

Justice Murshed : In Remembrance

by Kazi Salahuddin
(Convener, Syed Mahbub
Murshed Memorial Committee)

I sometimes hold it half a sin
To put in words the quail 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 these that verses still hunt me. It is difficult for me to put in words the feelings evoked by these lines and the memory of the man with whom I associate them.

Syed Mahbub Murshed is undoubtedly one of the most striking and impressive public figures that have appeared in our national scene. Born in January 11, 1911 in a distinguished Muslim family of undivided Bengal, he had shown signs of his latent abilities at an early age. The eminent playwright and litterateur Professor Nurul Momen recalls in his writing the precocity of the youthful Murshed, in his college days at Calcutta. The great expectations he had aroused among his contemporaries during his student days were subsequently realised.

After a brilliant academic career, both in the subcontinent and in England, Mahbub Murshed began his career as a lawyer in 1939 and soon made his mark in the Calcutta Bar. His attachment to the Bar and to the members of the legal profession lasted till the end of his days. While serving in the bench, he would talk nostalgically of the bar. "The Bar", he said, "is my professional home, a place to which I shall continually return; even when I am dead, my disembodied soul shall, however, roam around the precincts of the Bar". His affection for the men of his profession was very great. After his (somewhat

premature) retirement he wrote, "I salute you—you who were my erstwhile comrades, the members of the bar."

In spite of his professional preoccupations, Syed Mahbub Murshed found time to write and to participate in social and humanitarian activities. His article entitled "Quo Vadis Quaide Azam" in which he criticised the



policies of Muhammad Ali Jinnah, created a stir when it appeared in the Daily Statesman of Calcutta in the forties. During the famine of 1943 and later during the communal riots of 1946 he worked actively with the Anjuman-e-Mafidul Islam. Shocked by the communal violence which shook the subcontinent in 1947, he was one of those who were primarily responsible for setting in motion the process, that culminated in the Nehru-Liaquat Pact. He was drawn into the vortex of the Bengali language movement, in the early fifties. In 1954 he helped to draft the 21-point manifesto of the United Front. This manifesto eventually became the basis of East Pakistan's constitutional struggle for autonomy and later on, of Bengal nationalism (which grew out of this movement).

In the latter half of 1954, he was elevated to the bench of the Dacca High Court. As a Judge, Syed Mahbub Murshed remained committed

to his lifelong ideals—Liberty, Justice and Excellence. His judicial pronouncements delivered while sitting in the bench of the Dacca High Court and on the Supreme Court of Pakistan (where he served briefly as an ad hoc judge) were tempered by these ideals. Some of his judgements created constitutional history and won for him international acclaim. In addition to his work in the Judiciary, his championing of cultural freedom, particularly during the repressive Ayub Regime (1958-69) must be remembered with gratitude, by the intelligentsia. In 1961 he organised the Tagore Centenary celebrations in Dacca and in the other parts of what is now Bangladesh, in defiance of the opposition of Pakistan's then military rulers.

Justice Murshed's role in the great mass upsurge of 1969 and his refusal to collaborate with Pakistani authorities in 1971, during Bangladesh's liberation struggle will be recorded by the historians of this country. Shortly after the emergence of Bangladesh, he decided to retire voluntarily into obscurity. He felt that his beliefs (in liberal principles and constitutional procedures) were not compatible with the violent mood of the seventies. He expired a little before the end of that violent decade, in April 3, 1979 after a period of failing health.

Not many weeks ago, I visited the Banani Graveyard. It took me quite a while to discover the place where the mortal remains of Justice Murshed lie buried. No stone, no tablet bearing upon it an 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) that "My epitaph shall be my name alone."