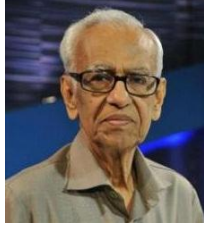


## Barrister Rafique-ul Huq Remembered –Aneek R. Haque\*



[Barrister Rafique-ul Huq]

### O Captain! My Captain!

How can someone write about another person whom the first man thinks as his mentor? I have been asked to do this tough work. To write about a man whom I not only think of my Senior, I think of him as my father figure, someone whose guidance and help has made me whatever I am today, someone whom I always tried to emulate inadequately. He is someone whose work ethics and knack for details are second to none and no matter how hard I try, I just cannot express what I think of him with my words.

Mr. Rafique-ul Huq, Barrister at Law, Former Attorney General, a giant in our legal arena, a legend, in Bangla we call his type a বটবৃক্ষ। And to write something about him, is an honour in itself.

I have first seen him when I was just a student of class 5 I guess. He was senior to my uncle late lamented, Barrister Aminul Hoque. I heard that he was a tough man, but I really liked him as he treated me with Ice Cream and thought the world of him back then as he was one of those family friends who invites

you and treats you in real good places. I still do, after all these years but for very different reasons.

As luck would have it, I also became a barrister (well, again he is responsible. My father asked him what to do with this not so bright, kinda idiot son of his, and he said, “একটা ডাক্তার, একটা ইঞ্জিনিয়ার, এটাকে ল পড়ান,” and my fate was sealed) and returned to Bangladesh in August 1998. Was just 23 years old and as it happens in our country, the next day after my return, a family council (comprising my father and my Uncle) sat to decide my future. My uncle i.e. Barrister Aminul Hoque by then left the chamber of Rafique Sir and started his own practice, joined politics, became MP and Minister etc. I still remember when my father suggested that I work with him, uncle replied, “কোর্টের কাজ যদি শিখতে হয় তাহলে সিনিয়রের চেম্বার ছাড়া উপায় নেই। আমার এখানে শিখবে খালি পলিটিক্স”। Well that seemed to seal my fate and from 16th August 1998, I became a pupil to my Senior, Mr. Rafique-ul Huq.

That was the day from when I started to appreciate the lawyer Rafique-ul Huq. On the first day, he handed me a file and said read and let me know what you understand. It was a Writ Petition regarding North South University. As I was warned by my Uncle that the Senior goes through meticulously every

petition, I started to read minutely. In the evening, while the whole chamber was having evening snacks together (this is a tradition of Huq & Company) he asked me to tell him about the case. I started to explain to him Article 102 of the Constitution (as the heading said that it was an application under this) and to show that I did research went on to define certiorari, Mandamus, Habeus Corpus etc. I still remember that he looked at me in utter disbelief and said, “ওরে দেখ রে, নতুন ব্যারিস্টার আমাকে 102 শিখাচ্ছে”। I was mortified and then he said, the lines which still rings in my ears and try to follow it still “রোজ সকালে উঠে ওই Article টা পড়ি, রোজই মনে হয় নতুন করে শিখি। “যাক তুই আবার পড়ে আমাকে নতুন জিনিশ শিখাচ্ছিস”। Much later I realized what he meant and the humility involved in making such a statement. For someone of his stature to say that every time he reads Article 102, he finds a new way to interpret it and he learns something new everyday just by reading was truly humbling experience. The young lawyers these days probably will not understand it but to him, it was all study and research, and only then you can succeed.

This is the secret of his success. Quoting late lamented Dr. Zahir, “তোমার সিনিয়র হল কষ্টপাথর। ঘষতে ঘষতে আর পড়তে পড়তে একটা না একটা উপায় বার করবেই, কোথা থেকে যে এইসব decision পায় সেই জানে।” I remember one case particularly.

Mr. Justice Md. Awlad Hossain was pressing as Company Judge. It was a case regarding rectification of share register of Transcom Limited. Mr. Moudud Ahmed was our opponent and I was assisting Senior. As the norm was at around 10 in the evening I came back from chambers and after midnight I received a call from him, saying “অনীক, তুই কি অনাথবন্ধু কেস টা বার করেছিস?” I was like, এই অনাথবন্ধু আবার কে? Then he said, “saw you buying a set of PLR, if you can look at 5 PLR and find the case, it might come handy in the Transcom case”. I dutifully looked up and found the case and it was just tailor made for our case and needless to say we won that. Next day, I asked him, how did he know that I bought PLR and he smiled and said, that he overheard me talking to the vendor of the books and last night while he was thinking about it, it reminded him of that particular case only reported in PLR. I was amazed to see him remembering the exact volume of the PLR that case was reported.

So many memories are there. He is one of the last Seniors who taught his juniors directly as to how to draft, how to argue cases, how to research and most importantly how to think like a lawyer. During my 7 years as his Junior, I always saw him reading the petitions from “In The Supreme Court of Bangladesh” to the lawyer’s signature in the back page. And when it came to drafts made by the juniors, even if it had a

single mistake (be it grammatical or a missed comma or an uncrossed ‘T’), he would make us draft again. He was a perfectionist through and through in every aspect of his life.

He also used to say to his juniors “Never take any case personally”. Sadly that is one of his advice which he never kept himself. He used to fight every case like his life depended on it. He hated losing and with his super analytical ability would have found a perfect ground to make the case work. His ability to think on his toes was legendary. Many a times I have seen him changing his line of argument when he figured out that the judge probably wants another argument.

His life as Attorney General during the last few months of Ershad regime seems like a myth now. I heard stories from other senior advocates. Specially one I heard from Mr. Rokanuddin Mahmud needs to be said here, “You know, while he was Attorney General, when the Rules in habeas corpus and detention matters were returned and appeared in the daily cause list for order, Rafique Bhai used to appear before the Courts and say: “The Government will not oppose these Rules, এদের কে ছেড়ে দেন।” The true import of what Rafique-ul Huq Sir did will be realised when you consider that he was Attorney General during the last few months of the Ershad Regime in 1990, and many of the detenus were

people who had been picked up during the anti-autocratic movement.

Also heard from various seniors that while he was the Attorney General, he never took on a personal brief and also he didn’t take a single penny from the Government as his salary. Only in the first month he took 1 taka saying that if he doesn’t take that, the consideration is not fulfilled. But from the next month he stopped taking even that as to receive that 1 taka, Government needed to pay 2 taka as revenue stamp fee. These sounds like mythical stories these days.

Barrister Rafique-ul Huq was an outstanding student of Calcutta University and for his brilliancy and organisational capability was elected as president of Jubo Congress. His influence waned after China-India clash over Ladakh in 1962 and left for London to pursue Bar-at-Law. After brilliant result and becoming a barrister he was recruited at London by Mohammad Bhai the president of Ismailia community in the then East Pakistan to conduct all type of cases on behalf of the Ismailia Community. The Indo-Pak War in 1965 led to repression on the Muslim community across West Bengal, Republic of India and Barrister Rafiq Ul Huq decided to migrate to the then Pakistan and the rest as we know is history.

His life as a philanthropist is known to all. I don’t need to say

much about it. But certain things I saw with my own eyes made me feel that how great he was. Anyone he knew ever told him needs help, he was always beside him/them. He never missed a single Janaja Prayer if he heard someone died. And always used to carry a bit of money in those Janajas. I asked him why? He simply replied, “the man has died, his family will need this money at this hour. You never know his family may not even have the money for the burial now”.

His courage as a Lawyer, is like second to none. During the period of Army Backed Caretaker Government (which we popularly call 1/11), when no other famous lawyers had the guts to speak up, his was the lone voice. He fought for all the political leaders irrespective of parties. I can safely say, that after games of cricket, which unites the nation, Only Barrister Rafique united both the leaders of our country as his client. Those who can remember those days, he was the fearless voice for all of us who despised the regime. That alone shows his caliber and the strength of character. So many times I requested him, “Sir, please be a bit moderate in your speeches, you never know what these guys can do.” And he always replied with a gentle smile “কি আর করবে? ধরে নিয়ে যাবে, এর বেশি আর কি হবে?” He also had a legendary temper. And usually, we, his juniors had to take the

brunt of the most. But his barbs while conducting a case were mostly directed towards his opposition lawyers. His sarcastic comments were apparently rather painful. As the story goes, another great Barrister Syed Ishtiaq Ahmed, once accepted a brief and agreed on the fees. While the client was about to leave, he asked, “wait, who is the lawyer for the other side?” when he heard that Rafique Sir was the opponent, he told the client that the agreed fee was not sufficient, they have to pay more as he has to endure all the insults and barbed comments from his beloved Rafique. But I saw first hand that in what regard these two legends held each other. Their deep respect and friendship was so strong that Ishtiaq Sir came and told the incident himself to Rafique Sir and they shared a hearty laugh over it.

On 24th October, 2020, this great man passed away. His departure has left a void in our legal arena. If I start to write about his deeds as a lawyer, I will probably write for days and can never finish this writing. If I talk about his personal life, I can go on forever. If I talk about him being my mentor, my inspiration, words are not adequate.

Although Rafique Sir has left us, but I strongly believe that he has created a legacy. His contribution towards our

judiciary is immeasurable. He has left his Juniors (none of whom are anywhere near to him, specially me). And He has left us with many of his life philosophies. He taught us, if the cause is right and if you have the backbone, always stand up and speak up the truth, sadly which many of us lawyers are failing to do now. If I can even carry out 10% of his teachings, I’d be honoured. I want to part with the last few lines of the immortal poem by Whitman, which truly reflects what I feel now

“My Captain does not answer,  
his lips are pale and still,

My father does not feel my arm,  
he has no pulse nor will,

The ship is anchor’d safe and  
sound, its voyage closed and  
done,

From fearful trip the victor ship  
comes in with object won;

Exult O shores, and ring O  
bells!

But I with mournful tread,

Walk the deck my Captain lies,

Fallen cold and dead.”

Rest In Peace SIR. No words  
can express my grief in losing  
you.

Ed.

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