-Rashid : Page-376)."

Fazlul Huq was ceremoniously made President of Bengal Provincial Muslim League in an All India Muslim League Conference held on 15



October, 1937 at Lucknow and Fazlul Huq made a very inspiring speech in Urdu. It was heartily accepted by the huge gathering present. They spontaneously entitled him as Sher-e-Bangla and Muhammad Ali Jinnah as Quaid-i-Azam, the laurels they carry till now with deepest sense of respect. They were equally decorated and laured in the same platform. However, this was happy union with the thought left to Jinnah that without the Muslims of Bengal he could not find out the ray of hope to do anything majestically since the divisions in North-West India were crucial.

The political scene in India started changing and the unified Muslims started to think of a separate entity. The situation was made clear by the Muslims of Bengal under the leadership of Sher-e-Bangla A. K. Fazlul Huq and Hussain Shahid Suhrawardy. The activities then started going on speedily. All India Muslim League convened a conference in Lahore on March 22, 1940 to take the crucial decision what to do and what not to do. There was opposition against Jinnah from Allama Mashriqui's Khaksar Party and the space was open to Fazlul Huq who was a more acceptable man to them. Fazlul Huq was bold enough to draft Pakistan Resolution personally and the resolution was read out by Fazlul Huq fluently, courageously and chivalrously in the conference on 23 March 1940 demanding that the sub-continent be divided into Hindustan and Pakistan meant to cover a separate homeland for the Muslims of India. The resolution in original read out by Fazlul Huq said—"Resolved that it is the considered view of this session of the All India Muslim League that no constitutional plan would be workable in this country or acceptable to Muslims unless it is designed on the following basic principles, namely that geographically contiguous units are demarcated into regions which should be so constituted, with such territorial readjustments as may be necessary, that the areas in which the Muslims are numerically in a majority as the North Western and Eastern zones of India should be grouped to constitute, "Independent states" in which the constituent units shall be autonomous and sovereign.

That adequate, effective and mandatory safeguards should be specifically provided in the constitution for minorities in these units and in these regions for the protection of their religious, cultural, economic, political, administrative and other rights and interests in consultation

with them, and in other parts of India where the Musalmans are in a minority, adequate effective and mandatory safeguards shall be specifically provided in the constitution for them and other minorities for the protection of their religious, cultural, economic, political, administrative and other rights and interests in consultation with them.”

The Resolution written and read out by Fazlul Huq created great commotion amongst the delegates and crowds. Having been supported by Chowdhury Khaliqzaman of UP, the resolution was adopted unanimously in unequivocal terms and Fazlul Huq was fantastically and majestically applauded with lengthy clappings for minutes together without interval. It became difficult for Jinnah presiding over the meeting to stop the continuous clapping applauding Fazlul Huq. The same personality had initiated the foundation of Muslim League on 30 December, 1906 and from the same Party’s platform he lodged the proposal for Pakistan on 23<sup>rd</sup> March 1940. So Fazlul Huq built up the history of the sub-continent.

Original Pakistan was created on August 14, 1947 and it continued upto 16 December, 1971. The emergence of Bangladesh as an independent and sovereign state was made possible by a war with bloodshed, killings and plundering between 25 March, 1971 and 16, December, 1971. It was the War of Independence by the freedom-fighters and it is of no use to detail events as they will come down in the course of our discussion on Syed Mahbub Murshed. We have drawn the picture so long to find out Syed Mahbub Murshed in the entirety of his entity as he was more or less associated with the political personalities since his childhood. His entity covers the history of the Muslims in the sub-continent. Since he was concerned with his education career during the British period, it was necessary to characterise him with the trends of time when maturity was still awaiting to appear into him. It was a matter of curiosity how he adjusted with the time and circumstances.

In the course of events which formed Mahbub’s career he observed the tenures of three Muslim Chief Ministers at close quarters as they were all connected with his family. Although he happened to be student of Economics and Law he developed exceptional interest in comparative literatures of English, Bengali, Urdu, Persian and Arabic.

He knew the rhetoric and prosody as the Psalms of Life with verses and rhymes adopted. He received his blood-heritage from Hazrat Ali (RA) and it was a wonder of wonders how Hazrat Ali became simultaneously the mightiest sword and the mightiest pen. Inwardly Mahbub Murshed was mystically ornamented to ascertain the essence of Diwan-i-Ali. The mightiest pen of the time, had the mightiest sword. Yes, he analysed Hazrat Ali (RA) accordingly. Creative abilities had been inherent in him and he was very happy to depict his concentration of refinement equally on Shakespeare, Milton, Byron, Keats, Goethe, Shaikh Sadi, Mirza Ghalib, Hafez, Umar Khayam, Ferdousi, Rumi, Bahar, Tagore, Nazrul, Michael Modhusudan, Charles Dickens, Iqbal, Leo Tolstoy, Maupassant and others. What was his urge, cannot be guessed but he was a Muslim by conviction. He met Shilpacharya Zainul Abedin, S. M. Sultan, Lal Mian and other Muslim artists in the residence of Hassan Shahed Suhrawardy, Bagesree Professor of Calcutta University Mahbub Murshed was very fond of him. Under Hassan's initiation Fazlul Huq built up Calcutta Arts School.

Since Mahbub's father Syed Abdus Salek was a Deputy Magistrate by virtue of his posting in many places Mahbub Murshed had the opportunity to witness the rural areas. It was good news for Mahbub Murshed when Fazlul Huq started to set up many Colleges in rural Bangladesh in the remotest corners which included Chakhar Fazlul Huq College, Adina Fazlul Huq College, Karatia Sadat College, Ramdia Sree Krishna College, Haraganga College and other colleges.

Mahbub Murshed led a life of decency and decorum and he was a champion of discipline. He did not like the higgledy-piggledy game of politics. So he could never look for avenues in political arena although his opportunities were more than anybody's. But he did not fail to offer legal-aid to Sheikh Mujib during so-called Agartala Conspiracy Case. He did not also fail to compile Six-Point programme for economic emancipation.

He was happy to remain concealed. But after his death it has not been possible to conceal the only grand-judge in Asia. In reality people do not know enough about him. Surely Mahbub Murshed was a surprising personality.

## CHAPTER : THREE

### Birth and Family Heritage

Justice Syed Mahbub Murshed was a legendary figure no doubt, but he was not fond of creating legends for himself. His career covered no lengthy period but he witnessed three monumental political changes which included (a) the intact British India (b) Partition of India into two sovereign and independent states of India and Pakistan and (c) emergence of Bangladesh as an independent and sovereign state. Like many others he found the days dawning under three yokes between 1947 and 1971 within the purview of more than 24 years.

When Bangladesh emerged as an independent and sovereign state, Syed Mahbub Murshed realised the depth of farsightendness of his maternal uncle Sher-e-Bangla A. K. Fazlul Huq in the use of terminology “independent states” made by him in the original Lahore Resolution demanding partitioning of India. Syed Mahbub Murshed’s thoughts were gradually changed turning his chequered career from a socialist to the liberal democrat with a Muslim spirit inherent in him by virtue of his family heritage standing on paternity and maternity both. He had the uniqueness of personality always from his birth to death but this human quality did not create any melancholy contrast. He happened to be a vastly well-read person with wisdom and knowledge to control himself from any unnecessary allurements. He was happy and satisfied with what he attained.

Syed Mahbub Murshed had fascination for thought-provoking contributions of John Stuart Mill who said : “The worth of a State, in the long run, is the worth of the individuals comprising it.” Freedom is not a license and it is to be covered by the individuals with the right of knowing and implementing law. The theme had been cherished by Syed Mahbub Murshed till his death. He had the strongest common sense developed in the ducks and drakes game of politics. What he learnt about the consequential events has been narrated in the previous chapter. He did never let himself grow as a revolutionary like the “Anushilon” and “Jugantar” parties but he was radical for democracy under the bind

ing necessities of legal framework wherein judiciary should have separation and isolation from the executive administration with a separate budget for the judiciary. This idea he developed from his deep observations and studies from Al-Marwardy and Ibn Khaldun in parallel with the theme in verse 105 of Sura Nisa of Holy Quran where Allah says :-

“We have sent down  
To thee the book in truth,  
That thou mightest judge,  
Between men, as guided  
by God : so be not (used)  
As an advocate by those  
Who betray their trust.”

Syed Mahbub Murshed was well-conversant with the Holy Quran and the Traditions of the Prophet of Islam (S.M.) and he had collected all possible Bangla and English versions of them with Arabic texts in his personal library wherein he was normally habituated to go into the depth of them whenever and wherever necessary, generally early in the morning after saying his Fajar prayer. He was an early riser and it was his regular practice to complete the Wazifa (Praise of Allah) on completion of his business of study on them to receive the radical essence of Ashura spirit of democracy from his family heritage and thereafter, he went to nurse his garden daily. Surprisingly, it had not been demonstrated by him outwardly and it was his mystic culture.

Mahbub Murshed preferred liberty but not any lavish doing which would cause harm to others. Although Syed Mahbub Murshed has not made the contributions in writing, in the form of autobiography but he had the deepest merit and brilliance. His versions, sermons, and judgments were epoch-making and they form the basis for him to be marked as a political scientist, jurist and judge of the highest order. His stand was supreme; his supremacy is greater than that of any national leader. A sermon to him was like the ancient view professed by Horace (65-8 BC) : “Once a word has been allowed to escape, it cannot be recalled.” He viewed the leadership on point of merit and brilliance.

Mahbub Murshed did not know how to be hostile to anybody and so he adjusted himself not to deal with unjustly or unequitably to the

individuals in order to fasten the congeniality of community-life harmoniously. His stand may be analysed in fulfilment of Quranic verse 9, of Sura Maida in the following terms :

O ye who believe  
Stand out firmly  
For God, as witnesses  
To fair dealing, and let not  
The hatred of others  
To you make you swerve  
To wrong and depart from  
Justice.

So Mahbub Murshed was bodily and mentally developed for the cause of Justice during his career from birth to death.

Syed Mahbub Murshed was born in Calcutta on 11 January, 1911 in a family indentified as the most aristocratic and noble Muslim family of the sub-continent.

Syed Mahbub Murshed's forefathers carried the original blood strain of Hazrat Imam Hussain (RA) with Ashura spirit as heritage in and around the township of Kufa, still surviving to mourn for revival of Islam in Iraq.

Ashura-spirit in not a sentimental issue and it stands on the divinity of Almighty Allah speaking in Sura Nisa verse 74 of the Holy Quran in the following terms :

Let those fight  
In the cause of God  
Who sell the life of this world  
For the Hereafter  
To him who fighteth  
In the cause of God,  
Whether he is slain  
or gets victory-  
Soon shall We give him  
A reward of great (Value).

So The tragedy of Karbala is not left without any significance and in the deepest sense it revives the spirit of Islam with originality of its

democratic order as depicted in the verse of Allama Iqbal compiled to mean “ The murder of Imam Hussain was in fact the death of Yazid, and that the spirit of Islam revives at every event like Karbala.” The enunciation made by Iqbal greatly influenced Syed Mahbub Murshed finding the ways and means in dawning the revival of Islam under democratic order within the purview of instincts of reasoning developed. Amongst all poetic contributions of Allama Iqbal, Syed Mahbub Murshed was highly fascinated by his Shikwah, Jawab-i-Shikwah and Asrar-i-Khudi. He was influenced by his poetic and beatific visions but his political views did not mould Mahbub’s ideal and morality. Similarly he went into the philosophical depth of the poems of Rabindra Nath Tagore as they carried to him, the essence of Persian poet Hafez which Tagore cherished. Such collections were available in the library of Maharshee Debendra Nath Tagore located at Jorashanko of Calcutta which was visited by Syed Mahbub Murshed in his youth out of curiosity.

His family heritage claims the blood-stock of original Syeds originated from Hazrat Imam Hussain, grandson of the Prophet of Islam (S.M.) and it distinguished itself as the most aristocratic and illustrious family in Muslim Bengal specially in the sub-continent. Surprisingly, the family during the early part of the nineteenth century surrendered itself to adopt Bangla as mother tongue for more than 160 years with fluency, transparency and fragrance with a very lucid and sweet style in accent, identical in the district of Murshidabad enriching Bangla with combination of the words from Persian, Arabic and Urdu. The family carried the essence of Diwan-i-Ali in Arabic, Ferdousi and Hafez in Persian and later on Mirza Ghalib’s ghazal in Urdu. The scions of the family enjoyed the fruits of the literary and cultural contributions in the said languages during the evolution of political changes in Muslim Bengal by making themselves conversant in literature and philosophy right from Shah Shuja when he had been Mughal Subedar in Bengal. The scions were imbued with mystic and sufistic culture. No doubt Bangla as mother tongue was enriched by this family to reach this stage with local accent and vocabulary. For instance when English word ‘chair’ is used in lieu of ‘ashan’ Murshidabad people still now use ‘Kursi’ brought from the Quranic language as gesture of their zeal and fervour for Islam by virtue of the mystic elements practised. So the Syed fam-

ily of Salar within Kandi sub-division under Murshidabad District practised 'diwan' not as an institutional job-specification. They practised it as 'diwan' to Almighty Allah as 'Rub' owning everything for proportionate distribution of wealth. It is a deep philosophical trend inherent in the family.

The first ancestor of Mahbub's family entered Bengal during the reign of Mughal emperor Shahjahan whose reign covered the period between 1627 and 1658, for about thirty years. One year elapsed with a stop-gap arrangement made by his father-in-law Asaf Khan through regency of Dawar Buksh, son of Shahjahan's deceased brother Khasru and Shahabuddin Shahjahan was then in the Deccan on royal business. However, he hurriedly came to Delhi and enthroned himself in 1628.

During this period of turmoil the ancestors of Syed Mahbub Murshed did not feel comfortable in and around Delhi within North-West India with their sufistic culture to propagate the cause of Islam as the Mughal royalty was under the influence of the Rajputs and Jats who claimed to originate from the Aryans and followed Hinduism in the style of the Greek and Roman civilisation with incarnation of gods and goddesses in the form of idols. They derided the human-race by classifications in order to secure the advantages on the ashes of the Non-Aryans and Dravidians original inhabitants of India. During the Muslim rule between 710 and 1767, it was the gesture of royalty and monarchy to mix with the local people even by matrimonial alliance without complying with the religious bindings. They could not create the zeal for propagation of Islam. The Syeds, descending from the blood-stream of Hazrat Imam Hussain (RA) came to India as sufistic preachers of Islam.

During the reign of Emperor Shahjahan one of the scions of Syed family came to Bengal and settled down at Salar of Murshidbad between 1635 and 1676 to propagate Islam as they found Bengal convenient and congenial for preaching of Islam. There was a heritage already established in Bengal from 9<sup>th</sup> century. One of the greatest literateurs, scholars and researchers in Bangladesh Enamul Huq has upheld the views that Islam was propagated in Bengal not by sword but by the sufis, olis and darweshes with originality and depth of Islam. Dr. Enamul Huq (1906-1982) confirmed it by analysis and re-



search made during his early career while he had been Headmaster of Zarovarganj High School, located near Paragalpur, once capital of Mughal Fouzdar Paragal Khan, responsible for nourishing and patronising Bangla as language and literature. He visited the shrines of great sufis like Shah Zahed (Rah) of Bara Takia, Chinki-Ki-Astana, Shah Hadi Faqir (Rah), Noor Shah (Rah) and others.

The scions of Syed Family propagated Islam in the district of Murshidabad which became overwhelmingly a Muslim-majority area. It was their dedicated service rendered for Islam and they styled themselves to spread education, learning and knowledge by all means. They were not only developed in mystic culture but they stood as the torch-bearers of learning in the entire region enriched by Islamic Shariah and Jurisprudence based on Quranic and Traditonal Fiqah. They maintained the discipline of law and order with their juristic wisdom inherent in the family.

One of the ancestors of Syed Mahbub Murshed's family was Syed Ali Rashed and he was installed as Mufti, being very much conversant in Muslim Jurisprudence. During the early period of East India Company he had been appointed to the coveted position of Judgeship of Dewani Adalat (civil court) which was still known as Quazi and he safeguarded the position of the Muslims from the oppression of British East India Company by applying the Muslim laws in order to ensure the sense of justice to them. So the family received traditional feature of justice right from Syed Ali Rashed and the application of justice took the course of changes till the Civil Procedure Code and Criminal Procedure Code "adalat" being divided into two processes of justice to the benefit of British yoke. Upto Syed Ali Rashed the Judiciary had single entity with civil and criminal procedures both. Thereafter, "Adalat" was divided into two courts dealing with civil and criminal procedures to accommodate the benefits and advantages for the British yoke.

The British divided the order of law as they were overwhelmed with the problems without consolidating the rule of justice. So they divided the cause of justice in the Sub-continent whenever they could have subjugated the entire region one by one. " Along with the obligation not to do injustice, goes the positive command to do justice." (Sura

49 Hujarat verse 9). Individual quarrels are easier to compose than group quarrels, or in the modern world, national quarrels. But the collective community of Islam should be supreme over groups and nations. It would be expected to act justly and try to compose the quarrel, for peace is better than fighting. But if one party is determined to be the aggressor, the whole force of the community is brought to bear on it. The essential condition is that there should be perfect fairness and justice and respect for the highest principles; for Islam takes account of every just and legitimate interest without separating spiritual from temporal matters.” (Islam and Its Legal and Moral Aspects: Barrister Tamizul Huq : page-183).

Under British rule after Syed Ali Rashed the spiritual and temporal aspects of the rule of justice were omitted to create the advantage of the British Imperialism. So the rule of justice elapsed. Syed Mahbub Murshed by virtue of his family tradition built up his cause with transitional image brilliantly and academically put up in order to pursue the rule of justice within the order of discipline. It is not possible to detail the genealogical steps of Syed Mahbub Murshed because the stories are not recorded by anybody. His father Syed Abus Salek was brilliant in academic pursuits. He lived in the midstream of the eighth decade of the nineteenth century when English education was not in vogue amongst the Muslims of Bengal but Syed Abdus Salek came forward to remove the dead-lock already created. He completed his education in the University of Calcutta brilliantly to fit himself to join the Bengal Civil Service and was elevated to the coveted position of Deputy Magistrate. As Deputy Magistrate he had to move to several mofussil towns and experienced the local customs and usages of Bengal. Magistracy was also a judicial position in addition to executive obligations. During the period under review it was very difficult for the Muslims to be elevated to the post of Deputy Magistrate and Collector. While taking the course of action he did never play the role of yeoman to flatter the British hierarchy. He was very independent and uncompromising to ensure the rule of administration and justice unlike other magistrates and collectors. He possessed rare qualities of head and heart along with a strong sense of responsibility and devotion to duty. S. N. Q. Zulfiqar Ali has written: “The family hailed from the district of Murshidabad. The ancestors of Mr. Salek were all saints or scholars. Arabic, Persian and Urdu were languages cultivated by most of

their descendants with zeal.”

Syed Abdus Salek was also a person of saintly character but he was not bereft of the trend of modernity and he showed the modern and progressive trends in himself. He was very religious in nature like his ancestors and cultivated the culture of Islam very earnestly. He had earned masterly proficiency in Bangla and English both and wrote two books in English one titled: “Early Heroes of Islam” covering the aspects of four pious Khalifahs (Khulafa-i-Rashedin) and another was a biography of Hazrat Syed Abdul Quadir Jilani (Raf) as ample proof to justify himself on his stand recollecting the spirit of Islam. Syed Abdus Salek had many writings on Islam whether they were published, could not be ascertained. He built up a house located at 30 European Asylum Lane to settle down with his family in Calcutta, possibly during the second decade of the twentieth century. All the Mursheds felt a sense of relief in this house.

This was the story of paternity of Syed Mahbub Murshed. His maternity was no less stronger than his paternity. Syed Abdus Salek married in a family of inter-regional link. Syed Abdus Salek had the chequered service and was promoted and elevated to the rank of District Magistrate and Collector, a position occupied by very few Muslims then. He served as the District Magistrate and Collector of Bogra and Dinajpur during the second decade of the twentieth century. Afzalun Nessa was the mother of Syed Mahbub Murshed. Syed Abdus Salek married Afzalun Nessa, daughter of Quazi Muhammad Wazed of Chakhar under Banaripara within Pirojpur District now (originally within greater Barisal District) having the strongest family heritage with steps of aristocracy, honour and dignity. Sher-e-Bangla Abul Kashem Fazlul Huq, the worthiest son of Asia was the only son of Quazi Muhammad Wazed, besides two daughters Badrun Nessa, senior to Fazlul Huq and Afzalun Nessa, junior to Fazlul Huq. Badrun Nessa was married to Mazhar Hussain Nur Ahmad (Boiya Mian) of Dhaka but Boiya Mian settled down at Barisal Town. On account of the wedlock between Boiya Mian and Badrun Nessa, they were blessed with two sons and one daughter namely A. H. Wazir Ali, Yusuf Ali and Sarrah Begum. Wazir Ali was the nephew and son-in-law of Fazlul Huq, elevated to the position of Deputy Magistrate and Deputy Collector sometime stationed at Chandpur and thereafter, posted at

Munshiganj as Sub-Divisional Officer. Having been encouraged, patronised and financed by his maternal uncle and father-in-law Fazlul Huq, first Chief Minister of Bengal, Wazir Ali established Haraganga College of Munshigonj in 1942. Sarrah Begum was the first female Muslim writer in Bangla and compiled “Sworger Jyoti” and she was married to Syed Muhammad Taifoor of Sonargoan.

Quazi Muhammed Wazed was born at Chakhar in 1843 and he passed the Entrance Examination in 1864 from Barisal Zilla School. He did his F. A. in 1866 from Calcutta Presidency College and he passed the B. A. Examination with distinction from the same College in 1869. He was the first Muslim graduate in Barisal Division and sixth amongst the Muslims of Bengal, first being Muhammad Emdad Mian of Hoogly and second being Sirajul Islam of Comilla. He did his B.L. from Calcutta University in 1871 and started legal practice in the judiciary of Calcutta High Court but moved to Barisal from Calcutta to join as pleader of Barisal Bar. He was the first Muslim B.A. B.L. in Barisal and third amongst the Muslims of Bengal. Before him Syed Amir Ali and Obaidur Rahman of Bahrapur did B.L. When he joined Barisal Bar there were not even five B.A, B.L pleaders. He had a good legal practice at Barisal with name, fame and wealth and built up a two-storied house styled as “Flora House” at Barisal. He witnessed the transitional trends after Sepoy Revolution (1857) and silently took up the cause of the Muslims. He rendered the services as far as possible to the cause of the Muslims for their revival by adopting English education and he purchased some petty zemindaries (taluks).

Quazi Muhammed Wazed married Syedun Nessa, daughter of Ahmed Ali Mian of Sauria Mian Bari within Rajapur Thana of present Jhalokati district. Sauria Mian Bari came to prominence as an old, aristocratic and illustrious family coming from the blood-stock of Faquir Shahabuddin, an eminent preacher of Islam in Bakla-Chandradwip vast coastal region, originally inhabited by ‘Bang’ people who gave the sense of national identity to the Bengalees as depicted by Serajuddin Ahmed in History of Barisal in two volumes, in Bangla. The entire region is now covered by Barisal Division which was created by Begum Khaleda Zia’s government. Barisal Division (originally known as Bakerganj named after Aga Baker, Fawzdar of Chittagong and

Mansabdar of Buzrd Umedpur Pargana within Bakla-Chandradwip) came under Mughal occupation in 1611 after defeat of its king Ramchandra. Bakla-Chandradwip covers the entire Barisal Division. By blood Fazlul Huq's ancestors were connected with Aga Baker. Fazlul Huq's first ancestor was elevated to the post of Quazi (Judge) by honourable appointment in early eighteenth century and shifted himself to Barisal Division from Bhagalpur of Bihar. He was a prominent jurist and judge (Quazi) and permanently settled down at Beelbilash village under Bauphal Thana of Patuakhali district. Aga Baker had the ancestral blood link with Khalid Bin Walid.

Fazlul Huq's great grandfather Quazi Amin's son Quazi Muhammad Akram was born at Beelbilash in 1820. Quazi Muhammad Akram educated himself after taking much pain and became well conversant in Arabic, Persian and Bangla. He married Jinnatun Nessa daughter of Syed Emdad Ali of Chakhar and shifted himself to Chakhar. He took up the certificate of Mukhtarship and joined as first Muslim Mukhtar at Barisal. He earned name, fame and money but he was a magnanimous man ensuring charities to accommodate the Muslim students at his house in Barisal Town with food and lodging. Eminent litterateur Munshi Muhammad Reazuddin was lavishly patronised by him. Quazi Muhammad Akram was the grandfather of Fazlul Huq and he had two sons and five daughters who were married to aristocratic links, specially in Barisal Division. They all belonged to sharif families. Quazi Muhammad Wazed's younger brother Quazi Abdul Quader had been a District Registrar but he had no issue. Quazi Wazed was the cousin of Nawab Abdul Latif in the trending channel.

Syed Mahbub Murshed's Paternity and Maternity had the strongest family standing with judicial, juristic and legal background. Syed Mahbub Murshed's mother Afzalun Nessa was an educated lady having proficiency in Bangla, Arabic and Persian and she was a litterateur too. She compiled a book under the title 'Ratnadhar' and her husband and herself made a very good combination to nourish their children in the matter of discipline. Afzalun Nessa possessed an independent personality like her husband to weigh the cause of justice without any disproportion both in the family and elsewhere. The wed-lock offered two daughters and three sons and this team of five had an additional

sixth by inclusion of a step brother.

They included in order of seniority of age forming the team as quoted below:-

1. Syeda Kanij Fatima, married to Dr. S. K. Soofi.
2. Syed Manzoor Murshed married Nawabzadi Farhad Banoo, daughter of Nawab Sir Salimullah.
3. Syed Maqbul Murshed married Salma Begum.
4. Syeda Sakina Murshed married Khan Bahadur Abdul Maijd.
5. Syed Mahbub Murshed married Laila Arjumand Banoo, daughter of A. K. M. Zakaria who was the Mayor of Calcutta.
6. Syed Matlub Murshed stands in the genealogical chart as the step-brother of the first five.

Quazi A. K. Fazlul Huq was the maternal uncle of Syed Mahbub Murshed and Nawab Abdul Latif was not only the cousin by trending channel, of his maternal grandfather Quazi Muhammed Wazed but he was the grandfather of his maternal aunt Khurshid Talat Begum, first wife of Fazlul Huq who was the daughter of Syed Ahmed Azad of Dhaka (Babupura). Nawab Syed Ahmed Azad was a famous Urdu poet and retired Inspector General of Registration who had zemindary in the greater district of Comilla (then Tippera). Nawab Syed Ahmed married the daughter of Nawab Abdul Latif. Nawab Syed Ahmed's another daughter was married to Dr. Sir Hassan Suhrawardy maternal uncle of Hussain Shahid Suhrawardy. Dr. Sir Hassan Suhrawardy was the son of Maulana Ubaidullah Al-Ubaidi Suhrawardy and he was the first Muslim Vice Chancellor of Calcutta University. So he was the brother in law of Fazlul Huq having the link with Suhrawardy family. He was the father of Shayesta Suhrawardy Ekramullah whose daughter was married to Talat Hossain, crown prince of Jordan. Her first daughter Barrister Salma is married to Dr. Rehman Subhan, famous economist of Bangladesh.

The picture is depicted how Mahbub Murshed was inter-linked with the illustrious families of the sub-continent.

Syed Abdus Salek was well-recognised for his honesty integrity and religious fervour. He did never favour anybody with undue privilege and he did never try to secure any favour from anybody or author-

ity to his advantage. He was a man of strict principle and knew no illegal and immoral exchange. So he prevailed upon his sons and daughters who were bowed down to him to maintain discipline dictated by him. Many persons like him were made knights i.e. Sirs, Nawabs and Khan Bahadurs at least. He never tried to satisfy and flatter the British colonial higher authorities. Syed Abdus Salek was very much linked up with Justice Sir Zahidur Rahim Zahid Suhrawardy (father of Hussain Shahid Suhrawardy), Sir Abdur Rahim, Lt. Colonel Dr. Sir Hassan Suhrawardy, Sir Syed Amir Ali, Sir Azizul Huq and others and he could have allured them to secure the privileges of awards and rewards but he maintained liaison with them selflessly without any objective to gain. He was almost like his brother-in-law, Fazlul Huq and close relative Hussain Shahid Suhrawardy who too never ran after titles. They were chief ministers of Bengal but gained no laurel though another chief minister Khawaja Sir Nazimuddin was given the title Sir.

Syed Abdus Salek was rather influenced by pan-Islamism of Jamaluddin Afgani through his close association with Abdullah Al-Mamun Suhrawardy, maternal uncle of Hassan Shahed Suhrawardy and Hussain Shahid Suhrawardy (Son of Maulana Ubaidullah Al-Uabaidi Suhrawardy). Anyhow the close association was formed through Justice Sir Abdur Rahim at personal level. Abdullah Al-Mamun Suhrawardy was a versatile genius with his brilliant academic career started from Dhaka Alia Madrassah, Dhaka College and Calcutta University upto M.A. Degree with first Class subsequently followed by his brilliance in securing LL.B., Ph. D. and D. Litt from Oxford University. He established Pan Islamic Society in London and created a fervour for Islam there. He had compiled some books of excellent scholarship and wisdom. In recognition of his services towards Islam, Sultan Abdul Hamid of Turkey decorated him with the title: Majidea Oceanic Wisdom (Majidiya Vidyasagar). Syed Abdus Salek was possibly inspired by him to write his book "Heroes of Islam" on four pious Khalifahs and he was motivated by democratic order of Ashura spirit deducible from his family heritage of Hazrat Imam Hussain (RA). Syed Abdus Salek was dedicated to sufi culture and wrote a book on Hazrat Syed Abdul Quader Jilani (Rah) too.

As District Magistrate and Collector of Bogra and Dinajpur he

made all endeavours for public works. Bogra was then the smallest district among 28 districts of Bengal but its spheres of activities were enormous and the people of Bogra were culturally developed. Boy Scout movement of Baden Powel had speedy growth under Abdus Salek who left no stone unturned to organise it in all school's of Bogra district which had Muslim majority population. Nawab Syed Nabab Ali Chowdhury of Dhanbari, had a zemindary in the district of Bogra and he advocated for English education there. He stationed his kith and kin Nawab Syed Altaf Ali Chowdhury to motivate the Muslims to English education there. Syed Abdus Salek extended all Co-operation to advocate the cause of education. He made a tremendous service to eradicate illiteracy amongst the Muslims of Bogra and created the footing for Boy Scout troupes in all schools of Bogra. The standard of Bogra Boy Scouts was the highest amongst all the districts of Bengal under patronage from Syed Abdus Salek and at last Bogra Zilla School's Boy Scouts topped everywhere in Bengal. Syed Mahbub Murshed was a smart Scout at Bogra Zilla School and his fascination for Boy Scout movement was formulated during juvenile stage at Bogra Zilla High school. Later on, it captured his mind very deeply. Syed Abdus Salek was the pioneer of Boy Scouts in the district of Bogra. He did it to bring about renaissance amongst the juvenile people.

His wife Afzalun Nessa, mother of Murshed brothers and sisters was a lady of wisdom and learning and she started learning English in addition to her proficiency in Bangla, Arabic, Urdu and Persian. She was known as a litterateur then. Deeply religious she was the beloved daughter of Quazi Muhammed Wazed since her childhood and she was motivated by her father to work for reawakening of the Muslim women. At Bogra she also felt inspired to create a sensation amongst the young women. Meanwhile, Lady Baden Powel came forward with Girl Guide movement and Afzalun Nessa was able to organise a little Girl Guide troupe at Bogra, possibly first of its kind in mofussil area of the then Bengal.

Regarding the schooling of Syed Mahbub Murshed the details cannot be ascertained. But it is certain that during the juvenile stage he appeared with the objectives of innocence, smartness, curiosity, adventure and pursuit for good expression. He started growing tall to



taller and tallest in youth to express himself as a handsome and balanced figured man attracting the young women in England as per the reminiscences of Dr. Naba Gopal Das, ICS covering the association for over half a century. Dr. Das says: "I knew Mahbub Murshed ever since we were in the Presidency College Calcutta. That was in the year 1920 more than five decades ago. I do not exactly remember from where he had passed his High School Examination. It must have been from some school in Calcutta or its outskirts. I, on the other hand, was a shy introvert boy from Dhaka and was understandably nervous in the company of so many brilliant boys who had joined our batch in the Presidency College.

Mahbub, however, soon made friends with me, helped me considerably to get over my shyness. I vividly recall his bonhomie, his constant smile and his anxiety to do things for me. Incidentally, Mahbub's elder brother Maqbul, was also with us in the same class, but I was not as close to Maqbul as I was to Mahbub. After graduation, I left for UK in 1930 and lost touch with both of them for quite a few years. Our friendship became deeper when in 1937 accompanied by my wife I went to London on leave. Mahbub was then doing his Barristership there. My wife (Mahbub called her "*Boudi*") became extremely fond of him and treated him like a younger brother.

Mahbub, on his part, gave her all respect and attention that a "*Boudi*" should command. During our three month's stay in London Mahbub was a frequent visitor to our little one room apartment at Swiss Cottage. We used to go to places together and very often Mahbub would come and share with us meals cooked by his *Boudi*.

I vividly remember how very sad he looked when one day he was told that his *Boudi* had cooked '*Khichuri*' the previous evening. "Oh, Naba, why didn't you inform me" he wailed. I conceded that it was an oversight on my part.

Mahbub accompanied us when after completing my Ph.D. in London Mrs. Das and I decided to see a few places on the Continent before we returned and took a Lloyd Triestino boat from Naples. He was with us throughout the six weeks' travel. As we were desperately short of funds, we travelled third class by train and Mahbub shared with us all the discomfort of such travel. He was always full of wit and his repair-

tees were most enjoyable.”

The observations recorded by Dr. Naba Gopal Das in his reminiscences about Syed Mahbub Murshed show innocence and characteristic features of Mahbub’s personality in his younger days. It is a heart-to-heart feeling expressed by another personality dominant in his arena.

Syed Mahbub Murshed was a talented personality always found characteristically well balanced throughout his career. To him it appeared that politics is a game of gambling. He witnessed the periods of three Muslim Chief Ministers of Bengal who happened to be closely connected with his own family. So he could not form any good opinion regarding the arena of politics. He wheeled his future career accordingly. He was not sentimental or emotional in nature but his idea was thought-provoking by the contributions of the books read and studied in depth. He meditated about birth and death to find out a cure like P.B. Shelly (1791-1922) analysing: “The cemetery is an open space among the ruins, covered in winter with violets and daisies. It might make one fall in love with death to think that one should be buried in so Sweet a place.”

However, Syed Mahbub Murshed was poetic in nature and mystic in principle to find out the rhymes in the order of discipline. He had accustomed himself to do the right, more and more and avoid the wrong as far as possible. The right and the wrong was taught by his mother Afzalun Nessa who had absolute control over her sons and daughters left at her disposal. Afzalun Nessa was the younger sister of Abul Kashem Fazlul Huq who maintained a heart-to-heart relationship with his sister’s husband Syed Abdus Salek in order to offer the typical warmth to the youngest “*Jamai*” or son-in-law of the family. She was the most affectionate daughter of Quazi Muhammed Wazed prominent and dominant then with Sharif tenderness to “*damad mian*” and he taught his daughter what was congenial to grow up in a family-binding. So Afzalun Nessa took up the cause of her children to gear them up properly. She was a strict custodian never allowing her children to go astray.

Regarding childhood and boyhood of Syed Mahbub Murshed no details can be ascertained. But the essence of his boyhood has been described by our great pioneer and illustrious poetess Begum Sufia Kamal,

as if, she has made a “*riwaz*” of her song in commemoration of Syed Mahbub Murshed, who was junior to her. Begum Sufia Kamal hailed from famous Shayestabad Nawab family to which the most famous jurist and lawyer of Asia Dr. Kamal Hussain belongs too. Begum Sufia Kamal had the family relationship with the aristocracy of Sher-e-Bangla A. K. Fazlul Huq.

While reminiscing about Syed Mahbub Murshed she says: “A fearless, just and sturdy justice like Syed Mahbub Murshed had also a boyhood.”

She pleasantly and softly narrates : “ It is a sweet memory still bright in me, to recollect his boyhood, a charming and smiling juvenile, still remains fresh in me. Justice Syed Mahbub Murshed happens to be the nephew of Sher-e-Bangla A. K. Fazlul Huq and there stood a compact relationship of our family with this family.

We met at Barisal when he came to visit his maternal uncle’s family after appearing at the matriculation examination. And then he started addressing me as his ‘*apa*’; smiling juvenile his constant visit to our house offered his cheerful presence and aristocratic courtesies shown to all of us. He used to jump from the trees, to dive into the pond to have the bath and to wander on roads of Barisal riding on an unbridled horse. We used to play on many occasions with pet cats and dogs.

When elevated to the chair of a great justice he did not forget those days gone by; days of sweet association with heart to heart recollection. They belonged to the ancestral origin of Aga Baquer never forgetting the education, culture, customs and usages of aristocracy and it left a heritage in them. During those days his father Syed Abdus Salek was very much in favour of female education and progress and his elder brother Syed Manjur Murshed played a pioneer role for women’s education and progress. When grown matured this man remaining to restore justice, stood firm to oppose all prejudices and social evils. He earned the reputation for his role to establish the cause of truth and justice. He had a rich mind of poet litterateur and artist profiling a portrait for him. His tasteful and gospel versions in the forums of art, literature and poetry whenever arranged to hear him, softened and satisfied his listeners.

During his ailment when I visited him in the nursing home he did not fail to recite in Persian and softly said to me: “we shall arrange the *Mushaira* (musical soiree) again.

Highly educated with literary curiosity as he was, he remained ever fresh in my mind with all his tenderness and affection. We met in many functions of Dhaka and he treated me always as his elder sister. He invited me beside him with great honour and homage to me. His most loving and resourceful wife Laila Mahbub attended many functions of women and whenever the occasions permitted I found keenly that they did never lack in adab, tamiz and entertainment. I really felt warmth.

Today Mahbub Murshed is no more, I cannot bring myself to believe it. I am lost in myself. I feel he will come and appear before me calling me “apa.” I cherish he will come and oppose all the odds going on in the name of country-wide malodorous games but my dreams are dreams only. There are malpractices in the country in the name of justice, culture and social welfare. He was the man alone to stand in creating the barrier against such misdeeds. It is a misfortune for us that Mahbub Murshed is no more with us. I recollect him with deepest affection and love. I pray to Almighty Allah for maghfirat of his Ruh and I feel he should remain as a star sparkling for ever in our memory.”

These were the observations left by the great poetess Begum Sufia Kamal and we pray to Allah to hear sermons like the verse of English poem saying.

Milton, thou shouldst be living  
England hath need of thee.

Begum Sufia Kamal was related to the family of Syed Mahbub Murshed by virtue of her link with Sher-e-Bangla A. K. Fazlul Huq and she had seen Mahbub since his youth. As far as is known she closely saw Afzalun Nessa, mother of Syed Mahbub Murshed pioneering women’s education in the second decade of the 20<sup>th</sup> century. Her wedding was the combination of a union between Barisal and Murshidabad for happy and congenial growth which influenced her children too.

As already said Syed Mahbub Murshed was an academician and a man of discipline which symbolised him for his extraordinary curios-

ity and inquisitiveness for depth of learning, knowledge and wisdom to turn him into a thinker and philosopher.

Syed Mahbub Murshed was a student of Bogra Zilla School upto 1926 while his father Syed Abdus Salek had been the District Magistrate and District Collector in the District of Bogra.

He passed the Matriculation Examination brilliantly in 1926 and he was placed first in order of merit amongst all the First Divisioners of Rajshahi Division including all the candidates of the then biggest Division under undivided Bengal. It was an unparalleled and brilliant result for a Muslim student. The record says it was only Humayun Kabir who had stood second in order of merit amongst all the Matriculation candidates under the University of Calcutta, possibly in 1931 or 1932 from Noagaon R. K. High English Institution. In 1926 when Syed Mahbub Murshed took the Matriculation Examination there were 23 candidates from Bogra Zilla School and amongst them only seven candidates were Muslims. Amongst all the candidates he not only topped the list but it was a sensation created amongst the Muslims. In the same year his elder brother Syed Maqbul Murshed also appeared from Bogra Zilla School and he was also placed in the first division. Syed Mahbub Murshed was one of the two candidates who were awarded scholarship by the University of Calcutta. During his school days he was a voracious reader and he digested all the books of Bogra Zilla School Library. Great educationist Bharat Bandhu Laha was the Headmaster and he was a great disciplinarian. It is said that Syed Mahbub Murshed was very fond of him and in reality he took the lessons about discipline from Bharat Bandhu Laha who used to love Mahbub Murshed from the core of his heart. Mahbub Murshed was always obedient and respectful to his teachers and it lasted in him till death. Off and on he used to recollect his Headmaster very respectfully. Bharat Bahdhu Laha was a tiger to all and none could reach him out of awe. But Laha had all the affection for Mahbub Murshed and his door was always open for Mahbub.

In 1964 Justice Mahbub Murshed visited Bogra for the last time and he took his Begum Laila Arjumand Banoo Murshed with him. They visited Bogra Zilla School. He was eager to show her everything of his days there. It was his childlike desire to mention to her where,

how and what were taught. Begum Laila Arjumand Banoo also enjoyed very much because she was quite aware of the depth of her great and noble husband and he had pleasantly recorded them in mind. She is also not less than anybody and she had her days in Loreto Convent of Calcutta. She had also her glorious days there.

They were escorted to the room and office-chamber of the headmaster and as a token of respect and regards for him he was requested to sit on the main chair there, possibly it was the chair once occupied by Bharat Bandhu Laha which Mahbub Murshed could have guessed. He refused to sit on the chair and uttered smilingly: "I am sorry I can't do it. It was occupied by my most respected headmaster and I am not at all competent to sit in his chair."

Is it possible for anybody to be so modest to-day? It was a rare example shown by Mahbub Murshed.

During his days at Bogra he was well-conversant in English and it was customary as the medium was then English. He went through the books like Gulliver's Travel, Treasure Island, Easop's Fables, Masnavi, Shahanama and others. Desire developed in him to know the untold stories in and around the Arabian Nights. He used to visit the shrines of Hazrat Shah Sultan (Rah), Hazrat Shah Makhdoom (Rah) of Rajshahi and Hazrat Shah Niamatullah (Rah) of Goura. It offered him the historical trends of the Muslims. He was curious to study the mystic elements developed by them. Shahnama was written by Abul Kassim Mansur Ferdousi ( 948-1020) an epic poet of Iran. Murshed went through the English Translation of his "Book of Kings" (Shahnama) containing 60,600 verses. He was a court poet of Sultan Mahmud of Ghazni. The tragic story around Ferdousi, whether correct or not, created heart sensation and burning for Syed Mahbub Murshed. The antiques used to create surprise during his young days. Syed Mahbub was always sensitive to the cause of the suffering humanity.

With curiosity and enthusiasm of mind he got himself admitted in Presidency College Calcutta in 1926 and took his F. A. from there brilliantly in 1928. He did his B.A. Honours in Economics creditably in 1930 from Presidency College. In 1932 and 1933 he obtained M.A. degree in Economics and LL.B. respectively securing first class.

As student of Presidency College he was the Editor of the College Magazine, possibly first Muslim student to edit the College Magazine. His proficiency was well-balanced in the college-Magazine to develop refinement and expression.

During his student life he was interested in sports and games in which the Muslims lagged behind then. He motivated the Muslim youth to participate in them with earnestness and he left no stone unturned to organise Calcutta Mohammedan Sporting Club.

During his student life he was well-acquainted with Hussain Shahid Suhrawardy for all his depth as jurist and lawyer of the highest order. Syed Mahbub Murshed followed the academic formula of oration how to stand, how to address, whom to address and what to say in the order of discipline maintained in the oratory-science and so he was the orator of highest order from his college-days. He came to his form by participating in the debating club. His fluency and transparency stood unique both in English and Bengali, making his accent and vocabulary not artificial not chewing the pronunciation. He tried to show originality and creative talents always. He had the depth in contemporary politics no doubt but he did not like the crooked trends. Although his maternal uncle A. K. Fazlul Huq was a great statesman in the sub-continent he could not adjust to the higgledy-piggledy game of politics. To him it was the mischief caused by the British Imperialism in order to make the politics crooked.

However, he obtained the highest degrees of the University of Calcutta with brilliance and so developed the reasoning ability. He was indeed influenced by the mass-communication ability of his maternal uncle Fazlul Huq who was very fond of Syed Mahbub Murshed for his independent nature. It was the confirmed belief of Mahbub Murshed that as public leader Fazlul Huq made everything possible to gear up the education for the subjugated Muslim peasants and masses of Bengal and none stood equal to him. During his early career he was much influenced by his father Syed Abdus Salek who did never bother to be blessed by title of Nawab or Knighthood from the British Imperialism. Within the four walls he was influenced by his devoted and religious mother Afzalun Nessa.

In 1934 he enrolled himself as an advocate in the judicature of

Calcutta High Court. While he started his legal profession he preferred to become the junior to Barrister Sarat Chandra Bose(1888-1950), elder brother of Netajee Subhash Chandra Bose. He did not like to work as junior to his maternal uncle A. K. Fazlul Huq possibly because he did not want to rise on the strength of maternal uncle. Fazlul Huq was a lion-hearted man and he did never mind it. Mahbub also had the rare fortune to become the junior to the great non-Bengalee lawyer K. B. Khaitan, who advised him (finding his rare qualities of head and heart) to proceed to England for Barristership, necessary to offer growth in the profession. Mahbub could have become junior to Hussain Shahid Suhrawardy too as there was the heart-to-hart relationship from family point of view. Shahid Suhrawardy too had love and affection for Syed Mahbub. But it is surprising that both Fazlul Huq and Shahid Suhrawardy did not fail to appear before him while Syed Mahbub Murshed was elevated to judgeship. This was possibly due to the greatness of those epoch-making personalities. Real greatness does not mind small differences when greatness is expressed to another personality. Fazlul Huq was extra-ordinarily brilliant and meritorious academically, with his family heritage from Khalid Bin Walid (RA), the worthiest son of Islam to hoist the flag upto Syria. Hussain Shahid Suhrawardy was not only highly brilliant and talented but he had academic degrees rarely attained by the Muslims then. They were both legal and juristic brains academically and they loved Syed Mahbub Murshed for his brilliance and merit endowed by academic pursuits from the core of their hearts and they sought him to grow according to his own choice and preference. Surely, it was an advantage for Syed Mahbub Murshed that he was loved by them and in return Mahbub Murshed respected them till their death. This is the excellence of talented behaviour performed by him.

Regarding Fazlul Huq, Syed Mahbub said: "Great men have their empires and victories, their renown and lustre have no need for external grandeur with which they have no relations. They are not seen with the eyes of the body, but with the mind through the eyes of the soul." On Suhrawardy he uttered: "Not only as a jurist and lawyer, he used to lose the people for democracy in order to gain the ground to ensure the rule of law. He is predictable to catch hold to say what is what in hu-



man endeavours for welfare.”

To the utter surprise of all, Syed Mahbub Murshed did never comment on the statesmanship of anybody, quoting only from his favourite thinker and philosopher John Stuart Mill who said: “All good things, which exist are the fruits of originality.” Shoud we expect anything more from a personality like Justice Syed Mahbub Murshed? His entire life will show it that Syed Mahbub was wont to eat and digest what he thought necessary not for filling his stomach but thinking as it is apparent in the Holy Quran in Surah Al-Baqarah. Verse 172 which says :

O ye who believe !  
Eat of the good things  
That we have provided for you,  
And be grateful to Allah  
It is Him ye worship.

Syed Mahbub Murshed used to eat only to think deeply. During his academic career he used to visit Jorasanko Thakur Bari not to know about Rabindra Nath Tagore. He was a voracious reader of Tagore, with knowledge of Urdu, Persian and Arabic and since he was well-versed in Iranian literature he found the poems of Tagore carrying the essence of Hafez, Umar Khayam, Shaikh Sadi, Rumi, Ferdousi and others. He was curious what were the reasons, Tagore had no academic qualification and he earned the depth of knowledge, learning and wisdom by reading the books accumulated in the very rich library of his father Maharshee Debendra Nath Tagore who was well conversant in Iranian literature through English translation of the books written by Iranian poets, litterateurs and philosophers. Hafez was a favourite of Devendra Nath Tagore and Hafez was decorated, by the title As-Shams received from the mystic divinity of Shams-i-Tabrizi. Shams means sun or rabi and so Devendra Nath Tagore named his son Rabindra Nath Tagore so that he could carry the essence of Hafez. In reality Rabindra Nath Tagore centered round his depth in and around Hafez so mach so that it caught the sight of Syed Mahbub Murshed.

Even though Syed Mahbub Murshed was reared up in an anti-British environment he was fond of the western poets and philosophers

and he nourished the juice of social values from them. He started writing articles in the English dailies including the Statesman. He proceeded to England for becoming Barrister-at-law in 1935. Meanwhile, in Calcutta he had been in association of Abdullah-Al-Mamun Suhrawardy, maternal uncle of Hussain Shahid Suhrawardy who inspired him in pan-Islamism. In 1919 Suhrawardy's mother Khujista Akhtar Banoo Suhrawardy died when Syed Mahbub Murshed was a mere boy of 8. He was very fond of her for her personality and for her pioneering work for female education and she loved the boy very much. Her death shocked him very much.

He had also become fond of Abdullah-Al-Mamun Suhrawardy while reciting poems compiled by him.

To Syed Mahbub Murshed politics was not a bad phenomenon at all if dealt with academically in consistence with conscience. He resembled Abul Hashim who said: "Politics, is, therefore, the science of man and the philosophy of human existence and it is not a vulgar art of seizing power and deceiving men. All the ills of human race of the present age are due to the vicious and stupid political system which gives political leadership to inefficient and dishonest demagogues and accepts as perfect wisdom the decision of fifty asses against the judgement of forty nine Arab horses by the procedure of counting noses which they call democracy! Whether one accepts it or not, it is a hard reality that sovereignty, political or otherwise, is vested and lies not in man, in a king, a dictator or in any assembly of men but in the completely unified law of nature and in its completed knowledge of God, the Creator, Sustainer and he Evolver of the universe. The honest and efficient students of this knowledge are only competent to do politics or to mould the destiny of men according to the law of Nature and the will of God. One can revolt against nature for a while but Nature cannot be flouted for all time as Horace said: "You may throw Nature out with a pitchfork, but she will keep coming back." (Abul Hashim: The Creed of Islam: page 110-111).

Abul Hashim was senior to Syed Mahbub Murshed by six years. When Mahbub Murshed joined as an advocate of Calcutta High Court in 1934, he was then a young man of less than 24 studying vigorously to understand the politics around democracy then. But he had been far

from self-propaganda. That was not the time possibly. Abul Hashim was then less than 30 and started his legal practice in Burdwan district court in 1931. Abul Hashim was in the right form as he had a family political back-ground. He was the son of the great public leader Abul Quasem. Both father and son had the honesty and integrity not to behave like the so-called demagogues doing absolutely nothing for the people. In 1934 Mahbub was not so much known to Abul Hashim and they had rare occasions to meet together. In later course after 1941 Syed Mahbub Murshed formed highest regard for Abul Hashim who did never make divergence between theory and practice to run after ministership. To Syed Mahbub Murshed, Abul Hashim stood as an unparalleled figure, not to be compared with others. Surprisingly Abul Hashim died in 1974 and Mahbub Murshed died in 1979 both having almost equal life span.

In 1935 Mahbub Murshed left for London to secure the laurels of Barrister-at-law and enrolled himself as a student of famous Lincoln's Inn. Before his departure he carried letters from Justice Zahid Suhrawardy and Abdullah Al-Mamoon Suhrawardy addressed to their friends there. Mahbub Murshed was loved by both of them.

In London Syed Mahbub Murshed had not been working only for the Bar-at-law. He had other interests too. He used to sit in India Office Library to learn the pros and cons of jurisprudence and contemporary events. Mahbub Murshed grew in wisdom like the French proverb says: "A wise man reflects before he speaks. A fool speaks and then reflects on what he has uttered." The merits of Syed Mahbub Murshed were cordially recognised by the Indians specially for his exceptional oration and extraordinary vigilance on contemporary world literature. While engaged in studies in the India Office Library he became well-conversant with the great German poet, dramatist and novelist Johann Wolfgang von. Goethe (1749-1832). After producing the Sorrow of Young Werther and various poetical plays he began his famous dramatic poem, Faust, which is one of the world's greatest literary works. The essence of the writings of Goethe, attracted Mahbub Murshed when he found him saying: "None are more hopelessly enslaved than those who falsely believe they are free". And again his comment: "Do the duty that lies nearest to thee." It inspired Mahbub Murshed to complete his laurel of

Bar-at-Law in Lincoln's Inn. Syed Mahbub Murshed could not learn German but English translations of Goethe offered him the sense of justice.

Syed Mahbub Murshed developed genius in himself by the essence of world literature and Goethe was his favourite. In his judgements also he has quoted Goethe lavishly. In literary arena also he has freely quoted Goethe, Shakespeare, Shaikh Sadi, Omar Khayam, Rumi, Iqbal, Ferdousi, Hafez, Mirza Ghalib, Bahar and others. I have already mentioned that Mahbub Murshed was poetic and mystic by nature.

During this time he vividly made his observations on Socrates, Plato, Aristotle, Ptolemy, Galen and others on the contributions made by Ibn Bajjah, Ibn Tufail and Ibn Rushd. The context on Ibn-al-Arab was difficult but his originality developed the sense of Justice, separated from the executive domination during the ninth century followed by Farabi (870-950) more depth in the arena of politics and justice although he was the contemporary of two great Sufis, Abu Bakr as Shibli and Mansur al-Hallaj and Farabi stands on the analysis that "There is no doubt some of his theories are based to a certain extent on Greek thought, chiefly Platonic and neo-Platonic currents in his day, but it will be seen that much of what he wrote was also based on his clear vision and political experience." (Haroon Khan Sherwani: Muslim Political Thought and Administration: page 31).

The thoughts thereafter have crossed the transitional periods, covered by the tenth and eleventh centuries with Al-Marwardy (974-1058) Kaikaus (1021-1082), Nizamul Mulk Tusi (1017-1091) and others on constitutionalism of all organisations meant to administer the vast Muslim world. Surely, it was a difficult task to keep pace with organism. They were not meant to cover the city-states and they had to deal with complexity of racial origin of the inhabitants. They were not free to deal with a compact and intact empire having different histories and civilizations, "As a matter of fact Marwardi, Kaikaus and Nizamul Mulk Tusi all demonstrate the conflict that was going on between the Arabian and the non-Arabian cultures in the eleventh century A. C. which was to end finally in the comparative downfall of the former at least in its outward manifestations." (Haroon Khan Sherwani: Muslim Political Thought and Administration : Page 188).

In the perspective studies Syed Mahbub Murshed tried his best to go through the surprising developments of Muslim thoughts, views and ideas. He was profusely enriched by ten points enumerated by Al-Ghazzali (1054-1111) and they depicted him to the cause of the rule of administration under the Divinity of Almighty Allah as I hinted earlier:

The ruler is the viceroy of God only if he is just. Otherwise he is viceroy of the Devil himself and one day of justice is equal to seventy years of continuous prayer. He enumerates ten rules of the conduct of government, chiefly in the matter of justice, which the ruler should bear in mind, namely.

- (i) In every case he should put himself in the position of the contending parties.
- (ii) He should fulfil the desire of those who have come to him for justice.
- (iii) Justice is possible only when the ruler does not indulge in luxurious food and clothing.
- (iv) He should practise, leniency not harshness in his official dealings.
- (v) He should try that the subjects should be content with the rule of law; but
- (vi) He should not attempt any conciliation at the expense of the law.
- (vii) He should supervise the affairs of the people in the same way as if he were to supervise his own household affairs and should deal with the powerful and the infirm in the same manner.
- (viii) He should try to meet the learned as often as he can and should encourage them to have their say.
- (ix) He should see that the servants, magistrates and other officers, perform their duties diligently and well.
- (x) He should not be overpowered by any false sense of pride. (Haroon Khan Sherwani : Muslim Political Thoughts and Administration : page 215-216)

Almighty Allah is to be realised with mystic self-denial and justice is restored on the basis of the strength how Divinity reflects in human

endeavours like Goethe saying: “Who never ate his bread with tears, who never sat through the sorrowful night, weeping upon his bed, does not know you, O heavenly powers.”

Such is the depth of realisation earned by Syed Mahbub Murshed to be ornamented by technical linguistic terminology as the only Grand Judge of Asia during the modern age in the contest of the thoughts contributed by the Muslim jurists, philosophers and political scientists.

Surely, I have not exaggerated to call Syed Mahbub Murshed as the only Grand Judge of Asia. I feel he did a great job as the Chief Justice of erstwhile East Pakistan and ad-hoc Justice of erstwhile Pakistan Supreme Court.

Sir Gurudas Banerjee (1844-1918) was a great Judge of the Calcutta High Court but his life was a combination and he stood as educationist and justice both. Mr. Rustom Kayani came to free expression to say on unparalleled causes of Justice but he did it after his retirement as justice. Mr. Justice Karim Chagla was politically involved and he could not reconcile with the arena of justice. Mr. Justice Syed Ameer Ali was a great judge no doubt but he was elevated to Privy Council and settled down in London. He may be regarded as a Grand Muslim Historian of Indian Peninsula. Mr. Justice Abdur Rahim was a great jurist no doubt but he was allured politically to occupy the position of ministership and he was awarded knighthood (Sir). He made himself controversial.

Mr. Justice Sir Muhammed Solaiman was the Chief Justice of Allahabad High Court and he had laudable approaches for justice. But could he overcome the Brahmin-controlled Jukta Prodesh (now Uttar Pradesh)? Mr. Justice Cornelius, Mr. Justice Shahabuddin of Supreme Court of erstwhile Pakistan, Mr. Justice Ali “who justified killing on 21, February” Mr. Justice Shahabuddin (ex-Chief Justice and now President of Bangladesh) and some others belonged to cadre-services, either erstwhile ICS or erstwhile CSP, have maintained the channels only. There are exceptions too and they include Mr. Justice Kamaluddin Hussain (ex-Chief Justice), Mr. Justice Syed A. B. Mahmud Hussain (Ex-Chief Justice), Mr. Justice B.A Siddiqui, Mr. Justice A.M.A Sayem (ex-Chief Justice and President of Bangladesh). Mr. Justice Amin Ahmed Chowdhury and others. The sitting judges of Appellate divi-

sion of Supreme Court include Mr. Justice A.T.M. Afzal (Chief Justice), Mr. Justice Latifur Rahman, Mr. Justice Mostafa Kamal, Mr. Justice Abdur Rouf and Mr. Justice B.B. Roy. They have all expressed their deepest respect for the wisdom, thoughts and ideas of Mr. Justice Syed Mahbub Murshed. I feel I cannot say anything on the lordships serving with glory and dignity. May Almighty Allah shower His Bounties on all of us to ensure the cause of justice.

The career of Mr. Mostafa Kamal has been extremely brilliant and his performance has been uniformly meritorious covering the Matriculation, I. A., B. A. (Hons ) and M. A. Examinations with first division or first class throughout his academic life in Dhaka. A smiling face endowed by mildness and smartness equally he was an orator of the highest order both in Bengali and English in those days upto 1954 as far as I can recollect. His father Abbasuddin Ahmed was the most illustrious son of the sub -continent for his definite and specific contribution in folk-songs and “Bhawayia”. He popularised them methodically and technically and he was responsible for reawakening the Muslim-spirit by his surprising folk-songs “Bhawayias”. He had a team which included Bedarduddin Ahmed, Sohrab Hussain, Abdul Latif and others and the masses flocked to hear their songs everywhere in the country. People called them as the legendary and proverbial musical figures in the sub-ccontinent. It is said that Bidrohi Kabi Nazrul Islam, Golam Mostafa and Palli Kabi Jasimuddin earned their sky-scraping names and fames mainly because their songs were popularised by the voices of these illustrious musicians.

Mr. Justice Mostafa Kamal was the Chief Guest in a symposium held on 2<sup>nd</sup> April, 1998 at Press Club VIP Lounge Dhaka to celebrate the 19<sup>th</sup> death anniversary of Justice Syed Mahbub Murshed. Justice Mostafa Kamal in his masterly speech reminisced on Justice Mahbub Murshed and laid emphasis on the role played by Syed Mahbub Murshed. I also made a speech as the first speaker and I took a decision to write this book whatever might be the odds.

While studying for Bar-at-Law in London Syed Mahbub Murshed never sat idle. As a book-hunter he ran after books for studying them. He had liaison not only with Sir Malik Firoz Khan Noon but had his association with Naba Gopal Das and others. Since Sir Abdullah-Al-Mamoon Sahrawardy had great affection for him, he had introduced him to many

personalities.

Syed Mahbub Murshed stayed in London and UK between 1935 and 1938 for Bar-at-Law to be bestowed upon with the insignia of lawyer in the Bar-community of England to be aproned and gowned ceremoniously and elevated as a Barrister-at-Law in 1938 from Lincoln's Inn honourably and creditably. Amongst all the Indians he secured Honours in the Final Examination.

While in London he had association with Barrister Sarat Chandra Bose for all his dominating political features centering round the welfare of undivided Bengal targetted for an unbiased harmony. After returning to Calcutta he started working as junior to Sarat Chandra Bose.

His family standing had an anti-British bias. He had keenly observed it since boyhood. In England, he advanced himself for more political, progressive and radical change in keeping pace with the depth of democracy around the theme of Ashura-spirit developed from his heritage from the Martyrdom of Hazrat Imam Hussain (RA). Yazid, although poet of creative ability symbolised himself as the cruelty of monarchy and Hazrat Imam Hussain (RA), was ready to die for democracy. It was a contest between democracy and monarchy. In the British Imperialism there stood the cruelty of monarchy, tyranny and persecuting expansion. Syed Mahbub Murshed was very much influenced by the thoughts of Sir Abdullah Al-Mamoon Suhrawardy on pan-Islamism as advocated by Jamaluddin Afghani. While in London he had regular communication with Amin-Al-Hussaini the Grand Mufti of Palestine, stationed in Jerusalem within the purview of Baitul Muqaddas Mosque. In England he wrote a masterly article in English bitterly criticising the British policy in Palestine and it created a sensation amongst the Indians then staying in England.

Not only this Syed Mahbub Murshd enriched himself by his close association with the most illustrious economist of England Harold Laski who was the celebrated professor at the famous London School of Economics (LSE). He also became acquainted with Indian-born communist leader of England, Rajani Pam Dutta and he also associated himself with famous diplomat-statesmen Krishna Menon who was then the chief of India League in U.K. He had other associations and links



to have comparative views not to accept them as gospel-truth. He verified their ideas and views and to do what his conscience dictated. He did never go beyond reasoning. England offered him wonderful opportunities to go through edifying books.

Since his boyhood he found out the ways and means to render social services. At Bogra he became associated with the Boy Scouts and throughout his career he had been associated with the Boy Scout Movement. In London during his initial days there he was associated with Pakistan Society established by Chowdhury Rahmat Ali but the society could not attract Syed Mahbub Murshed for its one-sided game which bored him and he left it without delay. It was a Punjabi-run society having nothing for the Muslims of Bengal.

Delwar Hassan has pinpointed the derivation of the word 'Pakistan'. In this 'Pakistan' proposed by Chowdhury Rahmat Ali and Allama Iqbal nothing was said about establishment of an independent and sovereign state for the Muslims of Indian Eastern Region. Delwar Hassan has written: "The word ' PAKISTAN' was formed in fulfilment of the desire and dream left by Chowdhury Rahmat Ali and Allama Iqbal and included P for Panjab; A for Afghanistan (North West Frontier Province) K for Kashmir; I for Indus valley; S for Sind and TAN for Baluchistan (Delwar Hassan : Bangladesher Swadhinatar Patabhumi: Manik Mian O Samakalin Rajniti: Page 30). The word had completely ignored Bengal and Eastern Region. So, was it possible to keep association with Chowdhury Rahmat Ali's Pakistan Society ? It should be made clear that Syed Mahbub Murshed did never support the political views of Rabindra Nath Tagore and Allama Iqbal but he had great love for the essences of their poetical genius. He came forward to observe the Tagore Centenary in 1961. He would not have lagged behind to observe Iqbal's Centenary in 1976 but he was too ill to attend it.

## CHAPTER: FOUR

### As Barrister in Calcutta

Syed Mahbub Murshed was a revolutionary in mind but his revolutionary expression did never cross the legal framework. He sought liberty but allowed no license. Regarding law he professed like William Pitt (1708-1778) saying: "Where laws end, tyranny begins. Law ensures order which is Heaven's first law." During the last days of his London-life Mahbub became extremely delighted with the essence of John Milton's (1608-1674) contributions for all the originality in them. Milton is said to be England's epic poet in consideration of finding out the peace in mind and his verses depicted enthusiasm to recollect him by the verses like:

Milton thou shouldest be living at this hour  
England hath need of thee.

It is so said in memory of our rebel and national poet Quazi Nazrul Islam who was born in 1899 twelve years before the birth of Syed Mahbub Murshed. He used to recite Nazrul's famous poems off and on whisperingly in restive mood possibly in order to recollect Ashura-spirit to find out the cradle for his theme of democracy. Milton and Nazrul are parallel. Nazrul could not gain anything, except poverty as depicted in his epoch-making Poem "Dwaridra" to challenge to combine him in parallel with Shakespeare, Milton, Shelly, Wordsworth, Byron, Keats, Goethe, Rumi, Ferdousi, Shaikh Sadi, Umar Khayam, Hafez and Bahar.

This is the story untold although Milton's story is told by many. Milton is not lost in Paradise Lost wherein his fans have created a paradise. The only poet with abject poverty in his life was Quazi Nazrul Islam. However, Milton's sermons on books had been swallowed by Syed Mahbub Murshed wherein Milton echoed: "Books are not absolutely dead things, but do contain a potency of life in them to be as active as that soul was whose progeny they are, nay, they do preserve

as in a vial the purest efficacy and extraction of that living intellect that bred them.” And again: “As good almost kill a man as kill a good book; who kills a man kills a reasonable creature, God’s image; but he who destroys a good book, kills reason itself, kills the image of God, as it were in the eye.” Milton cried to say: “A good book is the precious life-blood of a master spirit, embalmed and treasured up on purpose to a life beyond life.”

When entering England Syed Mahbub Murshed was a book-reader, thereafter he turned into book-worm and at length he returned home as book-hunter. Since Syed Mahbub Murshed had friendship with books as a matter of habit and practice he became well-acquainted with the world literature, specially Bengali, English, Persian, Urdu and Arabic. Naturally he swallowed the essences from them, specially he was very much allured by Iranian literature which appeared as the most resourceful in the world for its reality and mystic elements. While at the Presidency College he used to visit Jorasanko Thakur Bari and detailed down the resourceful library there enriched and decorated by Maharshee Debendra Nath Thakur, father of Rabindra Nath Thakur. This library was full of English translations of world literature, specially Iranian literature which included the works of Shaikh Sadi, Umar Khayam, Rumi, Ferdousi, Hafez and others. He learnt that Devendra Nath Thakur was very much moved by the contributions of Hafez. It is said ‘Shams’ means sun to run easily as Rabi and so he named his son Rabindra Nath Thakur. Amongst 15 sons and daughters of Devendra Nath Thakur (1817-1905) Rabindra Nath Thakur (1861-1941) was the last but one. Youngest being Budhendra Nath Thakur (1863-1864). Budhendra died in 1864 so Rabindra Nath stood as the last surviving son at length. Devendra Nath Thakur was the son of Prince Dwarika Nath Thakur (a self-made Prince then) (1794-1846). Both Dwarika Nath and Devendra Nath had a regiment of sons and daughters. They became feudal lords but valued the contributions inherent in the literatures of different civilisations.

Rabindra Nath had no academic qualifications and certificates but he was taught by the house tutors engaged by his father Debendra Nath. So what Rabindra learned was of the highest order in wisdom, knowl-

edge and learning and he utilized his father's resourceful library to reach into rich treasure. He was also romantically influenced by Rubaiyat of Umar Khayam and by the juice of other Iranian poets. Syed Mahbub Murshed was attracted by the poetic mysticism of Rabindra Nath Tagore and to him Tagore was influenced by the essences of Iranian poets as is visible in his Sonar Tari, Chitra, Geetanjali and others whether accepted or denied. Syed Mahbub Murshed was interested to observe Tagore's Centenary in erstwhile East Pakistan. It was the Muslim spirit that guided him because it was fully known to him that Plato, Aristotle and other European philosophers were brought to limelight by Ibn-Al-Arabi, Al-Kindi, Al Marwardy, Ibn Rushd, Ibn Sina, Al Beruni, Razi and others. So he followed them.

He was also in favour of celebrating the centenary of Sarat Chandra Chattopadhyaya in 1976 but he had been in ailment then and it was not made possible for him. Sarat Chandra could not accommodate the Muslim characters in his writings except as Gafur Zola, Gauhar etc. Syed Mahbub Murshed's intention was to go into the narrowness shown and without critical analysis they cannot be focused. An ardent reader of Diwan-e-Ali he could have brought himself to the celebration more jubilantly and gorgeously. Syed Mahbub Murshed was habituated to recite Shaikh Saadi's "Balagal ula Be Kamalihi" whisperingly and whole-heartedly. Like Abul Hashim saying: "Misrepresentation and disobedience of the laws of nature, of the will of God in the affairs of man is the secret of man's manifold miseries. Perhaps realisation of this very truth inspired poet Wordsworth to produce his famous lines:

"To her fair works did Nature link  
The human soul that through me ran  
And much it grieved my heart to think,  
What man has made of man."

and again,

"If this belief from Heaven He sent,  
If such be Nature's holy plan,  
Have I not reason to lament  
What man has made of man?"

Possibly Syed Mahbub Murshed cherished and nourished such an idea of law of Nature to work out programmes of his career.

In law Syed Muhbub Murshed took shelter to find a sense of relief. He learnt it from a team of jurists in London and he combined his poetic depth with all the means of legal framework. In 1938 he came back to Calcutta and joined Calcutta High Court. Meanwhile he formed a team with Professor Humayun Kabir and Abul Mansur Ahmed to open a political arena for himself and made an endeavour to form a coalition ministry, comprising of the representation from both the Congress and Proja as a harmonious combination of the Hindus and the Muslims. The endeavour was not a success due to the uncompromising attitude of the Congress leaders suffering from the complex of domination. When he started his legal practice again he worked as the junior of Barrister Sarat Chandra Bose who had great love and affection for Syed Mahbub Murshed. He started his legal practice independently soon after and earned great name and fame within the shortest possible time. Syed Mahbub Murshed had a mighty pen to draft the cases symbolising his literary taste and his oration, delivery and deliberation were excellent and the judges were very happy to note his high sense of courtesy. Once I found his maternal uncle Sher-e-Bangla A.K. Fazlul Huq dealing a case in the court of a district and session judge. His submission had been very polite and courteous. It surprised me that a stalwart personality like him as one of the supreme jurists and lawyers could do so. Later on I realised, this was the courtesy shown by him which had given him the supremacy as a lawyer. Syed Mahbub Murshed's father Syed Abdus Salek was also a judicial personality and Mahbub had cultured the smartness and courtesy from his home dominated by his father Syed Abdus Salek and mother Afzalun Nessa.

While paying tribute to Justice Syed Mahbub Murshed Mr. Justice Abdur Rahman Chowdhury (a scion of famous Ulania Mia Bari) said: "A giant has passed away—a giant in the legal field, a giant amongst the jurists and a giant in his own right. For those of us who had the privilege of knowing Justice Murshed intimately, his death is too overwhelming for words and too deep for tears."

Justice Murshed after a brilliant academic career at home and abroad joined Calcutta High Court and soon made his mark as an outstanding

lawyer. It should be remembered that at a time when brilliant young men like him with such distinguished background were few in the then undivided Bengal, Justice Murshed joined the Bar out of choice and not by force of circumstances.” While in London he had the opportunity to be allured by coveted positions in the government hierarchy but he did not run after them. Even a celebrated lawyer like Muhammed Ali Jinnah had to accept the vacated post of magistracy when clients did not start crowding around him.

Syed Mahbub Murshed had a good practice from the very beginning of his career as Barrister. He did not run fast although it was made possible for him. He decided to run a slow race when he joined the Calcutta High Court. Morning shows the day and he started dealing with his clients most sympathetically to realise the depth of each case. Let us analyse Syed Mahbub Murshed in the language of his closest friend Nurul Momen who got up surprisingly as the pioneer of the highest order in the arena of dramatic-world. Nurul Momen writes: “But any person, who knew him intimately when he was young could easily foretell this future for him to come, almost with the exactitude as it finally came. If he had achieved a success less than what he hid, that person would have considered it was a sad deviation from the normal expectation of his achievement.

And I am one who knew Murshed from the days we had been together in Calcutta reading law and attending post-graduate classes and practising in the Calcutta High Court almost for a decade.

We became very close specially for the fact that our ideas and thoughts were most congenial and agreeable to each other.

If I differed from Murshed on anything more than anything else it was on the style of writing English. He chose to write in a literary style punctuated by dashes here and there to give it a classical flavour. His judgements therefore read as those of Justice Ashutosh Mukherjee which are taken as brilliant judgements written in classical style. My style on the contrary was and is still to-day, a very uninvolved and commonplace one, undisturbed by any thought of making it literary, for the fear that it would be so foreign to my nature that I would be lost in it. If I were a Judge of any High Court my style of writing the judgements

would have been perhaps like that of Justice. Darling's whose judgments happen to be written in very much terse and matter-of-fact way.

Any way I found Murshed a genius par excellence so when I left my practice after 10 years of Calcutta High Court to join the Dhaka University I left Murshed my friend and colleague with full confidence, that he would one day adorn the Bench, though so much as to hope it for a Muslim in pre-partition days was hoping against hope.

With Pakistan coming into being Murshed transferred his practice to Dhaka. I got a little scared about him in the way I worried for myself. I joined the Dhaka University before partition after a sort of miracle that happened in my case to shift my ambition to work in another field i.e. in the field of literature. My play 'Rupantar' being published again, within a year in an Ananda Bazar Puja special, where only the writings of doyens of literature of long standing used to be accepted, caused such a furore that I became famous overnight.

And naturally I found a lecturership in the Dhaka University to be respectable enough to accept in lieu of the legal practice at the Calcutta High Court, and convenient enough to get myself going with my literary efforts undisturbed.

But immediately after I joined Dhaka University Pakistan was created. Now writers who were non-entities in the then Bengal got so prominent here overnight and such lots of literary papers started coming out from every nook and corner of the country that I was at the beginning about to get lost in the crowd, in the field of literature. And I think, Murshed's case was the same in the past.

The eminence he had already achieved for himself in the Calcutta High Court got sort of fizzled out, and he had to start anew to establish himself in a zone far remote from his home and centre of activities. But thanks to his genius he managed to put his best foot forward in a way Murshed always did in the past and would do in the future.

In short he had the guts, the patience, the sympathy for the clients and their causes. The courage, the intelligence made sharper by relevant studies of law and spirit of taking boldly the advantage of any rightful opportunity offering itself. These are the qualities of any law-

yer to shine. And these qualities Murshed had not only aplenty for himself but also enough to spare for his juniors.”

Nurul Momen’s observation, have correctly presented facts about Syed Mahbub Murshed during his early days in Dhaka. There was the reality too; it was a district town turned into a capital city overnight and naturally, the oddness would be inherent then. Dhaka City now challenges world’s biggest cities with extension and expansion occupying a vast region within the radius of 20 miles, other than the main city-corporation area. The house of Justice Mahbub Murshed located at NW 5, Road 68, Gulshan originally belonged to the deepest forest of Bhawalgarh. Now it is a very arisocratic area of Dhaka Metropolis City. However, the early difficulties offered Syed Mahbub Murshed a greatness, unprecedented, unparalleled and unthinkable!

11 October, 1939 was a day for Syed Mahbub Murshed not to be forgotten and it was a red-letter day in his life. On this day he married Laila Arjumand Banoo, daughter of Abu Kazem Muhammad Zakaria, Mayor of Calcutta City Corporation then.

Syed Mahbub Murshed was a tall, stout and handsome young man of 28 yerars 9 months. Laila Arjumand Banoo was a pretty and beautiful young lady of heavenly vision. It was a very happy union to offer the course of divine happiness. Their union was not romantically made but till his death it was the happiest union to see the best moments in the conjugal life. It was a harmonious family-life.

Laila Arjumand Banoo was the only daughter of A.K.M. Zakaria. She was the most beloved daughter of her parents and she happened to be a charming young lady with pleasant manners learnt from her illustrious parents. Her father was a celebrated man known as the magnificent soul of charities. Laila Arjumand Banoo was born in the midst of fortunes of her father.

Although she was born with a silver spoon in her mouth she did not show it as she did never present herself with the fashions luxuriously in the so-called elite society of Calcutta. She had the avenues and riches but that did never hinder her natural growth with natural customs and usages of Bengalee womanhood. In outlook Laila Arjumand Banoo Murshed had the characteristic having similarity in nature with



her husband and due to this simile they made the combination of happiest family-life. She is still alive to recollect the stories of her worthy husband. To her father she was instrumental for his fortune and her husband considered her star in his fortune in his forehead. I met her once at their Gulshan residence and she talked both in English and Bengali for a while with the presentation of a symbolic personality of womanhood with her personality so pleasantly expressed. She happened to be very fluently and sweetly speaking, mildly without any artificial vocabulary and accent in pronunciation.

I politely offered my "*kadam-busi*" (touching the feet). She uttered: "Yes I have got it and you need not perform it." I again made query with all politeness and she replied: "You please get them from Syed Marghub Murshed. He will furnish you all information necessary."

Still this is the order of discipline maintained in the family. Even a stalwart personality like Laila Arjumand Banoo also follows it. Marghub Murshed is the eldest son of the family and they do not like to break the ice without him.

Laila Arjumand Banoo Murshed is a highly educated lady. She started her education in the Convent of Loreto Calcutta and did her senior cambridge from Loreto College with distinction.

It is pleasant to note that she was the direct student of Rana Liaquat Ali Khan who was a teacher there. Rana Liaquat Ali was a Christian lady from Almora with her illuminating features and later on got married to Nawabzada Liaquat Ali Khan having been converted to Islam. Nawabzada Liaquat Ali Khan was the General Secretary of All India Muslim League then. Later on he became the first Prime Minister of erstwhile Pakistan. He was assassinated to face martyrdom on 16 October, 1951. Rana Liaquat Ali Khan was later on made ambassador of Pakistan to Netherlands and possibly she was the first woman ambassador of Pakistan. Her sons Ashraf Ali and Akbar Ali later on joined the Awami League as gesture of support to Hussain Shahid Suhrawardy. As far as a my knowledge is concerned Rana Liaquat Ali Khan had the link with Syed Mahub Murshed on personal level.

Whenever Syed Mahub Murshed went to attend any conference, seminar, symposium and cultural function Laila Arjumand Banoo

Murshed accompanied her husband. Although it is said that her participation was very rare. However, this was the ornamentation to her husband as a gesture of enthusiasm.

She was known to all concerned but she had the limitation of the length and breadth of expression as a Muslim woman religiously decorated with a divine spirit as a matter of family heritage. Like her father she had the mystic elements by her acquaintance with Iranian literature stored in the library of her husband. She happened to be fond of music and ghazals and she had the pleasure in witnessing the Kirtans sung by the bauls who appeared to her as mystic people denying the self.

Abu Kazem Muhammad Zakaria was an illustrious son of the sub-continent. He was born in the village of Salar under Kandi Sub-Division of Murshidabad. All Sharifs belonging to the soil of Salar have links with each other. Syed Mahbub Murshed's family also belonged to Salar as mentioned earlier. Abu Kazem Zakaria was born in May, 1895. Regarding his family nothing particular is made available but their settlement has been traced from the 17<sup>th</sup> century. Unlike Syed Mahbub Murshed's family Zakaria's family did not belong to the Prophet's (S.M.) stock right from Hazrat Imam Hussain's (RA) blood. But they were the "Syeds" belonging to the Quraish stock in many channels. I went to Murshidabad but all the "Syeds" could not tell me anything about their origin. Of course, they are proud of their descent and blood. Zakaria's family belonged to the Quraish of Makkah. Moreover, Zakaria did not stress over his blood but he gave due importance to deeds, rather welfare activities. However, according to an official document in Persian, the family received an '*aima*' or land as gift and grant from the Mughal Emperor Aurangzeb. One of Muhammad Zakaria's ancestors named Muhammad Buksh is mentioned in the introduction of Bankim Chatyapadhaya's, novel 'Sitaram' and it carries the historical importance for the family. However, the Syeds of Salar count their days as John Osborne said, "They spend their time mostly looking forward to the Past". Again John Osborne observed: "Poor old Daddy—just one of those sturdy old plants left over from the Edwardian Wilderness, that can't understand why the sun isn't shining anymore." That is the whole truth in Zakaria's family too. Bengal brought disasters in many noble Muslim families. The nineteenth century had im-

poverished Muhammad Zakaria's family as it had impoverished many other upper class Muslim families in Bengal.

Zakaria's father Abul Mukter Abdul Wajed and mother Ammatuz Zahrra had the strongest stamina to overcome the financial insolvency which appeared in the family and anyhow they managed the affairs not to hinder the education of their sons. At least they made the avenues open so that their eldest son received the best possible education they could afford. After matriculating himself in 1912 as a brilliant student Muhammad Zakaria entered the coveted and renowned Presidency College Calcutta which was a rare occasion for the Muslim students then. He made a team with Netajee Subhas Chandra Bose there as he was non-communal. But there was an ugly event then in the Presidency College known as "Oaten incident." Some students assaulted the British Principal there for his unethical and slur language used towards the Indian students. Both Netajee Subhash Chandra Bose and Muhammad Zakaria were expelled from the College. A gap was created in the academic career of Muhammad Zakaria. It was for one year only. Later on, Muhammad Zakaria graduated with Honours from St. Xavier's College, Calcutta in 1917.

Muhammed Zakaria earned prominence. As the eldest son he needed to help the family which was financially handicapped. He joined a government job but he continued only upto 1921. He left it to join the non-co-operation Movement. During this time he felt to substantiate the basis of co-operation for overall reconstruction. He set up a National School as a gesture of nationalism for freedom of India. He also established one Co-operative Society in his native village of Salar and anyhow he pulled on the theme of Guru Sadaye Datta on "*bratachari*" demonstration which was like the "*belcha*" demonstration of Allama Enayetullah Mushriqui. For sometime he held the position of chairman of a Central Co-operative Bank in Murshidabad.

He built up his active career to come to prominence, so politics was the game to be played and he preferred the non-communal Hindu leaders with whom he lined up. He paid attention to the nationalist politics during the early twenties and he joined the Indian National Congress. Muhammad Zakaria supported Deshbandhu Chitta Ranjan Das's Bengal Pact in 1923 on the context that it would offer far-reach-

ing effects for the reawakening and revitalisation of the Muslims of Bengal. After the untimely death of Deshbandhu, a vacuum was created. Muhammad Zakaria became closely associated with Netajee Subhas Chandra Bose.

Muhammad Zakaria was not silent and he paid attention to trade and commerce wherein Bengali Muslims lagged behind then. He made concerted efforts in industry too. He earned several fortunes but he spent them lavishly in humanitarian services, specially for the cause of the Muslims suffering from deadlock. He did not do anything to cause the charities only and he did not like to create the procession of beggars. His idea was to motivate the people for self-generating income not depending on the mercy of others. He had the sense of philosophy developed from the essences of the Holy Quran wherein he took shelter within the purview of modernity. To him time was not to be wasted. It should be utilized to the fullest extent.

In early thirties Muhammad Zakaria was installed as the chairman of the Calcutta Stock Exchange and as the president of the Bengal Chamber of Commerce. Now Muhammad Zakaria had been in a convenient position to look into the fundamental rights and obligations of citizenship with special reference to the cause of the Muslims. He was progressive in nature but the Muslim spirit had been inherent in him. He had hatred for British Imperialism and so he could never run after knighthood (Sir) or Nawab title. Muhammad Zakaria worked laboriously and industriously but not for any laurel or award from the British Imperialism.

Zakaria was a name always known for his social-service activities. He looked into the interest of the citizens of Calcutta for their harmonious co-existence. He was elevated to the position of Deputy Mayor in 1936 in recognition of his laudable services. People were very happy with Muhammad Zakaria. In 1938 the people of Calcutta elected him the Mayor, city-father. Yes, he was father of Calcutta. Zakaria gave yeoman's services to Calcutta and he left no stone unturned for communal harmony and the city was cleansed showing the beauty of Calcutta. There were one-sixth Muslim-voters but all citizens irrespective of caste and creed elected Zakaria. Since he was independent in

character his mayorship was not liked by the British Governor and his acceptability was not clearly indicated by Khwaja, Gaza, Nawab and Khan Bahadur, ministers of the Muslim League Ministry except A. K. Fazlul Huq and Hussain Shahid Suhrawardy. The tenants of Calcutta felt a sense of relief under Zakaria's Mayorship. Muhammad Zakaria worked hard to promote Hindu-Muslim friendship.

Muhammad Zakaria stood as a Himalayan figure and Zakaria's straightforward endeavour to bring Fazlul Huq and the Congress together in 1937 had failed due to the selfish leaders of the Congress which was then under the veil of a peculiar nationalism of caste Hinduism mostly run by the Brahmins, Kayastas, Rajas, Maharajas and zemindars. In 1941 an opportunity came and there was a division between Sher-i-Bangla Fazlul Huq, and Quaid-i-Azam Muhammad Ali Jinnah. Muhammad Zakaria and his associates were successful to install Fazlul Huq, backed by the Congress as the Muslim Chief Minister of Bengal. No doubt, under the Fazlul Huq Ministry during the tenure of 1941-1943 undivided Bengal enjoyed complete communal harmony throughout the period. Muhammad Zakaria and Fazlul Huq had parallel thoughts and ideas of ensuring the welfare of the Muslims of Bengal as a whole with harmonious co-existence of the Muslims and the Hindus.

However, Zakaria could not get the pleasure of the Britishers for his anti-imperial attitude and in return the Britishers tried to take revenge during the Second World War against Muhammad Zakaria. The Britishers could not tolerate the fascination Zakaria cherished for Netajee Subhash Chandra Bose who sought assistance from the Axis power of Japan, a rising Asian power which created threat for the Allied powers including the Britishers. Netajee Subhash Chandra Bose formed Indian National Army (Azad Hind Fauj) comprising Hindus, Muslims and other chivalrous people of India and the INA reached Kohima of Assam. During this turmoil period it was the sacred responsibility discharged by Muhammad Zakaria to resist all signs of communalism in Bengal. The most majestic thing he completed during this turmoil period was addressing the Muslim students for communal harmony unequivocally with a firm stand. Not only in speech but also in the statement made in the Calcutta Municipal Gazette he came out specifically emphasising the need to preserve the political unity of both Ben-

gal and the sub-continent.

Zakaria could not remain silent and he made a team with Abul Hashim, Hussain Shahid Suhrawardy, Sarat Chandra Bose, Kiran Shanker Roy and others to find out ways and means for a compact United Bengal. But Fazlul Huq could not come forward on question of reality. His idea was not far beyond the reality because the higgledy-piggledy game played by Sardar Ballav Bhai Patel created confusion amongst the Hindu Congress leaders of Bengal. Fazlul Huq, inspite of his highest desire to keep Bengal united, realised that it would take years to seal and heal the communal distrust and injury in Bengal set in motion by the incidents that took place on August 16, 1946 in Calcutta; the horrible split could not be closed.

However, after partition and independence on August, 15, 1947 Muhammad Zakaria could not keep mum. His endeavour was to ensure communal harmony in order to offer safety and security of the Muslims of the rest of India. He met Mahatma Mohandas Karamchand Gandhi, Maulana Abul Kalam Azad, Raja Gopal Achariya, Rajendra Prasad and others. However, his heart to heart feelings were reflected in the appeal he made in the English Daily Statesman.

Muhammad Zakaria stayed in India till his death. He did not feel it convenient to migrate to erstwhile Pakistan leaving the Muslims alone in India. Abu Kazem Zakaria was a man of taste and had the aptitude for song including kirtania, bhawaya folk-songs of mysticism and Nazrul songs during the later course of life. Islam was his spirit and he was dedicated to it throughout his life.

As the newly elected Chief Minister of erstwhile East Pakistan Fazlul Huq visited Calcutta in 1954 and made the historic speech of desiring harmonious ties between two Bengals but it was misinterpreted by the ruling-hierarchy of erstwhile Pakistan. They took it otherwise. They forgot that it was impossible to make Pakistan Resolution on 23<sup>rd</sup> March, 1940 in Lahore without Fazlul Huq who headed the only Muslim League cabinet in the sub-continent then. Even the Khaksars led by Allama Enayetullah Mashriqui demonstrated against Quaid-i-Azam Muhammad Ali Jinnah and it was Fazlul Huq who appeased the demonstrating Khaksars. These so-called Pakistani leaders had no basis in

the entire sub-continent, except in Bengal under Fazlul Huq. Allama Iqbal's dream for Pakistan and Chowdhury Rahmat Ali's concept of PAKISTAN did never include the Muslims of India's Eastern Region. It was Fazlul Huq's nephew and Muhammad Zakaria's son-in-law Syed Mahbub Murshed while prosecuting his studies for Bar-at-law in 1937 who differed with the word PAKISTAN so misconceived by Chowdhury Rahmat Ali. In spite of knowing fully well the wrong political stand of Allama Iqbal, justice Syed Mahbub Murshed did never deny the supreme poetical genius of Allama Iqbal and he was very much eager to celebrate Allama Iqbal's centenary in Bangladesh in 1976 but he was ailing then and his desire could not be fulfilled.

In 1954 Fazlul Huq as Chief Minister of erstwhile East Pakistan solicited friendship between two Bengals in the history of Indian peninsula for 5000 years. Abu Kazem Muhammad Zakaria was the first Indian Muslim to support the historic statement. He did not seek separation but sought the tie of friendship. What was wrong in it? In politics Jinnah occupied the supreme position no doubt but who can deny the fact that Fazlul Huq and Hussain Shahid Suhrawardy were unparalleled and superior in respect of merit, brilliance and genius to not only Jinnah but to Hindu leaders too.

Abu Kazem Muhammad Zakaria was the personality who condemned the government of Pakistan for dismissing the Fazlul Huq cabinet on a pseudo plea. However, we have nothing to comment on Muhammad Zakaria but he had the strongest personality who favoured to work unitedly. He died on 18 May, 1959 leaving behind him the heritage of rendering services of several developments in the style of co-operative movement.

Murshidabad is populated by the Muslims with absolute majority but it was not included in Pakistan. Khulna was included by the people of Khulna under the leadership of Syed Mostagausul Huq, Shah Majid, A. K. M Abdul Jalil and others who engaged Sher-i-Bangla A. K. Fazlul Huq and Hossain Shahid Suhrawardy to plead their case before Radcliff Commission. Panchagarh, now district, was included under the leadership of Mirza Ghulam Hafiz who engaged Fazlul Huq and Hussain Shahid Suhrawardy to plead their case. Sylhet was included by a referendum demanded by Maulana Abdul Hamid Khan Bhashani

with his comrades including Abdul Matin Chowdhury, Nur Hussain Khan and Abdur Rahman of Habigonj, Dewan Abdul Basit of Maulavi Bazar and Principal Dewan Muhammad Azraf of Sunamgonj. Still Karimgonj was omitted.

I have cited these examples only to show the situation at the time of Partition. Abu Kazem Muhammad Zakaria was a great son of Islam; Justice Syed Mahbub Murshed was his son-in-law. They came from the same locality of Salar of Murshidabad from the stock of Syeds. So it was a happy combination formed matrimony. At the wedding Syed Mahbub Murshed did not forget his old friends; he invited them all to attend. Amongst them was Al-Hajj Abdur Rahman known as Nirban Shaikh of Bogra. There is a marvellous story about Mahbub Murshed and Nirban Shaikh.



## CHAPTER : FIVE

### Independence in Thought

I have already made it clear that Syed Mahbub Murshed became well conversant with the philosophical and political thoughts of both eastern and western pioneers. Amongst all the thinkers Ibn Khaldun had captured his attention to go into the depth. "Ibn Khaldun laid great stress on the comparative method of politics, and it was only natural that with this view-point he should consider the science of history to be not only allied to political philosophy but political philosophy to be a part of history so much so that he prefaced to his great work a detailed dissertation on the rise and fall of States which forms his main contribution to political thought." (Haroon Khan Sherwani: Muslim Thought and Administration: Page 16). According to the concept of Ibn Khaldun, Syed Mahbub Murshed had fulfilled the conditions of a grand judge by all means.

According to the reminiscences of Tazmilur Rahman, Mahbub Murshed did never favour anybody nor did he ever seek favour from anybody. He was very much independent in nature by application of the sense of reasoning and the depth of intuition gathered by his vast study and learning. He had never been arrogant. He had never been discourteous.

During the initial days of his legal practice Mahbub Murshed went to Bogra as the defence lawyer in a case wherein one Abdul Qaiyum Khan, brother in-law of Abdur Rashid Khan, an eminent businessman of Bogra, was involved. He was the accused and the complainant brought the case on the plea that he seriously, sustained injury in his thigh when the accused attempted to kill him on dagger's point. The case almost stood against the accused and his punishment seemed inevitable. Mahbub Murshed was always cool to prove his sharpness. The situation was tense. Mahbub Murshed visited the place of occurrence and guessed the truth that the injury sustained by the complainant was not made at dagger's point, rather he received the injury from iron-bars and ingredients scattered around some boxes of kerosene-wood in front

of Churi Patti. The accused was set free from the proceeding as it was a false case filed due to enmity. It was miraculous success of Mabbub and his still as a lawyer came to prominence very rapidly.

It is unfortunate that records are not available to present Mahbub with all the legal cases dealt by him during the initial stage of his career as barrister. It is a fact that he did not run after money and he was not habituated to suck the blood of his clients. He dealt the cases for nominal fees.

Was Syed Mahbub Murshed sentimental ? He was niether emotional nor sentimental to any horizon as a celebrated legal practioner and he dealt with the cases very realistically and materialistically to come to the truth from legal point of view.

Ataur Rahman Khan was closely enough associated with Mahbub to realise his depth. Everyone was concerned with his role as the most distinguished judge but very few have details of the cases Mahbub dealt with as a legal practitioner in Calcutta and Dhaka before he was elevated to the bench of the High Court. However, he joined the legal profession not for money and to him it was a noble profession to establish the rule of law. When he came back to Calcutta from UK he created an association with professore Humayun Kabir and Abul Mansur Ahmed considering their capacity harmonious work. In England he was quite well acquainted with the one-sided trend of Chowdhury Rahamat Ali's concept of PAKISTAN and he did not take it pleasantly. He was then a free-lance writer and his articles were on the fate of the Muslims in Palestine and he was in association with Grand Mufti of Jerusalem on the zeal he received from the thoughts and ideas of Abdullah al Mamoon Suhrawardy. His articles published in the Daily Guardian created sensation around Palestine-Issue and to him it appeared as the higgledy piggedly game of politics played by the Allied Powers who then started the Second World War. It was not a normal affair and Syed Mahbub Murshed realised it as he was then a vastly well-read youngman, tall, stout and fair.

In 1942 he wrote an article under the title "Quo Vadis Quaid-i-Azam" and it was published in the daily Statesman of Calcutta. In the article he was critical of Quaid-i-Azam and his Muslim League which

was then practically. turned into an organisation of Muslim nobility having no link with the mass Muslims. The article did not bring about any adverse effect on Mahbub, rather it paved the way for liberal and lenient views amongst some Muslim League leaders under the umbrella of Abul Hahim.

Syed Mahbub Murshed was not silent there only and he was dedicated to the all round welfare of the Muslims masses. He wanted Muslims to come out of the iron yoke of the Muslim-nobility's ladership and to follow his maternal uncle Sher-e-Bangla A.K. Fazlul Huq, his father-in-law Abu Kazem Muhammad Zakaria and Abul Kashem of Burdwan (father of Abul Hashim). His ideas were progressive and his views stood similar to those of Woodrow Wilson (1856-1924) saying: "The world must be made safe for democracy." In the midf-orties Syed Mahbub Murshed consented to remain associated with a group of progressive and liberal Muslims who formed an All India Muslim organisation under the banner of "Muslim Majlis" to promote democratic trend. It was a noble venture to go forth with zeal, spirit and fervour. The avowed objective was to bring about harmonious co-existence between the Hindus and the Muslims on points of unification so the aim was decided to remove the division and save the Muslim League from the clutches of the nobility, to make it people-oriented. Meanwhile, the concept created by Allama Iqbal and Chowdhury Rahmat Ali was broken by Sher-e-Bangla A.K. Fazlul Huq by lodging the "Pakistan Resolution" on 23 March, 1940. But things were not going on well. Quaid-i-Azam and Muslim League led by the feudal-lords' hierarchy could not keep pace with the interest of the Muslims of Eastern Region and failed to maintain the liaison with Fazlul Huq who always upheld Hindu-Muslim Unity in the interest of ensuring welfare for the Muslim peasants and tenants oppressed and suppressed since the Muslim suzerainty was lost to the British. There was a gulf of difference created and Fazlul Huq was doing his best. Quaid-i-Azam had the combination with the Dadas, Adamjis, Ispahanis and nobility. Moreover Fazlul Huq was more and vastly learned and brilliant so it was a brain-contrast between Fazlul Huq and Jinnah. Their Methodology and way of looking into the interest of the Muslims were different. The Muslim youths like Syed Mahbub Murshed realised this truth bitterly

affecting the Muslim society and they created the new forum to raise the voice of progressive and democratic elements. The “Muslim Majlis” earned much strength and support. However, in 1945, Fazlul Huq addressed the Annual council of “Muslim Majlis” and declared in the council as a matter of adjustment and reconciliation that the Muslims of the Sub-continent should ask for Pakistan, only if it becomes an inevitable and unavoidable necessity”. So he could not go behind when Pakistan was proposed by him whatever might be the odds in the leadership.

As a lawyer Mahbub’s starting was brilliant with the cases at his disposal skillfully dealt with. He was not like the usual barrister running for and sucking money from the clients. He carefully prepared his briefs carrying the ornamentation of language and literature quoting freely from the literary works wherever applied. He gave patient hearing to the clients going into the pros and cons. He was associated with Calcutta Improvement Trust and other organisations as legal advisor and earned name and fame for honesty and integrity with highest order of reputation.

The prominent cases he dealt with included Hosha Bagan fire case, Conspiracy case on the improvement of Dum Dum Air Port, Bhabanipur Bank robbery case etc. There were many political cases too and he dealt them almost without legal fees as a gesture of legal-aid voluntarily. Moreover he remained associated with many government enquiry commissions as member and his neutral role was appreciated by all relevant quarters. Throughout his life Syed Mahbub Murshed had no dirty nose to poke into the affairs of others. He maintained neutrality and impartiality as far as possible in legal matters.

Regarding the role to be played by a lawyer, Syed Mahbub Murshed said: “A lawyer is not called upon to decide that is the function of judges—whether the facts with which he is dealing are true or false. What he has to do is to argue as best as he can, without degrading himself, in order to maintain the proposition which will carry with it either the protection or the remedy which assesses for his client. He is not however, permitted to suppress truth if he has somehow come to be aware of it. But, he must not pre-judge the issue himself”.

The essential characteristic of a lawyer is that by interest and predilection, often by birth, he belongs to the common people but by habit and by label he belongs to the aristocracy. He is the happy connecting link between the two. This was his observation regarding the role of lawyers while he was Chief Justice. This was his formula and characteristic while he started his career as a legal practitioner.

To quote from K. Salabuddin while writing on Syed Mahbub Murshed after his death he has commented on “the bar” to say: while serving on the bench, he would talk nostalgically of the bar. “The Bar”, he said, “is my profession, home, a place to which I shall continually return, even when I am dead my disembodied soul shall hover around the precincts of the bar.”

His affection for the men of his profession was great. After his (somewhat premature) retirement he wrote: I salute you—you who were my erstwhile comrades, the members of the Bar”.

Such was the fascination he developed for legal profession but it was meant to cover the rule of law. He had the leading practice as lawyer while he started his practice in Calcutta and he was not required to run after his illustrious kith and kin for clients. He had the greatest regards for his maternal uncle Fazlul Huq, most eminent lawyer of the sub-continent under whom many new lawyers were eager to work as his juniors and Dr. Rajendra Prasad, ex-President of India worked as his junior. Syed Mahbub Murshed was very fond of Fazlul Huq who had also heart-felt warmth for his brilliant nephew but Mahbub Murshed did never seek any favour from him although he happened to be the youngest of the nephews and nieces out of his (Fazlul Huq’s) most beloved sister Afzalun Nessa. His father-in-law Abu Kazem Muhammad Zakaria was one of the most important personality of the sub-continent but he could never utilize his importance although he was almost like the most affectionate son of Zakaria as the only son-in-law i.e. husband of his only daughter Laila Arjumund. It was not the pride but it was the honour which motivated Syed Mahbub Murshed to earn the confidence from all concerned

Even Hussain Shahid Suhrawardy had much affection for Syed Mahbub Murshed and he could have sought assistance from him but

he was happy to gain his love only. Mr. Justice Zahid Suhrawardy was very close to Fazlul Huq and Mahbub's father Syed Abdus Salek and Zahid Suhrawardy was eager to assist him. He knew it well that his wife Khujista Akhtar Bano Suhrawardy was fond of the child Syed Mahbub Murshed while he was too little to occupy her lap for all the attractive character of the child. Syed Mahbub Murshed was junior to Shahid Shurawary by 19 years. Khujista Bano was very much fond of children and at that time aristocratic Muslim families of Calcutta were interlinked. They had the close association and Afzalun Nessa, mother of Syed Mahbub Murshed maintained heart to heart relationship with Khujista Bano. So Mahbub Murshed had the longest channel to prevail on the sources of income to get rich quickly. He did not feel the need to utilize the avenues open to him.

In her article Razia Begum said: It was said of Abraham Lincoln that he possessed "the Greatness of real goodness and the goodness of real greatness." The same can be said quite appositely of the late Mr. Justice Syed Mahbub Murshed.

The great German composer Beethoven says: "by Praising those who deserve praise, we lift ourselves above ourselves. By honouring them, we honour ourselves."

It is therefore with a sense of privilege that I pay homage to hal-  
lowed and revered memory of Syed Mahbub Murshed, on the third  
anniversary of his passing away from our transient world."

Syed Mahbub Murshed was fond of music, specially classical songs, gazal, folk songs and "marmi" songs had the implications on him with special preference to Mizza Ghalib, Ustad Alauddin Khan, Nazrul Islam, Abbasuddin Ahmad and Tagore-song wherein sufi Mysticism under Iranian Culture was found echoing. He was well acquainted with music grammars right from Amir Khasru and Mian Tansen. Beethoven was his favourite to realise the depth of symphony. Goethe was his favourite poet because of his majestic depth in God. It means to say that Syed Mahbul Murshad had been always God, fearing.

Mahbub Murshed was not frustrated to run after wealth, wine and women and he was morally so much enriched, is evident from the reminiscences of his friend Naba Gopal Das. Syed Mahbub Murshed did never drink as he was drunken in wisdom.

I am none to comment on a grand judge like Syed Mahbub Murshed who prevails beyond horizon but as his biographer I have the divine right under the verdict made by him saying: "The spirit of liberty which seeks to understand the minds of other men and women; the spirit of liberty is the spirit which weighs their interests alongside its own without bias, the spirit of liberty remembers that not even a sparrow falls to earth unheeded; the spirit of liberty is the spirit which emanates from the faith that there may be a kingdom where the least shall be heard and considered side by side with the greatest. In that spirit lie hidden in some form, the aspirations of us all. In that spirit I ask you to pledge our faith."

Syed Mahbub Murshed has allowed us all to pledge our faith. So why should I not comment on him? In the history of our judiciary he stood as a hero a turbulent hero, rather and we shall miss him always.

In Calcutta he started his legal profession and became known for his proficiency as a lawyer. He earned the reputation for his honest dealings but he was not far away from politics. His participation in politics was justified as it was a period of political transition and turmoil. His life was not easy and happy then although he marked himself happily remarkable and prominent as a young barrister with a great future in Calcutta High Court.

While in Calcutta he had the utmost interest to do something on the basis of the recommendations made by the Cabinet Mission in 1946 and he was then the brightest young man of 35 only having been blessed by one son then. The son was a mere child of less than one year. Mahbub Murshed and Laila Arjumand Banoo had their eldest son Syed Marghub Murshed who was born on 19 October, 1945. The son on the lap had the greatest affection from the parents but the time was not decisive in Calcutta for the political unrest. Previously they had their daughter being first child Syeda Sayuda Murshed.

He had the support for the Cabinet Mission plan. The situation was very tough and confusing on account of the tragic end following the incident on August 16, 1946 around Rashid Ali Day. Syed Mahbub Murshed continued to defend the Cabinet Mission Plan.

Maulana Abul Kalam Azad writes: "The acceptance of Cabinet Mission Plan by both the Congress and the Muslim League was a glorious event in the history of the freedom movement in India. It meant that the difficult question of Indian freedom had been settled by negotiation and agreement and not by violence and conflict. It also seemed that the communal difficulties had been finally left behind. Throughout the country there was a sense of jubilation and all the people were united in their demand for freedom. We rejoiced but we did not then know that our joy was premature and bitter disappointment awaited us." (India Wins Freedom: page - 158).

August 16, 1946 was the Direct Action Day and there were horrible days around it. Historically it has been miscalculated as per the version made by Manishi Abul Hashim who writes to say: "The Muslim League had no knowledge, no apprehension and no anticipation as to the unprecedented violence that started in the morning and continued in the afternoon of the 16<sup>th</sup> of August when we were all in the midst of the meeting held at the foot of the Octerlony Monument. The Muslims were unarmed and unprepared to meet the situation. Men may lie but circumstances never lie. I brought from Burdwan with me my two sons, Badruddin Mohammad Umar, a boy of 15, and Shahabuddin Mohammad Ali a boy of 8 to show them the great gathering that was expected on the occasion at Calcutta. I took my sons to the Maidan and Lal Miah of Faridpur took his grandson aged six or seven. If we apprehended any danger we would not have taken our sons and grandsons to the Maidan." (In Retrospect: Page - 132).

Both of them were versatile geniuses and we cannot mistrust them on any plea but the situation had gone beyond control.

However, Syed Mahbub Murshed thought it wise to work for the Cabinet Mission Plan. He had the defensive forces too. During October, 1946 he became active and prompt to ensure the ways and means in order to create the opinion of the Muslims of Bengal in favour of Cabinet Mission Plan. He made a draft of conscience appealing to the Muslims of Bengal on behalf of his maternal uncle Sher-e-Bangla Fazlul Huq to accept Cabinet Mission plan anyhow even by amendment in which the question of Assam should be kept separate from Bengal. His



interest was to look into the welfare of the Muslims of Bengal as a whole.

Abul Kalam Azad said: "Sixteen August 1946 was a black day not only for Calcutta but for the whole of India. The turn that events had taken made it almost impossible to expect a peaceful solution by agreement between the Congress and the Muslim League. This was one of the greatest tragedies of Indian history and I have to say with the deepest of regret that a large part of the responsibility for this development rests with Jawharlal. His unfortunate statement that the Congress would be free to modify the Cabinet Mission Plan reopened the whole question of political and communal settlement. Mr. Jinnah took full advantage of his mistake and withdrew from the League's acceptance of the Cabinet Mission Plan. (India Wins Freedom: Page - 170)

To gain advantage for the Muslims of Bengal was the dream of Syed Mahbub Murshed who attempted to make the last endeavour on the basis of the Cabinet Mission Plan. Maulana Abul Kalam Azad also dreamt and Manishi Abul Hushim could not guess the situation. To Mahbub Murshed upholding A.F. Sheldon's (1886-1935) view—"He profits most who serves best" was the top-most priority. Pandit Jawharlal Nehru and Sardar Ballav Bhai Patel took the adverse course. The observation made by Serajuddin Ahmad has correctly analysed the Plan saying: "There was the sense of Lahore Resolution in the Cabinet Mission Plan. The Krishak-Praja Party and the Muslim League extended support to it. The Congress refused it." (Serajuddin Ahmed: Sher-e-Bangla A.K. Fazlul Huq: Page 172).

The game was over and nothing could be done for reconciliation. Still Manishi Abul Hashim made a desperate attempt to make an adjustment for sovereign independent Bengal. There were many who lined up with Abul Hashim, who tried his best to persuade the Chief Minister of Bengal, Shahid Suhrawardy and impressed upon him to negotiate the matter with the non-communal Hindu leaders like Sarat Chandra Bose, Kiran Shanker Roy and others who had the forceful support for it. Meanwhile, the cat was out of the bag and it was absolutely impossible to catch hold of the target. Khwaja-Goza Muslim League of Dhaka was then at the helm of affairs under the coterie they had already created. Murshed's father-in-law A. K. M. Zakaria stood against partition

of Bengal. The effort could not bear fruit. Syed Mahbub Murshed, in spite of the odds created by partition, pursued to work with other people to keep the harmony normal without the scope left for communal violence after and before partition. He made the team with Prof. Humayun Kabir, Dr. R. Ahmed, Syed Badruddoza, Prof Hiren Mukerjee and Sadhan Gupta. They left no stone unturned to create a congeniality for co-existence with human rights. However, it paved the way for Nehru-Liaquat Pact.

Syed Mahbub Murshed was vigilant over the affairs of Indian Peninsula, now divided into two states. Being a Muslim he was mentally inclined to observe the cause of Pakistan wherein the democratic trend started taking an adverse course. His father-in-law A. K. M. Zakaria and close relative Syed Badruddoza were agitated because of non-inclusion of Murshidabad within Pakistan although it had absolute Muslim majority and they did not like to leave Calcutta leaving the Muslims distressed. Abul Hashim migrated to Pakistan in April, 1950. Psychologically he did not feel well about the circumstances prevailing in Pakistan and he was shocked by the assassination of Liaquat Ali Khan, first Prime Minister of Pakistan on 16 October, 1951. Syed Mahbub Murshed had links with Dhaka by virtue of his elder brother Syed Manzoor Murshed's marriage with Farhad Banoo, eldest daughter of Nawab Sir Khwaja Salimullah (Birth 7 June, 1871- Death 11 January, 1915) and it was better known to him the worth of Dhaka in history. He decided to migrate to Dhaka and was interested in the judiciary in Dhaka with a new High Court there. He wrote letters to his elder brother Syed Maqbul Murshed and in one expressed his feeling: "the sub-continent appears to be irrevocably divided. I feel I have to do something for fledgling Muslim state." Finally, he migrated to Dhaka and joined the Dhaka High Court Bar. He had the ability and worth to adjust and he had his clients to deal with. His legal practice was short i.e. only for three years. He concluded almost 15 years practice before he was elevated to the bench of the High Court and he was more than 43 then.

The most surprising thing in his life was his devotion and dedication to book-reading. Possibly he may be compared to M. N. Roy and Sir Sarwapalli Radha-Krishnan.

Book-reading is an “abnormal” habit when a personality is swallowed by it. Syed Mahbub Murshed took shelter in books and this paved the way for him to take shelter in judgeship. Wisdom and professional growth go together. A lawyer had been turned into jurist. It does not mean that legal practice could not create the ground for him. He practised from juristic point of view.

Syed Mahbub Murshed was very much fascinated by the life and activities of the Prophet of Islam (S.M.) and to him he was the greatest symbol of justice. Mahbub Murshed was realistically built up by the Holy Quran verse 135, of Surah Nissa saying:

“Follow not the lusts  
(Of your hearts), lest ye  
Swerve, and if ye  
Distort (Justice) or decline  
To do justice, verily  
God is well acquainted  
With all that ye do.”

The Prophet of Islam (S.M.) did never consider himself, beyond and above law. He included himself within the law and by his own deeds, actions and steps he established a great constitutional precedent, that the Head of the State could be sued both as a private individual and also in his public capacity. The Holy Prophet (S.M.) upheld the principle of justice even in his sermons when he had made a public declaration to the effect that if he were indebted to anyone or misappropriated anyone’s resources or had done some harm to anyone’s life and reputation he was ready to compensate. To Mahbub Murshed it was unparalleled to seek forgiveness. So he was emotionally decorated by the Holy Quran and the idea given by the Prophet of Islam (S.M.). It was the devoted urge that prompted him to migrate to Pakistan.

Justice Abdur Rahman Chowdhury has rightly analysed (see Appendix-A) by saying: “After the partition of the sub-continent, he joined the then Dhaka High Court and was elevated to the Bench as a judge in 1955. It was from then onwards that Justice Murshed revealed his talents and profound learning as a justice. His elevation for us, then toddling juniors, was a great loss since we had no longer that helping hand

to pat on the back, to advise and encourage us. But what was a loss to the Bar was indeed the most valuable acquisition for the Bench. From then came series of judgements and pronouncements delivered by him which enhanced the prestige and dignity of the judiciary as a whole.

Ataur Rahman Khan was not only a great and learned lawyer he stood as a direct witness of the crucial and turmoil-filled political events since the early forties. He was a calm, quiet and mild statesman. He was also political scientist by virtue of recording thought-provoking observations in the masterly books written by him in the form of reminiscences. Possibly Ataur Rahman Khan and Abul Mansur Ahmad were the exceptions and they recorded what they witnessed and faced as statesmen. They belonged to Awami League but while recording their views they appeared to be impartial and neutral unlike the higgledy-piggledy games played by the politicians who could talk like the demagogues but did nothing to come to solution. Abul Mansur Ahmad was a famous writer and journalist too. Amongst the Muslims he was a forerunner in the arena of journalism. Tofazzal Hussain Manik Mian was a journalist under the garb of Musafir who stood as a supreme political scientist to uphold the cause of democracy.

These three great personalities in our history, had the highest regards for Syed Mahbub Murshed although he was not involved in their politics. Manik Mian and Mahbub Murshed were almost of the same age. Ataur Rahman Khan and Abul Mansur Ahmed were senior to Syed Mahbub Murshed. But they were all fond of him. Manik Mian was previously acquainted with him in Calcutta. In 1942 Syed Mahbub Murshed had friendship with Professor Humayan Kabir and Abul Mansur Ahmad in Calcutta on the welfare of the Muslims, on the basis of non-communal harmony. Ataur Rahman Khan had affection and respect for Syed Mahbub Murshed from 1951 when he migrated to Pakistan to start his career as a barrister in Dhaka.

Manik Mian had persevered in the crying voice of the Daily Ittefaq for the rule of justice and law in democratic order. The mighty pen of Musafir always upheld the Judgements made by Syed Mahbub Murshed and so Manik Mian was a powerful ingredient to uphold the cause of justice. There were the clumsy days and the Daily Ittefaq with Manik

Mian and his column “Rajnaitik Mancha” by Musafir left no stone unturned to cry in support of Murshed’s Judgements one by one. Manik Mian was not a jurist and lawyer but he had the strongest common sense.

The views expressed by Ataur Rahman Khan on Syed Mahbub Murshed are not critical and they are persented to go into the reality and truth. He had judged him from Judicial point of view and to him a judge is sublime to establish the rule of law and justice. Syed Mahbub Murshed fulfilled the sublime duty vested on him. The judgements made by him against tyrannical dictatorship and military rule stood unparalleled. Not only the reasonable arguments based on rationalism compliment any language and scholarly decisions, made the echoes and offered him the unprecedented position to be ornamented by golden letters. Ataur Rahman Khan pin-pointed him as the highest legal order for democracy.

Sitting on the judge’s chair he was meant to cover the dignity and honour of the lawyers and help them grow in their professional efficiency. He loved the junior lawyers and respected the seniors combining them for happy team-work. He advised them for co-operation, and co-ordination. Ataur Rahman Khan pointed out: “We used to know him as our well-wisher and adviser, other than the chair occupied by him as a judge. In the event of any adversity in the decision, he used to talk in the manner favouring the sentiments that there was then nothing left for frustration.

He was not involved in active politics and since democracy was his belief he used to maintain liaison with the political leaders and offered them counselling. During the political situation of 1968-69 he became restless. He used to help the political leaders by chalking out for them the programmes what to do and what not to do. A well-reputed statesman like Ataur Rahman Khan remained indebted to him.

Ataur Rahman Khan revealed the tough political days of 1953-54 provincial general election. United Front was formed by Huq Bhashani - Suhrawardy and he (Syed Mahbub Murshed) was the brain behind the screen then. He was then in constant touch with Sher-e-Bangla and solved all major and minor problems with his wisdom. United Front

was about to collapse sometimes but Syed Mahbub Murshed was prompt and active to keep the views of the United Front intact not to face any set-back. This was not the duty meant for him but he discharged the duty for the sake of democracy. He was selfless and he had no personal gain. He had no intention to seek the election. He did never seek the election as he had no political ambition.

Ataur Rahman Khan could not forget the most impartial judgement delivered by Mahbub Murshed. He has narrated a nice event of his impartiality. On one occasion during a reception-ceremony a lady was eager to talk to Syed Mahbub Murshed. But Justice Murshed could not talk to her. He rather abstained himself. Once Ataur Rahman made query to him on the point and Justice Murshed replied: "I am in favour of impartial judgement. I didn't leave any scope for suspicion of others for the sake of neutrality. So I felt inconvenient to talk to the lady."

So it should be made clear in mind that how he was turned into the only grand judge in Asia. There were many things accommodated in justice Murshed.

The thing on which Ataur Rahman Khan stressed was very important as I elaborated earlier. On the chair of judge Justice Murshed considered himself as the representative of Almighty Allah!

It was his firm conviction based on devotion, integrity, concerted endeavour and sagacity mixed with concentration and wisdom. While Ataur Rahman Khan was the Chief Minister of erstwhile East Pakistan, Syed Mahbub Murshed prevailed upon him to establish Madrassah Aliya and indeed he could not forget the services rendered by Syed Mahbub Murshed. "He encouraged me and left no stone unturned to establish Madrassah Aliya." Ataur Rahman Khan recollects: "On the opening ceremony he made so marvellous and thought-provoking a speech that charmed me very much. I was simply excited and inspired when he softened to speak about the endless march of Islam and magnificence of Almighty Allah with all his Bounties."

I think no testimony is more dignified for Justice Mahbub Murshed than what has been enunciated by a supreme personality like Ataur Rhaman Khan, one of the worthiest sons of the soil. Not only renowned

as a lawyer but he had played a vital role as statesman and political scientist with his brilliant academic career.

His legal career as barrister offered Mahbub Murshed the chance to take a decisive role in the race of democracy within the law and the time was very difficult. Nothing could be ascertained what would happen and as a patriot he took up the sublime cause of restoring the peace and order. A new colonialism started to grow and the Panjabi hierarchy took the place of British Imperialism. Urdu did never stand as the mother tongue of any race in erstwhile Pakistan but things took the shape to make Urdu as the only state language for Pakistan denying the claim of Bengali which was the spoken language and mother tongue of the majority people of Pakistan. Heaven was made hell on this issue and one Baba-e-Urdu Dr. Abdul Huq of Karachi took the license for Urdu. To him Pakistan stood as the gospel truth for Urdu. There was the resistance from the East Pakistanis (the Bengalees) first displayed by Pakistan Tamaddun Majlis followed by all later on. Syed Mahbub Murshed could not remain silent. After migrating to Pakistan while he started his practice at the Dhaka High Court, he had to draw himself to the Language Movement of East Bengal. In 1954, when the United Front was formed for general election of East Bengal he was instrumental to draft 21-point Manifesto of the United Front in combination with Abul Mansur Ahmad. Both of them formed a good team without malice and 21-point "United Front Election Manifesto" was the first ice that was broken to follow up as the emancipation for Bangladesh. Abul Mansur Ahmed belonging to Awami League, had the impartial role to run the race of democracy. The scene he witnessed in the assembly session wherein Shahed Ali was killed, was the story told by him without any bias for his party.

There had been many surprising events in the career of Mahbub Murshed, as if he was born to offer the surprises. He had practised upto 1955 under the odd political circumstances; between 1951 and 1955 and he caught hold of them very carefully with decency and decorum. During this period he made the political analysis on sovereignty. This time he grew up to keep pace with what James Thomson (1834-1882) versified: "Give a man a horse he can ride/Give a man a boat he can sail." In Pakistan there was no horse on which one could ride with

political proportion and so there was no boat to sail with the limitation of 1100 miles distance. Politically it was impossible as the culture created the gulf of difference. So sovereignty as per the political thoughts could not stand according to the needs and surely, it had the curving moves without confirming the entity and integrity of the state. Since the creation of Pakistan was a reality based on Lahore Resolution moved, proposed and drafted by his maternal uncle Sher-e-Bangla A. K. Fazlul Huq, Syed Mahbub Murshed felt it necessary to remove the contrast. It was necessary for integrity of the new nation and in 1954 he formulated the sense and concept of plural sovereignty to have a breakdown of isolation by a strong and forceful political identity. But whatever might be the sincerest desire of Syed Mahbub Murshed, he was far from the contemporary thoughts. Meanwhile, he was elevated to the bench and his maternal uncle was politically victimised for no fault of his. He was about to be smashed but the victory followed him and the storm was opposed by his father-in-law Abul Kazem Muhammad Zakaria in Calcutta.

Possibly knowing his maternal uncle as the Everest to get up Syed Mahbub Murshed made his sermon majestically by saying: "He was in his ceaseless efforts in promoting education among his fellow citizens. Scattered around us are imperishable monuments of his activities in this behalf. In all these measures he was deeply conscious of the dignity of our masses as human beings, who are born to a certain heritage of basic rights which are inalienable. He had realised that the individual is, the end of all collective effort, a Kingdom of ends.

He tried his best to offer his legal protection when Sher-e-Bangla's government was dismissed by the Central Government illegally and political oppressions started. Mahbub Murshed was not a silent observer. He realised the demagogues could cry but they could not solve the problems. They could rather create the pandemonium for selfish ends. Mahbub Murshed ran after the ways and means for a race of democracy. He knew it fully well it was a Marathon race.



## CHAPTER: SIX

### **Arena Covered by Wisdom**

“Islam enjoins upon the believers to inflict duly sanctioned punishments on the transgressors of the law and admonishes us to call upon the perpetrators of the wrong to compensate those who have been wronged by the unjust exercise of their power. It says all powers belong to Allah and anyone who has been chosen to exercise it, must exercise it not for his personal aggrandizement but in His Holy name for the advancement of this purpose. Such is the fundamental refinement of Justice in Islam”. (Barrister Tamizul Huq: Islam and its Legal and Moral Aspects: Page- 186). The sense of justice had been developed in Mahbub Mursed by the family heritage based on mystic and deep culture of Islam that he imbibed from his father Syed Abdus Salek who held executive and judicial posts. Mahbub happened to be in touch with the internationally prominent economist Harold Laski and he became well conversant in comparative economics for human emancipation. In reality justice is based on human emancipation, proportionate human rights and distribution of wealth and is advocated by Islam without any bias. Syed Mahbub Murshed was a book-hunter since his youth and reviewed life through comparative studies. He had been in contact with Abul Hashim during his days in Calcutta. Mahbub was interested in the progressive ideas of Abul Hashim to turn the Muslim League into a people-oriented progressive organisation. Syed Mahbub Murshed was allured by the thoughts of Abul Hashim who had been also a voracious book-hunter in spite of his retina complexity in eyes. Like Abul Hashim, Syed Mahbub Murshed had the strength of Kalima; making it his habit to recite it always whisperingly to profess wholeheartedly its philosophy with depth of understanding as done by Abul Hashim saying: “The unity of God of Kalima and its corollary unity of the human race liberated women from their eternal bondage and gave them equal status with men (except the natural psycho-physical difference that exists and will always exist between a male and a female.) Since Islam does not ignore Nature but correctly interprets it, it fully recognises creative

and polygamous nature of males in creation but gives women the status of a free agent of procreation and has accordingly made marriage an absolutely free and voluntary social contract between the two sexes. In early Muslim society of Medina women enjoyed so much real freedom and social dignity that a husband would not enter his wife's chamber without her formal permission. (The Creed of Islam: Abul Hashim Page-105). Syed Mahbub Murshed had been curious to go through the contents resulting out of emotion and sentiment while Abul Hashim was writing the articles in Bengali Daily, the Millat.

So Syed Mahbub Murshed had the idea of judgement and justice from the contents of Kalima. But he was enriched by the comparative views also. Syed Mahbub Murshed had the epoch-making sense of Justice as deducible from the works of Socrates, Plato, Aristotle, Ibn Al-Arabi, Al-Kindi, Ibn Rushd, Ar-Razi, Ibn Sina, Al-Ghazzali, Al-Marwardy, Nizamul Mulk Tusi and Ibn Khaldun. Ibn Khaldun created an epigraph in him permanently. Historically Ibn Khaldun stressed on human endeavours for emancipation. His analysis on Ibn Khaldun offered him the matured concept of judgement and justice. Regarding rule of administration Mahbub Murshed said: "Anyone who governs others must be imbued with a sense of his great responsibility. Precedents are valuable guides, but a foolish consistency is the grave of little minds. Uniformity, sometimes, connotes sterility. When the oracles do not speak one does not as a matter of course, reach a dead end. We are only confronted with a challenge. Judges, as well as administrators, will do well to remember this." This is an ornamental approach on "Some thoughts on the Administration of Law and Government" made by, Syed Mahbub Murshed in a speech which is attached (Appendix-I) to go into the depth of the essences therein.

John Seldon (1584-1654) said: "Commonly we say, a judgement falls on a man for something in him we cannot abide." It carries the judgement independently but does the whole truth rest on Seldon's version? In this context Mahbub Murshed had to say: "We accept the verdicts of the past until the need for change cries out loudly enough to force upon us a choice between the comforts of further inertia and the irksomeness of action. Through the openings which are thus provided, the common law is fabricated. Logically, the responsibility of an inde-

pendent judiciary is as anomalous as the common law itself. In a pitilessly consistent democracy judges would not be making law at all. Yet it is necessary that judges should be independent and that their independence should not be impaired”. This is a masterly sermon delivered by Mahbub Murshed and it carries thought-provoking ideas in order to offer far-reaching effects. Complete sermon is attached in an Appendix-E to enable the readers to go into the depth of his merit and genius showing creative talents, unparalleled and unprecedented amongst the judges of Asia in order to justify his position as a grand Judge depicted by the formula of Al-Marwardi, Al-Ghazzali and Ibn Khaldun. Unfortunately, he could not record them in books like them but his judgments in thousands of pages will cover a profile for the unique portrait for himself. But who will bring them out—the reply of this question is not known to me. I leave it as a matter of privilege to the readers of this book wherein I have drawn a protrait of him in my own way. I know the milestone will be covered once in the interest of fundamental rights within a civic society based on law, judgement, and justice. In any way they cannot be denied. Justice Murshed will always stand as a relentless fighter.

Sir W.S. Gilbert (1836-1911) versified: “For now I am a Judge, / And a good Judge too.” Mahbub Murshed had been a grand judge to justify the political odds he faced during his tenure of office as Justice, Chief Justice of East Pakistan High Court and Ad-Hoc Justice of Pakistan Supreme Court. He was an institution in himself as depicted by Tofazzal Hussain Manik Mian under the garb of Musafir and he formed this institution although the environment was not in his favour. But he was a judge destined to restore justice as he knew it fully well that he would be answerable on the Final Day of Judgement in compliance with the verse of the Holy Quran under verse 58 of Sura Nissa which says:

“God doth command you  
To render back your trusts  
To those to whom they are due,  
And when ye judge  
Between man and man  
That ye judge with justice

Verily how excellent  
Is the teaching which He giveth you!  
For God is He who heareth  
And seeth all things.”

Mahbub Murshed was well conversant with the Holy Quran since boyhood as a matter of family heritage and he maintained Quranic verses translated in Bengali, English, Arabic, Urdu and Persian in his personal library. He formed the comparative views reciting the verses of the Holy Quran with adab, riwaj, quaida and Tomeez. In a speech he said: “The law of God, or moral law must be the end of law. Aristotle has reminded us that good law means good order. Another great thinker has said that the clash between what the law forbids and what society and the people seek, is an unmistakable pointer towards a state of society which is on the verge of ruin. There is also a world of wisdom in the old Chinese aphorism, of two thousand years ago, that the more there are mandates, prohibitions and restrictions, the more there will be thieves and robbers. Human nature can be best transformed by benevolent methods rather than by mere enactment of Draconian measures. Shakespeare has cautioned us, in “Measure for Measure” that we must not make a scarecrow of law. His observations have the depth of thought-provoking ideas and views based on comparative studies. His whole speech has been attached in Appendixes-C in order to enable the readers to realise his depth. The contents therein are self-explanatory. The sermons and speeches made by him shall form part and parcel of his originality as a political scientist. In spite of career of justice and judgement Al Marwardi, Ibn Arabi, Al Farabi, Al Ghazzali and Ibn Khaldun had contributions in philosophy, political science and sociology with originality and creative ideas and views to stand for institutional and depths and Syed Mahbub Murshed could not do it but he made comparative studies of all of them to reveal them in his judgements to stand for his plea as a grand judge in consequential difference between the middle age and the modern age facing the transitions of history in methodology and technique. Surely it shows the originality of Syed Mahbub Murshed in comparison with other judges of Asia depicting the contrast between the western and the eastern trends. In the midst of contrast Syed Mahbub Murshed went into the democratic order of Ashura-spirit which was part of his family-heritage following his father Syed

Abdus Salek who had the profile within the heritage of Islam built up by the life and activities of the Prophet of Islam (S.M.) in the text of the Holy Quran supported by verse 9 of of sura V (Maida) saying:

“O Ye who believe!  
Stand out firmly  
For God, as witnesses  
To fair dealing, and let not  
The hatred of others  
make you swerve  
To wrong and depart from  
Justice.”

“Capacity to judge among the people consists in the knowledge of justice according to the Holy Quran and the Traditions of the Prophet of Islam (S.M.) and in the ability to carry out the sentences. There are three requirements in this, the fear of Allah, the upholding of Allah’s commandments at the expense of worldly gain and not to fear man. These are the three characteristics which Allah requires in anyone who fills the office of a judge of men.” (Barrister Tamizul Huq: Islam and Its Legal and Moral Aspects: Page-229). Justice Syed Mahbub Murshed had been concerned with these three objectives as he was well conversant with the depth of the Holy Quran and the Traditions of the Prophet of Islam (S.M.) with deep studies of them regularly. He had the analysis of self-criticism in himself silently as he had the mystic elements deeply enriching him with his combination with Iranian Philosophy, specially with reference to Hafez of Shiraz and Bahar. He also knew Ferdousi, Rumi, Omar Khayam and Imam Al-Ghazzali, the essences of Asrar-i-khudi, Shikwah and Jawab-i-Shikwah. He admired Allama Iqbal although he could not keep pace with his political concept. Similar was the attitude towards Rabindra Nath Tagore. His sermons on Iqbal and Rabindra Nath Tagore are affixed (Appendixes- on Iqbal + Appendix-H) on Tagore) in order to give the readers Syed Mahbub Murshed’s stand on them. By analogical deduction, complete rejection was absent in him. He accepted the themes where there had been the depth of humanity for civic right, but he did never support the controversial themes which he considered wrong. His independence of mind is deducible from his article “Quo Vadis Jinnah” published in the En-

glish Daily Statesman of Calcutta. He did not lag behind to express the truth as he saw it but he maintained the decency and decorum while speaking the truth. He did never under-estimate the personality of Quaid-i-Azam Muhammad Ali Jinnah as a Muslim leader in the sub-continent in keeping pace with the observations made by Beverly Nichols.

He considered the question of humanity on the basis of justice and essentially he had close touch with the humanists whatever might be their political beliefs and spirit. He had his close association with Indian Humanist leader M.N. Roy as he recognised the humanity of Islam on universal brotherhood. As a humanist M.N. Roy prominently prevailed in the international arena but his party did not catch hold of the heart of the people in the general election held in 1936. To cite an example in a seat of Burdwan contested by Abul Hashim securing 26,702 votes the Congress candidate Abdus Sattar secured 723 votes and M.N. Roy's party candidate Noor Newaj secured only 223 creating a gulf of difference with Abul Hashim. Abul Hashim and Syed Mahbub Murshed had good relations with M.N. Roy. As lawyer in Calcutta High Court Mahbub created a remarkable standing as a lawyer and jurist with his independent role. As lawyer he did not like to play the role of a money-earning machine. It was easy for him as he had good relationship with the then Chief Minister of Bengal Hussain Shahid Suhrawardy, who had an affectionate feeling for his independent and meritorious dealings. Moreover, family heritage could have gained something but Syed Mahbub Murshed did never utilise the family channel in any way. During the late thirties and beginning of forties and in 1947 the political days of Indian Peninsula were very crucial. Riots and communal clashes were frequent and they disturbed the stand of Syed Mahbub Murshed for harmonious and congenial communal growth upto his satisfaction. I have elaborated them in earlier chapters. In the midst of communal turmoil he had to offer legal aid and he had been in close association with the first Chief Minister of West Bengal Profulla Chandra Ghosh who was also a non-communal personality but such efforts could not improve the situation. Communal violence could not be remedied. Only thing that was made possible was the Nehru-Liaquat Pact to minimise communal riots. It was the need for Nawabzada Liaquat Ali Khan as he was himself a refugee from Uttar

Pradesh, representing from erstwhile East Pakistan, migrated to Karachi. His wife Rana Liaquat Ali Khan also hailed from Almora and the odds circumstantially did not favour them. Moreover, the most disastrous fate was created by Baba-e-Urdu Dr. Abdul Huq speaking of Urdu only, confused the entire situation which culminated in the assassination of Liaquat Ali Khan on 16 October, 1951. It was a higgledy-piggledy game played by Baba-e-Urdu Dr. Abdul Huq. In 1950 Syed Mahbub Murshed migrated to erstwhile East Pakistan during the later part and participated in Language Movement. Pakistan Tamaddun Majlis launched the language movement under the leadership of Professor Abul Kashem. The tempo for Bengali was created by Dr. Shahidullah on July, 1947 contrasting the stand taken by Dr. Ziauddin, Vice Chancellor of Aligarh Muslim University whose role was almost like the dirty nose poking into the business wherein his congestion was peculiar. Abul Mansur Ahmed took the stand in favour of Bengali and Kabi Farrukh stood strongly with a plea for Bengali. Pakistan Tamaddun Majlis was formed speedily by Professor Abul Kashem on 1 September, 1947 to find out the platform for the constitutional institution of Bengali for majority people of erstwhile Pakistan. Syed Mahbub Murshed offered the legal force when he migrated to erstwhile East Pakistan and he did not conceal himself behind the screen.

Though Mahbub Murshed knew many languages including Bengali, English, Arabic, Persian and Urdu, he was peculiarly fond of mother tongue Bengali as he adopted its varied accents by virtue of his association with the people scattered in different localities. He knew the beautiful literary expression of it since Chandi Das allying for a classless society and he was apprised of the strength given by the Muslims when Islam was propagated in Bengal under mystic-orders. He was well acquainted with Arabic, Persian and Urdu through family heritage and he cultured them to ascertain the depth of Bengali as his mother tongue. So he took up the cause immediately he came to East Pakistan. Meanwhile, he joined Dhaka High Court in 1951 starting his legal profession. To show depth of his love for Bengali let me quote what Syed Mahbub Murshed said: "Nearly two hundred years after Musalman conquest of Bengal, Chandi Das did for Bengali, what Chaucer did for English. A Brahmin Priest, he fell in love with a woman of the

washermen-caste. He expressed his ardour and suffering in a great number of exquisite songs. The poet's genius, his sincerity and depth of feeling set them apart in Bengali vaishnav literature which is akin to the Sufi literature of Muslim divines." Bengali was enriched by combination of the contributions of Muslim Sufis and Syed Mahbub Murshed knowing the depth fully well, could not lag behind in establishing the right of Bengali as state language of Pakistan. It was the force developed by him as a matter of patriotism whatever might be the odds created on unreasonable grounds by Maulana Shabbir Ahmad Usmani, Baba-e-Urdu Dr. Abdul Huq, Dr. Ziauddin and others. To him the platform created by Pakistan Tamaddun Majlis appeared to be correct and he tried his best to get intellectual support from all corners. He had parleys with Abul Mansur Ahmad while in Calcutta. The Muslim Majlis also supported their endeavours. Later on Sher-e-Bangla A. K. Fazlul Huq and Abul Hashim also supported the cause of the intellectuals combined on the issue. So it became a common cause.

The hierarchy of Pakistan made a serious mistake. Sir Khwaja Nazimuddin, Chief Minister of East Pakistan whose mother tongue was Urdu, played the role of a Shahish of the riders of Pakistan hierarchy. As a reward the playing rider or political jockey was made the Governor General and Prime Minister subsequently, doing nothing for the integrity of Pakistan.

During the legal practice in East Pakistan High Court it did not take much time for Syed Mahbub Murshed to flourish with clients. He had the amiable personality to attract them. In Calcutta between 1938 and 1950 he completed the legal practice gloriously for 12 years. In Bangladesh he completed legal practice in High Court and Supreme Court upto 1955 completing lucky sixteen years and was elevated to the Bench in Dhaka High Court to be bestowed upon with the laurel of grand judge, unique in Asia. It is like the laurel versified by Jonathan Swift (1667-1745) : "Shall I strew on thee rose or rue of laurel,/Brother, on this that was the veil of thee? / Or quiet sea-flower moulded by the sea./or simplest growth of meadow sweet or sorrel? /Dean Jonathan Swift was a favourite of Mahbub Murshed and even during his matured age he went through Swift's Gulliver's Travels. "Rumi's Masnavi and Ferdousi's Shahnama created suspense and a sense of justice for



Mahbub Murshed whenever he glanced over them. He had faultless knowledge of the stories of Arabian Nights. Robert Louis Stevenson (1850-1894) flourished in him with his Treasure Island on Jim Hawkins who made the adventure under boyish instinct. Mahbub Murshed also undertook an adventurous journey with his friend Nirban Shaikh of Bogra during his boyhood. It was a pity for Mahbub Murshed that the longevity of Rob Stevenson was only 4 and to him it was an adventurous death possibly. Mahbub Murshed's curiosity offered him the depth of intellect for Justice. Since boyhood he was innocently geared up.

According to the former Secretary General of UNO Kurt Weildhim, Mahbub Murshed was one of the best judges of the world. The weekly 'Rob Bar' conducted an Interview with the internationally renowned economist Dr. ANM Mahmud and the interview was published in the weekly Rob Bar on the third death anniversary of Justice Mahbub Murshed. Dr. Mahmud considered Syed Mahbub Murshed as the most sagacious thinker and intellectual in the world. To him Syed Mahbub Murshed was equally conversant with Bengali and English both combined by rare ornamentation. Dr. Mahmood was suspicious of the safety and security of a personality like Mahbub Murshed as the odd circumstances were possible and the course was not known to anybody then. He appealed to all concerned to compile and edit all his speeches and articles within the purview of the books in order to offer the guidelines in future. In reality, his desire has not been fulfilled yet, as if, to cherish the opinion like him that the nation would be left in obscurity about personalities like Mahbub Murshed. Is it the whole truth? He is still in mind and our minds shall have to be compromised when we shall seek the rule of administration, order and law. Now still there is a question who will bell the cat? Our jurists and lawyers as it appears, are alert. I know nothing of the forums. Writers and thinkers may write his biographies but juristic treatment cannot be done by them. Mahbub Murshed was a versatile genius and he shall have to be pin-pointed to find out the reality of Mabbub Murshed in keeping pace with the thought-provoking opinion expressed by Dr. AKM Mahmud.

He was not only a judge of the highest order, he was a humanist of extraordinary character. He built up his habit and temptation concealed within the wisdom as is apparent in the Holy Quran in Verse 77 of

surah Qasas or the Narration revealing:

“But seek with the (wealth)  
Which God has bestowed on thee,  
The home of the Hereafter,  
Do not forget thy portion in this  
World: but do thou good.  
As God has been good  
To thee, and seek not  
(Occasions for) mischiefs  
in the land  
For God loves not those  
Who do mischief.”

While analysing Rabindra Nath Tagore, Mahbub Murshed said: “On the only occasion that I had the privilege of a longish meeting with him at his Calcutta residence, he showed a considerable acquaintance with Hafez, the great lyric and sufi poet of Shiraz. I have not been able to gather how far he had studied Persian literature of which many members of his family were profound scholars. His acquaintance with the literature of sufism was very deep and it was expressed in his philosophy of life. I will illustrate this statement with the following brief quotations from his Hibbert Lectures which have appeared in the form of a book, titled “The Religion of Man.”

“The love and wisdom that belong to the supreme being, whose spirit is over us all. Love for whom comprehends love for all creatures and exceeds in depth and strength all other loves has no other aim than the fulfilment of this love itself.”

“It is said that the world, which is all movement is pervaded by one Supreme Unity. The super-soul which permeates all moving things is the God of this universe, whose mind we share in all true knowledge, love and service and to whom we reveal ourselves through renunciation of self, is the highest end of life.”

“The spiritual universe (of me) is also ever claiming self-renunciation from individual units.”

My juvenile attempts in translating identical thoughts in Hafez and

Tagore from an assortment of verses have led to haphazard but rewarding results. I quote below a few short extracts: “some unseen finger, like an idle breeze, is playing upon my heart the music of its ripples.” Tagore

“O thou unseen one, I beseech thee, in my distraction. What melodies thou hast awakened in the chamber of my heart.” Hafez

“Thank the flame for its light but do not forget the lamp-holder standing with the constancy of love.” Tagore.

“In the glow of the beauty, thy tresses have stolen my heart. How gallant is thief, holds a lamp in the hand.” Hafez.

“Hold forth the faith firm, my heart, the day will dawn. The seed of promise is deep in the soil, it will sprout: sleep, like a bud that will open its heart to the light, and silence will find its voice, The day is near when thy burden will become thy gift and thy sufferings will light up the path.” Tagore.

“Thy beloved will return to thy citadel, grieve not, thy blighted habitation will blossom forth, grieve not. In the springtime of life in thy garden, a canopy of flowers will cover the head. O, sweet-singing bird, grieve not. The day is near when thy sufferings will be over and this chaos will come to order, grieve not.” Hafez.

This is a marvellous endeavour undertaken by Syed Mahbub Murshed during his young age with the mystic elements he felt deeply around Almighty Allah. People misrepresented Mahbub Murshed when Mahbub Murshed ventured to celebrate Tagore’s Centenary. His depth of understanding during his young age was unparalleled and he found enthusiasm while reciting the Holy Quran with rhythm during his boyhood. To him Tagore had not been a deviation from the mystic themes of Hafez of Shiraz, the most celebrated Muslim Sufi poet of the world. He introduced Muslim sufistic idea of God with Tagore’s poems. As a mystic devotee (though not outwardly expressed) he did it as a matter of justice to Muslim sufism.

Persian Poet Hafez was invited by the Sultan of Bengal with his capital at Sonargaon (Narayanganj) Shamsuddin Muhammad Ghasuddin Azam Shah to visit Bangladesh and Hafez could not do it

for the turbulent Arabian Sea and Persian Gulf. Hafez was impressed by the sense of justice developed by Ghiasuddin Azam Shah of Bengal. Hafez blessed him with the essences of poems although Shiraz-roses with gardens had been always famous. Hafez nourished his followers and pupils around the rose-gardens scattered everywhere in Shiraz.

It is said that Rabindra Nath Tagore took the idea of his Shanti Niketan from the rose-gardens of Shiraz through the poems of Hafez. Could Mahbub Murshed feel it? The article written by him on Rabindra Centenary may serve the purpose. The article is attached as Appendix-H to clarify his stand and the contents therein are self-explanatory. The readers may find pleasure in realising the depth of Syed Mahbub Murshed. To cover the journey to the arena of justice, he had the vivid comparative studies in world-literature. To him all sciences offer the sense of justice to the human endeavours.

Judgements in the court-houses are not only based on legal framework but laws and rules are moulded on the human endeavours how they are conducted with decency and decorum to gain the end of proportionate behaviour in the civic society. Possibly to him the court-house was not the show-house and offered the opportunity for human endeavour to be conscious of human endeavours universally agreed upon on common grounds.

K. Salahuddin said: “As a judge, Mahbub Murshed remained committed to his life-long ideals, of liberty, justice and excellence:

His judicial pronouncements, delivered while sitting on the bench of the Dacca High Court and the Supreme Court of Pakistan (where he served briefly as an ad-hoc judge) reflected these ideals. Some of the judgements created constitutional history and won for him international acclaim.

While analysing the essence and qualities of Mahbub Murshed, I shall again take the privilege of quoting K. Salahuddin who wrote :

“I sometimes hold it half a sin,  
To put in words the guilt I feel,  
For words, like nature half reveal  
And half conceal the soul within”.

“I heard the late Mr. Justice S. M. Murshed recite the lines of Alfred Lord Tennyson quoted above, on an occasion when he had suffered a personal bereavement. Today, after many years I find that those verses still haunt me. It is difficult for me to put in words the feelings evoked by those lines and the memory of the man with whom I associate them.”

Syed Mahbub Murshed was charmed by the story relating to Sultan Ghias Uddin Azam Shah of Bengal (Sonargaon) and the Quazi of his court. In a case the Quazi summoned the Sultan who was the accused. In obedience the Sultan appeared in the court of Quazi and maintained the court courtesy. The Quazi made the trial with all consequential evidences the Sultan was found guilty and he was penalised. The Sultan was happy for punishment to him by Quazi. There is a story around it and Mahbub Murshed possibly guessed it when he came around the details about Iranian poet Hafez of Shiraz. Stories create the stories and the stories are good when they carry the reality. There are no stories in and around the justice of Syed Mahbub Murshed. The realities of justice are his stories.

Munshi Abdul Mannan has written: “Mahbub Murshed is no more but we take shelter under the fearless and eventful trends of life and we find the sense of relief in him when we recollect his glorious activities combined to leave a heritage for us.”

Politically Mahbub Murshed was not directly involved as already said, but he sought to offer legal-aid for right causes in order to pave the way for the fundamental rights of the people constitutionally within the order of legal framework. So he was in favour of creating a democratic opposition against the despotic government run by the Muslim League hierarchy. In 1954 when the general election was to be held he was in contact with Ataur Rahman Khan, Abul Mansur Ahmad and others. He opined to form a united front in alliance between Sher-e-Bangla A. K. Fazlul Huq and Maulana Abdul Hamid Khan Bhashani's parties. He prevailed upon his maternal uncle Fazlul Huq to start the discussion and he was behind the screen to form the United Front at length to ensure the election journey on the boat. The highest services he rendered was the counselling in order to formulate the 21 points of the United Front offering as the manifesto of the joint endeavour. The

manifesto speaks for itself as the mile-stone to run the race of democracy. The genesis of Bangladesh is visible in this 21-Point manifesto. Mahbub Murshed was the political brain to run the race of democratic and constitutional order. Was he ambitious for any political portfolio? Mahbub Murshed did never try to occupy any public office politically. He did never seek any election; he was selfless to establish the rule of law.

Razia Begum had rightly observed him to write: "Two decades ago, when our country was under alien rule, when those who governed our country from 1000 miles away were determined to impose an alien culture upon us and erase our liberty and cultural heritage, a handful of intellectuals stood up to fight for the age-old traditions and cultural identity of Bangladesh. In this distinguished group of men Syed Mahbub Murshed, figured very prominently. The great tide of nationalism which swept the country a decade ago, in the early seventies, originated from the little ripples that were noticeable in the fifties and sixties. The fight for a separate identity became, through a process of metamorphosis a battle for nationalism. The stirrings of a nation, in the making, in the late fifties and sixties were reflected in the speeches and writings of the intellectuals of the country. In the judgements, writings and speeches of Syed Mahbub Murshed these stirrings find eloquent expression. He was undoubtedly, one of the most articulate spokesmen of the creative feelings of a repressed and subjugated people.

It was said of Abraham Lincoln that he possessed the greatness of real goodness and the goodness of real greatness. The same can be said quite appositely of the late Mr. Justice Syed Mahbub Murshed.

The great German composer Beethoven says that by praising those who deserve praise, we lift ourselves above ourselves. By honouring them, we honour ourselves.

It is therefore with a sense of privilege that I pay homage to the hallowed and revered memory of Syed Mahbub Murshed."

Surely Razia Begum's above-mentioned observations are keen and appropriate to present Syed Mahbub Murshed in the position he deserves to occupy in our history. The symbolical order was brought to my notice by Shamsul Alam, Registrar of Co-operative Directorate. When he was the Deputy Commissioner of Jhalakati he once visited

Chakhar. He was charmed to witness the Museum meant to preserve the relics of Sher-e-Bangla and there he found some people's names wherein, the name of Syed Mahbub Murshed heralding the chapters to the worthiest son of the soil Sher-e-Bangla was engraved. Syed Mahbub Murshed has also echoed for Chakhar, a historic rural place to say what is what with the history. In Appendix-F attached, the readers may find out the voice of history.

Justice Mahbub Murshed was drawn by the utterance of Beethoven as quoted by Razia Begum. The orchestra of Beethoven recorded, has attracted Syed Mahbub Murshed like the ghazals of Mirza Ghalib to the classical music and melody: Beethoven was turned completely deaf but his sagacity, diligence and labour of love combined in himself to offer the symphony of the highest order. Mahbub Murshed had gone into the depth of Beethoven's endeavours.

Ludwig von Beethoven (1770-1827) perfected the symphony to the extent of classic and creative expression. Syed Mahbub Murshed clarified his observations at the opening function of a week of cultural programmes in commemoration of the birth-day bicentenary of Ludwig Van Beethoven on 9 November 1970 in the auditorium of German Cultural Institute Dhaka. He narrated nicely a colourful event between Beethoven and Wolfgang von Johann Goethe (1743-1832) and said: "Despite his musical pre-occupations, Beethoven was a well-read man, who ran through the gamut of human learning. Kant, Hegel, Schiller, Shakespeare, Goethe and the rest came within the sweep of his vast learning. He met Goethe through a common friend at Teplitz in 1812 (Goethe was then 63 and Beethoven 42); Once, while the two great men were walking, the Imperial Family was seen in a coach. Goethe moved aside, uncovered his head, and bowed, as the court etiquette of the time demanded. Beethoven, however, merely pressed his hat down and proudly stared. The Empress greeted him first and the Archduke took off his hat. "When someone like myself and Goethe are together, those gentlemen, should be made to feel our greatness," remarked Beethoven. No comments necessary! While understanding the ill-temper of the musician, Goethe observed on a different occasion, regarding Beethoven. "His talent amazed me, the world is still lost in amazement, such was Ludwig von Beethoven and such was his life and the immortal music he cre-

ated.”

We are amazed what was the depth of talent of Syed Mahbub Murshed. Why he had no urge to parade his destiny? Possibly it was due to the decency and decorum he developed. He soaked himself in learning, knowledge and wisdom in his capacity as book hunter to go into the depth of community-sciences and it guided him to do the justice of analysis. He was found at home with the books to develop his strongest sense of reasoning to go into the deepest chamber of intuition in parallel with what is declared in the Holy Quran in verse 256 of Surah Hood saying:

“Let there be no compulsion  
In religion; Truth stands out  
Clear from Error; whoever  
Rejects Evil and believes  
In God hath grasped  
The most trustworthy  
Hand-hold, that never breaks,  
And God heareth  
And knoweth all things.”

For truth he did never find any distinction in any culture whether Iranian, Indian, Arabian, German or English and he needed to be enriched by the essence from them where God and truth are echoed. Let me quote from his analysis on Iran wherein he said: “Iranians have for more than twelve hundred years continued to use the Arabic language almost to the exclusion of their own in writing on certain subjects, notably theology and philosophy while during the two centuries immediately succeeding Arab invasion, the language of the conquerors was almost the sole literary medium employed in Iran. To ignore the literature of this period would be to ignore some of the most significant and important manifestations of the Iranian genius.

If we take away from Arabic literature that which has been bequeathed by Iranians we will be taking away a major part of the richest treasures of Arabic literature and philosophy.

Allow me to conclude with the following verses of Bahar, a modern poet of Iran.

“O! I send my salutations to the Beloved,



Purer than the breeze of a fresh spring.”

Bahar is a favourite of Mahbub Murshed who did never fail to quote from him wherever it was appropriate. However Mahbub Murshed’s observations on Iran may offer the essence of his depth and Appendix-D will speak of it. The contents are self explanatory. The readers will find pleasure in going through the depth of Mahbub Murshed.

Prof. Nurul Momen observes not dramatically as pioneer dramatist of Bangladesh making himself unparalleled in the dramatic area but his views on Syed Mahbub Murshed have been expressed in his association with him by practical experience. He writes: “Any way I found Murshed a genius par excellence so when I left my practice after 10 years at Calcutta High Court to join the Dacca University I left Murshed, my friend and colleague, with full confidence, that he would one day adorn the Bench. Though so much as to hope it for a Muslim in Pre-partition days was hoping against hope.”

Undoubtedly, Syed Mahbub Murshed prevailed in the realm of wisdom. Not only in the arena of justice he made justice in community services wherever he needed to jump into. This may be visible from many articles contributed by dignified personalities including Prof. Nurul Momen who again wrote: “It does not matter if he had not; still some of his classical judgements, likely to be constantly referred to, as pointed out by Justice Abdur Rahman Chowdhury will be treated as a rich legacy, for those who believe in turth and justice.

And if reasoning of the judgements are to show “not only justice is done but must appear to be done” then those judgements become as powerfully universal, that any person from whom they emanated was undoubtedly a genius and a lordship though he may accidentally be a Murshed by name. Their versions are made available in the Appendices so as to present Syed Mahbub Murshed judicially and juristically.

Mahbub Murshed was highly meritorious like his maternal uncle Sher-e-Bangla A. K. Fazlul Huq of course with natural expressions endowed by creative talents. Fazlul Huq did his B.A with Honours subjects including Mathematics, Physics and Chemistry in 1894 and was placed in the first division. He was the first Muslim of Bengal

doing Honours in three subjects. There was no degree of B.Sc then. It was B. A. combining all faculties. Fazlul Huq was preparing himself for M.A in English but six months before examination he could not tolerate a joke that Muslim students lacked in merit to be courageous enough to take up mathematics. It hurt the feelings of Fazlul Huq. Six months before the examination he changed his subject and took up Mathematics. Creditably he passed the M. A Examination in Mathematics in 1895 to the utter surprise of all concerned. Syed Mahbub Murshed was blessed with exceptional merit like his maternal uncle. He combined the exceptional qualities of head and heart not to depend on anybody for self-expression. He reminds us of Edmund Burke (1729-1797) who said: "There is but one law for all, namely, that law which governs all law, the law of our creator, the law of humanity, justice, equity the law of nature, and of nations."

The activities of Syed Mahbub Murshed related to historic changes made politically to create the irony of fate for the people of Bangladesh and he witnessed them from behind the screen but not silently. In 1954 he had been active in running the general election in favour of the Huq Bhasheni United Front. He left no stone unturned to keep the parties concerned within the same alliance of United Front and it gave a tremendous victory for United Front so as to allow Sher-e-Bangla A. K. Fazlul Huq to form the cabinet of East Pakistan as Chief Minister. The grip of the Muslim League hierarchy was broken. But conspiracy was initiated by the Muslim League clique and in East Pakistan central government rule was established dismissing Fazlul Huq cabinet most illegally. So the higgledy-piggledy political games started subsequently. The game was turned into a hell of political selfishness. Designs were manufactured to pollute the causes of East Pakistan. These developments were not healthy and Mahbub Murshed had been endeavouring to find out ways and means to restore the rule of law. His efforts then included the stand to frame a constitution for erstwhile Pakistan. At any cost he adopted the strongest plea to find out the communal harmony in the country. In 1943 he had rendered the highest humanitarian services during the great famine of Bengal and organised Anjumane Mafidul Islam to the cause of the suffering humanity. He left no stone unturned to ensure communal harmony in the Calcutta riots during 1946

and 1947 and create a congenial environment to offer safety and security to the Muslims of Calcutta. His legal-aid was thus prominent. Was he limited to legal practice only? “Not at all” observed Shamsur Rahman, “he was a personality having multifarious qualities significantly diversified to speak of something extraordinary unlike natural forces of other personalities.” According to Shamsur Rahman, Syed Mahbub Murshed did not lag behind in expression with vitality to say what was decent. He was unparalleled.

Syed Mahbub Murshed upheld the autonomy of the universities and pleaded for academic growth in congenial atmosphere to leave the students to pursue their studies without any embarrassment or hindrance, free from ugly political games. He sought academic discipline, the rule of law as country’s future rested on the role played by the teachers and the students going into the depth of learning. He was a great patriot and he wanted the country free from illiteracy and from the iron-yoke of British Imperialism.

In his boyhood Mahbub had been associated with Scout Movement and throughout his life he promoted the scout-movement and its cause as President of East Pakistan Boy Scout Association for many years. His father Syed Abdus Salek organised the Scout Movement in the district of Bogra and his mother Afzalun Nessa organised the Girl Guides there. Syed Mahbub Murshed took the lessons from his father and mother and he represented Pakistan in international scouting conferences, camps and jamborees and in Scouting he always stressed on the importance of discipline and team work.

He was interested in sports and games and played a key role in organising world famous Calcutta Mohammedan Sporting Club and participated in its activities throughout his stay in India upto 1950 when he migrated to Bangladesh. He did not lose his interest in Mahammedan Sporting Club of Calcutta till his death in 1979. He was always aware of its laurels whenever attained. Upto 1950 his smiling face was necessarily visible amongst the supporters of Mohammedan Sporting Club and it was a zeal for him to unite the Muslims there under the sporting banner. He was happy to learn when Tamizul Huq was elected the General Secretary of the club in 1957 and Tamizul Huq was youngest G.S.

Tamizul Huq, now an industrialist and barrister in Dhaka is very happy when he recollects the ever smiling face of Mahbub Murshed when he occasionally visited the club.

Under the General Secretary-ship of Tamizul Huq in 1957 Mohammedan Sporting Club had snatched the victory i.e. four BLUE RIBBONS of India, when they conquered League Championship of Calcutta even in the midst of the odd circumstances prevailing. Not only that, they had won IFA Shield of Calcutta, Rovers Cup of Bombay and Durand Cup of Delhi. The march of Mohammedan Sporting Club was unparalleled even after partition of India. Syed Mahbub Murshed had been then endowed with illuminating career of his lordship judge of the judicature of East Pakistan High court and the news offered him great sense of relief. Barrister Tamizul Huq recollects the warmth of Syed Mahbub Murshed when they met after a long time.

As judge of High Court he had been member and thereafter chairman of Red Cross Society of East Pakistan (now Bangladesh Red Crescent Society) for some years during the early sixties and rendered the humanitarian services to the affected people due to cyclones and natural calamities, specially in southern regions. He actively operated the relief and rehabilitation work.

He had warmth for art and music. He played vital role to extend all co-operation to the artistic and aesthetic growth and he had contact with Shilpacharya Zainul Abedin who pioneered and institutionalised painting and fine art. He had enthusiasm for performing arts too and he was one of the founder-organisers of Bulbul Academy of Fine Arts (BAFA) located at Wiseghat, Dhaka. He was the second President of its Executive Committee. Bulbul Chowdhury's growth was a challenging one to overcome Uday Shankar and Aneala then and the team of Bulbul Chowdhury combined by Afroza Chowdhury to present Bengal Famine of 1943 created by the black marketing of food stuffs on the role of Marwari and non-Bengali businessmen then, created sensation in the arena of performing arts. The reality was presented in the beautiful form of dance. Syed Mahbub Murshed was then a rising young barrister in Calcutta and he witnessed the bitterness while managing the funeral of innumerable dead bodies through Anjuman-e-Mafidul Islam organised by him and others in Calcutta. Life was made hell by

the Marwari and non-Bengali businessmen stationed in Calcutta. The scenes were expressed by Bulbul Chowdhury and Afroza in the performing art of dance. Bulbul Chowdhury, a scion of Chittagong was a rising star in Indian peninsula but death curtailed the life of this great artist at a young age. The untold sufferings were told aesthetically and artistically in the unparalleled sketch drawn by Shilpachaarya Zainul Abedin and the performing art by Bulbul Chowdhury. They were the two sons of the soil of Bangladesh and naturally BAFA was organised by Mahmud Nurul Huda Chowdhury Syed Mahbub Murshed and others. BAFA was the first of its kind in Bangladesh.

In cultural and literary arena Syed Mahbub Murshed's eyes did never lose the sights whatever in reality for expression of truth and beauty. He took the initiative to observe Rabindra Nath Tagore's Centenary in 1961 not because of any political love with the great poet of Bengali Literature. Politically he rather differed with Tagore on many points but Rabindra Nath Tagore was the creative combination of sufistic and mystic ingredients from Iranian culture generally. Tagore's Hindu critics avoid this theme and they leave no stone unturned to make him Hinduised on grounds which are not acceptable. The vividness of Mahbub Murshed's depth of genius, broke the ice of such one-sided game. A poet is not the property of any religion. A great poet belongs to universal arena of consideration. While making his critical analysis of Rabindra Nath Tagore Mahbub gave his personal feelings that: *Balaka* written at the height of his fame, contains Tagore's most beautiful lyrics.

The *Balaka*, as is obvious from its title, "A Flight of cranes" is symbolical, for migratory birds have always stood for the soul in its passage to eternity. It is reminiscent of Fariduddin Attar's "Manteq-ut-Taiyer" i.e. "The Discourse of the Birds." These lyrics are pilgrim songs which wander from this place (in time and space) to other realms beyond our sun and star. In these lyrics, his intellectual greatness is revealed." To Syed Mahbub Murshed Tagore wrote by borrowing from Arabic and Persian mystic lyrics. Denying Rabindra Nath Tagore, is denying his dependence on Iranian Culture. Mahbub Murshed's observation on Tagore has opened the chapters of history on which Tagore received the strength and he has sought justice from the impartial critics. In the arena of culture and wisdom Syed Mahbub Murshed had

similar ideas as Dr. Samuel Johnson (1709-1789) who said: "If a man does not make new acquaintances as he advances through life, he will soon find himself alone. A man, sir, should keep his friendship in constant repair." Mahbub Murshed had gone into the essences and juice of lyrics which lead the human endeavours to the truth of God by mysticism as evaluated by Shaikh Sadi and Rumi like the theme revealing: "A good critic is one who narrates the adventures of his mind among masterpieces," (Anatole France: 1844-1924). Mahbub Murshed had been in the deepest form of finding out the truth peculiarly by way of mystic analysis, only accessible to him.

As said earlier Mahbub Murshed upheld fundamental civic right within legal framework. He has sought liberty not because like his favourite political scientist John Stuart Mill what he said: "Ask yourself whether you are happy, and you cease to be so." Again he uttered: "The liberty of the individual must be thus far limited, he must not make himself a nuisance to other people, and liberty consists in doing what one desires." These are the thoughts, which had enlightened Mahbub Murshed to profess far rule of administration and law. Illustrious jurist and lawyer Barrister Syed Istiaque Ahmed when analysing Syed Mahbub Murshed upholds: "Murshed firmly believed that a constitution is a fundamental law for governance of the State and it not only specified the person or authorities in whom the sovereign powers of the state were vested, but also fixed the limits on the exercise of these powers. To Murshed a written constitution was the "shariat" of state government and state activities."

Mahbub Murshed reached into extreme brilliance of a versatile genius through the phases of his endeavours by brain work to grow for the maturity of highest order. Years he crossed. He had been the upholder and advocate of human rights since his young age. So he organised a legal aid body and formed it for rule of administration and law. It was the Human Rights organisation, the first of its kind in Bangladesh. It was not meant to leave to the demagogues but was to proceed on its legal counselling and aids. Demagogues are not necessarily speakers if they do not show decency and decorum of speech-making norms. If the norms are not observed there may be pandemonium in the civic society. The speakers maintain the norms of the sub-

ject matter to make the speeches. The speakers are orators when they can control their vocabulary and accent accessible to the listeners to find out the pleasures and juice. Oration is not the vomiting of unnecessary talks without reference. Syed Mahbub Murshed was one of the greatest orators.

Bangladesh is a country having its absolute Muslim population with the most religious fervour and spirit in Islamic education and Syed Mahbub Murshed was conscious of the fundamental rights of the Muslims in Islamic education. He was interested in growing and developing Madrasah Education in conformity with modernity and he appealed to the government after emergence of Bangladesh shaped as a state with secularism combined with four principles, to give due importance to Madrasah Education in order to fit it with highest expression. Syed Mahbub Murshed was throughout non-communal and there was no fanaticism and puritanism in him. No doubt, he had been a religious and devoted Muslim and as already stated Syed Mahbub Murshed was instrumental to prevail over his friend Chief Minister of erstwhile East Pakistan to shift Madrasah Aliya to the present site of Bakshi Bazar from its dilapidated condition at Lakshmi Bazar beside Bahadur Shah Park (then Victoria Park). It has been housed in majestic and massive buildings with Madrassah Board running parallel with Secondary Education Board. There was no parallel figure and personality like Syed Mahbub Murshed to do what was necessary.

He had been a democrat and wanted freedom of expression within the legal frame-work of human endeavours. Like T. Woodrow Wilson Syed Mahbub Murshed nourished the idea. "The world must be made safe for democracy." The conditions are to be created for the arena congenial to the growth of democratic practice and according to his version: "In my early youth, I was a Pan-Islamist, I later became socialist, until recently I used to consider myself to be a social democrat, now-a-days I think of myself as merely a democrat—a democrat pure and simple". This happened to be his reading and analysis on himself. In my opinion he was turned into a democrat sufistically ornamented on the pattern inherent in early Khulafay Rashidin with sublime unity of Almighty Allah represented by His essence of Rub to say about the rule of Divine Law on the guide-line of Rabubiyat or Rabbaniyat ad-

vocated by Maulana Azad Sobhani who focussed the idea vividly through Manishi Abul Hashim who said: “The law of nature is the will of Allah working, in nature. We have it in Al-Quran—Allah has power over all things.” The reality of this is that Allah has assigned some specific power to everything in creation and this power is ‘fitrat’ nature or necessity of things. Water flows down-ward. This is the power assigned to water or this is the ‘fitrat’, nature or necessity of water. Fire burns — Allah has assigned to fire the power of burning and this is ‘fitrat’ or nature or the necessity of fire. Man may have knowledge of the necessity of things but he cannot alter or codify it. When man has knowledge of necessity of a thing he can utilise the thing for his own benefit. Man has knowledge of nature or necessity of electricity and he harnesses the power of electricity for his own benefit. This is what is meant by the Quranic verse: “We have made all that lies in the heavens and the earth subservient to you,” and it is in this sense, it is correct to say that freedom is the knowledge of necessity. Law of nature or the will of Allah working in nature is respecter of no person. There is absolute rule of the will of Allah in the universe and it is in this sense that Allah is omnipotent, omnipresent and omniscient” (Abul Hashim: “As I see It: Page-15).

During the days after liberation he was restless in mind. Bangabandhu Sheikh Mujib maintained highest respect for the grand judgeship profile of justice Syed Mahbub Murshed. But the situation in Bangladesh was resembling the proverbial utterance of Plato echoing: “Democracy passes into despotism”. The picture has been drawn by the pioneer journalist and illustrious Editor of Bangladesh Observer on 15 May, 1972 in his historic editorial comment made under the title “The Supreme Test” saying: “The public services today are in a demoralised state. Many factors are responsible for this, not the least of which was sadistic brutality and lawlessness encouraged by the regime itself.”

The Awami League cannot itself do what it condemned in the previous regime. The Permanent services as far as possible, be left alone. Mr. Monem Khan used to issue directives straight to the village daroga. If we replace one Monem Khan by thousands of them that will be no



improvement.

Sheikh Mujib loves his people and the people love him in return. It is for him now to take on the leadership of the whole nation and put it on the road to orderly progress. He probably does not know how strong he is. His strength comes from the people and not from any particular group, clique or vested interest. In a way he is now facing the supreme test of his greatness." Abdus Salam's editorial "The Supreme Test" has been attached as Appendix-N so as to enable the readers to read it in full. Abdus Salam was born in 1910 and died on 13 February, 1977 and surprisingly the birth and death of Abdus Salam and Syed Mahbub Murshed were close to symbolise they were contemporaries.

During the liberation-struggle Mahbub Murshed lived in Dhaka and he was supporter of Freedom struggle. He did not leave Dhaka. The military junta of General Aga Muhammad Yahya Khan left no stone unturned to procure his support in their favour. Syed Mahbub Murshed refrained. After emancipation of Bangladesh as sovereign and independent state he was the happiest man. But it appeared that his genius and merit were not utilised and it is said that he was rather overlooked although he had a good relationship with President Justice Abu Sayeed Chowdhury and Prime Minister Bangabandhu Sheikh Mujibur Rahman. The entire state of affairs frustrated him. As a patriot he did his best whatever was made possible for him with his ill health strained by physical and mental disorder as he found human rights at stake. The killings, tortures and terrors were reckless and he felt restless with the conditions prevailing. Mahbub Murshed wanted things going on normally and smoothly. Meanwhile, he had not been normal in writing but he was dedicated to his library most of the time. His fingers could not catch hold of the pen to write. The nerves and the fingers were not in order and the fingers started trembling and shivering and he had been then in deep meditation and prayers with his natural mysticism. Throughout life he had been an ardent follower of sufistic ideal of Islam enunciated by the great devotee and philosopher Hazrat Syed Mohiuddin Abdul Quader Jilani (Rah) and his spiritualism and deep thoughts diverted Syed Mahbub Murshed to the cause of the suffering humanity as enjoined by Islam.

To him it was deeply demonstrated by Quaderia school of sufism

advocated under the deep dedication of Hazrat Syed Abdul Quader Jilani (Rah). His epoch-making books like *Al-Fathur Rabbani* valuing the essences of Rub, Futh-ul Ghaib etc influenced Syed Mahbub Murshed to mould his character. He was concealed within his own arena of deep religious zeal. Personally Mahbub Murshed was spiritual disciple of great sufi and devotee Hazrat Syed Shah Irbad Ali Al-Quadri (Rah) belonging to Midnapur. Possibly he compiled some poems on his spiritual teacher and guide.

He was beyond the horizon of fanaticism and in conformity with the basic principles of Islam he was non-communal up-holding rights of the non-Muslims. While analysing Mahbub Murshed K. Salahuddin said: "During the communal violence which shook the sub-continent in 1947, he was one of those who were primarily responsible for setting in motion the process, that culminated in the Nehru-Liaquat Pact."

Syed Mahbub Murshed had the proficiency to go into the depth of almost all schools of sufism. His academic pursuit was well demonstrated when he played significant role as member of the Executive Committee of Dhaka University and he always pleaded for academic order.

After the liberation he pursued Bangladesh government to offer general amnesty to the so-called collaborators having no charge of killing, plundering and raping and to repatriate Bengalees blocked in Pakistan, With his ill-health he felt for justice to be shown to all and he was happy when general amnesty was declared. He was not so active for ailment followed by high blood pressure and it was turned into pernicious, seriously affecting his body and mind. Still he was not silent and used to advise persons who used to visit him seeking his assistance. He had been always bodily and mentally strong and stout and maintained regularity as far as possible. Being politically conscious he was alarmed by the conditions then prevailing in the country. During the last days his facial nerves disturbed him very much and he could not talk properly. Syed Mahbub Murshed did not feel at ease with the killing of Bangabandhu Sheikh Mujib and family during August 1975 and the subsequent changes also could not satisfy him. He was not in favour of forming one-party BKSAL in relation of natural Organism of Democracy and he had cautioned Bangabandhu Sheikh Mujib of

the evil consequences of one-party state.

Life does not continue and it is evident that death will follow. People sought Justice Syed Mahbub Murshed surviving but he breathed his last at the age of a bit more than 68 on 3 April, 1979. Thus passed away one of the worthiest sons of Asia leaving behind his widow Laila Arjumand Banoo Murshed, one daughter Syed Sayuda Murshed (being the eldest) and three sons including Syed Marghub Murshed, Syed Mamun Murshed and Syed Mansoof Murshed.

Syed Mahbub Murshed had the worth of the highest order and he could have attained whatever he desired. He could have become one of the worthiest litterateurs but he was happy with his legal profession. He was fond of his lawyer-colleagues and extended all warmth to them. The article he wrote on the sudden death of Barrister A.T.M. Mostafa will convey his warmth which the readers will find in Appendix-F. He was a very kind-hearted man and I came to know about an event relating to his kindness. His son Marghub Murshed creditably qualified himself in the erstwhile Civil Service of Pakistan and joined the service in 1968 on completion of training. Marghub Murshed was posted and stationed at Nowgaon as Sub-Divisional Officer in 1973. Syed Mahbub Murshed visited the station of his son Syed Marghub Murshed where he was doing very well in keeping pace with the political turmoil. Syed Mahbub Murshed found the subordinate people around Syed Marghub Murshed working laboriously and industriously. He extended all financial assistance to them personally making his pocket almost empty. At that time Mahbub Murshed was himself not so much heavy in pocket. Such was the broadness of heart always shown by Syed Mahbub Murshed throughout his life. It was not known to him when his purse and pocket would become empty. Syed Mahbub Murshed was a good gardener and he used to nurse his garden at his residence of Gulshan (N W 5, Road 68 Gulshan-2) almost daily as a routine-work. Syed Mahbub Murshed was an early riser to say his prayer (sometime in the nearby mosque) and recited the Holy Quran and on completion of these he used to go on a morning-walk.

His sons were brilliantly brought up. Syed Marghub Murshed was born on 19 October 1945. His education upto Master Degree was com-

pleted at St. Gregory school, Notre Dame College and at Dhaka University. Joining Civil Service with a chequered career he was elevated to the rank of a Secretary to the Government of Peoples' Republic of Bangladesh in August, 1996. Now he is the secretary to the Government in the Ministry of Environment and Forest. He is deeply ornamented by the qualities of his worthiest father having knowledge of mystics, spiritual and religious zeal and fervour. He has travelled widely and he, nurses his own garden regularly like his father.

Syed Mamun Murshed is the second son, born on 22 April, 1950. He was also brilliantly brought up educationally holding Master's Degree. He crossed through St. Joseph School, Government College and Dhaka University. He had been in a liaison service at UK High Commission of Dhaka and he is now the Manager of a Dhaka-based PDO Foreign PLC. He is amiable and sociable in nature to follow his elder brother.

Youngest son Syed Mansoof Murshed was born on 22 July, 1960 and was brilliantly decorated by educational laurels crossing the threshold of Shaheen School of Dhaka. He was educated at London School of Economics doing his Ph.D. creditably in 1976 followed by a chequered career. He is now working in UK with brilliant result. He is now installed as Reader, Department of Economics, University of Bradford, England (UK) and he has been there to offer his creative talent. All sons are worthy as expected from the worthiest grand judge of the East. Let better days always dawn for them and may Almighty Allah shower bounties upon them.

Syed Mahbub Murshed was a great patriot. His ideals are a great heritage to follow. His expressions were varied and they could not be revealed in the absence of records and documents, which I could not procure for my ill health at this age of 63.

Sentiments could not prevail on Syed Mahbub Murshed. He supported the 11-points raised by the Bengali students in 1969. He was a well-travelled personality, representing Bangladesh to attend the Conference of Jurists held in Geneva. In 1969 he had the active participation in mass-movement and attended the Round Table Conference of Ayub Khan in company of the leaders of Bangladesh. His argumentative participation there was symbolic from legal points of view. In 1968 he

offered his legal aid to Agartala Conspiracy Case and his legal role was effective.

Syed Mahbub Murshed had many wonderful moments in his career and it is necessary to reflect on them to go into the depth of our history. It is not enough to cover these within two or three books. I think, thorough research-work should be undertaken, immediately.

Syed Mahbub Murshed did not know how to propagate himself; unlike the politicians he did never beat his own drum. He was not aggressive but he was known as turbulent in judgements to the self-seekers running after the higgledy piggedly game of politics. He did never bow to seek power but his wisdom concentrated him within an arena wherein the suffering humanity felt a sense of relief. Wisdom made him remain appeased and happy in the style which Dr. Samuel Johnson (1709-1784) versified: “With these celestial Wisdom calms the mind/ And makes the happiness she does not find.”

In his memory what is done, cannot be drawn. Syed Mahbub Murshed himself cherished no memory for himself. Institutionally justice is his memory to preserve the truth for him. He has been buried at Banani graveyard of which K. Salahuddin has rightly observed: “Not many weeks ago, I visited the Banani graveyard. It took me quite a while to find the place where the mortal remains of Justice Murshed lie buried. No stone, no tablet upon it. No epitaph, marks the grave of the man who had for so many years dauntlessly upheld the rule of law, in this country and had administered justice without fear or favour.

In a way it seemed appropriate. Syed Mahbub Murshed was one of those who could say (without vanity) “My epitaph shall be my name alone.”

In Dhaka there is Justice Murshed Sharani — the road starting from Manik Mian Avenue and ending towards Agargaon and in Chittagong there is Justice Murshed Road from Agrabad to CDA Housing Estate. His memory is echoed from Chakhar, (his mother Afzalun Nessa’s paternal home) to Salar of Murshidabad, (his father Syed Abdus Salek’s paternal home) and Justice Syed Mahbub Murshed has built a bond between the two.

## CHAPTER: SEVEN

### Justice and Judgement

Justice and judgement are related but they differ sometimes from each other. With justice and judgement the crimes and the punishments are inherent. Amongst the streams of thoughts the courses are decided by the judges. Justice is not poetic but it is a bitter reality. The judgements may carry the poetic themes to justify the reality of justice. Aristotle (384-322 B.C) said: "Justice is to give to every man his own" and "tragedy is an imitation of a whole and complete action of some amplitude. Now a whole is that which has a beginning, a middle, and an end." Like Justice Muhammad Rustam Kyani the question arises: "Is it the whole truth? Surely, it is not the whole truth of justice. Justice cannot be possibly defined. It is the redress of the weal injured by the human endeavours. A judge enjoys the pulpit to offer the justice by his judgement which may appease or injure the parties concerned and to him court-house is not the show-house and it is the bitter truth of judgement and his judgement whatever might be the odds the divinity of Almighty Allah is the restoration of His essences to guide a judge, offer his judgement and pave the way for justice with mystic elements to be developed in mind. These are inherent in the analysis made available in the contributions of Al-Marwardi, Al-Farabi, Al-Ghazzali and Ibn Khaldun who were profusely decorated by neo-Platonic thoughts. In Bangladesh Islam was propagated by the sufis with heritage flowing from them. Justice Syed Mahbub Murshed was not beyond the horizon of them as he professed mysticism in himself. Knowingly or unknowingly he had swallowed the wisdom in the hunting of the book-empire within his reach. At length, he prevailed upon the divinity and mysticism of Almighty Allah on whom he rested and his turbulent judgements followed to turn him into a grand judge of Asia. Syed Mahbub Murshed cannot be controversially judged. Impartiality of a judgement rests on the fear of Almighty Allah.

Bangladesh is populated by absolute Muslim majority controlling themselves with the essence of Islam and Divine law of Almighty Allah moulds their day-to-day affairs. So the sense of justice is enriched by the morality of the judge how he fears Almighty Allah. Alain Peare Lesage (1668-1747) said: "Justice is such a fine thing that we cannot pay too dearly for it." The contents of judgement are not meant to satisfy or dissatisfy the persons concerned but it will cover the strength of impartial and moral observations. Justice Syed Mahbub Murshed was morally reasonable to say the exactness of reality. This moral obligation he had covered by sense of mysticism contributed by the sufis of Islam. His wisdom gathered in the midst of books had offered him comparative combination in the order of discipline and morality and he had embroidered his judicial depth by the essences of philosophy and literature. This is the exception in Syed Mahbub Murshed and this exception had made him the grand judge of Asia, most prominently playing the role in the international forum of judges.

In 1955 Muhammad Ali (Bogra) was made Prime Minister of Pakistan and in his cabinet Hussain Shahid Suhrawardy joined as Law Minister although Muhammed Ali (Bogra) was Suhrawardy's follower in pre-partition period. During the Chief Ministership of Hussain Shahid Suhrawardy of Bengal in 1946 when the Muslim League swept the general election under the leadership of Abul Hashim as the General Secretary of Bengal Provincial Muslim League, Muhammad Ali (Bogra) was then made a minister in the Suhrawardy cabinet. Possibly Hussain Shahid Suhrawardy joined Muhammad Ali's cabinet on the plea of saving Pakistan from a constitutional deadlock and he wanted to frame a constitution for Pakistan.

During this period Syed Mahbub Murshed was elevated to the bench as judge of East Pakistan High Court in June 1955 and within the shortest possible time his judgeship was confirmed. He extended all legal assistance to Hussain Shahid Suhrawardy while promulgating the constitution of Pakistan with parliamentary democratic order. He left no stone unturned to bring the country under the constitutional order wherein Bengali was recognised as one of the state languages; the struggle for it had reached maturity. Jihad or continuous struggle by the Bengali-speaking people, the majority of total Pakistani popula-

tion, was conducted by them continuously for one and half decade almost, brought about the victory for Bangla. The struggle itself signified the definite role in the history of Bangladesh and it opened the stage for emancipation of Bangladesh.

The masterly article written by Justice Abdur Rahman Chowdhury (Appendix-A) contains the merit of Justice Syed Mahbub Murshed and the contents therein are self-explanatory about his legal talent. Justice Abdur Rahman Chowdhury has said: "It is difficult, if not impossible to write about his manifold qualities both as a judge and as a man, within the limited compass. His abiding faith in rule of law and his concern for the rights and liberty of citizens were reflected in a number of judgements delivered by him. These were, in fact, so many that it is indeed difficult to enumerate them. But, the case that readily comes to my mind is the famous case of Abdul Huq VS. Fazlul Quader Chowdhury, Khan A Sabur and others, popularly known as the "Ministers' Case". The case involved complicated and intricate questions of constitutional law and Justice Murshed presiding over a special bench constituted for the purpose, delivered the judgement which resulted in the unseating of the central and provincial ministers under the Pakistan Constitution of 1962. The judgement is still regarded as a historic one with lucid exposition of the constitutional law".

His role as judge was unparalleled to create the constitutional sensations. Not only the merit of judgements is of highest order, they carry the ornamentation of their style with beautiful expression in English and they are enriched by the sense of justice with free and lucid quotations from Shakespeare, Diwan-i-Ali, Tennyson, Wordsworth, Milton, Goethe, Mirza Ghalib, Sheikh Sadi, Rumi, Ferdousi, Hafez, Umar Khayam, Bahar and other poets with special reference to reconciliation of justice inherent in Al-Marwardy, Al-Ghazzali, Ibn Sina and Ibn Khaldun. All judgements, if combined, will form the juristic and legal literature of highest order in the forum of international justice with frequent reference in the world history. To Mahbub the poets were realistically not beyond the horizon of justice and in their beautiful expressions they search out the truth of human endeavours. Justice Mahbub Murshed is the symbol of juristic philosophy depicted to find out the mystic morality as deducible from the philosophers, specially the sur-



prising Muslim talents now and then. It was a wonderful combination nourished by Syed Mahbub Murshed.

In this respect the comments made by Professor Nurul Momen did not draw any dramatic consequences inherent in his drama but he has made realistic observations by saying: “It does not matter if he had not, some of his classical judgements, likely to be constantly referred to, as pointed out by Justice Abdur Rahman Chowdhury will be treated “As a rich legacy” for those who believe in truth of justice”.

And if reasonings of the judgements are to show “not only justice is done but must appear to be done” then those judgements become as powerfully universal, that any person from whom they proceeded was undoubtedly a genius and a lordship—though he may accidentally be a Murshed by name.”

Justice Mahbub Murshed developed the qualities of head and heart not with a licence to do and undo anything and he nourished himself within the forum of decency and decorum enriched by religious and moral fervour and zeal. He resembled the historic saying of Edmund Burke (1729-1797) who echoed: “There is but one law for all, namely, that law which governs all law, the law of our Creator, the law of humanity, justice, equity—the law of nature and of nations.”

Syed Mahbub Murshed was made judge of East Pakistan High Court on June 1955 and he continued upto 1962 while he was made Ad-Hoc Judge of Pakistan Supreme Court in addition to his chair of judgeship of East Pakistan High Court. In 1964 he was made the Chief Justice of East Pakistan for which he took the oath on 15 May, 1964 and continued in the position till 11 November, 1967 when he resigned the post. He then started Chamber-practice. When he resigned he was a bit more than 56, that age was not the age of normal retirement. His judgeship had continued for 12 years and 5 months. It was a history in itself with surprising exception to fit himself as a great justice whose name was to be echoed in the international forum of justice. The illustrious democratic statesman of Asia, Hussain Shahid Suhrawardy termed him as an unfailing portector of civil liberties in Pakistan. Biren Sarkar, an eminent Hindu lawyer made a special reference to him as the only protector of the minorities of Pakistan during the Ayub-Monem re-

gime. Syed Mahbub Murshed protected the non-communal spirit of Islam and he rallied round mystically with the verse No. 6 of Surah Kafirun in the Holy Quran with the categorical declaration saying:

To you be your way  
And to me mine.

During the period of 12 and a half years he played his role with analogical deduction of law by practice of “dins” as inherent in Islam to consider like Edmaund Burke who said: “A thing may look specious in theory, and yet be ruinous in practice, a thing may look evil in theory, and yet be in practice excellent”

Syed Mahbub Murshed was the combination of gems that he earned by swallowing the essences from books after books. Since he was deeply engaged in reading the books he concentrated himself in the avenues limited by the morality developed under the Divine Authority of Allah. He appeared to be fearless within the firmament of refined taste and culture and possibly he did not hesitate to express his readings freely whatever he thought rightly applicable in the judgements. So it was the cause of Justice like the verse of Ellen Sturgis Hooper (1816-1841) who said: “I slept, and dreamt that life was Beauty;/ I woke, and found that life was Duty.” Syed Mahbub Murshed was always conscious of the duty whether assigned or not assigned but considered like Johann Wolfgang Von Goethe (1749-1832): “Do the duty that lies nearest to thee.” Goethe was enshrined by Syed Mahbub Murshed into his heart always. Till his death Mahbub Murshed was sharp and powerful in memory although he had been strained by ailment during the last days of his life but he had been found cheerful while moving his lips whisperingly to recite the Holy Quran always. He was not happy with the state of affairs, prevalent in the country and he was anxious for the security of people. Till his death he did not feel relaxed about the conditions then prevailing and it was the symbol of a great patriot.

There were many cases dealt by Justice Mahbub Murshed and the judgements created great sensation for restoration of fundamental rights of citizens to establish the rule of constitutional law. His judgements carried ways and means of the rule of law, while he had been in the chair of judge, Syed Mahbub Murshed was the source of inspiration

for young lawyers and he extended help to them. His service as Justice was not a matter of pleasure for hierarchy of erstwhile Pakistan and Syed Mahbub Murshed had been in the parallel with the common people to stand for them for basic principles of law. The West Pakistani clique did not find sense of relief in him and they did not find it convenient to tolerate him. Ultimately he had to resign from the position of Chief Justice and it was a great loss for Judiciary. Had not all these odds happened, Pakistan could stand for integrity. The subsequent events of History will stand as evidence of the trends in reality. The departure of Justice Mahbub Murshed was the red-signal for the integrity of erstwhile Pakistan. It is observed by many statesmen, intellectuals, jurists and lawyers at home and abroad, Justice Mahbub Murshed wanted that the country must be made safe for democracy. Democracy, covers the journey for rule of law, administration and constitution. Judgements for justice are required to be ensured in that objective and as a patriot he had been working without malice.

After resignation he did not remain silent and he started chamber-practice to offer the legal-aids. By resignation the hierarchy was found not free from the turbulent judge and Mahbub Murshed adopted other means to establish the rule of law. He created the sources of endeavour elsewhere. In 1968 the tongues were not free to speak of Agartala Conspiracy case where Sheikh Mujibur Rahman was made involved as the main accused by Ayub-Monem clique. Tom Williams, British lawyer and Queen's Counsel was an eminent barrister in UK and he came to Dhaka to defend Sheikh Mujib. Syed Mahbub Murshed extended all assistance to Tom Williams who honoured him with high esteem. However, Agartala conspiracy case proved to be an evil step of Ayub-Monem clique and rather it gave an unparalleled recognition to Sheikh Mujib to take the course of spreading his name. During the mass movement in 1968-69 Mahbub Murshed was not silent and he was active as a fearless soldier. His role attracted the intellectuals to the mass-movement. This movement covered the race of Bangladeshi nationalism for emancipation of Bangladesh at length.

His sense of justice as judge was epoch-making and his spirit of justice was equally deliberate even after he ceased to remain chief justice. The turbulent chief justice was turned into a guiding force to en-

sure the fundamental rights of the citizens. He did not feel convenient with the Collaborators Act as a device to torture innocent political rivals. He made it clear to Sheikh Mujib and he met him twice in two sittings to persuade him in order to offer amnesty without delay. He also emphasised upon him for making the ways and means to ensure the repatriation of the Bengalees blocked in Pakistan.

Psychologically, he did not feel well with the killing of Sheikh Mujib and his family and he was not happy with the subsequent uprisings. Syed Mahbub Murshed was not a powermonger or he could have installed himself in a political position. The opportunities were made available for him. Ziaur Rahman tried to attract him but he remained silent without any constitutional organism developed in the country. Ferdous Ahmed Qureshi was the President of East Pakistan Students League during 1967-68 while Abdur Razzaque (now a minister of Sheikh Hasina cabinet) being the Secretary General, recalls Syed Mahbub Murshed with highest esteem. Qureshi took him as chief guest at a National Conference held in 1968 at Engineers' Institute. He says he was reluctant to attend but he was persuaded to remain present. He made a very short speech wherein he quoted the verses from Iranian poet Hafez. It indicates that he stressed the academic pursuits of the students and Mahbub Murshed possibly did not like to prevail under the umbrella of the students. He maintained such an order of discipline that his sons prosecuted their studies under academic discipline. While justice M.R. Kayani was making the speeches for constitutional order it is said, he was accommodated in the residence of Syed Mahbub Murshed. It was the best hospitality extended.

The analysis by Justice Mostafa Kamal of Syed Mahbub Murshed has revealed the character and personality of the grand judge. According to him Justice Syed Mahbub Murshed presented himself as the most colourful personality of wisdom inside and outside the court. His courtroom was not a show-house and it attracted the young lawyers to hear and learn real justice and judgement. They crowded his courtroom with pin-drop silence as it was the main place of attraction to find out how Syed Mahbub Murshed entered into the depth of the pros and cons of the cases he dealt with so speedily and moreover, young lawyers were fond of hearing Syed Mahbub Murshed's ornamental

English deliberations enriched by frequent quotations from eminent poets of the world with reference to the great juristic analysis. His judgement came out like the explosion of bombs and they affected the dictatorial despotism of Ayub Khan for anti-constitutional designs. To Justice Mostafa Kamal the feelings and sensations of Syed Mahabub Murshed were humanistic; always meant to ensure the civic fundamental rights, public welfare and interest and human emancipation within the legal framework. He made the judgements on the cause or justice of the suffering humanity; he could never overlook the illegal application of law. He was uncompromising to accept any foul or higgledy-piggledy game and considered the courts as the places of relief for the people who were the prey for evil designs. Many of his judgements were declared null and void but do they carry the weight of denying the justice at length? He was mentally happy when he could do his duty according to his conscience applied through the process of “ijtihad” or judgement of reasoning by exacting the faculties of mind to the utmost for the purpose of forming an opinion in a case of law respecting a doubtful and difficult point.

Syed Mahbub Murshed allured himself with some magnificence in his analysis. He wanted that the legal counsels and jurists should present their respective law-points and arguments, on the basis of reasoning to draw right conclusions. Whatever might be the records drawn in the cases, Syed Mahbub Murshed reflected his personality in almost all the judgements although the eminent lawyers of Pakistan presented the cases to him with full critical analysis. He took the essences from their arguments but his personality so developed, did never accept in toto. He used to take his own counsel and this is why his judgements carried the exceptional weight to create the juristic literature. They spoke of his originality and his own style—Murshed’s presentation.

To Justice Mostafa Kamal, Syed Mahbub Murshed came out occupying the seat of sacred judgement. Syed Mahbub Murshed appeared before his analysis as an unparalleled figure—there was none in Pakistan to be compared with him. His knowledge and learning offered him the highest wisdom to be curious and inquisitive of what was necessary to earn prestige for him. He had a Murshed-style in him en-

riched by the depth of literature, history, philosophy, political science, economics, sociology, theology, ethical sciences and anthropology. He was not only conversant and proficient in his mother tongue Bengali but he was a linguist to adopt freely and fluently English, Arabic, Persian and Urdu equally with free quotations now and then. To Syed Mahbub Murshed jurisprudence and law had alliance with all human endeavours created to be essences of philosophy. His library was full of books and manuscripts and he did not like to concentrate the knowledge in himself only and during his ailment he distributed the books to his learned junior lawyers whom he considered to bring about the essences from them for rule of law.

Syed Mahbub Murshed did never think of the consequences when the judgements were pronounced by him. Personally Mahbub Murshed was polite, modest, amiable table-talker without any pride and prejudice and was very tender-hearted. He could never show arrogance and he valued the opinion of others. He was a high ranking orator knowing fully well where to start and end. He was conscious of balancing the patience of the listeners and he covered his speeches within the norms of oration. All his speeches, if combined, will form the oration-literature of classic order like Edmund Burke and Francis Bacon. Syed Mahbub Murshed's life was decorated by reasoning to take the courses of decency and decorum. As a personality of wisdom he appeared to be impartial and neutral, as judge by the verdicts he made and by oratory speeches he made elsewhere outside the court, he followed to say for classic culture, art and literature in the order of academic discipline. It is surprising how he compromised in all relevant circumstances and according to Syed Abdus Sultan it was his most dynamic personality shaped to present amiable disposition not supported by arrogance. He was always found neat and clean following the example of Imam Abu Hanifa. Shaikh Sadi's philosophy guided him to find out the rights in the midst of the wrongs and it was serene decoration of personality in the ways and means of ethical mysticism not by self-denial. Hafez of Shiraz and Bahar of Iran prevailed on him with poetic discipline by rhymes and rhythms practically made available in the life of reality. Shakespeare and Goethe's verses, extended to him the order of justice and judgement on the plea what man has made of man. His blood-link

with Hazrat Ali (RA) and Hazrat Fatima (RA) through Hazrat Imam Hussain (RA) paved his way to run for Jihad, not war but the academic and mystic for human emancipation. At the first instance Hazrat Ali (RA) appeared to him as the most surprising character how the mightiest sword was turned into the mightiest pen. Hazrat Ali's (RA) Diwan-i-Ali was the surprise of the surprises and the mightiest sword carried acts of fearless chivalry by the brain with little food and simple life to a theme of writing by pen to produce the most beautiful poems under Diwan-i-Ali with rhetoric and prosody so forcefully run to the order of judgement. Hazrat Ali (RA) was found not killing his fallen and formidable enemy in the battle field even during his killar. So the symbols of criticism and judgement were compromiseably Hazrat Ali (RA) in Diwan-i-Ali and the romanticism inherent therein was made available in his life as most devoted husband with his most beloved wife Hazrat Fatima (RA) within the loving cover of their conjugal affairs. Hazrat Imam Hassan (RA) and Hazrat Imam Hussain (RA) had to struggle or jihad for democracy-known as Ashura spirit. So the forces of Syed Mahbub Murshid were made available from this spirit in the way of judging what was in the verses of Diwan-i-Ali. Tragedy of Karbala is the melancholy contrast between monarchy and democracy. So the root of Syed Mahbub Murshed was found in philosophy and literature.

The judgements made by Mahbub Murshed cannot be counted as the data are not made available. It is very difficult to find out the records. Moreover, I am not a lawyer to go into the depth of judicial matters. It may be easy for the lawyers' forums new in vogue. In the effort of finding out the rule of law it is necessary to have wise lawyers. For we cannot pursue the matter in the midst of warring trends or legal arena. I have applied the common sense to sketch a portrait of Syed Mahbub Murshed that is the horizon of his depth and wisdom and I have done it with the hope and aspiration in order to restore the rule of law. I am sure my endeavour will not go in vain. Syed Mahbub Murshed is a supreme world figure in judicial arena and he is our source of inspiration to establish the rule of law and constitutionality in democratic order.

Like William Shakespeare, Mahbub cherished the wisdom of say-

ing: “The law had not been dead; though it hath slept.” (Measure for Measure). The legal forces may be kept in abeyance but the crying people will come round to restore the legal forces again and again. For just when laws fail a word can save the situation- Syed Mahbub Murshed ventured the words in his judgements to save the situation in order to bring back the order of law.

*Nurul Islam Khan has written on Syed Mahbub Murshed as a symbol of indonitable courage:*

“He rapidly appeared in the limelight and almost immediately became everyone’s idol, in the nation’s various new media.

There appeared a judgement of the Chief Justice of East Pakistan High Court, which began thus:

Oh its excellent  
To have a giant’s strength: but tyrannous  
To use it like a giant

-Shakespeare (Measures for Measure)

This powerful quotation from Shakespeare; and its apt use stirred many in the course of their mundane everyday lives. But for those, who then ruled, for the high and mighty, these aphoristic lines were extremely disconcerting. This man who created a stir all over the then Pakistan; was no other than Justice S.M. Murshed. Prolonged martial law had sapped the vitality of a new nation; had sapped the aspirations of her youth and had created impediments in the emergence of new, creative ideas. In the then West Pakistan, M.R. Kayani, whose ironical humour had assailed the martial law authorities, had expired after a short illness in Chittagong, while on an intellectual sojourn. Martial law had left in its wake a political system which was incompatible with the workings of free and liberal politics. The situation presented no eye wash to witness on projects speedily grown up but the dictatorial and despotic hierarchy also grew up speedily to find out the ashes of rule of law and democracy. So the judgement of Syed Mahbub Murshed was a bomb shell thrown into the so-called iron-men under the whims and caprices of Ayub Khan. The circumstances were made confused with identical dictation and entity of army clique of Rawalpindi.



Without judiciary the people had not found any sense of relief then and the peculiarity of martial law started playing the higgledy piggledy games in politics under a new theme of Basic Democracy. In disguise it was despotic game of dictatorial politics. Nurul Isalm Khan has made it clear by saying: “But this necessitated men of courage and integrity who could move the conscience of the nation. No man fitted this description in a fuller manner than Justice Murshed.”

As Chief Justice of East Pakistan High Court Mahbub Murshed looked into the lower courts so as to enable them to work independently without any fear. Nurul Islam Khan has again written: “I had not expected as a junior officer the warm welcome which he extended to me. When one is in the proximity of a truly great man, one senses a feeling of elation in oneself. My conversation with him was encouraging as he remarked that an officer who could prove himself worthy stood a chance of being elevated to the bench (High court). He added that the profession of a judge is an extremely independent ethical calling where one can obey his conscience and above all derive an immense amount of moral satisfaction.

Justice Murshed took cognizance of the district courts as far as possible and this venture encouraged the judges of the district courts to come out with free expression of verdicts according to their moral conscience.

I do agree with Nurul Islam when he raised the question by saying: “Has the nation extended full recognition and respect to this great man of indomitable courage? A time will come in the near future when this question will need to be answered. Are we to remain a nation without a history of its great men? Are we to forget the great men of our past? I do not believe this to be possible. One must live with the memories of the great figures who are no longer with us.

Men are we, and must grieve where-

-ever the shade,

Of that which once was great is  
passed away’

-W. Wordsworth

Justice Murshed was conscious of natural justice and never failed to apply natural justice in order to find out the clues for real justice. He

was indomitable to cover the judgements in the perspective of applying his common sense and moral conscience bringing them into legal force by precedents. The judgements he delivered in three cases had been epoch-making and they created great sensation. These three cases included: 1) Abdul Huq versus Fazlul Quader Choudhury, Khan A. Safur and others. His fearless judgement was convincing. It was a writ petition case by M. Abdul Huq a member of the National Assembly of Pakistan. A larger bench was formed and presided over by Justice S. M. Murshed with Justice B. A Siddeque and Justice B.S. Chowdhury being the other judges. The circumstances prevailing, were atrocious to utter anything to preserve, protect and defend the constitutional transparency in the then Pakistan when it was under the boot of dictatorship formed in violation of the democratic provisions and nothing remained to maintain the entity of the country in democratic order to ensure the integrity of the country. Scandals were afoot against the dictator and there was no organism to see that the days should dawn in the country with prosperity and progress within the purview of humane endeavours like the epoch-making saying of Plato: "The democracy passes into despotism." The condition rapidly grew up like what Winston Churchill (1874-1965) said: "Dictators ride to and for upon tigers which they dare not dismount. And the tigers are getting hungry." Justice Kayani made humorous sermons when the country was going ahead with the poisoning of Christine Keeler stories and Monem Khan though embalmed with religious fervour started to greet his ditator master (never been friend but a master-dictator) with the school girls dancing in the streets of Narayanganj. It was an unholy gesture to allow others for mass-movement so as to enable them to become master-dictators when in power in the footprints depicted in the precedents without any merit left for leadership. Justice Syed Mahbub Murshed came forward with the world's most reputed judgement, which is a landmark in the constitutional law. The mighty pen of Tofazzal Hussain (Manik Mian) under the name of "Musafir" started crying and saying against dictatorship in his *daily Ittefaq* to ride on the horses against the Tigers.

The judgement maintained the grand style of Murshed's own depicted what man has made of man. The readings were reasonably made with invincible logic and analytical but realiebic approach to tighten the tigers within the cage. The effect of the judgement was that the

ministers, whether central or provincial, had ceased to be members of the Assembly to which they had been elected consequent upon their respective appointments as Central or Provincial Minister.

A full bench of the Supreme Court of Pakistan upheld the judgement to the victory of justice. Eminent jurist and lawyer Barrister Syed Ishtiaque Ahmed has rightly observed with scholarly approach to say: "The judgement received international acclaim and recognition. The power of judicial review of legislation for its constitutionality which was in doubt was established on a firm footing. All the judges of the Supreme Court upholding the Murshed judgement laid even greater emphasis on this power of judicial review. Indeed Prof. Ralph Brainbanti of Yale University in an article published in 1965 (Asian Survey, February, 1965) concluded that the decision in this case was as much a landmark in Pakistan's constitutional development as *Murbury Vs Maddison* was in the United States." What greater tribute could have been paid to the vigorous assertion of judicial authority by Murshed and to his crusade to preserve, protect and defend the constitution.

Eminent jurist and lawyer Barrister Syed Ishtiaque Ahmed has within a learned and scholarly article under the title "Murshed: the Turbulent Chief Justice" wherein he has illustrated his observations from judicial point of view to bring forth the highest worth of Syed Mahbub Murshed and the finding have the exceptional treatment to present him in highest order by drawing the conclusion in saying: "When the history of the twentieth century judiciary of Bangladesh will be written Murshed's "Name and "Contribution" will be prominent if not for what bestowed in terms of judicial output, but for what he showed was possible in defence of the law and the constitution to push the law in the direction of the felt necessities of the time" as he himself put it, and declared a crusade against any transgression of the constitution. The Period early 1955 to late 1964 might as will he called the Age of Murshed."

In the case filed by Col. Bhattacharya Syed Mahbub Murshed has pointed out the causes of natural justice jeopardised and he pointed out that the critical analysis by presenting the law to fulfil the objective of demoralising human endeavour on immorality was nothing but to create the zero-point while administering the rule of law.

The Pan-case was sensational and the judgement of Syed Mahbub Murshed defended the rights and obligations of citizenship and corrected functions and actions of government organism. In protecting the public interest he uttered the gospel-truth by saying: "Articles of the constitution furnish a citizen with a constitutional guarantee that he will, not be called upon to do some thing or to refrain from doing any thing without a valid provision of law."

The judgements made by Justice Mahbub Murshed were always exceptional to keep the nerves of all concerned to be conscious of the rule of law. Without going into the pros and cons of the matter disputed he was determined to pursue himself on studies. His excellence in making the judgements resembled what Oliver Cromwell (1599-1658) uttered: "Such men as had the fear of God before them the plain russet-coated Captain that knows what he fights for and loves what he knows."

Sanaullah Noori has pin-pointed his genius to uphold the cause of humanity and he recollects that his last days do not prevail in happy parlour with sense of relief within the purview of seventies decade of stormy winds flowing restlessly and he could not adjust with the adversities created. So he breathed his last almost without notice. The dignity and honour for which he left the chair of Chief Justice in December, 1967, Syed Mahbub Murshed thought it better to concentrate himself within the four walls of his house to safeguard his self dignity. Being strained his nerves were not normal and he died. But the death could not kill the conscience around human endeavours. With this crown of conscience and dignity Syed Mahbub Murshed will remain within the heart of humanity for ever. Pleasantly the voice of Syed Mahbub Murshed has started echoing again.

As judge Syed Mahbub Murshed made the judgements for justice with crown of conscience as far as possible. He was dictated not by whims and caprices and he was dictated by the gospel truth of life as a matter under rule of nature.

The judgements relating to the Basic Democracy case and Mahmud case offered him the legal parlour in the international juristic forums. They revealed the illuminating characteristics to safeguard the fundamental rights of citizenship. A. N. M. Mahmud was the prey under the

wrath of Monem Khan-led NSF which started the reign of terror in the University campuses within the level of an unprecedented style of gun-fires. It was the judgement of Murshed to safeguard the civic-society under Mahmud-case. The injured ANM Mahmud carried the injury spots but the judgement of Syed Mahbub Murshed in Mahmud's case was a relief to restore the civic-rights in order to remove the injury poisoning the civic-society day by day.

The Convocation case was an epoch-making event in the then Pakistan and hockey sticks were regularly used to injure the students and teachers under Monem Khan's NSF everywhere in the campuses. The days were horrible not to present a pen-picture during the sixties decade--- a curse from which the civic-society is still in search of relief. Colonel Bhattacharya's case the judgement made by Mahbub Murshed was a classic one of its kind to *high-light* him as the guardian of the rights and liberties of minorities of Pakistan. It was the sceptre of justice that crowned Syed Mahbub Murshed in holding the painful pen within his fingers to write down the story what was justice.

Justice Murshed was installed as the Chief Justice of East Pakistan High Court on 15 May, 1964 and he was determined to play his role impartially and neutrally. By virtue of his position Governor of East Pakistan Monem Khan was the ex-officio Chancellor of the universities in East Pakistan. He had no acceptability amongst the students and teachers. Meanwhile the Convocation of Dhaka University was scheduled to be held on 22 March, 1964. Chancellor was scheduled to grace the convocation in order to offer the degrees to the students and Monem Khan was determined to grace the occasion by his presence. He thought possibly that it would be quite possible to become familiar with the students but Shakespeare justifiably versified in his *Tempest*: Retire me to my melon, Where/Every third thought shall be my grave. "Ayub-Monem did not know it was the grave dug for them.

The students decided not to receive the certificates from Monem Khan. Monem Khan's NSF students inflicted deadly attacks on the students and they made the university a hell. All ventures around police attacks were made fruitless. But whatever might be the oppressive measures adopted by Monem Khan, they were made fruitless. The students finally decided to boycott Monem Khan's convocation. Monem

Khan had to retreat and had to vacate the campus in the midst of opposition from the students. Ultimately oppressive and repressive measures were adopted against the revolting student -leaders. Warrants were issued to arrest them. M.A. Degrees of Sheikh Fazlul Huq Moni and Asmat Ali were annulled Rashed Khan Menon, K.M. Obaidur Rahman, A.S.M. Sowgatul Alam and Bahrul Huq were expelled from the University. Expulsion order for three years was issued on Muhammad Nurul Islam, Hayat Hussain, Muhammad Shahidul Huq Munshi, Muhammad Anwarul Huq Chowdhury, Ali Haidar Khan and Chowdhury Sanwar Ali. Expulsion order for two years was made to Sirajul Alam Khan, Ghiasuddin Ahmed Chowdhury, Mansuruddin Ahmed, Kamaluddin Siddiqui, Zakir Ahmed, Muhammad Abdul Karim, Muhammad Badruz Zaman Bara Laskar, Syed Matiur Rahman Chowdhury, Muhammad Abdul Latif Sardar, Abdur Razzaque Mian, Muhammad Shamsul Alam Chowdhury, Kazi Mozammel Islam, Muhammad Shamsul Alam Chowdhury. Kazi Mozammel Islam, Humayun Kabir and Arifur Rahman. Twenty (20) students had to execute undertaking of good conduct. Ferdous Ahmad Qureshi expressed his inability to execute the undertaking and so he was expelled for one year. Now those leaders are more or less known figures in the country.

The affected students preferred filling a writ case in the High court. Justice Syed Mahbub Murshed made the judgement on 8 July, 1964 maintaining the University decision illegal, ineffective and ultra vires. The student-leaders who then raised vehement opposition to Ayub-Monem regime in order to start mass-movement in 1969, are not now in the same parlour of politics and it is surprising that they abuse each other on power-politics as a matter of proof that there is no finality in politics – a gospel truth in politics.

Justice Murshed was installed as ad-hoc judge in the Supreme Court of Pakistan sometime in 1962 to deal with the case filed by Golam Sarwar, a foreman of Pakistan Western Railway in class III service (Golam Sarwar Vs Pakistan PID 1962 SC 142) and it was a sensational case centering around natural justice. By an order issued in August 1953 his service was brought to an end although he had completed 25 years service. The order carried the plea in a notice purported to be issued under a clause of the service agreement which provided that the

service was permanent and non-pensionable and terminable by the Rail-Authority by one month's notice payment or one month's pay in lieu thereof. The Petitioner appealed that his service was governed by the Constitutional Provision under Govt. of India Act of 1935 which guaranteed the right to the employee against removal or dismissal or termination arbitrarily. The court was pleased to make the judgement holding the termination of service by notice was void and inoperative and the employee remained a Foreman in the service of the Railway on the date of filing the suit. The ruling made by Justice Murshed created the ground that no wrong could be done in violation of law. Justice Abu Sayeed Chowdhury has called this judgement as the classic legal and judicial one.

I have already pointed that Murshed's judgements cannot be counted but they were many. It is very difficult for a common writer to consider them from juristic points of view. As far as possible I have narrated some of them in my own way to show the state of justice and judgements. There had been peculiarities in judgements made by Syed Mahbub Murshed. He created the rich legacy by classical judgements. They formed the personality of a judge to be decorated as a grand judge and in the language of Barrister Syed Ishtiaque Ahmed appropriately flavoured to call him "Murshed: The Turbulent Chief Justice".

The judgements made by Syed Mahbub Murshed, if combined, will find a grand judge like Ibn Khaldun to guide the conscience of the nation. Was he only a judge? Possibly the reply will speak of him as the old man of wisdom. Surely this wisdom is our source of inspiration within the purview of the science of history to establish the rule of administration and law under democratic order.

Justice Syed Mahbub Murshed will stand as Beacon of light in our history. We shall create a happy society with Justice Syed Mahbub Murshed as the supreme figure of the east, to guide us for ever.

**APPENDIX - A**  
**Justice S.M. Murshed - A Tribute**  
**Justice Abdur Rahman Chowdhury**

A giant has passed away—a giant in the legal field, a giant amongst the jurists and a giant in his own right. For those of us who had the privilege of knowing Justice Murshed intimately, his death is too overwhelming for words and too deep for tears.

Justice Murshed after a brilliant academic career at home and abroad joined the then Calcutta High Court and soon made his mark as an outstanding lawyer. It should be remembered that at a time when brilliant young men like him with such distinguished background were few in the then undivided Bengal, Justice Murshed joined the Bar as of choice and not by force of circumstances.

After the partition of the sub-continent, he joined the then Dacca High Court and was elevated to the Bench as judge in 1955. It was from then onwards that Justice Murshed revealed his talents and profound learning as a Justice. His elevation for us, then toddling juniors, was a great loss since we had no longer that helping hand to pat us on the back, to advise and encourage us. **But what was a loss to the Bar was a great gain to the Bench.** From then on came a series of judgements and pronouncements delivered by him which enhanced the prestige and dignity of the judiciary as a whole.

It is difficult, if not impossible to write about his manifold qualities both as a judge and as a man, within a limited compass. His abiding faith in rule of law and his concern for the rights and liberty of citizens were reflected in a number of judgements delivered by him. These were, in fact, so many that it is indeed difficult to enumerate them. But, the case that readily comes to my mind is the famous case of Abdul Huq Vs. Fazlul Quader Chowdhury, Khan A. Sabur and others popularly known as the 'Minister case'. The case involved complicated and intricate questions of constitutional law and Justice Murshed presiding over a Special Bench constituted for the purpose delivered the judgement which resulted in the unseating of the central and pro-



vincial Ministers under the Pakistan Constitution of 1962. The judgement is still regarded as a historic one with lucid exposition of the constitutional law.

Another judgement that stands out for its brilliant exposition of law was what is known as Col. Bhattachrya's case. Presiding over the Special Bench consisting of himself, Justice Sayem (Ex-president) and Justice Abdus Sattar (now Vice-President), Justice Murshed observed as follows:

It was further argued that force has never been the source of law referring to a dictum of Rousseau, in his well-known work, "Social Contract." It is true, according to Rousseau, the origin of "state" and "laws" is a primeval contract between the members of a somewhat nebulous society. This is one school of political philosophy, which has not been accepted in its undiluted form. There is another school of political thought led by Hobbes which recognises that might and force behind a sovereign authority is the origin of "laws" and "state." Other political philosophers like Locke, for instance, have taken a view which is a *via-media* between the two views expressed above. With regard to the origin of law, political philosophers have held different views and they are far too numerous to be discussed here. Such discussion would be irrelevant for the purpose of this case.

Similarly no useful purpose would be served by grouping round the interminable definitions that have been given to the expression "Law" across long-drawn centuries, by different philosophers and jurists, who have obviously understood that expression in various senses. This accounts for the divergence in their views. We have, therefore, refrained from discussing the opinions ponderous as they are, of philosophers, from Aristotle and Plato to Justin, Samond and Holland that have been read out before us by the learned Advocates in order to support two different views. But, an examination of the great mass of divergent definitions as propounded by thinkers beginning from Hellenic philosophers to modern jurists will lead one to the conclusion that a workable definition which is accepted by lawyers for practical purposes is that law is a body of acts of order, ordinance, regulation, rules, conventions, customs and practices which have the sanction of an authority capable of establishing law and order and which is thus enforced or recognised by Courts

and other law-enforcing machineries.”

In another outstanding decision in a Special Bench case, popularly known as the Pan case, Justice Murshed while striking down the Inter-provincial Trade Ordinance 1969 as void and illegal, observed as follows:

“We may again revert back to the terms of Article 2 of the Constitution. What does it provide? It furnishes a citizen with a constitutional guarantee that he will not be called upon to do something or to refrain from doing anything without a valid provision of law to that effect. This means that there is contemporaneously a law which would authorise such course. If there is no such contemporary law in existence, the order would come within the mischief of a guarantee or constitution protection. The impugned order was a still-born order and no life can be imparted to it by a subsequent legislation without a constitutional amendment. The law or legislation as contemplated by Article 2 must, of necessity, mean a contemporaneous law. To hold otherwise would be tantamount to rendering Article 2 nugatory and ineffective. The void article is not a mere rope of sands. Article 2 patently gives a constitutional protection. Can there be any doubt that the term, law, as mentioned in Article 2, means a co-existent law? The invasion, and the law which is supposed to justify it, must go together contemporaneously. The guarantee that has been given by the Constitution cannot be washed away by an ingenious legislative device which can wipe out an illegal invasion of today by an artful enactment of tomorrow, pretending to act retrospectively, without any constitutional change to that effect. A constitutional right cannot be taken away by a legislative “Fiction” without a constitutional amendment which would permit such a course. There is a world of difference between a legislative immunity and a constitutional guarantee. The constitution, by its very nature, creates the distinction. A constitutional immunity cannot be wiped out by such a simple method. The hand of constitutional clock is incapable of manipulation by a simple legislative contrivance, as opposed to constitutional amendment”.

On the relationship of the Bar and the Bench, Justice Murshed while disposing of a matter arising out of a contempt of court proceeding observed as follows: “We would further observe that the adminis-

tration of law and justice is a matter of vital importance to any civilized society. The machinery by which law is enforced has been crystallised by centuries of wisdom and experience. The Bench and the Bar, in this behalf, constitute one unit and each is the complement of the other. The relationship between the Bench and the Bar calls for a balanced exercise of patience and reasonable indulgence. It is a relationship which must be tampered by tolerance and restraint which the wisdom of experience teaches us. Lawyers are expected to show due respect of a Court of law. Such a posture of sobriety alone is best expressed, in the words of Shakespeare;

“O, it’s excellent to have a giant’s strength; but it is tyrannous to use it like a giant”

The exhortation is a wholesome reminder to us of the far-reaching impact of the obligation we are called upon to discharge. We are happy to see that everybody concerned in this case has acted in a creditable manner in the course of the proceedings before us, despite some prior exhibition of a roused temper. We have considered these applications when passions had faded out. In this context, we acknowledge, with gratification, the assistance we have received from all the lawyers who have appeared before us.

We noticed a happy harmony while hearing these applications and have allowed the curtain, when the heat had subsided, to drop there. The law of contempt is a device to restore the balance in the scales of justice. When upset by unauthorised interference with process of law and punishment, which may lead to *cul de sac*, has never been, by itself, the end of law”.

These are some of the memorable pronouncements, to quote just a few that came readily to my mind which show the lucidity, the depth of his learning and his profound concern for the rights of the citizens as against the arbitrary and illegal invasion by the executive. Here was a judge who adhered to his oath of office in both letter and spirit by administering even-handed justice without fear or favour.

As a man, Justice Murshed had few equals. His love and affection for the lawyers and particularly the juniors knew no bounds and these were great source of encouragement and instilled in them the much

needed confidence in their initial period of struggle. A gifted orator equally at home in his mother tongue, English and Urdu, he would keep his audience spell-bound with fluent extempore quotations from Arabic and Persian. His speeches like his judgements, apart from their profundity, were pieces of literature by themselves. He combined in him the rare qualities of both head and heart, which made him a great judge and a still greater man. His association with social and humanitarian organisations like Red Corss and Anjuman-e-Mofidul Islam showed this abiding love and concern for the poor and downtrodden. For a man of his eminence and qualities, he does not need a Mausoleum or a special graveyard as a memorial to be remembered by posterity. He will live forever in the hearts of those who cherish and believe in the rule of law. The rich legacy that he has left behind in the form of judgements and his works shall remain a Permanent memorial and a source of inspiration for all those who believe in truth and justice. With these words, I salute the great soul and may he rest in eternal peace (Amen).

## ***APPENDIX-B***

### **Murshed: The Turbulent Chief Justice Syed Ishtiaque Ahmed**

Lord Denning-the most prominent and important English judge of the twentieth century has been described as a self-styled iconoclast (Robert Stevens: Law and Politics, P.489). In an article entitled “ The Way of an Iconoclast”, containing a summary of the cases decided by him that he considered most important, Denning asked: “What then is way of an inconoclast ? It is the way of one who is not content to accept cherished beliefs simply because they have been long accepted; if he finds that they are not suited to the time he will see whether there is not some competing principle which can be applied to the case in hand.”

Denning is also described as a “turbulent Master of the Rolls”, that, too, self styled, Sitting in the Court of Appeal he often ignored the decisions of the House of Lords, even refused to follow a decision of the House of Lords that he believed to be wrong. The House blamed him for so doing. In his book “The Discipline of Law” he sarcastically says ‘yes-I had been guilty-of Lese Majesty. I had impugned the au-

thority of the House. That must never be done by anyone save the house itself. Least of all by the turbulent Master". In the footnote Denning quoted Henry II of Thomas Bechet;" who will free me from this turbulent priest ?'

I would leave the judgement of Murshed being an 'iconoclast' to the future historians writing the history of the twentieth century judiciary of Bangladesh, but I have no doubt in my mind that Government of day, particularly after he had become the Chief Justice, regarded him as a "turbulent judge" and pined for getting rid of him. This brings to my mind a Jeffersonian parallel. Jefferson succeeded John Adams as President of the United States. As John Adams was leaving office in 1801, the Congress passed a new Judiciary Act, which created, inter alia, new judgeships Adams nominated the judges to fill the new jobs, and these appointments were confirmed by the Senate at the last moment of Adams' regime when Jefferson assumed office he raged at these "midnight judges" and thought that it was all an act to pack the bench with his political enemies. He had the law that created the midnight judges repealed and the newly appointed Judges lost their jobs, Jefferson felt that the pre-existing judges, especially the celebrated Chief Justice John Marshall, were particularly obnoxious to Jefferson. But Marshall was a man of enormous talents, and as ill-luck would have it for Jefferson, Marshall enjoyed good health and longevity. There was no easy way to be rid of the "holdover judges" and of them Jefferson lamented. "Few die and none resigns" (Lawrence M. Friedman, A History of American Law, 112).

The entire background and facts behind Murshed's resignation in late 1967 are even harder to hazard a guess. But all that I am able to discern in the perspective of his judicial work on two most notable decisions. One which followed his appointment as Chief Justice, and the other which preceded his resignation, both of which were upturned by the Supreme Court of Pakistan, The former is popularly known as the 'pan' case and the latter the "Basic Democracy" case Murshed and his Court struck down central legislative acts. Both the judgements were superb and embody the finest examples of an independent, bold and fearless exercise of judicial power and assertion of judicial authority. Murshed's examination of the law and the Constitution, his

views-mellifluous, grandly styled, were truly judicial and non-political. They appealed to principle, to law, to the sacred words of the constitution; the law itself was the true author in all its majesty; the judge was a “detached impartial vassal”. Both the judgements, if allowed to stand, would have resulted in grave and serious consequences and direct impact on the entire country. The judgement in the ‘Basic Democracy’ case, for instance, would have resulted in completely undoing the system of local government, the Basic Democracies, in the province. In upturning this judgement the Supreme Court invoked in aid the principle of judicial restraint’. The maxim that the affair should prosper rather than be destroyed, the presumption as to constitutionality of the laws, the need for the court leaning in favour of constitutionality of legislation.

The ‘turbulent’ Chief justice resigned to the great relief of the government of the day in December 1967 but he enjoyed good health and longevity. (Ironically ringing memories of the 19 century Jefferson, Marshall affair) I will leave the matter here for the present and move on to mention two other classics in Judicial-review one of legislative act and the other of administrative act-of Murshed in the years before he became the Chief justice, in both of which he found the Supreme Court of Pakistan with him.

First what is popularly known as the “Ministers” case. The setting was the constitution of 1962. It was handed over to the people by one man Field Marshal Ayub Khan. It gave neither democracy nor freedom. Fundamental rights were not a part of this constitution in exercise of the “Mandate” given to him by the people of Pakistan. No deceit and hypocrisy can be greater than to found the denial of democracy, freedom and basic human rights of the people on the “Mandate” given to him by the people of Pakistan. As we will see later by an energetic clever and novel device the power of judicial review of legislative acts by the superior courts was sought to be curbed or totally barred. Yet by another novel provision it was enacted that a member of the assembly upon being appointed a minister in the President or Governor’s Council of Ministers shall cease to be a member of the Assembly. After all the Ministers were only to ‘Assist’ the president, and were to be responsible to him, not to the Assembly.

The present Constitution is a very young instrument of Government and has hardly emerged out of its swaddling clothes. Most of its provisions are novel and unfamiliar. The reference is to this constitution of 1962. Soon after it was launched, it faced turbulent weather. It was caused first by the members of the Assembly on the treasury bench who expressed unwillingness to accept the office in the President's Council of Ministers if they were thereupon to cease to be the members of the Assembly. This was one of the "novel and unfamiliar", provisions which Murshed had meant. Thus it can be seen that these gentlemen as members of the Assembly had taken an oath "to preserve protect and defend" the constitution and their insistence that the Constitution should be altered before they became Ministers "would seem not to have taken sufficiently into account the solemnity of the oath." The turbulence was intensified when the President again in transgression of the limits of this constitutional power and contrary to this oath, gave in and in the purported exercise of a constitutional power reserved for him temporarily to 'adapt' the constitution so as to remove any difficulties that may have arisen in bringing the Constitution into operation enacted a law on the 12<sup>th</sup> of June 1962 (President's Order No. 34 of 1962) in effect, inter alia, to override the Constitutional mandate as to cessation of membership of Assembly upon appointment of a member as a minister. Muhammad Abdul Huque, a member of the National Assembly of Pakistan brought a writ petition before the High Court of East Pakistan in early 1963 to examine the legality of the warrant and title of the respondents, three members of the Assembly from East Pakistan who had taken oath of office as members of the President's Order No. 34 of 1962, to membership of the National Assembly of Pakistan. As a necessary incident this Prayer the Court was to examine the vires of the said President's Order.

It fell upon a larger Bench of the High Court of East Pakistan presided over by Murshed (Mr. Justice B.A. Siddiky and Mr. Justice A.S. Chowdhury were the two other judges) "to preserve protect and defend" the Constitution in the face of the attempted transgression by the President at the instance of some members of the Assembly who created the difficulty in being considered for appointment as Ministers, and their insistence that the Constitution should be altered in this regard by a similar oath of office which they had themselves taken. In

such situation the duty of the Court was plainly to interpret the President's Order against the enabling provision of the Constitution and if upon such consideration the Court was satisfied that the provision of the order did not fall within the ambit of the power of the President the Court had no alternative but to declare it illegal and ultra vires. That is a duty developed upon the Superior courts by virtue of their oath of office and Murshed is by no uncertain terms repelled objection as to the Court's jurisdiction saying "It cannot be doubted for a moment (and the proposition is so well-settled that it need hardly be repeated) that his Court has not only the jurisdiction to adjudicate upon the vires of the impugned order, but, it is also evident, that in this case it is the duty of this Court to do so." Murshed firmly believed that a constitution is a fundamental law for the governance of the State and it not only specified the person or authorities in whom the sovereign powers of the State were vested but also fixed the limits on the exercise on these powers. To Murshed a written constitution was "the Shariat of State Government and state activities." In the case under consideration Murshed declared the President's Order ultra vires of the powers of the President under the constitution. While the Constitution, he argued had conferred a power on the President to remove a difficulty that must be directed 'towards eliminating an obstruction of impediment in bringing a provision of the Constitution into operation.' It did not permit a converse proposition that is "it does not allow a provision of the Constitution to be changed or modified in order to resolve on political difficulty created by some members of the Assembly on their declining to be appointed as Ministers, if thereupon, they cease to be members of the Assembly." Murshed correctly viewed this as being outside the scope of limited power granted to the President in the matter of removal of difficulty for the purpose of bringing a provision in the Constitution into operation and found that such an action came really within the province of amendment of the Constitution. Having noticed this he observed; "It is of the very essence of a written Constitution that it is not susceptible of an easy change. The requirement of two-thirds majority is an effective check on the whim or the iconoclastic mode of bare legislative majority. It would have been surprising if, in such a context the Constitution had countenanced what indeed, is amendment, by a simple process of 'adoption.'



The text of Article 224 (3) is very clear and unambiguous. It does not permit alteration of the provisions of the constitution for a solution of a political situation brought about by some members of the National Assembly who refused to accept appointments as Ministers, if such appointments entailed cessation of their membership of Assembly.” The effect of the judgement was that the Ministers, whether Central or Provincial, had ceased to be members of the Assembly to which they have been elected consequent upon their respective appointments as Central or Provincial Minister. The Court discharged its duty ‘to preserve’ defend and protect’ the constitution admirably well with such independence, fearlessness and fairness as the oath of their office enjoined.

This judgement of Murshed is a landmark in the Constitutional law. The invincible logic, the analytical approach, the grand style that the judgement manifested are Murshed’s own. A full Bench of the Supreme Court of Pakistan upheld the judgement “agreeing on all points with the decision of the High Court of East Pakistan.” The judgement received international acclaim and recognition. The power of judicial review of legislation for its constitutionality which was in doubt was established on a firm footing. All the Judges of the Supreme Court upholding the Murshed Judgement laid even greater emphasis on this power of judicial review. Indeed Prof. Ralph Brainbanti of Yale University in an article published in 1965 (Asian Survey, February 1965) concluded that the decision in this case was as much a landmark in Pakistan’s Constitutional development as *Murphy V. Madison* was in the United States.” What greater tribute could have been paid to the vigorous assertion of judicial authority by Murshed and to his crusade to “Preserve, protect and defend” the Constitution.

In *Murphy V. Madison* in 1803 Chief Justice Marshall of the United States Supreme Court and his Court invented or affirmed for the first time the Court’s power of Judicial review over acts of Congress, and declared an act of Congress unconstitutional and that Court has since exercised this power over federal and state legislations. The High Courts and the Supreme Court in Pakistan had exercised this power under the 1956 Constitution and struck down acts of legislature either on the ground of their contravening Fundamental Rights or otherwise contravening the Constitution. The *Murphy V. Madison* analogy, there-

fore, may not be wholly appropriate, yet what Prof. Brainbanti seemed to have meant was in the setting of the 1965 review, the judgement of the superior courts stood as a landmark in Constitutional law.

His high sense of constitutionalism was manifested that articulated in the early years which is a classical judgement of the Supreme Court of Pakistan in judicial review of an administrative act. While a judge of High Court he sat in the Supreme Court for the purpose of the case in 1962 (Gholam Sarwar vs. Pakistan PID 1962 SC 142). This was a case of a Foreman in Class III service in Pakistan Western Railway. By an order passed in August 1953 his service of 25 year's duration was brought to an end by a notice purported to be issued under a clause of the service agreement which provided that the service was permanent and non-pensionable and terminable by the railway authority by one month's notice or on payment of a month's pay in lieu thereof. The case of the employees was that inspite of the notice caluse in the service agreement the service was governed by the constitutional provision of the Government of India Act of 1935 in the relevant respects and which guaranteed such right to the employee against removal or dismissal. The Court held that the termination of service by notice was void and inoperative and the employee remained a foreman in the service of the railway on the date of the filling of the suit. Murshed held that the power of dismissal on a month's notice in respect of a permanent civil servant had imported in the contract of service "nothing but an authorisation of arbitrary dismissal which the Constitution Act of 1935 strikes the security spelt by the said Act as its very foot" and he held that such term was in direct conflict with the provision of the Constitution Act of 1935. He termed the appellant's agreement as ultra vires of the Constitution Act of 1935 in so far as it provided that "the termination of the appellant's service on a month's salary in lieu thereof. He repelled the argument based on the concept of supposed sanctity of contract and his logic and the language is clear, forthright and forceful. He said, "But to talk of "Sanctity" of contract when its legality is in issue, would be not only vacuous, but also an unwarranted digression into the domain of ethics and the shadowy realm of legislative principle and theories of jurisprudence, when the vires of a contract is impeached before us on the ground of an express or implied prohibition of law, it would be importing unnecessary confusion and fog into the

real problem in issue, to transfer into the Administration of law concept in the field of jurisprudence employed in a different contest.

In this latter-day of the twentieth century the statute books of most countries are full of legislative enactments which imposed an embargo on various contractual agreements because of the compelling need of the time. As observed by an eminent Judge, the life of law is neither ethics nor logic, it is founded on the “felt necessities of the time.” It is not permissible for a Court of law to give to the derelicts of prohibited contracts the sanctity of a revealed scripture or the reverence due to the Commandments of Moses.

I have said enough to indicate that the doctrine of “Sanctity of contract” is no longer a triumphant creed, although it still lingers on, in legal arguments, as an innocuous platitude”. The logic is invincible, his constitutionalism at its highest, his style is incontestable.

Educated in the best tradition of the English common law Murshed imbibed a liberal intellectual tradition leaning towards personal liberty and freedom and high sense of constitutionalism. He was not a believer in judicial conservatism as a Judge to the narrow limits of static sterile and formalistic approach to law and the Constitution. He developed his own style best suited to protect the rights and the Constitution and advance the cause of justice. Such was his belief in the judicial authority of the Court in the face of invasion of rights of citizens that he was not prepared, to use his own expression in one of his judgements, ‘to leave the liberty of the citizens to the mercy of gambling, freaks of unforeseeable dooms. As to his high sense of constitutionalism Murshed declared that “the hand of the constitutional clock is incapable of manipulation by simple legislative contrivance as opposed to Constitutional amendment.” In another judgement he observed” the essential condition of valid law is that it must be confined with the limit set by the Constitution. It should not be allowed to “felt necessities of the time” as he himself put it, and declared a crusade against any transgression of the Constitution. The period early 1955 to late 1967 might as well be called the age of Murshed.

## *APPENDIX-C*

### **Address of Hon'ble Mr. Justice S.M. Murshed (Chief Justice) at Dinner given by the High Court Bar Association, Dhaka on 25 May, 1964**

Justice Darling (Clarum et Venerabile Nomen) in his scintillating book, entitled, "Scintillac Juris", has observed that one of the most perplexing matters, ever since the world began, has always been how to begin. Let me begin by saying that, out of deference to the solemnity of this gathering of distinguished lawyers, I shall desist from making a light-hearted speech, not merely because there are precedent for such a departure from a customary after-dinner address, but also because the occasion requires some sober pronouncements.

Daniel Webster has said that most good lawyers live well, work hard and die poor, I hope and pray that this assembly may be exempted from the last contingency. But, even such a prospect is not as dreadful as it appears, prima facie. He further says that an eminent lawyer cannot be a dishonest man and adds: "Tell me a man is dishonest, and I will answer he is no lawyer." This is reminder of the moral obligations of your great calling. My own comment is that a lawyer's gown need not be necessarily lined with the willfulness and impiety of his clients.

A lawyer is not called upon to decide—that is the function of—Judges—whether the facts with which he is dealing are true or false. What he has to do is to argue as best as he can, without degrading himself, in order to maintain the proposition which will carry with either the protection or the remedy which he desires for his client. He is not, however, permitted to suppress truth, if he has somehow come to be aware of it. But, he must not pre-judge the issue himself.

The essential characteristic of a lawyer is that by interest and predilection, often by birth, he belongs to the people: by habit and taste he belongs to the aristocracy. He is thus happy connecting link between the two.

They are very properly co-sharers of the Court not so much as law-givers but as interpreters of the law. To a skill and dexterity in drafting

a petition, which is backed by legal learning, they often unite the power and ambition of leadership in the affairs of men and the nation. It has been asked: who can tell where this will lead to in a future day? The experiences of the modern world, by no means, raise any misgivings on this score.

There have been lawyers that were orators, philosophers and historians. There have been Bacons and Clarendons in by-gone days: there have been Mahmoods, Ameer Alis, Marshalls, Asquiths and Readings in recent times. There are still men in the profession of law who, in spite of the exacting nature of their business, find time and inclination to prepare themselves for much higher purposes than mere accumulation of monetary gains, for climbing up—as Lord Bacon puts it—to the vantage ground of science, art and literature instead of struggling all their lives merely in the practice of a lucrative profession. I wish to add that in your great trade, that of advocacy and legal exposition, your learning, your intellect and your gifts should not be merely hung up in the shop—window of your professional chamber; you must have a higher purpose to give you sense of direction.

To younger gentlemen on the threshold of their professional career, I may commend the sagacious advice of Washington Irving : “Young lawyers attend this court, because they have business there, but because they have no business to be anywhere else.” I can assure you that even mere attendance in Court, without professional engagement, constitutes a liberal education in itself. Let me also remind you that a lawyer without history or literature is a mechanic or a mere mason, if he possesses some skill in his art, he is entitled to be called, a skilled mechanic. Even in the profession, a mere advocate however, brilliantly armed with leading decisions, may lose most of his cases, although he may win most of the points in argumentative debates. The art of advocacy is founded on a higher structure than mere learning of legal text-books.

The question is what is the nature of the legislative process which forms the main subject of your study? It has been truly said that the passing of an unjust law is the suicide of authority. The law of God, or moral law, must be the end of law. Aristotle has reminded us that good law means good order. Another great thinker has said that the clash

between what the law forbids and what society and the people seek, is an unmistakable pointer towards a state of society which is on the verge of ruin. There is also a world of wisdom in the old Chinese aphorism, of two thousand years ago, that the more there are mandates, prohibition and restrictions the more there will be thieves and robbers. Human nature can be best transformed by benevolent methods rather than by mere enactment of Draconian measures. Shakespeare has cautioned us, in "Measure for Measure", that we must not make a scare-crow of the law.

I now turn, in a chastened mood of introspection, to ourselves, namely, to the fraternity of lawyers who are called, judges. A higher scholarship than mine is required to elucidate nature of the judicial process in which we are engaged. I confess that from the early days of my professional career, I have been greatly influenced by the profound learning of Aristotle, Plato, Hazrat Ali, Imam Abu Hanifa, Justinian, Francis Bacon and modern giants like Holmes and Cardozo and a host of others, in the contemporary world, who belong to the magic circle of an intellectual elite. I cannot claim that I have drunk deep in the fount of their great learning, but I am indebted to them for what I am about to say.

There is in each one of us an insistent current or tendency which gives coherence and direction to thought and action. Judges can no more escape that current, composed of accumulated learning, inherited tradition and acquired conviction. The result is, an outlook on life which, when the weight of reason is properly balanced, must determine where the choice lies in the adjudication of an issue. In this background every problem finds its setting.

It has been rightly asserted that every judgement has generative power. It begets its own image. Once declared, it originates a new stock of descent. But, a judgement, worthy of being so called, must be charged with a fresh dynamism, It should not be presumed that the corpus of law is a mere putrefaction of pre-existing and pre-established verities of universal and inflexible validity. Case-law and precedents are looked upon as authorities for points mooted and decided in the context of the facts of each case. They are neither to be treated as embalmed mummies, nor to be regarded as degradation of final truths. They serve as working hypotheses which are constantly and continually re-examined

and re-tested in those laboratories of the law, namely, the Courts of Justice. Every new case is a fresh experiment and, if post precedents lead to a result which is manifestly unjust, the rule must be examined fresh and eventually re-formulated, unless the clear specific direction of positive law forbids such a course. The work of modification is gradual. It goes on inch by inch. Measured in terms of decades and centuries, they seem to resemble, in the words of a great judge, "the power and pressure of a glacier." I may respectfully add that the glacier does move. In this slow-moving, but incessant flux, a judge has to determine the path or direction along which the principles are to move and develop in accordance with the needs of justice and the requirements of public welfare. Cases do not unfold their treasured wisdom for the asking. They yield their principles by a painstaking and persistent method of cultivation.

Justice Cardozo has pointed to a trichotomy of methods: The method of logical progression called the rule of analysis; the method of gradual development, called the principle of evolution; the method of tradition which travels along the path of customary practice. If I may presume to interpose a commentary of my own I would like to say that the aforesaid classifications are not mutually exclusive and they need not necessarily compel a competitive choice, All the aforesaid methods, in this trinity of norms, are called into play in the normal process of judicial decisions. My own predilection is towards the course that runs along the highroad of justice, morals and public welfare in the light of the mores of the day. The area of our choice, in this behalf, is limited and judges are not free to set aside existing laws at pleasure, when called upon to extend or restrict laws judges must let the interests of justice and public good guide them.

It is sometimes said that the task of interpretation is nothing more than mere ascertainment of a meaning which had a predictable pre-existence in the legislator's mind. In a substantial majority of cases this is so, but we are not infrequently required to fill up the gaps which are found, in varying degrees, in every law of human origin. We often reach a no-man's land when the constitution and the statutes are silent or, if not silent, their meaning is lost in obscurity. It is there where the heaviest responsibility is imposed upon the judge. It is when the oracles

of law do not speak, when references fail, when precedents are not available, that the great task of the judge begins. It requires a great judge to fill up the vacant gaps and the open spaces with the finest products of the judicial mind. Once such classic pronouncement was made in the early 18<sup>th</sup> century case of *Ashby V. White*, in which Chief Justice Holt laid down his famous and oft-quoted dictum. “Indeed, it is a vain thing to imagine a right, is a re-formulation of an old and almost forgotten maxim. *ubi jus, remedium*. Very recently in a case about to be reported I had myself travelled back to this old Latin maxim when the law was silent as to the remedy of an aggrieved party.

I must also confess that in all countries of the world, which are called civilized, there are some judges (and we have our share of them), happily constituting a small minority, who are so obsessed with a chronic and hyper-trophied hypnotism of fossilised formulae that they become allergic to any further extension of the frontiers of their minds. This takes a too narrow view of the functions of their high position. Such a myopic vision has led H. W. Beecher to observe: “We bury men when they are dead, but we try to embalm the dead body of laws keeping the corpse in sight long after the vitality is gone.”

I do not say that a judge is invested with an unrestricted charter to innovate at pleasure. He is not a knigherrant roaming, at will, in pursuit of an ideal of absolute justice of goodness. He is to draw inspiration not from a spasmodic a sense of vague and unregulated benevolence, but to exercise discretion imposed by tradition, regulated by analogy and disciplined by the positive requirements of law. Wide enough, in all conscience, is the field of discretion that remains.

Judges stand aloof in what has been called, “a splendid isolation.” But even in the lonely and sometimes segregated height where they dwell, the great tides and waves which engulf the rest of men do not turn aside and pass them by. They cannot ignore that a general tendency in the direction of a liberalism. This re-oriented spirit is also discernible as we look back in retrospect, upon the distance we have already travelled. Statutes are not to be viewed in isolation or vacuum. Life casts the moulds of conduct which have become the codes of law and the interpreter’s task is to preserve the mould which has taken form and shape from life itself and to prevent the erosion which may be caused by impatient and irresponsible authority.



Something of Pascal's spirit of self-search and introspection must occasionally come to men who are appointed to be the guardians of law. Doubts and hesitations besiege and assail them, at times, but these inward reflections are born of the hope and desire to transcend the limitations of human nature. The concepts of justice do not have a verifiable existence as scientific data, but they do have existence which is only visible to the eyes of faith.

## *APPENDIX-D*

### **IRAN**

#### **PRESIDENTIAL ADDRESS AT A MEETING OF THE IRAN-EAST PAKISTAN FRIENDSHIP AND CULTURAL SOCIETY ON 28 APRIL, 1969**

“It does not behove Iqbal to seal his lips,  
Because those have turned his captive heart  
into a votary of songs.”

I sing praises of Iran because I am an Iranophile, a lover of Iran. A land of immense fascination, Iran, spells of magic and raises visions of Elysian reverie; the home of bards and muses, of Zoroastrian and Sufi divines: where Hafiz, the “Bulbul” of Shiraz, sang his exquisite layrics; where Shamsi Tabriz poured forth the white fervour of his soul in full throated melody: where Sa'di mused to the rhythm of enchanting ghazals, where Nizami, Attar, Jami and qaani had strung their soul-elevating harps; where Umar, the poet-philosopher of Nishapur flashed his home-truths in immortal quatrains or “Rubaies”; where Firdousi struck his great epic Iyre. This beauteous land, with her grapes and vineyards, her gardens and roses, her cypresses and nightingales, her hills and planes, has captivated the heart of her adoring neighbour, Pakistan, which has woven the flowers of Iranian culture upon her inheritance of a grand tapestry of Arabian thought and civilization.

Widely known as Persia in the West and in various parts of Asia, it has long borne a name which sprang from the Greek *parsis*, the name of a small provinec, Pares, or Fars, near the Persian Gulf, Later, the name was extended to the whole of the Iranian land which is called Iran by her people.

Iran can claim a historical lineage which dates back to several thousand years before the birth of Christ. Its civilization runs parallel to the glory that was Assyria. But, the great sasanian era marks the real beginnings of modern recorded history. This was preceded by the Achaemenian period which began about five centuries before Christ and is represented by edicts and proclamations contained in inscriptions with a vocabulary of more than five hundred words. The language which the inscriptions present is generally known as "Old Persian."

The Sasanian period begins in the third century after Christ and comes to a close towards the middle of seventh century of the Christian Calendar. The language of this period is described as Middle Persian or Pahlawi, The literature is Zoroastrian, in its essence and substance and is almost entirely theological and liturgical, which disentangled from its graphic system, known as Huzvare the written script is archaic in form and not very different from the present-day Iranian, when separated from Arabic influence. The term "Pahlawi" applies, more appropriately, to the script than to the language. It has ceased to be current about eleven hundred years ago, although it lingered on the coins of the early Caliphs and semi-independent kings of Tabaristan for about a century after the Arab conquest of the land.

"Everyone is Kaekhusro, everyone, Naushirwan,  
Everyone is Bahram, Darius, Rustam or Zal."

With the fall of the sasanian dynasty began the most potent period, namely, the Muhammedan period, which continues to the present day. In concurrence with Dr. Edward Browne, I prefer to describe this period as Modern Iranian. Linguistically, it connotes the Iranian language, as it re-appears after the Arab conquest and after the adoption of Islam by the vast majority of the inhabitants of Iran. The difference between the late Pahlawi and the earliest form of modern Persian is, save for the Arabic element mainly a divergence of script. The Pahlawi is a unique philological puzzle, and its script, deprived of the support of a hitherto militant Zoroastrianism, could not hold its own against a more scientific and, far more convenient, Arabic character. A Pahlawi book, read aloud by a Zoroastrian priest, or a script of the ninth century, would,

probably, be perfectly intelligible to a contemporary Iranian Muslim. If the latter takes down, what is read to him, in Arabic Character, he would simply produce "Modern Persian" in its most archaic form. Indeed, so comparatively slight are the changes which the Persian spoken language has undergone since the Sasanian period, that if it were possible for an educated Persian of the present day to be suddenly thrust back over a period of fifteen hundred years, he would, perhaps, be able to understand, at least, a good deal of the language of that period. The gulf which separates the first Sasanian King and the Achaemenian period. If he could similarly travel backward for six more centuries, he would hardly comprehend a word of what would be said at the Achaemenian Court.

It is generally assumed that in Persian, as in Arabic, verses preceded prose. Dawlat Shah in his, "Lives of Poets", ascribes the first Persian couplet to Bahram Cor and his mistress, Dil-Aram. A similar claim could be made on behalf of a Persian couplet engraved in the "Qasr-e-Shirin" or in favour of the sayings of Wamiq and Adhra.

But, most of the legends as to the origin of Persian poetry are not worthy of very serious attention. Nevertheless, there are legends indicating the existence of Persian poetry even in Sasanian times.

The Origin of modern Persian poetry is traditionally, attributed to a Samanid poet, by the name of Rudagi or Rudaki, who flourished in the early part of the tenth century of the Christian era. All accounts of Rudagi describe his remarkable poem, composed and sung in the presence of a Samanid Prince, in order to persuade the latter to abandon the blandishments of Hirat for the more abiding charms of his native place, Bukhara, which he had neglected for four years. Rudaki was a ballad singer and a poet whose songs are still remembered by lovers of Iranian language.

We are accustomed to think of Persian literature as florid, extravagant and ornate, abounding in rhetorical embellishment and overlaid with metaphor: but, this is only true of the literature produced in certain circles and is substantially confined to a limited time, otherwise, it is a sweet, simple, mellifluous and unencumbered language.

The most popular verse-form is known as the Ghazal. The next is

the Qasida. It would be unusually prolonging this dissertation if I embark upon a more detailed excursion over the literature and language of Iran in its absorbing ramifications.

Iran has augmented the wealth of human thought and achievement in a considerable manner. Her architecture, tiles, potteries, carpets, garden-designs, philosophy, science and literature, constitute a unique contribution to the anthology of human output, and particularly, to the treasury of Muslim art and literature.

I would now turn to her more intimate contacts with Muslim society of this sub-continent. A wealth of Persian literature has sprung in its soil. The mind turns, as a matter of course, to the oft-quoted invitation of Sultan Geyasuddin to the great poet of Shiraz. Some of The verses run Thus:

“All the parrots of Hind are scattering sugar  
At this Persian candy which is going to Bangal  
Hafiz, with you longing for the Court of Sultan Geyasuddin.  
Do not be silent because your purpose would be served only be position.”

The Persian language of today, that is, Farsi, is the lineal offspring of what Cyrus and Darius spoke and, of which, the proclamations on the rocks of Behistun (now called Bi-situn) and the walls of Naqsh-e Rostam are representative specimen.

Remote as the period from which the earliest written monuments date, they do not present an unbroken series. Their continuity is, unfortunately, broken between Achaemenian period and the present day, by two great figures, corresponding to two great invasions. The first of these began with Alexandar who overthrew the Achemenian dynasty. The second began with the Arab invasion of Iran which led to the overthrow of a dynasty and Zoroastrianism. Hellenism, however, never touched more than a fringe of Iranian life, although Iran was penetrated to the core by Arab civilization and religion. But the rejuvenating fecundity of Arabic texture was softened by gentler tissues of Iranian finesse.

Iranians have, for more than twelve hundred years' continued to use the Arabic language almost to the exclusion of their own in writing on certain subjects, notably theology and philosophy; while during the

two centuries immediately succeeding Arab invasion, the language of the conquerers was almost the sole literary medium employed in Iran. To ignore this literature would be to ignore many of the most significant and important manifestations of the Iranian genius. One would form an altogether inadequate judgement of the intellectual activities of that great and profoundly talented people. If we take away from Arabic literature that which has been bequeathed by Iranians, we will be taking away a major part of the richest treasures of Arabic literature and philosophy.

Allow me to conclude with the following verses of Bahar, a modern poet of Iran:

“O! I send my salutations, to be Beloved,  
Purer than the breeze of a fresh spring.”

## ***APPENDIX - E***

**The rule of law**

**Presidential Address**

***BY***

**MR. JUSTICE S.M. MURSHED**

**Chief Justice**

***AT***

**A seminar at lahore in celebration of the centenary of the west Pakistan High Court on the 19<sup>th</sup> of february, 1967**

Law is by nature a mixed concept and has often different and complex philosophies. Yet, it is one of the deepest concerns of civilized humanity, for it offers protection against tyranny on the one hand and anarchy on the other. It is one of society's chief instruments for preserving freedom and order from arbitrary interference. The truth is that notwithstanding the co-existence of various legal philosophies, the concept of law is more easily understood than defined. It can, however, be translated in terms of principles which are universally accepted. Such principles constitute a bundle of standards which are collectively known as the rule of law. In this context, right is the rule of law and law is a declaration and application of what is just.

As we examine the sign-boards of the past, we are confronted with successes and failures of our forebears. Values do not carry their hall-marks on the face. What we take to be our own choice are, in fact, imposed upon us from without and they are impressed with the birth-marks of our inheritance. Legal philosophers have disputed, and lawyers have debated, across the rolling years, as to the meaning and purpose of law. Edmund Burke has observed that law and arbitrary power are in eternal enmity. The authority of law, in this view, is founded on the thesis that God gave it and our fathers lived it. It is not a pervading omnipresence but the articulate will of the community. This collective will finds expression in statute books and reports which contain the decisions of judges. Judges are charged with the duty of saying what the law means. When they speak, the force behind the law begins to operate.

The ideas of the rule of law is approached from various directions. One way of looking at it is that a state should be governed in accordance with the law of a country must conform to those concepts of justice which have developed and grown ever since the beginnings of human government. The truth is that the concept of rule of law embodies both. It means that those rights which every man is entitled to should be unfettered by arbitrary restrictions and impositions. It inclines men to right action. As Cicero puts it, the foundation of law is not opinion but nature.

Our own particular experiences, and the limitations which our surroundings put upon us, affect our attitudes and the point of view which we take of any subject matter. The Greek thinker has rightly said that mortals deem that the gods are begotten as they are, and have clothes like theirs, and a voice and a form. The Ethiopians make their gods black and red hair. The law constitutes the patterns to which behaviour is expected to conform though as experience shows, it does not always do so. Aristotle says that law is a pledge that the citizens of a state will do no in justice to one another.

When Plato tried to define justice, he found he could not stop short of building a commonwealth. Utopia defines the main principle of justice as the eternal desire to give each man his own, but no a priori concept can determine in advance what each man's own shall be, and

the form of justice will be without content till we fill it with the vigour and ardour of life.

Law must have a supreme authority over the will of the individual. The momentum of the composite will alone makes it effective and reconciles the individual to his subserviency. The rious traditionalism of law has its roots in a sound conviction as to its necessity. This tradition must be watered by lessons of experience by which alone the law has been built as we see it today.

The word 'Justice' should be uttered without misgauging or constraint and lawyers have inherited, by a kind of natural right, the authority to interpret justice, since they are in a board sense, genuine representatives of all that can achieve representation. To adjust, to balance and to value, one must first of all learn to know. This is the condition precedent to the high position of the lawyer: without such knowledge he must degenerate into mere rational automaton, expounding a barren scholasticism. The full content of no design is grasped till it has got beyond its general formulation and has become differentiated in its last incidence. Interpretation is a mode of the will and understanding is a choice. In the end lawyers are charged with the responsibility of not merely choosing well.

Respect for law lies deep in every vital and dynamic society. It is so thoroughly embodied in such a society that even a law-breaker has to wear the mask of law which is a formal expression of a tolerable compromise without which the rule of the tooth and the claw must prevail. The safety of the people is the highest law but no political mechanism to accomplish this by fear can succeed for long. Lawyers it must e remembered, found by the manner and exigencies of the times.

We accept the verdicts of the past until the need for change cries out loudly enough to force upon us a choice between the comforts of further inertia and the irksomeness of action. Through the openings which are thus provided the common law has been fabricated. Logically, the irresponsibility of an independent judiciary is as anomalous as the common law itself. In a pitilessly consistent democracy judges would not be making law at all. Yet, it is a condition upon which the success of our system depends that judges should be independent and that such independence should not be impaired.

But, a society whose spirit of moderation is gone, no court can save; a society where that spirit flourishes, no court need save; in a society which evades its responsibility by thrusting upon the nature of the spirit, that spirit in the end will perish. What then is the spirit? It is the temper which does not press a partisan advantage to its bitter end, which can understand and respect the other side which fells a unity between all citizens, which has faith in the sanctity of the individual. More valuable than life itself is the dignity of man.

The principles, which we call, the rule of law, can easily be over-run by the weeds of our want of human nature. They must have vigour within themselves to withstand the buffeting of the wind and the weather. It is idle to seek shelter merely in the precincts of the council room and into their homes; they can not be imposed; they must be lived. Words will not express them arguments will not clarify them. Decisions will not maintain them.

Neither fatalism nor the violence of the age should be permitted to deaden our sense of horror of the increasing lawlessness which marks the present era and which is inherent dignity of man. The human conscience is in dire need of a revitalisation in order to muster world opinion in an expanded dimension, in this direction, so that endeavours towards a worldwide acceptance of basic rights may find universal support.

The spirit of liberty is the spirit which seeks to understand the minds of other men and women; the spirit of liberty is the spirit which weighs their interests alongside its own without bias: the spirit of liberty remembers that not even a sparrow falls to earth unheeded; the spirit of liberty is the spirit which emanates from the faith that there may be a kingdom where the least shall be heard and considered side by side with the greatest. In that spirit lies hidden, in some form, the aspirations of us all. In that spirit I ask you to pledge our faith.



## *APPENDIX -F*

### **Echoes from Chakhar**

There is a saying of an Arab sage that in the life of every man, in the beginning and at the end, as in books, there are two book-binder's leaves—childhood and age. My childhood is a somewhat far-off echo, but, standing with reluctant feet, where declining youth and approaching age meet, I had recently gone, after a few decades, to the old familiar haunts of my childhood, in a sequestered and secluded village in Barisal to catch a bit of one-time familiar sounds and images of a not-very-remote past.

The emotions and sentiments that had possessed my soul were not unlike those immortalised by Oliver Goldsmith in his unforgettable poem—"The Deserted Village" as I was about to embark on a river journey to Chakhar—my mother's village to which I belong in the same sense as I belong to her. The meandering river which is so typical of Bangladesh took me to a narrow two-mile village path just the same as it was when it was first built, in springtime, with the crimson red of simul trees, the ivory-coloured and yellowish brown tiny flowers of the mango groves, the coconut and date-palm trees, the cane-hedges, the lime and pomelo bushes, punctuated at irregular intervals with rustic wooden bridges. The morning dews on lush green grass, the mango-flowers and the lime and pomelo-buds, the way-side flowers and burgeoning leaves filled the air; with a nostalgic ubiquitous khal, the tide falling and rising with the ebb and flow of the river from which it had branched off.

As the track zig-zagged into the village, I was blessed with a burst of a splendid sight. The village, which could, by no manner of means, be described as "deserted", had transformed itself in a metamorphosis of more startling character than transfiguration of George Bernard Shaw's "Pygmalion". The village was studded with halls of learning, maktabas, madrassas, primary schools, high schools for girls and boys, hostels for students, a neat and well-groomed playing field, houses for professors and teachers, a club, a medical aid centre, and, above all, a magnificent college adorned with a goodly library a pretentious office and a spacious assembly-hall. There was also the bustle of rural commerce with a Co-

operative Bank, a Post Office, a telephone booth and bazar.

Our ancestral grave-yard was surrounded by a neat masonry wall flanked by an imposing Mosque where the Qoran was recited in a melodious voice as I offered “fateha” at the graves of my maternal grandparents. There was a crowd of cousins around me whose valiant efforts, along with the enterprise of willing collaborators, have kept the village in proper trim and shape. In the peaceful calmness of a picturesque rural surrounding, the village was humming with academic activities designed to promote education and learning. I could say with Coleridge’s “Ancient Mariner”

“The lighthouse top I see  
In this my own country”

The college and all other worthwhile institutions are the handiwork of my moter’s brother—whose illustrious name they bear—Fazlul Huq. He was wedded to the cause of education with all the passion, devotion and earnestness of a first love. I shall come back to this fascinating theme—the saga of Chakhar—on a later occasion. I bless those who have kept the family flag flying on temples of light.

I would now take leave to conclude this modest prelude to a postponed dissertation by redeeming the pledge that I had given to my cousin, Mr. Enayet Karim, the indomitable and tireless Principal of Chakhar College. I promised to send him a message for the members of his college and here it is:

The students of physical science tell us that the undulations and pulsations of the air, which constitute sound, can never wholly cease, but must go on propagating themselves until every particle of air, in the atmosphere has received an impulse which must cause it to impart vibrations which have been communicated to it by other sounds. Equally real and more potent is the influence produced by the teacher upon a mind that must, of necessity influence others until minds in the world are brought under an influence that originated in, and issued from, it may be, a very humble village school.

This great truth is good enough to be the motto of every one connected with various educational institutions at Chakhar and, indeed, anywhere else.

## **APPENDIX - G**

### **Sher-E-Bangla Abul Kasem Fazlul Huq**

To-day is yesterday returned—returned to raise, adorn and re-instate us in the holiest things of life. Great men come back to us with a certain detached majesty, lodged in millions of minds that cleave to their genius. In a world where human endeavor is transient, what is permanent is the lengthened shadow of a great personality. It is in such a sense that Abul Kasem Fazlul Huq is great. He is not dead, but simply gone before us along the road which all must travel.

That great thinker and philosopher, Chateaubriand, has said: “Grecian history is a poem, Latin history, a picture and modern history, a chronicle.” Fazlul Huq’s life history is at once a poem, a picture and a chronicle. In his lifetime he had moved to the pages of history and had become an institution by himself. Even through the mists of the legends that have surrounded his colourful personality, it would not, perhaps, be difficult for the chronicler of to day to make a faithful assessment of his romantic, eventful and fruitful life. It would, however, be difficult to speak unemotionally of one who had, for nearly three-quarters of a century, captured the heart and imagination of the people of his country. For me, it is impossible to convey in words the fragrance of crowded memories embalmed in the lavender scents of a consecrated past. It has been aptly said that memory is the scribe of the soul.

Great men have their empires and their victories, their renown and luster and have no need for external grandeur with which they have no relations. They are not seen with the eyes of the body, but with the mind through the eyes of the soul.

It is said that history has her truths, so has legend hers. In the like manner Fazlul Huq has completed the last chapter of the book of life and has left to posterity to add the rest. Unawed by adverse opinion, unreduced by flattery, undismayed by disaster, he confronted life with a unique courage and bestrode this vast subcontinent like a colossus.

No more shall we meet him in yonder bowers. But for richness of colour, graceful of forms and incidents’ and all that makes life beautiful and love refined, he stands in a splendid isolation. His translation

from this world has wiped out all sense of time and has placed him among the immortals of humanity.

He began his career in the legal profession with a humane outlook and, throughout his long career as a lawyer he never lost sight of the great truth that law is a contrivance of human wisdom to promote his well-being. This benevolent approach to the problems of law has been the governing principle of his professional life. He did not look upon his learned calling as a mere instrument of monetary gain. He had a higher sense of direction and a finer purpose, which made him, across six decades, the most dauntless defender of the rights of the common man. Precious beyond rubies is the idealism which can invest with celestial dignity one's dignity earthly avocation in life.

At a time when a free legal-aid society was unknown in this sub-continent, he was ever ready to defend the poor and the needy and would often induce others to take up a good cause without any payment of a professional fee. He was in every sense a dedicated lawyer committed to the service of the ordinary man.

Scattered over the Sibylline pages of the law reports are the undying records of his long and glorious achievements at the Bar.

The same Idealism ran like a golden thread throughout his long career as a legislator. There has been the same humane approach to all the beneficent pieces of legislation which he introduced into the statute-books, of which, the Money Lenders Act, the Agricultural Debtors Act and the sweeping amendments of the Bengal Tenancy Act are classic examples.

His ceaseless efforts in promoting education among his fellow citizens and as a co-sharer of the great name of Sir Syed Ahmed Khan. Scattered around us are imperishable monuments of his feverish activities in this behalf.

In all these measures he was deeply conscious of the dignity of our masses as human beings, who are born to a certain heritage of basic rights which are inalienable and which cannot be exchanged for a mess of potage. He had realised that the individual is the end towards which all creation moves and that although a frail child of dust, man is an heir

to glory, not as a fallen god, but as the veritable shadow of God on earth.

Although a great lawyer, and an equally great law-giver and greater still as an educationist, it is as a politician and as a statesman that Fazlul Huq will be remembered by posterity and his name will shine in the pages of history. The story of his long and eventful political career will read like a romantic saga in the annals of the stormy period through which our vast subcontinent passed in its struggle for independence. He has summed up in himself an epoch-making era in which he played a great and a leading part. When the history of Muslim politics in the tempestuous time, which began with the dawn of the present century and culminated with the achievement of independence, comes to be written, there will be one figure, amidst the stalwarts of the age, which will emerge with a certain admixture of simplicity and grandeur and dominate the story and the figure will be Fazlul Huq's the pilot who had weathered many a storm in a continental convulsion. He broke into the rather smug Edwardian political parlour and smashed its idols and politics which have never been the same since then. He has filled the subcontinent with resounding echoes of his name and shook it with the tremor of his tread.

It would, indeed, be a grievous mistake to think of him as only a leader of Bangla. He was, par excellence, a national leader in the entire sub-continental context. At the dawn of the present century he had projected his powerful personality over our great subcontinent. He was the mover of the famous and never-to-be forgotten Lahore Resolution which led to the creation of Pakistan.

In recent past only about dozen Indian sub-continent leaders were his equal and, approached the magnitude of his stature.

As an orator and a parliamentary debater Fazlul Huq would take his rank with the highest. The late Marquis of Shetland, himself a fine speaker, placed him amongst a dozen best speakers of the contemporary world. Lord Shetland had once said that in his oratory Fazlul Huq had "The youthful vigour of Pitt, the eagle flight of Gladstone, the enthralling magic of Disraeli and the moral grandeur of John Bright." I may add he had the dash and elan as well as the polished diction of a Winston Churchill.

His Camaraderie with the masses and his solicitation for their welfare were products of a genuine love for them and an inborn freemasonry which united him with the common people. To him, it would be said, 'whither thou goest, I will go; where thou lodgest, I will lodge.' His inimitable ways, which had won for him a niche in the hearts of out-teeming millions, have found many imitators in recent years, with varying degrees of success. None had been able to approach anything like his great popularity. What then was the key to his unique hold over the masses? The answer to this lies in the simple fact that his sincerity found a spontaneous echo in the hearts of those whom he genuinely loved. Great men are rarely isolated mountain peaks; they are the summits of a not-altogether inaccessible range. The dauntless tiger was full of the milk of human kindness. His loving heart bore malice towards none and one of the saintliest traits in his character was that he would forgive even his worst enemy for any wrong done to him.

In life and in death, he was a king without the trappings of a monarch, for he had built an empire in the hearts of his fellowmen.

I have often been asked by people in various walks of life as to why a monument has not been built over the grave of Fazlul Huq. It is not for me to answer the question. It is true that the robes of illustrious princes, and the rags of human peasants are laid aside in the wardrobe of the grave. Early or late, we must stoop to fate, and give up our murmuring breath when, as pale captives, we creep to death. It has, however, been rightly observed that he cannot be said to have died whose work is done. His tomb is not a sepulcher which only houses a load of discarded bones. His was a concerted life—a consecration which is not a mere wrapping of one's self in a holy web inside a sanctuary. It is simply a dedication, in its whole flow, to the service of men. There, lapped in hallowed slumber, lies one who is merely asleep and not dead. He can well arrogate to himself the saying: "My epitaph shall be my name alone," Many waters cannot quench, neither can the floods drown the love which he has awakened in the souls of his countrymen. His greatness will shine for ever for his was a light that never failed.

He has left us not merely his mantle of inspiration, but a name and an example which beckons us to a higher purpose— a name which is

our pride and an example which will continue to be our model. It is thus that the great and the good continue to live in our midst even after bodily death, like a living spirit guided by the loving hand of God to convey blessings to the children of men, verifying the truth of the eternal verity as stated by the Biblical Apostle:

“O death; where is thy sting?  
O grave; where is they victory?”

## *APPENDIX -H*

### **Rabindranath Tagore**

I consider it to be a great privilege to be able to associate myself with a very select committee that has organised these functions in celebration of the Tagore Centenary. I confess that I have no pretension to be a scholar of Tagorean literature and it is impossible to state comprehensively, in a short address, the immense variety of subjects upon which the master mind of Tagore worked. I have, therefore, been compelled to confire myself to the opening of a window from which I have looked at him and his work.

“The author of more than eighty distinct works, of masses of poetry, lectures, letters as well as substantial treatises, was of necessity, a stimulus, a stimulus and an influence rather than a mere master. He is a moralist, an evangelist, not a cold philosopher. But the union of marvelous literary power with encyclopedic studies of Nature and Art, both illumined with burning enthusiasm as to all things moral and social, combined to form one of the most fascinating personalities of the century.”

Thus spoke Frederick Harrison about John Ruskin. Another writer has remarked that the aforesaid observations apply with great oppositeness to Rabindra Nath Tagore. I would like to add that with regard to any prolific writer’s output, a great deal is necessarily provincial in character and appeal. But it would be a grievous mistake to treat Tagore as merely a national poet of India. His mind and being were rooted in the great sub-continent, he was at home with the forest sages and the men and women of heroic legend. But, he was not merely the lineal descendant of the old Indian Rishis as some of his admirers claim.

### **Catholicity:**

“John Keats”, said his brother George, “was no more like Johnny Keats than I am like the Holy Ghost”. Similarly Tagore was not in the least like what he is supposed to be by some of his compatriots. He was a man of letters, miscellaneous letters, although essentially a poet. His genius was like a tree whose branches spread to every land and time, and his catholicity was as great as his courage. In politics, in education, in ethics and social reconstruction, his views were untainted by national or provincial prejudices. His wisdom will be seen more clearly as the centuries pass.

Edward Thompson has rightly observed: “He wrote with a skill and virtuosity hardly ever equalled in a tongue which is among the half dozen most expressive and beautiful languages of the world, and the circumstances of his life afforded him leisure and opportunity, as well as ability, to observe the world outside India. His spirit was brave and independent.”

He is strong in abstract ideas, as one might expect in any great oriental poet, and these glimmer both through early lyrics and later dramas alike. Yet his thought is strangely concrete and easy to follow. Although there is an element of mysticism and symbolism, these are delightfully refreshing. His many-sided touch with actual life in the long and steady exercise of his poetical faculties and his vast artistic creations coupled with his intellectual aloofness from narrow prejudices mark him out as belonging to humanity itself. He has been both of his nation and not of it. He stood aside from his countrymen in more than one angry controversy.

His poetry presents the most varied elements in the literature of the world. We can take the masterpieces of any great poet and set beside them the best works of Tagore. In this experiment, the assessment of final value, cannot, perhaps be done in this generation; but it is clear that his ultimate place will not simply be among India’s great poets, but among those of the world.

### **Spiritual Heritage:**

No picture of Tagore can be complete unless viewed against the background of the mental environment and the spiritual heritage into which he was born.



Around 1200 A.D. the political control of Bengal passed from the hands of the Sen dynasty to the Muslim conquerors. Thompson in his book titled 'Bengali Religious Lyrics' writes:

“Muslim rule influenced Bengali literature by encouraging translation of the Sanskrit epics”.

Nearly two hundred years after the Musalman conquest of Bengal, Chandidas did for Bengali literature what Chaucer did for English. A Brahmin priest, he fell in love with a woman of the washermen caste. He expressed his ardour and suffering in a great number of exquisite songs. The poet's genius, his sincerity and depth of feeling set them apart in Bengali Vaishnava literature, which is akin to the Sufi literature of Muslim divines. This true lyricist was the fountain of what soon became a stream.

This Vaishnava tradition was revived by poets, who followed in the wake of the great religious revival led by Chaitanya in the sixteenth century. The Vaishnava lyrics influenced Tagore in his early youth. They enabled him to find his great lyrical gift when he read them at the age of fifteen and their haunting melody lingered in his mind. He told his friend, “I find the Vaishnava poets' lyrical movement and images startling and new. They gave me form”.

### **Ram Mohan's Influence:**

But the greatest impact upon Rabindra Nath was of the religious reform, set in motion, by a great Bengali genius, Ram Mohan Roy, in the shape of the 'Brahmo Samaj'. The title of Raja was given to him by the Moghul emperor, whom he faithfully served as a personal representative in England. He was born in 1774 and showed his individuality early in life. At the age of sixteen he composed an essay against idolatry, which, to quote his own words “Led to a coldness between me and my immediate kindred”. Already a competent scholar in Sanskrit he soon acquired proficiency in Arabic and Persian as also in Muslim Law and Tradition. He studied the Holy Quran. As an eminent European writer has observed: “He was much influenced by Muslim thought.” Later he added English, Greek and Hebrew to his accomplishments. He opposed idolatry and social abuses-his attacks on widow-burning were particularly vehement. In 1820 he published a

treatise, called, “The Precepts of Jesus, the guide to peace and happiness”. He accepted Christ’s super-angelic dignity but not his divinity. In this view, he was influenced by Islam.

Ram Mohan Roy gathered a small band of Bengalees, monotheistically minded like himself and notable amongst them was Dwaraka Nath Tagore, the poet’s grandfather, who was his friend and became his collaborator. In the informal gatherings of these men was formed the nucleus of the “Brahmo Samaj”, a religious group vehemently opposed to idolatry and committed to an uncompromising variety of monotheism. Ram Mohan Roy visited England in 1830, apparently, the first Indian of any consequence to do so. He died in Bristol in 1833.

In the years following his death, his influence was present in every progressive movement—religious, political, social or literary. His least claim to greatness is that he was the first writer of good Bengali prose. But speaking of Ram Mohan Roy, one forgets his literary achievements. He stood like a colossus in his battle for religious reform with the might of orthodox Hindu society united against him. Throughout his search for God he remembered men, feeling for sorrows that were not his and laboring till gigantic evils were ended, or, at least exposed.

After Ram Mohan Ray’s death the Brahmo Samaj was kept alive by the exertions of poet’s grandfather Dwaraka Nath Tagore. He, too, was one of the first Indians to visit England where he was honored as ‘Prince Dwaraka Nath Tagore.’

Dwarka Nath was followed by his illustrious son, Debendra Nath Tagore, the poet’s father. Brahmo schools were started and the Samaj was stirred to undertake great activities. Debendra Nath, known by his honorific title, Maharshi, or “The great sage or rishi”, firmly established the Brahmo Samaj. A monotheist of the most uncompromising sort, he vigorously opposed idolatry. Rabindra Nath’s religious beliefs were of the same clear and unequivocal kind.

The relationship between the Tagores and the orthodox Hindu society was one of acute antagonism. But despite the antagonism of orthodox Hinduism, in the person of Rabindra Nath we see the triumph of liberalism over the fanaticism of orthodoxy.

The family name was Banerji (Bandopadhaya). But Thakur (Lord) is the common mode of addressing Brahmins. Anglicised as Tagore, it was taken over by this family as their surname. In no other family than that of the Tagores could all the varied impulses of the time have been felt, so strongly and fully. These impulses proceeded from many men. Ram Mohan Roy had flung open doors and the Tagores had thrown the windows wide. It was, as though, on the crest of a wave Rabindra Nath was born in Calcutta on the 6<sup>th</sup> of May, 1861. If he was fortunate in the time or his birth, he was also blessed with a gift which cannot be over-estimated. He was born a Tagore. He was born in the great imposing mansion at Jorasanko, which is situated in the heart of Calcutta's teeming life. The house grew as the fancies of needs of successive generation of Tagores dictated, rambling and wandering. It has a character and soul of its own and when I first visited this famous mansion, it had the refinement and trappings of a residence of a Taluqdar of Oudh in all its Indo-Persian glory.

### **Synthesis:**

His first experiences in school distressed him and he declined to be 'educated' even after an abortive visit to England in this behalf. This is reminiscent of Wordsworth's steadfast refusal to do any work other than that dictated by the Muse. It may be mentioned that Wordsworth and the English poets of the romantic school, more particularly, Shelley, greatly influenced his poetic fancies. He had, however, drunk deep in the fountain of the Upanishads and Sanskrit classics, Vaishnava Lyrics and Persian Sufi literature as well as English romantic poetry. He was learned in the philosophies of the west and keenly interested in the discoveries and speculations of science. He thus combined in him the best that the east and the west could offer, and we find, reflected in many of his works, a happy synthesis between the two.

In my early college days I saw a rich collection of Arabic and Persian Literary works at the department of Islamic culture in the Visva Bharati, which he founded at Santiniketan in Bolepur. On the only occasion that I had the privilege of a longish meeting with him at his Calcutta residence, he showed a considerable acquaintance with Hafiz, the great lyric and Sufi poet of Shiraz. I have not been able to gather how far he studied Persian literature of which many members of his

family were profound scholars. His acquaintance with the literature of sufism was very deep and it expressed itself in his philosophy of life. I will illustrate this statement with the following brief quotations from his Hibbert Lectures which have appeared in the form of a book, titled 'The Religion of Man'.

"The love and wisdom that belong to the Supreme Being, whose Spirit is over us all. Love for whom comprehends Love for all creatures and exceeds in depth and strength all other lives, has no other aim than the fulfillment of this love itself."

"It is said that the world, which is all movement is pervaded by one Supreme Unity. The Super Soul which permeates all moving things is the God of this Universe, whose mind we share in all true knowledge, love and service and whom to reveal in ourselves through renunciation of self, is the highest end of life.

"The spiritual universe (of me) is also over claiming self renunciation from individual units."

My juvenile attempts in translating identical thoughts in Hafiz and Tagore from an assortment of Verses have led to a haphazard but rewarding result. I quote below a few short extracts:

"Some Unseen Finger, like an idle breeze, is playing upon my heart the music of its ripples". Tagore.

"O thou Unseen one. I beseech thee, in my distraction. What melodies thou hast awakened in the chamber of my heart". Hafiz.

"Thank the flame for its light, but do not forget the lampholder standing with the constancy of Love." Tagore.

"In the glow of the Beauty, the tresses have stolen my heart. How gallant is thief that holds a lamp in the hand". Hafiz.

"Hold forth the faith firm, my heart, the day will dawn. The seed of promise is deep in the soil, it will sprout; sleep, like a bud that will open its heart to the light, and silence will find its voice. The day is near when thy burden will become the gift and the sufferings will light up the path' Tagore.

“Thy Beloved will return to thy citadel, grieve not, thy blighted habitation will blossom forth, grieve not. In the springtime of life in thy garden, a canopy of flowers will cover thy head, O, Sweet-singing bird, grieve not. The day is near when thy sufferings will be over and this chaos will come to order, grieve not.” Hafiz.

I can multiply instances, but this random collection from scattered verses of both poets would indicate, in some measure, the affinity between Rabindra Nath and the great poet of Shiraz.

To return to my original theme, Tagore began to write verses in his teens. His father, who had been watching him, took him to the rural world beyond Calcutta. This bred in him a familiarity with the two Bengals, which are unlike each other in terrain, scenery and other particulars. There is the Bengal of the rivers, of the Meghna and the Ganges a land of river-beds and rich greenery, jute and golden paddy fields, of violet water hyacinths and tall reeds, of boatmen and fishermen. The population there is almost amphibious. The influence of his sojourn to this Bengal cannot be exaggerated. It pervades in his poems and short stories. Rabindra Nath had a home in the thick of the reed beds by the river at Sheleidah.

But he was introduced to the other Bengal (now West Bengal) first. His father took him for a short stay to Bolepure, the place which is intimately associated with the poet's name, because of a school (now a university) which he established at Santiniketan. This Bengal is a dry uplifted country. Where there is a tank, there are mango groves, neem trees with small and mildly fragrant greenish-yellow flowers, and tall simul (silk cotton) trees lifting in spring, the scarlet heads of trumpet shaped flowers. There are also the sals the palas trees, whose red flowers the Emperor Jehangir thought “so beautiful that one cannot take one's eyes off them.” Against the background of rural Bengal his genius blossomed forth, just as the romantic lake districts had stirred the poetic genius of Wordsworth:

“When all at once, I saw a crowd,  
A host of golden daffodils.”

Rabindra Nath was a prolific writer, who wrote with such profusion and on such a variety of subjects as have been hardly equalled in

the literature of the world. Apart from John Ruskin, I can only think of another great (Persian) poet and man of letters, Sadi, whose Gulistan or 'Rose-garden' has achieved a world-wide fame through its translation in several languages. Sadi travelled through the world, then known, as widely as Rabindra Nath in recent times and both were blessed with long life. Rabindra Nath has left to the world an immense variety of writings covering almost the entire range of literary forms. His vast output includes poetry, dramas, essays, memoirs, novels, short stories, letters and speeches on a host of subjects. He travelled to all the major countries of four continents and established personal contacts with artists, poets, musicians, men of letters, philosophers and the leading personalities of the world.

His catholicity of mind was as wide as humanity itself. After a cowardly attack, in 1881 by a young Arya Samaji on a Salvationist, he came out with the poem, "Dharma Procher" or "The Preaching of Religion". His contempt and anger descended upon the perpetrators of the crime. The poem is also noteworthy for its sympathetic presentation both of the Christian missionary and the religion he preaches. He courageously exposed the political and social weaknesses of his people. It is no marvel that the ubiquitous Music hall patriot, who is present in this sub-continent as anywhere else in the world, received a shock. The political and social pieces in his 'Manase' contain a group of poems which are deeply concerned with the decrepit social customs and religious lapses of his people.

His independence of thought and attitude constitutes not his least claim to a place among great men and great poets. The passion for religious reforms roused by Raja Ram Mohan Roy had died down. The counter movement in religious revivalism fostered a vigorous literature of a militant Neo-Hinduism with Bankim Chandra Chatterjee as its central figure. While he admired the polished prose and superb diction of Bankim Chatterjee, there was no hesitation about the stand that he took. There is no one in the world with whom it is more difficult to sympathise, he said, as with the fanatics of our own particular faith. He thus confronted his own friends and people. He was dubbed 'unpatriotic'. The courage he displayed throughout his long career has never been adequately recognised. This courage found striking mani-

festation in 'Manase' which has poetry as well as biting satire. His scorn has vigour. The lashes fall incessantly from stanza to stanza and:-

“Rather than this, O that I might be an Arab Beduin: Beneath my feet the boundless desert, melting into the horizon, My horse gallops, the sand flies: Pouring my stream of life into the sky, day and night I go with fire burning in my heart: My spear in my hand, courage in my heart, always homeless. Free of restraint as the desert wind in its blowing; My blood swell as I leap into peril, life tingles through my whole body, my whole life”.

Of a similar strain is the letter he wrote to the Viceroy, Lord Chelmsford, renouncing his Knighthood after the Punjab atrocities committed in 1919 against defenceless men and women. He wrote: “The time has come when badges of honour make our shame glaring in their incongruous context of humiliation, and I for my part wish to stand shorn of special distinctions, by the side of those of our countrymen who, for their so called insignificance are liable to suffer a degradation not fit for human beings”.

His spirited reply in 1938 to the Japanese poet, Noguchi (whom he valued as a personal friend). on the latter's invitation to him to use his influence to persuade the Chinese people to accept Japan's “Chastisement”, is of the same quality of burning fire.

Rabindra Nath translated into English quite a large number of his works. If Fitzgerald's entry into the Temple of Fame can be justified by his translation of “The Rubayyat of Omar Khayyam”, Tagore's title to rank among the great poets of the world can safely rest on his translated work alone, although it represents only a fraction of his great output. Translations, however, cannot recapture the pristine glory of his original work.

The Gitanjali songs have become world-famous, for they form a large part of the English book of that name. Some of the finest songs of the English Gitanjali are from the Gitimala. According to Yeats, the last poem in Gitimala epitomises the books attitude:

“In my evening thou hast come in a beautiful raiment, I salute Thee.

In the heart of my darkness thou has laughed, I salute Thee.

In this downcast, still, deep, placid sky, I salute Thee.

In this gentle peaceful sleep, I salute Thee.

On the grassy couch of this tired earth, I salute Thee.”

But “Balaka” written at the height of his fame, contains some of his most beautiful lyrics.

The Balaka, as is obvious from its title, “A Flight of Cranes” as the name shows, is symbolical, for migratory birds have always, stood for the soul in its passage to eternity. It is reminiscent of Fariduddin Attar’s “Manteq-ut-Taiyer.” or “The Discourse of the Birds” These lyrics are pilgrim songs which wander from this place (in time and space) to other realms beyond our sun and stars. In these lyrics, his intellectual greatness is revealed. His mind is like a spring from whose depths, thoughts and similes bubble incessantly. Especially notable is the flow of abstract ideas. In Balaka, not only has the more abstract side of his mind found expression, but in his diction as well, he has struck a balance between the colloquial tongue and the rich classic vocabulary. There is poise and dignity, grace and beauty, ease and fluency. The greatest poems in “Balaka” attain their rank, not by beauty alone but by sustained power of thought and imagination. “Shahjehan” is a superb poem of which a truncated version appears as the first poem in the ‘Lover’s Gift.’

“O, Tajmahal, thy white marble is solitary tear-drop on the cheek of time.”

The poem is rich with the brooding sense of a vanished time. The Moghul empire always touches his imagination. His admiration evokes the greatest tribute he could give, when he calls the Taj an “emperor poet’s new Meghaduta.” The poem is full of imagery. “The jingling of the beautiful one’s anklets, in a corner of thy broken palace, dying away with the cicadas, cries making the night-sky weep”. Translation can only be a travesty of the text, for it is untranslatable. Its finish is splendid. The forms of beauty remain, forlorn in their perfection. A richer and a more expressive poem is hard to find and its beauty, according to some, equals that of “urvasi”. “The stream of Being,” is a magnificent psalm of life. He launched his boat in a great tide of waves of endless fancy and imagination. Here is a muse who knows no withered garden.



Buddhadeb Bose asserts that he is the world's greatest lyric poet. In the preceding pages I have merely given an indication of the infinite variety contained in his writings. In a short discussion, it is impossible to deal with all his manifold works. It is surprising that in spite of the great variety and volume of his output, he is so consistent in his abundance. Even that which he has prodigally thrown away, is well-written. Perhaps, no poet of anything approaching his abundance, has his consistency of technical excellence.

He reached out a hand to the great Moghul dynasty of which Ram Mohan Roy, his intellectual predecessor, his father's and grand father's friend, had been an accredited ambassador, he met on a common platform the romantic English poets, Keats, Shelley and Wordsworth; he recalled and equalled poets of antiquity, Valmiki and Kalidasa and Lyric singers like Kabir, the Vaishnaves and Hafiz, the nightingale of Shiraz.

In the centuries to come, his colourful personality will attract hardly less attention than his poetry. So strange a figure must he appear to posterity. A vedic sage, who seems to have stepped out of the pages of a Persian poet and have wandered into the wonderland of Bengal's magic and to the wide world beyond his country. With his passing away on a fateful August day, in 1941, not only a man, but an age made its way into history. He had summed up in himself a whole era in which our great subcontinent had moved into the modern world. An English writer has observed that he died before his country had gained her political freedom but he himself had found his own freedom long ago.

## ***APPENDIX -I***

### **Some Thoughts on the Administration of Law and Government.**

(A speech delivered in 1965)

My purpose in addressing you tonight is not to preach but to present some casual thoughts. I need your indulgence, for of philosophy I know too little and as for the law, some of you may think, I know too much and know it wrong.

I include pugnacity as one of the vices of the intellect. A receptive

mind is no hindrance to the love of truth. One might safely assume that if the search is worthwhile no labour is really lost. Let us hope that we are not, with due deference to the Bourbons of France, incapable of learning or unlearning anything. I may add that whatsoever is worth learning is worth learning well. But the expert who knows more about less serves only a limited purpose.

There is a story about the Duke of Wellington in which a person was sent to escort him to a certain place. Accosting the Duke the man said: "Mr Jones, I believe!", "If you believe that", replied the Duke, "you would believe anything in the world." We must not believe anything without enquiry or investigation. This applies to everybody and not merely to judges who, in accordance with the wisdom of caution, rule out hearsay evidence. If words are meant to conceal thought, figures are meant to conceal facts. Perhaps the office of unsifted facts is to conceal the truth. This is why the late Mr. Adlai Stevenson had once told his political opponents; "If you stop telling lies about us, we shall desist from speaking the truth about you."

We all must have a star to guide our path. There is only one star, and one alone, that can direct our course. It dwells in our hearts and speaks in a still small voice called the conscience. It connotes God's presence in man. Time cannot stifle nor can age wither it.

The needs of Society have produced the law which we are all called upon to administer and enforce in some form. It is not a monopoly of judges and lawyers. It is the voice of society formulating social necessities. We all need the reminder that behind it is a human being in a corporate context. It should, therefore, be administered not according to the ebb and flow of passion, not according to the interests of self-advancement, not according to the whims of passing moments, but according to the spirit and purpose of the declared objective, seasoned, whenever possible, with kindness.

It sometimes becomes necessary, as a matter of duty, to inflict pain, But let it not be more than what the exigency requires. I say it with humility, that I have learnt the sobering lesson that a harsh sentence does not always act as a deterrent. Severity should be tempered by human considerations.

In this gathering of Caesars I have come to praise Caesar and not to bury him. The red-tape is not necessarily the hallmark of administrative pro-consuls. The red-tape represents a mental frame. It is the outward symbol of an inward inertia. It spells safety when indecision involves no personal risk but it also fastens the shroud of administrative disintegration. The popular misconception of bureaucratic requirement is expressed in the following verse;

He never does a foolish thing,  
Nor ever does a wise one.

Anyone who governs others must be imbued with a sense of his great responsibility. Precedents are Valuable guides, but a foolish consistency is the grave of little minds. Uniformity, sometimes, connotes sterility. When the oracles do not speak one does not, as a matter of course, reach a dead end. We are only confronted with a challenge. Judges, as well as administrators, will do well to remember this.

Merely to revel in past glories is to sink into the submerged stature of a potato .... the only good belonging to it is, underground. Equally fatal is an exaggerated and mis-shapen self-assurance that shuts out and despises tradition. It is said that no nation can progress till it learns that there is as much dignity in polishing a field as in writing a poem.

In many of the schemes which you are called upon to promote or sponsor you may find that we are passing through our teething problems. Teething can present embarrassing and, often, difficult situations. In such harassing moments one recalls the observation of Mark Twain that Adam and Eve had many advantages, but the principal one was, the they escaped teething.

Strange as it may seem, the advancement of civilization is only a transit from an indefinite, incoherent homogeneity towards a definite, coherent heterogeneity. I had learnt in my student days a dictum of Marshall that economics is the science of man in the ordinary business of life. Today it has become the plague of mankind in the complex course of a perplexed world.

Let me conclude with some food for thought: corruption is not a shower bath from above but a waterspout springing from the bottom

rock. It become the malignancy both of the body and the mind. If the thunders of Sinai have departed, the 'still small voice' is obviously the most effective device providing direction.

## *APPENDIX -J*

### **Public Servants and Their Responsibilities**

(Address at the annual function of the EPCS Association, 1965)

The Holy Quran says: "Verily Allah commands you to render trust to whom they are due and, when you judge between man and man, to judge fairly." This command applies to judges as well as to administrators.

The needs of society have given the law. It should be administered, not according to the ebb and flow of passions, not according to the interests of self-advancement, not according to the whims of the passing moment, but according to its declared spirit and purpose tempered, whenever possible, by kindness.

A great Muslim ruler has observed that constituted Government is a trust and that its officers are trustees; both the trust and the trustees are created for the benefit of the people. Sultan Abdul Aziz, while addressing his officers, had once remarked that the character of his officers was the constitution of his country. Confidence in Government rests on the faith that the donees of power will not misemploy it. To awaken the faith that justice is being and would be done is as important as to do justice.

In the execution of an unpleasant duty, it often becomes necessary to inflict pain, but let it not be more than what its exigency demands. Severity should be seasoned with compassion.

There is only one star, and one alone, that can direct our course. It dwells in our heart and is called, conscience. The proof of a reasonable mind is that it rejoices in what is good and grieves at the opposite.

You owe your inception to a decision of the British Government to fill a residuum of appointments, appertaining to the Indian Civil Service, by local recruitment to a newly constituted service. Such is the

genesis of your service.

You are heirs to a great heritage of a great tradition of devoted service whose history stretches over a period of two centuries. For over two hundred years, a preponderance of the most outstanding men of our vast subcontinent have manned the service to which you belong. They have left behind not merely a wealth of tradition but have also made distinctive contributions to the intellectual life of the country. Nawab Abdul Latif, Bankim Chatterjee, Syed Mohammad Azad, D. L. Roy, Abdus Salam, Nawab Abdul Jabbar, M. A. Momen, Nawabzada A. F. M Abdul Ali, Asaduzzaman Khan are some of those who belonged to this fraternity which has given a great impetus to the currents of the intellectual and moral growth of the nation (apart from their undoubted ability and integrity as front-rank administrators). The great national leader, the renowned "Tiger of Bengal" Abul Kasem Fazlul Huq, had originally belonged to your service. Nawab Sir Khwaja Salimullah also started his early life in the same service.

Government is a contrivance of human wisdom, to provide for human needs. There is only one Principle of public conduct, namely, to do that which is right and consonant with public weal. The culminating point of administration is to know well how much power, great or small, ought to be used in different circumstances.

The divine right of kings may have been a plea for feeble tyrants, but the divine right of the people, as reflected in established representative governments, is the basis of public authority. Without a moral basis government can degenerate into tyrannies. If men are good, government cannot be bad. No system of Government is so ill-devised that under proper men, it would not work. But those who govern must be charged with a sense of great responsibility.

## ***APPENDIX - K***

### **(Excerpts from a speech delivered in 1966)**

"In the eye of those who know the secret to things, Iqbal fulfilled a prophet's mission, But he cannot be called a prophet." In this assembly of the learned, I have come to speak without any title to learning, but I do claim some acquaintanceship with Iqbal's many sided thoughts and

works, apart from interludes of personal association with him at various intervals in the thirties of this century. It is impossible to put in words the overwhelming upsurge of emotions that have filled my heart and it is equally difficult to express all that one might say, within the short compass of an inaugural address. This is a homage and an offering of the heart, not an appraisal of his vast literary and philosophical output. Indeed, Iqbal eludes classification and one cannot imprison or contain him in any standardised strait-jacket of adjudication. I shall, therefore, confine myself to the barest outlines of some of the unbounded dimensions of his varied work.

We see Iqbal with his eyes on the vastness of infinity. His poetry has much of the open space and very little of the fireside. The untiring energy of his mind hardly allowed him to sink on the pillows of indolence.

He maintains God created man to be immortal and made him the image of his own eternity. Such is man's origin he wrote and such is his mission. This is Iqbal's faith. It is his belief that the immortal part of our lives shall endure and shall rise, like the sun, from the prostration of death. To him who believes in an eternal life this mortal intermission is only a waiting ground and that, although the sands are numbered in our allotted span of life, our journey, in fact, begins in the great beyond. Such was the hopeful anticipation Iqbal looked forward.

Iqbal's entry into the land of poets began with his lyrical outpourings in gazals and poems of exquisite charm and beauty. No translation can recapture the sound and surge of the verses in which he uses his magic gift to the full. The effervescence of ideas is never strained and the balance is perfect.

In spite of the use of well-worn metaphors and notwithstanding his adherence to old form, it is impossible not to be overwhelmed when contemplating the beauties which the magic hand of the poet raises with the enchantment of creative power. He sings prophetically "After me they will read my poetry and say a man who knew his self has revolutionized the world."

Iqbal's absorption in religious philosophy, his unbending theism and his faith reveal his inner self. Much of his lasting fame will rest on them.

Iqbal's philosophy is religious. He is not averse to spiritual speculations. He turns to the moral fervour of Jalaluddin Rumi. He thus refers to Rumi:

“The pir of Rumi turned earth into Elixir. From the particles of my dust he raised heavenly visions”.

The influence of Jalaluddin Rumi, Whom he calls his master, permeates his thought and mind. He describes himself as a disciple of this great teacher.

“My Murshid Rumi. The philosopher of pure descent, Revealed to me the hidden secret of life and death”.

In the prologue of *Asrar-i-Khudi*, he relates how Rumi appeared in a vision and bade him rise and sing. Though he rejects the doctrine of renunciation as practised and preached by those who are described as mystics, he interdicts self-indulgence and pursuits of creature-comfort. But his belief in selfishness is not the same thing as advocating self-renunciation. It would not, however, be quite correct to say that he rejects, “Tasawwuf” or the philosophy of the Sufis. It is true that his mind revolts from popular extensions of Sufi doctrines which lead to complete renunciation of self and unrelieved asceticism, but the goal which he sets for himself is the same as that of the Sufis.

Iqbal's philosophy is not inconsistent with the views of the great masters of Sufi doctrines. It is not opposed to them, as propounded by its highest exponents. For instance, he says;

“To reach one's destination, is the mission of life  
To see 'unveiled one's self is the mission of life.”

Some of the popular professors of Sufi philosophy have, however, descended to undiluted self-annihilation and to a profane pantheism. Iqbal strenuously resists these. His insistence is on self-realisation. In repudiating self-renunciation, his goal remains the same as that of the Sufis, namely, union of self with the Absolute. He holds the view that the Absorption in the Ultimate is the final objective of the individual. To him life is real. It is no desert mirage. It is no illusion, “full of sound and fury, signifying nothing.” He denounces renunciation of self. He

throws his weight in favour of the forces of self-realisation so that one can absorb the Eternal in the individual. This is the Khudi of Iqbal.

He believes that the development of the individual presupposes a society and in that faith he finds the ideal society of his vision in the Prophet's conception of Islam. He epitomises this concept in the following reference to Hazrat Bilal, the Ethiopian devotee of the Master:

“That heart-piercing cry is still alive  
Heard for centuries by the ears of this old revolving sky.  
Iqbal from whose love all these generous bounties proceed  
Because Alexander of Rum has perished  
But the Ethiopian has become immortal.”

In striving to make the individual achieve perfection, he seeks to establish the Kingdom of God on earth. His philosophy permeates all his work but it finds its fullest play in the famous poems collected under the titles, “Asrar-i-Khudi” and “Rumooz-i-Bekhudi”, which means “The Secrets of Self” and “The Mysteries of Selflessness”. The principles and fundamentals of his philosophy are expounded in “Asrar-i-Khudi” and, as reflected in a social context, they find expression in “Rumooz-i-Bekhudi.” He holds that the individual who loses himself in the community transcends morality and enters an eternal life. He emphasises the value of history as a factor in maintaining the sense of personal identity in a people.

According to Iqbal, the universe is not a completed act: It is still in the course of formation. The process of creation is still going on, and, man too, takes his share in it. The moral and religious ideal of man is self-realisation. Its highest form is the Ego (khudi) in which the individual becomes a self-contained and exclusive centre. The greater his distance from God, the less his individuality. He who comes nearest to God is the completest person. He is not absorbed in God: he absorbs God into himself. Life is, therefore, an assimilative process.

To Iqbal life means movement. He says:  
To be perpetually static is nothing but an illusion.

Here, Iqbal, re-echoes the words of Heraclitus the Greek, who wrote two and half millennia ago that “Only change is real, permanence is an illusion.”



His philosophy has influenced his political thought. His emancipated soul believes that loss of freedom is death and enjoins us to live in freedom and to die in freedom.

In this behalf he asks us to emulate the virtues of the Prophet. He says:

Whoever is possessed of the love of the Prophet  
contains in the folds of his skirt, land and sea.

To him religion is not divorced from politics and he thus expresses himself:

Whether in the majesty of monarchy or  
In the display of democracy,  
If religion is separated from politics then the regime of Chengis  
only remains.

His was the most potent influence in effecting a moral and intellectual revolution among the Muslims of the sub-continent. He delivered a series of lectures on "The Reconstruction of Religious Thought in Islam." In these lectures he had tried to re-formulate and restate his religious philosophy in the context of the dynamics and stresses of the times.

A philosopher, a poet, a preacher, a seer, a teacher and a reformer, he was one of the profoundest thinkers of the age. He was filled with an all-embracing love which governed his thought and mind. He was claimed by the Muses in his early youth, His eventful life and his restless spirit never allowed him any respite. He expresses his perpetual quest of the infinite in the following verse:

A wide wave rolled past and said

I exist if I move, I do not exist, If I do not.

I have had the privilege of meeting him, number of times, after he had passed the meridian of his life, that is, his middle forties. Time and space ceased to exist in his presence. He looked like an Iranian sage with his mind continuously rejuvenated and re-vitalised with the life-giving impact of his faith in Islam.

The alchemy of this genius transformed the humblest regions into a kingdom of romance. It illuminated the commonest paths of life and

filled its open spaces with fresh air. His mind was a vast cathedral through whose coloured windows sunlight streamed in.

The writer of lyrics, epic poetry, hymns, songs, mathnavis, satires, elegies, quatrains, chronograms, essays, political and philosophical dissertations he was himself, what he had been searching for, a "perfect man."

His exquisite poems had cast their magic spell on my boyhood and I wrote, in my teens, an appreciation of his poetry and literary compositions. I said, in an article, written in my college days, that everything which he touched was coloured by the rich hues of his refreshing philosophy. One does not picture him as a school-master although his poems are didactic. He makes one see and feel the Beautiful and yet his eyes are on the subject itself. Of his poem, entitled, "Himalaya," I wrote: It is Iqbal all over and Iqbal when he was young. He stands in awe before the rugged beauty of the mountains. He gazes and gazes on at the snowy peaks till his eyes, glancing from the mountains to the heavens and from the heavens to the mountains, caught a glimpse of the infinite amid the eternal snows. Iqbal combines the vision of a prophet with the imagination of a poet. There is nothing of the wailing and weeping philosopher in him. In the mellow-autumnal glow of retreating youth, I still hold the view which I had formed in my juvenile mind.

How far the stream of Iqbal's thought has influenced the currents of contemporary thought, it is difficult to say, But it cannot be contested that he had achieved his object in no modest manner. Few poets had such a large audience as Iqbal has. Some of his works, though not all, have been translated into English and other European Languages. His abiding charm lies in those depths of personal experience from which his hymns and prayers arise.

Iqbal's thoughts were tinged with a wistful mournfulness when he surveyed the crumbling minarets of Islam. His vision is however beginning to take shape and there is a new life pulsating in the world of Islam. It is not easy for the average mind to understand his otherworldliness which did not have the asceticism usually associated with it. He was no hermit, no recluse in a monk-cell. He received in his lifetime, the homage of both kings and peasants. When the bells began to toll for him, his fellow-citizens in Lahore could not give him a better

proof to their esteem and reverence for him than by selecting, for his last resting place, a sanctified sepulcher by the steps of the great Badshahi Mosque, a symbol of the soul of Islam.

His has been the mightiest of national voices, but in the final assessment, his place would be in the pantheon of the world's elite. He shall remain above for ever, in his verses:

You may break, you may shatter the vase if you will,  
But the scent of the roses will hang round in still.

## *APPENDIX-L*

**A.T.M. Mustafa**

(from an obituary message issued in 1966)

It is impossible to put in words the stunning sense of sorrow which had overtaken us on receipt of the news of the passing away of Mr. A.T.M. Mustafa.

It was only yesterday, when the morning newspaper conveyed to me, as it did to most of us, the startling news of his sudden death at Havana, while he was addressing a Conference of Afro-Asia and Latin America.

With his national cloak around him, he passed through death's door. The news came like a sudden thunder-clap—a reminder of the verity that death keeps no almanac. Death is a commonplace occurrence. It has occurred millions of times across thousands of years; but when it comes to a near and dear one, it is breath-takingly new.

Mr. Mustafa was born in 1925. He was the eldest son of a distinguished father, Dr. Abul Khair of Calcutta, who was a medical man. His maternal grand-father, the late Maulana Sufi Safiullah was a great saint and an outstanding doctor of Islamic law. He was thus born to a great tradition of enlightenment and culture. He took his Master's Degree in Arts and a Bachelor Degree of Law from the Aligarh Muslim University.

Subsequently, he was called to the Bar by the Honourable Society of Lincoln's Inn. He was, thereafter, enrolled as an advocate of this

High Court in 1950 and, later he also became an Advocate of the Supreme Court of Pakistan. He made his mark in the profession of law and had worked for sometime as Standing Counsel to the Government of Pakistan, at Dacca and was also a legal adviser of the State Bank of Pakistan and the Pakistan Agricultural Development Corporation. He was a Teacher of Law in the University of Dacca. In the Dacca High Court, he had been a member of the Bar Council and a Vice-president of the Bar Association.

While pursuing his profession, he was intimately and actively associated with various intellectual, cultural, sporting and quasi-political activities in the national life of Pakistan.

He led a delegation of Pakistan to the Afro-Asian Legal Conference at Tokyo and was elected a Vice-president of another session of the Conference, at Rangoon. He also attended a similar Conference at Baghdad, in 1965. He was a member of the Pakistan delegation to the United Nations Organisation in 1960 and served as its leader on the Legal Committee in 1960 and, there-after, in 1961.

In 1961, he was the Minister for Law and Parliamentary Affairs in the Government of East Pakistan and, during this period, he was the leader of the House in the East Pakistan Assembly, that is, during 1962-63. He then became the Minister for Information and Education in the Government of Pakistan, which required transference of his official activities to Rawalpindi.

In 1965 he was the leader of the Pakistan delegation to the Afro-Asia Conference held at Ghana.

He was for sometime the President of Pakistan Sports Control Board and had served in the executive committees of the Cricket Control Board of Pakistan and the Pakistan Football Federation. He had been long associated with the executive and organising committees of the East Pakistan Sports Federation and was, till his death, one of its main pillars. He had captained a number of cricket teams for East Pakistan and in the Aligarh Muslim University. He was also a member of the Dacca University Court. All this makes a formidable list of activities in national and international life. While we grievously miss him, at home, he will also be missed at conferences in the international arena.

Now that the sleep of death has taken him away, he has joined the majority in a democracy of the dead. But, he did not live in vain. Such a bright fading away as has over-taken him, is like the fading of the morning star in the glow of the dawn.

Cicero has said that the life of the dead consists in being present in the minds of the living and Mr. Mustafa will remain alive in memories that will not easily fade.

There is an ancient Greek Proverb which says that those whom the gods love die young. Although young in years, Mr. Mustafa had shown great promise. A rose's brief span of life was given unto him, but he lived a full life.

He was caught young in the turmoil of political life when he was forging a bright career at the Bar. He played a significant and important role in the public affairs of the country.

He was, to use a colourful expression, the pink of courtesy. His manners were reminders of a vanished age—the age of gracious living. To know him was to love him.

May his soul rest in eternal peace.

## ***APPENDIX - M***

### **Syed Mahbub Murshed: A tribute**

**By**

**Justice K M Sobhan**

Rabindranath has said that it is possible to find a person worthy of seeing, but it is not easy to find a worthy place to see him. I realised the truth of it in a wedding in 1938. I was then a student of class ten. I saw the groom, turbaned and donned in a light cream sherwani under a choga embroidered with real silver work. Tall and erect, bright-eyed and slightly tanned complexioned that was the first sight I had of Barrister Syed Mahbub Murshed. I saw him in the worthy place. I had then such an age when in the rich juvenile imagination, I was trying to find his resemblance with those who always flashed. The first that came was Indranath of SRIKANTA but Indranath has a few marks on his

face. He had a perfect unblemished face. I got it was Shibnath of SHESH PRASNA. Yes Shibnath has donned the groom's dress. Or, may be it is Othelo-tall, dark and handsome but his eyes lacked the hardness of a soldier. His eyes are electrified.

After about five decades, in remembering him I am asking myself why it is so important to talk so much about his looks? It was probably necessary because unknown to myself I accepted him as my hero—who later became my idol in my professional life. I was and am still enveloped with his profound influence. To imitate him would be an audacity because he was inimitable. About two decades after I saw him again. I accepted him as the only person in my professional existence.

In 1943 when I was a student of Calcutta University Law College, I was lucky to be present in the courtroom where a murder trial was on and the counsel for the accused was cross-examining the prosecution witness. Those days little did I understand the pointing quests. A few other barristers, young and old, were sitting in the courtroom—one of whom said the questions indeed were worthy of a barrister. The prosecution witnesses were tumbling. The judgment was delivered. The accused got a clean acquittal. I saw him after this in a few other cases. His questions were equally pointing. The witnesses dared not look at him straight. Still then I was not very sure if I would take up legal profession but the more I saw him the more I was convinced that if there was any worthy profession it was to become a barrister. I till then saw him from a distance.

August 1946 in the great Calcutta killings— I had my first chance of getting a little close to him. He was then one of the leading barristers of Calcutta High Court, a terribly busy practitioner. A relief committee was organised which was located at ground floor of the Congress Exhibition Road residence of Khan Bahadur Aatur Rahman Khan in Park Circus. The drawing room of late Mr. Ismail a reputed industrialist, was used as the office. Within a few days legal complications cropped up concerning property and families of these persons. I was entrusted to contact Syed Mahbub Murshed as I was the only one in the committee who had something to do with legal affairs. I was then a law student waiting to take the law final examination which was postponed be-

cause of the riot. After much hesitation, I picked up courage to meet the legal luminary in his flat but before I could finish, he came down with me to the office. The other members—late Mr. Ismail, late Mr. Sayedul Hasan, Poet Golam Quddus and a few others who were present were puzzled over the situation and were eager to know the proper procedure to be followed in the matter. Very briefly and within a short time he clarified the situation and told us what to do. I saw him that day to frankly discuss with us the problems and give as much time as needed although he could hardly spare that. He helped us voluntarily and ungrudgingly. I witnessed his concern for the affected people—his sympathy and help for the people who lost everything during the riot. In a short time he became a respectable leader. His success went beyond the legal matters.

Later I saw him as judge of the Dhaka High Court. In every case it was wonderful to see how he applied legal principles to fact. His way of looking at facts and the application of law stood out from other honourable judges. He could fathom even a difficult case in the shortest possible time. His interpretation and application of legal principles were subjects of envy. The subordinate staff found a father-figure in him when he became the Chief Justice of East Pakistan.

The first blow was struck at the autocratic regime of Ayub Khan by the Dhaka High Court and Chief Justice Murshed was the author. He excelled himself in analysing and setting the constitutional issues that were raised before him. His rich language intermingled with the interpretation of law—it was like the admixture of the Padma and the Jamuna. His superior power of interpretation of legal principles and fearless disposition of constitutional matters once prompted Ayub to say Pakistan was rightly proud of two things the cricket team and the judiciary.

A wonder if knowing Syed Mahbub Murshed, Ayub echoed what Shylock said, “A Daniel come to judgement. Yea, a Daniel.” He was the author of most of the constitutional cases that settled the rights of the citizens, the human rights and established the supremacy of the rule of law.

In his area he was uncompromising, unique and fearless in his confrontation with the tyrannical and autocratic regime of Ayub Khan. He

was the architect in upholding of rights of the citizens and a terror to the ruling clique. He had thus created a few conspirators who like the creatures of darkness fought against the light of the day, who like the devils of deception fought against the messenger of truth.

He preferred to resign his high office rather than to bow before the authoritarian regime. The loss was entirely that of the nation, of the people and the judiciary. The blow was to the public conscience from which the nation perhaps has not yet recovered.

One gets overwhelmed with emotion in writing about him. The country is deprived of his unrivaled personality, his scholarship which was not confined only to jurisprudence but pervaded to world literature, music and socio-political philosophy and economics. Whenever he broached a topic he appeared to know more than the others as he just finished talking. He was free with any subject of conversation. His genius lighted up anything he touched.

I pay him my homage with deep sense of gratitude and respect and close it with the works of poet Nirmalendu Goon “with these reminiscences come the melancholy dew drops on the pages.”

(To-day is the 87<sup>th</sup> birth day of Mr. Justice Mahbub Murshed)

## ***APPENDIX -N***

### **Some Editorial Comments of Abdus Salam**

#### **The Supreme Test**

The Awami League Government is today in a peculiar position. Although the party was elected overwhelmingly by the people, the government we have today is not an elected, representative and constitutional Government, because of the fact that there is no constitution yet and there is, therefore, no democratic legal basis for its existence. It holds office by virtue of coming out victorious in a revolutionary war and is therefore a revolutionary, provisional government.

At one stage Prof. Muzaffar Ahmad, chief of the splinter group of NAP, had suggested that there should be a national government com-



posed of the various political elements which participated in the revolutionary war. Later on however, he and others, such as Maulana Bhashani agreed to give their support to the Government especially for bringing about normalisation in the country. The Awami League had the right to claim that they were the chosen representative of the people and therefore politically they had the right to form the government, and since a constitution cannot be had overnight and conditions in the country were far from normal, it was imperative to form a government, take steps to create normal conditions and then to call the Constituent Assembly and make the basic law of the State. It has to be admitted that conditions are not yet absolutely normal and extra-legal actions have to be taken to meet the day-to-day situation. But one hopes no avoidable time will be lost in giving a legal and constitutional shape to the basic structure of our State. The people voted for Bangabandhu, and he has said that Bangladesh will be a democracy with socialism and secularism as its guiding lights. Both he and the Awami League have been Pledged to democracy for long. In fact, their fight against the then regime of Pakistan was for the restoration of democracy and fundamental human rights. Therefore they cannot ignore these two basic requirements of a modern state. And these can be guaranteed only by a constitution and a government machinery which will contain within itself the checks and balances of a democracy.

We believe, it is possible to reconcile democracy in the true sense with a socialistic pattern of our economy. The problem is to preserve individual human rights within a framework of social obligations and economic system that shall eliminate exploitation.

There can be no state within a state. In other words, all foci of real power must be within the constitutional framework and subject to discipline of the law. The government must assume the ultimate responsibility for law and order and cannot for any reason whatsoever abdicate it for any purpose to any particular group outside the governmental frame-work. Whilst therefore the principle of individual freedom requires that there have to be checks and balances, there has also to be the supremacy of the law with guaranteed judicial impartiality. The principle of socialism means that individual rights and privileges are subject to the overriding interests of society as a whole and it also

involves the necessity to eliminate exploitation of man by man under whatever name it may seek to exist. In making the constitution this aspect of the problem with which we are faced today, must be kept in mind.

The Public services today are in a demoralised state. Many factors are responsible for this, not the least of which was the ten months of sadistic brutality and lawlessness encouraged by the then regime itself. The Awami League in power cannot do itself that it condemned in the previous regimes. The permanent services should as far as possible, be left alone. Mr. Monem Khan used to issue directives straight to the village-daroga. If we replace one Monem Khan by thousands of them that will be no improvement.

Sheikh Mujib loves his people and the people love him in return. It is for him now to take on the leadership of the whole nation and put it on the road to orderly progress. He probably does not know how strong he is. His strength comes from the people and not from any particular group, clique or vested interest. In a way he is now facing the supreme test of his greatness. (The Bangladesh Observer, March 15, 1972.)

**The End**



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