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### **The Legend: Justice Syed Mahbub Murshed**

**1**



The Late Justice Syed Mahbub Murshed became a legend through his professional and personal efforts. Justice Murshed was undoubtedly an enlightened personality during his time and it was this enlightenment that he wanted to pass on to his fellow countrymen. What late Allama Iqbal was to his part of the world, Murshed was to Bangladesh—a friend, philosopher and guide.

The late Chief Justice Syed Mahbub Murshed was unarguably a distinguished constitutional lawyer and

eminent jurist in the South Asian subcontinent. He was indisputably Bangladesh's most articulate advocate of human rights. Not only did he discharge his duties to the nation with outstanding competence, Justice Murshed also set a high standard for all professionals to emulate. The question usually arises: Will such a Judge ever be born in Bangladesh again, who after his resignation, became an independent political figure and also one of the founders of this nation?

Murshed had been a votary of discipline throughout his life. This led to the formation of not only his character, but also built his brilliant academic career which culminated in him becoming a barrister from the honourable society of Lincoln Inn at London. In reality, he was an academician till the end of his life as it

seems that he continued to grow in wisdom, knowledge and learning. He was a scholar of the highest eminence.

Despite Syed Mahbub Murshed's aristocratic background, he had his roots in the people. He always tried to organise them within the realm of the rule of law to ensure fundamental rights of the citizens. This was confirmed by social justice within the purview of economic order for the fair distribution of wealth. Justice Murshed did this with the depth of poetic and mystical visions and maintained a fine balance enriched by religious and moral fervour.

In late 1954, he was elevated to the bench of the Dhaka High Court. As a Judge, Syed Mahbub Murshed remained committed to his lifelong ideals of liberty, justice and

excellence. His Judicial pronouncements were delivered in the bench of the Dhaka High Court and briefly in the Supreme Court of Pakistan as an ad-hoc judge in 1962. Also, as Chief Justice in early 1964 his ideals of judicial independence were reflected through some of his judgments. These judgements created constitutional history and won him international acclaim. The power of public understanding and knowledgeable oratory at public functions, kindness and sympathy plus a capacity to appreciate the other man's point of view were characteristic of his personality. Justice Murshed was firmly committed to the ideals of democracy, to uphold the cause of justice even against extreme odds. Above all, Murshed fearlessly upheld the rule of law without fear or favour.

I would like to mention what some other jurists have said about this legend. The late Justice Abu Sayeed Chowdhury wrote about him stating "Justice Murshed in his judgments reached correct decisions indicating the boldness of his mind. He gained fame for his wisdom and intelligence, as well as deep respect of the public as he was fearless. It was Justice Murshed, the man, who had for many years dauntlessly upheld the rule of law and had administered justice without

fear or favour, despite severe pressure." The late Justice Abdur Rahman Choudhury in his tribute to Justice Murshed 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." In his writings on Justice Murshed, the late Justice K M Sobhan wrote, "In life and in death he was a king without the trappings of a monarch, for he built an empire in the hearts of his fellowmen." Huseyn Shaheed Suhrawardy had referred to Justice Murshed "as an unflinching protector of civil liberties." In his analysis Justice Mustafa Kamal stated that "Justice Murshed presented himself as the colourful personality of wisdom both inside and outside the court." Syed Ishtiaque Ahmed observed that "when true history of the 20th century is written, the period from early 1955 to late 1967 might as well be called the 'age of Murshed'."

A little over five decades ago, when the country was under Pakistani rule, those who governed our country from more than a thousand miles away were determined to impose their culture upon us and erase our cultural heritage. Among the Bengali intellectuals, Justice Murshed

stood up to fight for the age-old traditions and cultural identity of Bangladesh. It will always be remembered that in 1961, he organised the "Tagore Centennial celebrations" in Dhaka and other parts of the country. This was clearly in defiance of the Pakistani rulers. When the great tide of nationalism swept the country in the 1970s, the distinguished person who figured most prominently into this process was Syed Mahbub Murshed. 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 1950s and 1960s found eloquent expression and these were reflected in the manifold speeches, judgments' and writings of Justice Murshed. In this sphere, he became the most articulated spokesman of Bengali nationalism.

In his professional life as a lawyer, despite preoccupations, Murshed found time to write, spoke publicly and participated in political, social and humanitarian activities. His article 'Quo Vadis Quaid-e-Azam' where he criticised the policies of Mohammed Ali Jinnah in defence of his uncle Fazlul Haque appeared in the 'Statesman' in Calcutta and the 'Telegraph' in London in 1942. The article was thought-provoking.

During the famine in 1943 and the communal riots in 1946, Murshed worked actively with Anjuman Mofidul Islam. Remaining the humanist that he always was, in the late fifties and early sixties of the last century, he became the President of the Red Cross. Deep down, Murshed was a Sufi and a liberal Muslim. He spoke of tolerance which was against any form of communalism. Again, during the communal violence that shook the subcontinent during partition, he was one of those men who were primarily responsible for setting into motion the process that culminated in the Liakat-Nehru pact. Murshed was also drawn into the vortex of the language movement around the early fifties.

In addition to this, another significant contribution by the then-Chief Justice Murshed was that he had given the final touch to the drafting of the historic six points in 1966. The demand for provincial autonomy came from the Bengali intelligentsia. This was what Sheikh Mujib fought and was jailed for. In early 1954, when he was still a practising lawyer, Murshed was among those who drafted the 21-point manifesto of the Jukta-front government. This was summarised by Murshed into the famous six points.

Later in 1966, Mazaharul Haq Baki, the then President of the Chhatra League, said that no one except Chief Justice Murshed dared being the chief guest at their annual conference. This is where Murshed like Sheikh Mujib made the clarion call for provincial autonomy of then-East Pakistan.

At a critical time in Bangladesh's history, when the country was sensing a victory for autocracy with President Field Marshal Ayub Khan about to celebrate his so-called decade of reforms and the Agartala Conspiracy case was being framed, Murshed resigned from the post of Chief Justice to join the masses in their fight for democracy. Among the first things that he did was to help organise the defence of the Agartala Conspiracy case. Subsequently Murshed entered direct politics, which gave momentum to the anti-Ayub movement. It was on account of Murshed's constant public demand that not only Sheikh Mujib but all the co-accused in the Agartala Conspiracy case were unconditionally released and also exonerated.

Perhaps what is most significant was that during the round-table conference when Ayub was virtually on his knees and the one unit in West Pakistan was dissolved,

Justice Murshed demanded 'one man, one vote'. Prior to this, in the then Pakistan National Assembly, there was parity of 150 seats each for East and West Pakistan. After Murshed's 'one man, one vote' proposal was accepted, 169 seats out of 300 came to East Pakistan during the next national election. Therefore, in reality, it was Justice Murshed who paved the way to properly determine who would be the majority in East Pakistan to form the National Government.

It was Murshed's protest resignation as Chief Justice that made the intelligentsia in the country find him to be the only acceptable presidential candidate against Ayub. During Bangladesh's liberation war, his refusal to collaborate with the ruling military-junta has also been recorded by historians. Hence, in fact it can be said that Justice Murshed was a keeper of our national conscience. He will live in history as a person who served his community above self-interest.

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