

^{1*} Dr. Syed Wasimuddin

^{2*} Dr. Shela Tehseen

^{3*} Dr. Lubna Ahsan

The Services of Quaid-E-Azam Mohammad Ali Jinnah As a Lawyer in the Sub-Continent

ABSTRACT

This research paper aims at finding out those qualities of Mohammad Ali Jinnah which established him as one of the greatest lawyers of the undivided India. Traces of his formative years show that he was by temperament an advocate for he possessed all the good qualities, such as honesty, integrity, logical and reasoning mind, shrewdness and wit. All these qualities are required in the making of a great lawyer. His stay at Lincoln's Inn and his visits to the House of Commons for the purpose of listening to the speeches of great political leaders of the time left indelible mark upon him. Apart from all his great professional achievements, the winning of the case of Muslim's freedom in the sub-Continent is perhaps the greatest achievement of any professional lawyer in the world so far.

INTRODUCTION

Quaid-e-Azam Mohammad Ali Jinnah's (1876-1948) success as a great lawyer is not less than his political achievements, if not more. As a matter of fact, he is the lawyer first and the politician later. At the same time, his success as a lawyer gained him grounds in politics. With his shrewd and alert mind he won hearts of friends and foes alike. Not only inside the court, but also outside it he resolved issues with his logical and methodological mind. His character manifested such traits as elegant, eloquent, shrewd and prudent; proud, assertive, willful, grave, disciplined, orderly and persevering; competent organizer, skillful negotiator, able tactician, master of detail; unselfish, honest, and incorruptible; rational, logical and given to the rule of law. His clarity of mind and penetration to essential are the traits which lie behind his success as a barrister of fame

1 *Associate Prof., Department of International Relations, Federal Urdu University, Karachi. Email: Drwasimuddin2012@gmail.com

2* Assistant Prof., Department of Political Science, Jinnah University for Women, Karachi.

3* Assistant Prof., Iqra University, Karachi. Email: lubnaahasan12@gmail.com

and respect. His logical and methodological mind could see things in their true reality. That is why Mr. Jinnah's realism and pragmatism paved way for him first in the courts and law and then in the avenues of politics.

There is an overwhelming agreement that the father of the nation Mohammad Ali Jinnah was a man of integrity and man of principles. He turned into a full-fledged barrister at the age of twenty years which also shows his commitment with his profession. Several of Jinnah's historians are of the view that he was endowed with extra-ordinary qualities since birth. He had to experience early detachment from his family as he was sent to Mumbai (then Bombay) at Gokul Das Tejpal School for his primary education. This detachment is said to have made Mr. Jinnah quite reserved in nature. His personal secretary Matlubul Hasan Saiyid writes, "Perhaps it was at this time of his life that he discovered the secret of a single-handed struggle for existence, which in later years helped him so much." [1] Undoubtedly, it instilled a strong sense of a single-handed struggle for existence, which in later years helped him so much." [1] Undoubtedly, it instilled a strong sense of independence and self-reliance in him. The founder of the Pakistan Mohammad Ali Jinnah showed remarkable mental traits even from the boyhood. That's why on his return to Karachi, an English comrade of his family, Sir Fredrick Leigh Croft (1860-1930), advised his father to send him to England to study law. However, another account is more interesting regarding the decision about young Jinnah's future career. The story is also told that once in his boyhood he (Mohammad Ali Jinnah) accompanied his father to courts of law at Karachi. "When he saw an advocate in gown and bands he expressed his desire to be a barrister and probably this was also one of the reasons why his father sent him to London to qualify for the Bar at a comparatively very young age." [2]

Mr. Jinnah's stay at London is marked with lasting influences and impressions upon young Jinnah. Apart from the curriculum, we also come to know his interest in politics and drama. Remember that these are the formative years of young Jinnah who joined Lincoln's Inn with the sole reason which he himself states: "I joined Lincoln's Inn because there, on the main entrance, the name of the last Holy Prophet Hazrat Mohammad (Peace Be upon Him) was included in the list of the great law-givers of the world." [3] Such was his devotion to religion and the Prophet of Islam. At Lincoln's Inn, he went through the curriculum with distinction along with a good deal of political practice to his belt under the able-guidance of a personality, Dadabhai Naoroji (1825-1917) who was the founder and President of Indian Society in London. Once Mohammad Ali Jinnah was asked about the nature of his curriculum and process of examination at

Lincoln's Inn to which he jokingly replied, ".....it was no more difficult than to attend a number of dinners, some twenty-two of them." [4]

Mr. Jinnah's stay in London refined and polished what is normally called a diamond in the rough. We find him a fully-matured man when he returns to India. All the traits of his character are nourished to the full. Saleem M. M. Qureshi describes his traits of character in his book "The Politics of Jinnah" in these words. "The character traits of Mr. Jinnah may be summed up fewer than five subheadings: moral character, mental character, one-dimensional personality, self-control and a strong British orientation." [5] The learned writer further throws light on the personality of Mr. Jinnah, especially his moral character by saying, "Jinnah was essentially an electric in spite of the fact that finally Jinnah led a movement which had strong religious overtones. He lived by his own lights and never attempted to impose his views on the life style of others, i.e., live and let live." [6] Therefore, when he comes back he is fully equipped with what is needed in the courts of law in United India.

Speech orientation is one of the major ingredients in the making of a good lawyer. Mr. Jinnah possessed this quality to the optimum level. During his stay in London, it was his normal practice to go to the House of Commons and listen to the speeches delivered by the then famous political personalities. Likewise, historians also mention his taking part in theatrical performances. As a matter of fact, he got membership of Shakespearean Dramatic Club where he took part as an amateur actor. It is for this reason that "William Shakespeare (1564-1616) always, since then pervaded his public and private utterances and writings, and touch of dramatic gesticulation was visible throughout his career of public speaking." [7]

Mohammad Ali Jinnah found himself installed as a Third Presidency Magistrate but for a temporary period of three months for he had got this appointment in place of P. H. Dastur who had gone on leave. But talents like Jinnah don't need long durations of time to prove their worth. Luckily, he got extension for another three months as P. H. Dastur was promoted as Chief Presidency Magistrate in place of Sander-Slater. When Mr. Jinnah's next three month term was over, Sir Charles requested him to make himself available for future, with increased scale of pay up to fifteen hundred rupees but Jinnah declined this offer by saying that he wanted to earn two thousand rupees per day. After two years, Sir Ollivant was pleased to know that Jinnah was earning almost two thousand rupees a month. Such was his faith in his own abilities. He never walked in someone else's shoes and always made his own plans and succeeded in the long run. Once he was asked what was essential for success to which he replied, "Character, courage, industry and perseverance are the four

pillars on which the whole edifice of human life can be built, and failure is a word unknown to me.” [8]

Bombay High Courts proved a great place for Mr. Jinnah to make full advantage of the opportunities that came his way. At that period of history, Bombay High Courts had original as well as appellate jurisdiction. Syed Sharifuddin Pirzada remarks that there existed a dual system of appearance of council briefed and instructed by a solicitor. Moreover, the majority of the solicitors were British and it really very difficult for Indian Counsels, especially Muslims to get briefs and advance their practice. Besides, the British showed a kind of racial superiority so it was very difficult to get equal opportunities to compete them. It was under such suffocating atmosphere that Mr. Jinnah, by his ability, strenuous efforts and skill in the conduct of cases, captured a lucrative practice. Syed Sharifuddin Pirzada sums up his view in these words, “sensational cases apart, he had built up a solid, substantial and lucrative practice within a few years after his return to Bombay. He was the most versatile of advocates, practicing with equal success before civil and criminal courts, original and appellate sides of the High Courts and last but not the least, before the highest Tribunal of the Commonwealth, the Privy Council.” [9]

Mr. Jinnah’s legal profile contains a long list of famous cases which he won or he at least saved the main accused from the gallows. Mohammad Ali Jinnah’s advocacy was out of question both in the constitutional and criminal cases. He won validity of Sir Pherozeshah Mehta’s election to the Bombay Municipal Corporation. In the case of Bal Gangadhar Tilak (1856-1920) who was convicted for sedition, Mr. Jinnah caught the judges off guard when he drew distinction between disaffection and disapprobation. He argued that it was not sedition for an Indian to demand freedom and self-government in his own country, but Tilak received a rigorous term of imprisonment. However, the case which proved Mr. Jinnah a matchless genius was the suit of Haji Bibi concerning the Aga Khan. Pirzada gives accounts of this case in the following words, “in the suit of Haji Bibi concerning His Highness Sir Sultan Mahomed the Aga Khan (1877-1957), which is conceded the longest suit in Bombay’s legal history, Jinnah represented Shamsuddin, one of the contesting defendants. The magnitude of the case may be gathered from the fact that voluminous evidence on commission was taken at various places all over the world, and as many as 128 issues were raised therein.” [10]

Similarly, Mr. Jinnah’s perfect skill saved Benjamin Guy Horniman known as B.G. Horniman in the well-known defamation case against him. He could also deal with religious doctrines of both the Muslims and the Hindus proved his point before the judge. He could provide evidence from

different schools of the religious doctrine with such perfect argumentation that the court would have agreed with him, though reluctantly. Therefore, his reputation as a successful lawyer spread far and wide very soon. Nisar Ahmad Pannoun in his book, "Jinnah the Lawyer" has collected tributes of different personalities about Mr. Jinnah. One is given here which is of course an analysis-cum-tribute; given us a deep insight into the mind of 20th century's most shrewd man of united India. The author relates, "The Non-Muslim members of the Bar paid tribute in the following words: Mohammad Ali Jinnah was scrupulously honest, he never did any injustice or a shady act, and there was no one to touch him legal argument. He was what God made him. He had a sixth sense, he could see around corners, a very clear thinker, drove his points home, points chosen with exquisite selection, with slow delivery, word by word; it was all pure, cold logic. No one could deny his power of argument. When he stood up in Court, slowly looking towards the judge, placing his monocle in his eyes ----- with the sense of timing you would expect from an actor ----- he became omnipotent. Yes, that is the word ----- omnipotent." [11]

There is a case in the profile of Mr. Jinnah which he lost, not because of his own faults but because the accused did not cooperate with him. It is the famous case of blasphemy against the Holy Prophet Hazrat Mohammad (Peace Be upon Him); an illiterate boy from Lahore killed the author of a highly controversial book containing blasphemous criticism against the last Holy Prophet. In 1923, Parashaad Prataab authored *Rangeela Rasool*, under the pen name of Pandit Chamupati Lal. He convinced Rajpal, a Hindu publisher, to publish the book. This book created a great surge of anger among the Indian Muslims who wanted that both the publisher and the author must be hanged. The Session Courts found Rajpal guilty and sentenced him. Rajpal appealed against this decision in the Lahore High Courts. The judge of the High Courts, Daleep Singh, set aside the sentence with the remarks that criticism against religious leaders is not covered by S. 153 of the Indian penal Code. This decision was widely criticized throughout the sub-continent and protests were made against it by the Muslims of United India.

Ilm Din (1908-1929) was an illiterate who under his religious zeal stabbed the afore-mentioned publisher and presented himself to the police. Mr. Jinnah came from Bombay on the request of Dr. Allama Mohammad Iqbal (1877-1938) to be Ilm Din's defence lawyer. Mr. Jinnah met the accused in the jail and urged him to enter a plea of not guilty and to say that he acted due to extreme provocation. Ilm Din refused to offer such a plea and said that he was proud of his action. This was the only case which Mr. Jinnah lost. Contrary to the wishes of Ilm Din, the Indian Muslims lodged

an appeal and Mohammad Ali Jinnah appeared in the High Courts to convince the judges against the death sentence, but the appeal was rejected. Pirzada sums up this case in these words, “in the case of assassination of the author of *Rangeela Rasool*, the assailant, Ilm Din, had been sentenced to death. In the appeal, Mr. Jinnah, representing him, pleaded that provocation coupled with the youth of the accused were good grounds for not inflicting the death penalty. The British judges, however, did not allow any weight to these submissions; and the young man was executed.” [12]

Mr. Jinnah was very courageous and bold lawyer and showed his courage at several occasions inside as well outside the courts. Nisar Ahmad Pannoun relates an interesting story about his undaunted courage in his book, namely, “*Jinnah the Lawyer*.” It happened that once a Scotsman, named James Macdonald, the then president of Bombay Municipal Corporation, was in the Courts during the hearings of some important case. The Court-room was crowded and all the seats were occupied when Mr. Jinnah came. Mr. Jinnah saw that Mr. Macdonald was occupying one of the seats reserved for the lawyers. “He (Mr. Jinnah) asked him to move but Mr. Macdonald refused. So he asked the clerk of the court who reluctantly asked Mr. Macdonald to yield up his place to Mohammad Ali Jinnah. Mr. Macdonald had given the chair and he was so impressed by him that he soon appointed him to act for corporation for a fee of Rs. 1, 000, 00 per month.” [13]

Mr. Jinnah was quite witty and sharp. Sometimes his point blank and curt remarks would stun the whole Court-room. As earlier discussed, Mr. Jinnah had watched and taken part in dramatic performances at Shakespearean Dramatic Club, he always pleaded his case with the perfect timing of an actor. During one of the law proceedings before Justice Martin, he was giving arguments in a rather slow tempo and decreased pitch of voice. “Mr. Jinnah,” angrily shouted Justice Martin, “you are not addressing a third class Magistrate.” Rapier-like flashed the counter-thrust: “There isn’t a third class counsel before Your Lordship.” [14]

Such sharp and crispy remarks can be expected only from a man of great mental agility. Once, Mr. Jinnah appeared before Justice Mirza for a particular case. The learned Judge remarked that Jinnah was not expressing a judicial conclusion but a personal opinion. “Jinnah immediately retorted, “I care two pence for your personal opinion.” The judge resented the remark, and turning to Sir Setalvad said, “Don’t you think Mr. Jinnah is guilty of contempt of court?” In his book, “*Recollections and Reflections*”, Sir Chimanlal Harilal Setalvad (1864-1947) writes: “it was indeed stupid of the judge to have put such a

question to me. I answered, ‘it is not for me to give an opinion whether Mr. Jinnah has committed contempt or not. It is your privilege to determine that; but I can say that, knowing Mr. Jinnah as I do, he could never have intended to insult the Court.’ [15]

Another sharp and up to the merit reply comes from the mouth of this versatile personality at the times he appeared before the Sind Chief Court for the appellants in the case of Bishamberdas and Co. vs Sachoomal. The court-room was full and ever the corridors were crowded with people who had come to here or at least see Mr. Jinnah. When the Chief Justice Davis entered the Court-room along with Justice Weston and saw such a huge crowd, he asked the Court clerk to close the doors of the Court-room. “Mr. Jinnah got up and smilingly said that the doors of Justice should be kept open. The judges agreed to the suggestion provided the crowd remained quiet. Jinnah said that he expected them to be quiet. They day’s proceedings were then concluded smoothly.” [16]

Mr. Jinnah won hearts due to his matchless traits of character. Everyone admitted his nobility of mind and honesty of purpose. He was a towering personality for his friends and foes alike. Even the judges had great regard for him. When he appeared as a witness for the prosecution in the trial of Rafiq Sabir, was charged and eventually found guilty of an attempt to murder Mohammad Ali Jinnah. Justice Blagden remarked, “I must say that in all my experience I have never seen more obviously a witness of truth than Mr. Jinnah.” [17] This is really a great tribute to Jinnah’s truthfulness and honesty.

Mr. Jinnah, a historic figure, an epoch-making man and a gifted personality, is a recipient of countless tributes from everyone who saw him or had some close deal with him. Never was such a man in human history who won over friends and foes with his intelligence, courage, integrity and firm belief in truth. No double game, no deceitful ways, and no trickery at all. He was upright, straightforward, sincere and direct. Such was the essential make of this pride of ages. Patrick Spens who was the last Chief Justice of undivided India, paid a rich tribute to, “the tallness of the man, the immaculate manner in which he was turned out, the beauty of his features and the extreme courtesy with which he treated allno one could have made a more favorable impression than he did. There is no man or woman living who imputes anything against his honor or his honesty. He was the most outright person that I know, but throughout it all he never, as far as I know, for one moment attempted to deceive anybody as to what he was aiming at or as to the means he attempted to adopt to get it.” [18]

CONCLUSION

To sum up, Mr. Jinnah had the cogent force of an excellent advocate. Whether it was debate on the Transfer of Ships Restriction Bill or questions of law in general, he always commanded a respectful hearing both in the Imperial Legislative Council and in the New Legislative Assembly. Nisar Ahmad Pannoun quotes an excellent tribute in the honor of this epoch-making personality: "Frank Moraes (1907-1974) at one time Chief Editor of the leading newspaper "THE INDIAN EXPRESS" has made the following observations about his performance in the Court-room: Watch him in the Court-room as he argues a case. Few lawyers command a more attentive audience. No man is more adroit in presenting his case. If to achieve the maximum result with minimum effort is the hall-mark or artistry, Mohammad Ali Jinnah is an artist in his craft. He likes to get down to the bare bones of a brief; in stating the essentials of a case his manner is masterly. The drab Court-room acquires an atmosphere as he speaks. Juniors crane their necks forward to follow every moment of the tall, well-groomed figure, senior Counsels listen closely; the judge is all attention."

Last but not the least is the tribute given to this all-sweeping personality by Aziz Beg in his book, "Jinnah and His Times," in the following words: "having qualified as a barrister in England and having made his mark in India, Jinnah's name could be justly added to the 'list of great lawyers' academically linked to Lincoln's Inn. Jinnah practiced both law and politics for half a century; he made a fortune as an advocate and earned glory and gratitude of prosperity as leader of the Indian Muslims. When Jinnah left the shores of free England and voyaged to subject India in 1896, he had perhaps no idea that, one day, he would be obliged by the erstwhile Hindu leaders to make history and his biggest brief would be to win the case of the Indian Muslims for a separate homeland."

REFERENCES

1. Saiyid, M. H. "Mohammad Ali Jinnah A Political Study" elite publishing limited Karachi, 1970. P. 2
2. Pannoun, N. A. "Jinnah the Lawyer" Mansoor Book House Lahore, 1976. P. 4
3. Bolitho, H. "Jinnah Creator of Pakistan" John Murray Albemarle London, 1954. P. 9
4. Saiyid, M. H. "Mohammad Ali Jinnah A Political Study" elite publishing limited Karachi, 1970. P. 2
5. Quershi, M.M. "The Politics of Jinnah" Royal Book Company Karachi, 1988. P. 34
6. Ibid. P. 35
7. Saiyid, M. H. "Mohammad Ali Jinnah A Political Study" elite publishing limited Karachi, 1970. P. 4
8. Ibid. P. 7
9. Dani, A. H. "Quaid-e-Azam and Pakistan" Syed Sharifuddin Pirzada Quaid-e-Azam Mohammad Ali Jinnah as a Lawyer, Quaid-e-Azam University Islamabad, 1981. P. 81
10. Ibid. P. 81
11. Pannoun, N. A. "Jinnah the Lawyer" Mansoor Book House Lahore, 1976. Pp. 6-7
12. Dani, A. H. "Quaid-e-Azam and Pakistan" Syed Sharifuddin Pirzada, Quaid-e-Azam Mohammad Ali Jinnah as a Lawyer, Quaid-e-Azam university Islamabad, 1981. Pp. 81-82
13. Pannoun, N. A. "Jinnah the Lawyer" Mansoor Book House Lahore, 1976. P. 6
14. Dani, A. H. "Quaid-e-Azam and Pakistan" Syed Sharifuddin Pirzada, Quaid-e-Azam Mohammad Ali Jinnah as a Lawyer, Quaid-e-Azam university Islamabad, 1981. P. 82
15. Ibid. P. 82
16. Ibid. P. 83
17. Pannoun, N. A. "Jinnah the Lawyer" Mansoor Book House Lahore, 1976. P. 9
18. Beg, Aziz, "Jinnah and His Times" Babur and Amir Publications Islamabad, 1986. Pp. 164-165