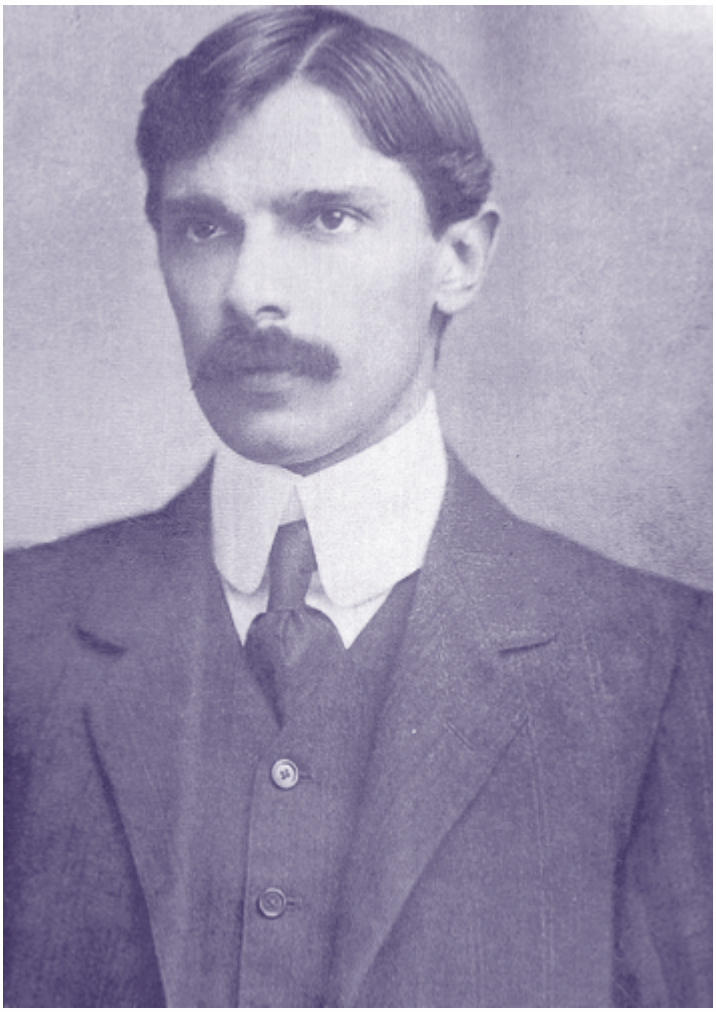
Quaid-i-Azam Mohammad Ali Jinnah

First phase of his freedom struggle
The Formative Years
1892-1920

By: Riaz. Ahmad



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PREFACE

No adequate attempt has so far been made to study Quaid-i-Azam Mohammad Ali Jinnah in his formative years, 1892-1920. This is, perhaps, due to the fact that scholars were not particularly interested in this phase of his career, nor was material on the period readily available to them. Jinnah is rightly considered the founder of Pakistan. A number of studies like those of Saiyid, Allana, Bolitho substantiate this viewpoint. But, for a better understanding of Jinnah's towering personality one has to understand his previous role, especially in public and legal life. The present writer has been lucky enough to locate material on the period which has enabled him to throw fresh light on Jinnah's formative years, and, in the process, has found him emerging as a different person from what he is believed to be by most of the Pakistani and foreign writers.

The introductory chapter analyses the importance of this period in the light of the new material. It also discusses, although briefly, the place of Jinnah in the whole study, along with an evaluation of the data on which such a study is based. The first chapter deals with the family background and the educational influences received by Jinnah as a boy, especially his stay at London during 1892-1896. When Jinnah returned to British India he involved himself actively in public and legal life of Bombay. Before he made his debut at the Calcutta Congress (1906), he was already a known figure in Bombay's social, legal and public circles. He did a hard groundwork before going to Calcutta. All this is discussed in the second chapter. His emergence as a leader of all India standing forms the subject matter of the third chapter. Alter establishing himself as an all-India leader, enjoying the confidence of Muslims, Hindus, Parsis and other communities, Jinnah joined the All India Muslim League in October 1913 From this time onwards, Jinnah emerges as an "ambassador of unity". In December 1916 he succeeded in sympathizing divergent communal viewpoints into the famous Lucknow pact, which ensured equal role to all communities in national affairs This achievement is discussed m the fourth chapter. The fifth chapter depicts the role of Jinnah as a leader of new movement known as the Home Rule Movement. The movement gained strength as the British position in the First World War weakened. But when the signs of British victory became certain in 1918 and the British role as a world power was once again assured, things started developing differently. This gave rise to a repressive policy which the Government of India carried along with their promise of reforms This caused agitation leading to the Khilafat Movement.

In the short span of two years (1919-1920) British India underwent a lot of suffering at the hands of the British, resulting in the emergence of an emotional atmosphere. This situation was exploited by Gandhi in order to introduce his Satyagraha or the philosophy of Non-Cooperation at the, cost of the Council elections. Jinnah, who had

developed a reasonable and intellectual stand was more pragmatic in politics and a confirmed believer in elections, doubted the advisability of such an emotional stance at a time when British India was not yet prepared to take such an extreme action. However, with the Muslim support led by the All brothers, Gandhi won the ground against Jinnah and amass movement started.

The result of this movement is also analyzed in fifth chapter The conclusion not only substantiates the viewpoint already discussed in the study but also depicts Jinnah as a confirmed believer in his ideas developed in these formative years, though the rise of different historical forces in consequence of the Non-Cooperation movement compelled him to play a different role. The old theme of making the, Muslims attain a prestigious position wherefrom they could play an effective role in the body politic of South Asia, was afterwards to find greater challenges in the shape of disunity and dissensions; but for this Jinnah was already equipped to perform his historical role of not only uniting the South Asian Muslims on a common political platform of Muslim League but also of helping their emergence as a great political force in the subcontinent - a feat leading to the establishment of the largest Muslim state in 1947.

This study is largely, based on my PhD. thesis submitted to the Quaid-i-Azam University, Islamabad in November 1983. It was completed under the supervision of Dr. A.H. Dani, Professor Emeritus of the University. Dr. Dani has always been helpful and a source of inspiration to me. Besides him, there are a number of other teachers/colleagues in and outside the Department of History especially Dr. Waheed-uz-Zaman and Dr. M. Rafique Afzal to whom I owe much in the completion of this work. I am thankful to all of them.

Most of the material for this study was collected in England where I spent about eight months in 1981. My thanks are due to the Directors and staff of the India Office Library and Records, London, British Museum, British Newspaper Library, Cambridge Centre for South Asian Studies, Cambridge University Library, School of Oriental and African Studies Library and the Lincoln's Inn Library. During my stay in London two scholars were specially helpful to me: (1). Dr. Z. H. Zaidi, Department of History, School of Oriental and African Studies: and (2) Mr. Martin Moir, Dy. Director India Office Library. A number of others also assisted me and made my stay in England comfortable especially Mr. Javid Mahmud, Mr. Mohammad Ashraf and Abdul, Qudoos Raja. They deserve my thanks The Treasury. Office of the Lincoln's Inn and the Library Officer of the Council of Legal Education were very kind to me in locating the relevant material relating to the Quaid's studies in London. I am grateful to them. In Pakistan, my special thanks are due to Mr. Atique Zafar Sheikh, Director, National Archives of Pakistan, Islamabad, and his ever cooperative staff. I also acknowledge help extended to me by the Librarians and staff of the Ministry of Justice and Parliamentary Affairs, National Assembly Library, Punjab Public Library, Punjab University Library, Dayal Singh Library. Quaid-i-Azam University Library, Press Information Department, Karachi

University Library and Archives. Apart from this I am thankful to Syed Sharifuddin Pirzada, Secretary General, Organization for Islamic Conference, Mr. G. Allana, Mr. M. H. Saiyid, Mr. Rizwan Ahmad and others especially those who met me in Jhirak (Sindh) for giving me an opportunity to interview them and answering my queries patiently. There are many more whose names it is not possible to mention here due to lack of space. I am grateful to all of them for being very kind to me and helpful in one way or the other.

Lastly, I am grateful to Dr. Waheed-uz-Zaman, Director, National Institute of Historical and Cultural Research, Islamabad, for getting this work published. The efforts of the staff of the Institute especially Mr. Shafqat Amin and Mr. M. Azeem Bhatti for their careful proof-reading and pursuing this book's printing in the press are duly appreciated. However, for the opinions expressed, errors and omissions I alone am responsible.

Islamabad, Riaz Ahmad
14 August 1985

ABBREVIATIONS

AICC	All-India Congress Committee
AIML	All-India Muslim League
BC	Bombay Chronicle
BG	Bombay Gazette
BGS	Bombay Gazette Summary
CID	Criminal Investigation Department
CMG	*Civil and Military Gazette*
CP	Central Provinces
Eur.	European
F	File
FMA	Freedom Movement Archives -
HIM	His/Her Imperial Majesty
ILR	*Indian Law Reports*
INC	Indian National Congress
IOL	India Office Library
IOR	India Office Records
JP	Justice of Peace
MAO	Mohammaden Anglo-Oriental
MP	Member of Parliament
MSS	Manuscripts
NAP	National Archives of Pakistan
PS	Private Secretary
Quaid or Quaid-i-Azam	Quaid-i-Azam Mohammad Ali Jinnah
S of S	Secretary of State for India
TI	*Times of India*
TIME	*Times of India Mail Edition*
V	Viceroy

INTRODUCTION

In recent years the role and personality of Quaid-i-Azam Mohammad Ali Jinnah (1876-1948) have been studied mainly from the angle of his achievements, for which he devoted the last years of his life.[1] This achievement represents, no doubt, a great historic success in the march of events in South Asia. But that goal is the end-product in the long career of the Quaid-i-Azam. Much preparation went beforehand, many constitutional experiments were earlier proposed and tested.[2] It was the experience of whole life that mellowed Jinnah's thought process. Without that background the Quaid's personality remains incomplete and his role remains-far from being properly understood. It is high time, therefore, that an effort was made to reconstruct this earlier aspect of the Quaid's life to place him in a proper historical perspective. In the chapters that follow, the details of his life have been given, as seen on the basis of the available evidence from the angle of the individual person who was actually participating in political events of the time that were shaping in the subcontinent. In the present introductory chapter, the role of this personality will be viewed from a wider angle of history as it influenced not only the fate of the Muslims but also as it unfolded itself in the general pattern of the entire people living in the South Asian subcontinent particularly under the influence of the British political framework. In other words, the earlier role of the Quaid is being examined here within a broad spectrum of the whole phenomenal history that led the people from the decline of the Mughals through the British Raj to the winning of Independence.

The "twilight" of the Mughal power resulted in the fissiparous tendencies all over the empire. Regional aspirations at local or group levels rose to assert themselves - anxious to build for themselves a political role in the growing complexities of the time. Viewed from the angle of the Mughals the tendency was a rebellious act, prone to erode the paramountcy of the Muslims as a suzerain power. Under the shadow of the Mughal emperor these newly-created sources of power were struggling one against the other to establish a new balance of power in South Asia. That balance would have been achieved in course of time but for the interference of the European powers, who had commercial and economic interests in South Asia.[3] In order to strengthen themselves by exploiting

[1] For instance see Hector Bolitho, *Jinnah, Creator of Pakistan*, London, 1954; and Sharif al Mujahid, Quaid-i-Azam Jinnah: Studies in Interpretation, Karachi, 1981.

[2] For details see A. B Keith, *A Constitutional History of India, 1600-1935*, Allahabad, 1961, first published in 1936.

[3] See Percival Spear, 'Twilight of the Mughals', in Thomas R. Metcalf (ed.), *Modern India*, London, 1971, pp. 145-162; H.H. Dodwell (ed.), *The Cambridge History of India*, IV-V, Delhi, n.d.; Percival Spear, *India*, Michigan, 1961; H.G. Keene, *History of India*, I, Edinburgh, 1906; H.N. Sinha, *'The New Foundations of Maratha Power'*, in S.P. Sen (ed.), *Indian History Congress: Proceedings of the Twenty-third session, Aligarh*, 1960, Pt. I, Calcutta, 1961, pp. 230-

the fratricidal wars among the Indian princes; they joined hands with the local forces and began to supersede them one by one and entrench themselves. It was this process that brought the East India Company to the forefront. Along with the commercial gains, they annexed large territories where they established their own administration. The first half of the nineteenth century presents a transitional period when two different patterns prevailed in South Asia - the old dwindling Mughal power and the emergent British system. The British. acted with utmost tact, They introduced the European system in the provincial territories under their occupation but did not disturb the Mughal emperor at the Centre, howsoever limited his authority.[4] Thinkers like Shah Waliullah (1703-1762) and his followers and many other reformists tried to stem the rot and retrieve the sinking glory of the Muslims.[5] Their efforts failed to make a substantial mark.

The catastrophic nadir of 1857[6] not only extinguished the Mughal authority but also led to the ruin of the entire Muslim ruling community. At the same time it established the direct British Raj in the subcontinent. The worst sufferers were those whose career was linked with the older system. At this time, there were, however, some Muslims, who, though trained in the old school of thought, yet saw the rising power of the British and sought to compromise the paramountcy of the Mughals with the reality of the times. Among them was Sir Syed Ahmad Khan (1817-1898) who opted 'to serve under the British not only for his own career but also to save the Muslims from falling into utter ruin. He took upon himself the task of apprising the British of the aspirations of the Muslims.[7] The man of the hour as he was, Sir Syed read the Muslim history in new light.[8] In the new political developments he could not see any other role for the Muslims except that they should, in the first place, acquaint themselves with the new system, read their own history in the light of this system and at the same time build for themselves a distinctive role as a "nation" to work as "loyal" citizens under the British Crown.[9]

239; Stanley Wolpert, *A New History of India*. New York, 1977; and Jawaharlal Nehru, *The Discovery of India*, London, 1946,pp. 226-229.

[4] V.A. Smith, *The Oxford History of India, Oxford*, 1958, pp. 455-664.

[5] Mahmud Husain, 'The Successors of Sayyid Ahmad Shahid: Jihad on the North-Western Frontier', in *A History of Freedom Movement*, II, Pt. I, Pakistan Historical Society, Karachi, 1960, pp. 145-169; and Hafeez Malik, *Moslem Nationalism in India and Pakistan*, Washington, 1963, pp. 118, 122-154, 189-191.

[6] For details see N.K. Nigam, *Delhi in 1857*, Delhi, 1957.

[7] S. Moinul Haq, 'Syed Ahmad Khan', in *A History of Freedom Movement*, II, Pt. II, Pakistan Historical Society, Karachi, 1961. pp. 451-478. Also see Hafeez Malik, op. cit.; and Jamil-ud-Din Ahmad (ed.), *Historic Documents of the Muslim Freedom Movement*, Lahore, 1970, pp. 1-10.

[8] Altaf Hussain Hali, *Hayat-i-Javid* (Urdu), Lahore, 1957, pp. 392-484; G.F.I. Graham, *The Life and Work of Sir Syed Ahmed Khan*, Karachi, 1974 (first published in 1885), pp. 40-98; and Hafeez Malik, op. cit., pp. 207-227.

[9] *Ibid.*

Looked at from the angle of Mughal nobility, Muslim tradition and the future role of the Muslims, that was a historic role in the changing perspective of the sub continental history. But by then a whole new world had been created by the British in the presidency towns of Calcutta, Bombay and Madras which had developed into the foremost centers of commerce and education. In these towns, a new class of businessmen had emerged which profited by European trade and gained advantages that followed from European learning.[10] In this growing enterprise the Muslim community lagged behind and was dubbed as "backward" in the contemporary English writings.[11] There were, nevertheless, a few Muslims who acquired English education and went about the task of devising a political role for their co-religionists. Among them Syed Ameer Ali (1849-1928) stood foremost. He laid the foundations of the Central National Mohammadan. Association whose objective it was to voice the opinion of the Muslims and make their political presence duly recognized by the British in the new set-up that the -latter had been developing in the subcontinent. Syed Ameer All hailed from Bengal where the new European concept of nationalism had already made its impact on the intellectual class. As a barrister he was fully conversant with the British system and the nascent tendencies that surcharged the Bengali mind were not lost on him. How far his ideas were understood by his Muslim compatriots has not been properly assessed so far. Although his organization had branches in different parts of the country it appears to have failed in arousing national consciousness among the Muslims as a whole.[12]

Ameer Ali's activity did not lead to any organized movement. It was an intellectual exercise by those Muslim intellectuals of the time who had risen to some position as a result of English education. Their number was limited and their interests were far too circumscribed. The large majority of the Muslim landholders were too much engrossed in saving themselves and their property from utter ruin.[13]

Another important modern centre was Bombay where the Khoja Muslim community had advanced their business interests in competition with others and profited much

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[10] Smith, op. cit., pp. 717-728; and R.C. Majumdar, *History of the Freedom Movement in India*, Lahore, n.d.,pp. 48-70.

[11] See W.W. Hunter, *Indian Mussalmans*, Calcutta, 1945 (reprint from 3rd edition) and Humayun Kabir, *Muslim Politics 1906-1947 and Other Essays*, Calcutta, 1969, pp. 14-16.

[12] Muhammad Yusuf Abbasi, *Muslim Politics and Leadership in South Asia 1876-92,* Islamabad, 1981, pp. 127-145; and K. K. Aziz, *Ameer Ali, his Life and Works*, Lahore, 1968, pp. 45-50, 63-67.

[13] See S.M. Ikram, *Modern Muslim India and the Birth of Pakistan*, Lahore, 1970, pp. 104-106; and P. Hardy, *The Muslims of British India*, Cambridge, 1972, Pp. 144-146.

from European commerce and trade.[14] His Highness the Aga Khan (1877-1957) was the leader of a section of this community (Ismailis) whose business acumen had enabled them to make huge profits.[15] Aga Khan was a man of learning and affluence, and was a philanthropist. So he acquired political stature. Both in economic pursuit and in political activity he, and the entire Ismaili business class, which he represented, worked in close cooperation with the British line of trade.[16] On the other hand the small energetic Parsi community, who had acquired English education and English way of life, took interest in industrial establishment and soon developed their economic activity in competition with the interests of the British industrial class.[17] Close behind them was the Marhatta community which lived in the vast hinterland of the cotton territory. The Marhattas had been animated with expansionist aspirations in the 18th century but those aspirations had been temporarily suppressed first in the battle of Panipat (1761) that Ahmad Shah Abdali fought against them and then in the Marhatta wars that the British fought against them.[18] Towards the close of the nineteenth century the situation had changed. In order to find political acceptability of the British way of governance by the newly created class of English educated intellectuals, the foundation of All-India National Congress (hereafter INC) had been laid at the initiative of A. O. Hume.[19] It was natural that such an organization was popular among those intellectuals who had understood the advantages of Western education and had accepted without question a set of principles associated with the British society. Several writers[20] have analyzed these new developments as they affected the intellectual class of the new urban population of the subcontinent. Bombay was a strong urban centre that looked to Europe for inspiration. But several interests had merged here to create a complex growth, quite distinct from the trends that were seen in the Calcutta of the time.[21]

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[14] Majumdar, *op. cit.,* pp. 337-370.

[15] Aga Khan, *The Memoirs of Aga Khan*, London, 1954.

[16] See chapter II.

[17] Sir Pherozeshab Mehta (18,45-1915) to Secretary of State for India (telegram), 22 Jan. 1896, *Parliamentary Debates, Questions etc. on Indian Affairs*, IOR. V/3/1599; Wacha to Naoroji, 18 Aug. 1893, in R. P. Patwardhan (ed.), *Dadabhai Naoroji Correspondence*. II, Pt. II, Bombay, 1977, pp. 362-63; and Wacha to Naoroji, 26 Aug. 1892, ibid., p. 297.

[18] Nehru, *op. cit.*

[19] Majumdar, *op. cit.,* pp. 389-392; and John R. McLane, *Indian Nationalism and the Early Congress*, Princeton, 1977, pp. 89-129.

[20] For instance see S. Razi Wasti, *Lord Minto and the Indian Nationalist Movement 1905-1910*, Lahore, 1976; and M.N. Das, *India under Morley and Minto*, London, 1964.

[21] S. Gopal, *British Policy in India 1858-1905*, Cambridge, 1965, Pp. 270-272.

Though born in Karachi, Quaid-i-Azam Mohammad Ali Jinnah was completely absorbed by the trends of the city of Bombay.[22] Being a brilliant barrister, fond of English way of life, he soon rose to the highest ranks of Bombay elite. Besides law, he chose politics as his career. His own taste persuaded him to swim in the wider sea of nationalism rather than in the limited confines of his small Khoja community. Like his other Bombay colleagues, he was drawn to the All-India Congress. But as a man of equanimity and poise he could not be part of the extremist group, as it, was deeply influenced by Marhatta parochial interests.[23] His own nationalism was wider and more liberal. So among the moderates he acquired a position that brought him into limelight.[24] Jinnah, the barrister, soon became Jinnah the nationalist leader.[25]

However, it was a. strange coincidence that Jinnah's debut in politics at the Calcutta Congress of 1906, was in an year of the founding of All-India Muslim League (hereafter as AIML) at Dacca[26] under the compulsion of circumstances that threatened Muslim interests in the subcontinent.[27] Jinnah chose to serve the political cause of the Muslims as well as of others from the platform of the Congress.[28] But two factors brought him closer to the Muslim community: the first was the Wakf alal-Aulad which he mooted from the Congress platform, gathered Muslim support and got approved by the Imperial Legislative Council; and the other was his own election to the Imperial Legislative Council from one of the Muslim constituencies. Iii the first years of his legislative career, while Jinnah earned, to his credit, the passage of Mussalman Wakf Validating Bill, he was equally vocal to represent the interests of other communities. The main thrust of his argument was on issues like education, recruitment of Indians in the civil service and nationalization of army. This advocacy of others' cause as well was based on the consideration that these matters were common to all communities. Naturally, he was admired in equal measure by the Congress and the Muslims. His

[22] See chapter I.

[23] *Ibid*.

[24] *BC*, 3O July and 15 Nov. 1904.

[25] See chapter III.

[26] The present spelling of the city name is Dhaka.

[27] Mohammad Noman, *Muslim India*, Allahabad, 1942, PP. 69-78; Majumdar, II, *op. cit*., pp. 229-231; Edward E. Lang, *'The All-India Moslem League'*, Contemporary Review,. 92, Sept. 1907, pp. 347-50; Abdul Lateef, "From Community to Nation: the Development of the Idea of Pakistan", Ph.D. dissertation, Southern Illinois University, 1965, pp. 77-78; Annie Besant, *How India Wrought for Freedom*, Adyar (Madras), 1915, pp. 450-51; and A.B. Rajput, *Muslim League Yesterday and Today*, Lahore, 1948, pp. 19-20.

[28] See chapter III.

candor, caliber and concern for Indian interests made Jirinah acceptable to all the communities.[29]

These national considerations were uppermost in his mind at the time of joining the AIML and he explicitly expressed them to Maulana Mahomed Ali (1878-1931) and Syed Wazir Hasan (1874-1947).[30] This he felt necessary because he desired to build the Congress into a truly national organization wherein he could get for Muslims a position equal to those of the Hindus, a point of view to which he had already made the Congress leaders agree.[31] In addition, he himself had attained an important position in the Congress which, being a young man, he hoped to maintain for many years to come. He persuaded both the Congress and the League to accept his viewpoint of constitutional adjustment as devised in the Lucknow Pact.[32] Thus he created a climate that facilitated the birth of Home Rule movement. This, in turn, created a strong pressure on the British Government. But all his planning was disturbed by Mohandas Karamchand Gandhi, (1860-1948) in 1920.[33] Gandhi brought his South African experience to the subcontinent and introduced the "Satyagraha" movement in a situation far different from that of South Africa.[34] His activity caught the surcharged emotion of the people and he quickly gained importance and stature. Although the masses became astir, yet the political programme built up assiduously by Jinnah and many other leaders was disturbed.[35]

Nevertheless passion for freedom overwhelmed all other considerations. In order to win confidence of the Muslim leaders, especially those belonging to the Muslim League, Jinnah played a distinct role as compared to other Congress leaders.[36] His debut at the Calcutta Congress and the way he espoused the cause of Muslim Wakf alal-Aulad at this Congress and at the Imperial Legislative Council leading up to the piloting and approval of his bill during 1910-1913, finally proved that Congress was not inimical to the Muslim interests. This effort of Jinnah was coupled by other historical events which

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[29] *Ibid*.

[30] M. H. Saiyid, Mohammad Ali Jinnah: *A Political Study*, Lahore, 1962, p. 54.

[31] See chapter II-III; and A.H. Dani, 'Introduction', *World Scholars on Quaid-i-Azam Mohammad Ali Jinnah*, Islamabad, 1979, pp. 9-12.

[32] See chapter IV.

[33] See chapter V.

[34] Richard Gordon, 'Non-Cooperation and Council Entry', in John Gallagher, *et. al*. (eds.), *Locality, Province, and Nation: Essays on Indian Politics 1870-1940*, Cambridge, 1973, pp. 123-125.

[35] See chapter V.

[36] See chapter III.

helped create a congenial atmosphere in which Jinnah played a key role in bringing AIML and INC to chalk out a common course of action for the country. This was because Jinnah was interested in winning freedom for his country at the earliest possible. The annulment of the partition of Bengal in December 1911 and suspected covert British support to the Balkan powers against Turkey, helped to convince the Muslims, Hindus, Parsis alike that the British were not playing fair with them, and that they were not entitled to their trust and confidence. It was universally realized that only a collaborated programme could wrest Swaraj from the British.[37] Taking advantage of this realization, Jinnah became instrumental through his powerful pleadings in making the AIML Council meeting at Bankipur in December 1912 agree to the Congress ideal of Self-Government, though on different conditions.[38] While the Congress in 1906 had adopted the colonial model for Self-Government,[39] the Muslim League meeting wanted to attain Self-Government suitable to the particular situation in India in which Muslims' special position could not be sacrificed. Jinnah was alive to this Muslim realization. He rather proved a champion of this cause opposing Mazharui Haq (1866-1929) who was strictly following the Congress model of attaining Self-Government.[40] Jinnah's stand was finally, approved by the AIML in March 1913.[41]

This deep association with the Muslim cause having been happily established, Jinnah could now join the League. But the actual occasion for formal declaration came when he saw to his dismay that the Muslim deputation on the Cawnpur Mosque issue, headed by Maulana Mahomed Ali, was refused interview by Lord Crewe (1858-1945), Secretary of State for India. Now Jinnah put the weight of his leadership in favor of the Muslims by formally joining the AIML on 10 October 1913.[42] Henceforth, Jinnah was to maintain his dual membership of Congress and Muslim League until the Nagpur Congress in December 1920. These seven years of dual membership enhanced his reputation immensely as a great leader of India, more so as "an ambassador of unity", among Muslims, Hindus, Parsis, and other communities.

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[37] See chapter IV.

[38] Syed Sharifuddin Pirzada (ed.), *Foundations of Pakistan*, I, Karachi, 1969, pp. 258-259.

[39] *Report of the Proceedings of the Twenty-second Indian National Congress held at Calcutta on the 26th, 27th and 29th of December1906*, pp. 113-120.

[40] *Paisa Akhbar* (Lahore), 18 Jan. 1913.

[41] Pirzada, I. *op. cit.*, pp 260-281.

[42] FMA, Karachi University, AIML Records, F. No. 225; BC, 22 Dec. 1913. The text of Jinnah's membership form has been recently published in Mujahid, op. cit.; P. 461.

Once the Muslim League agreed to demand Self-Government, though on its own terms, the Congress extended its approval to this in its 190 Karachi session.[43] Both the organizations were thus to develop a common goal in their political career. From this ideational harmony both came to hold their meetings simultaneously at one place. The first meeting was held in December 1915 in Bombay.[44] This practice continued till the Ahmadabad sessions of 1921 which were held at the height of the Non-Cooperation movement. As both the organizations were eager to evolve a common constitutional formula, their committee meetings finally culminated in the evolution of a joint agreement known as the Lucknow Pact in December 1916.[45] Jinnah was the architect of this Pact.

When the signs of inter-communal constitutional agreement became bright, the Home Rule movement was started in 1916.[46] Two Home Rule Leagues - one headed by Mrs. Annie Besant (1847-1933) and the other by Bal Gangadhar Tilak (1856-1920) - came to be established by the time the Lucknow Pact was adopted for carrying propaganda at all-India level. With the conclusion of this Pact as the charter of Home Rule for India the Home Rule Movement flourished. Being the architect of Lucknow Pact, Jinnah naturally rose to fresh heights.[47] But instead of joining either of the parties, he kept himself attached to the Movement. Nevertheless he had the best of relations with the leaders of both the parties and frequently presided over their joint meetings. It was only at the time of Mrs. Besant's arrest in June 1017 that, Jinnah decided to put the weight of his personality behind the Home Rule League and head its Bombay branch.[48] His personality was not only the driving force but also the meeting point of both the Home Rule Leagues Both arranged joint public meetings under his guidance. He himself organized the propaganda work and arranged joint political activity by spending thousands of rupees, collected as donation from various industrial magnates of Bombay.

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[43] See *Report of the Twenty-eighth Indian National Congress held at Karachi on the 26th, 27th and 28th of December 1913.*

[44] See *Report of the Twenty-eight Indian National Congress held at Karachi on the 28th and 29th December*, Bombay, 1916; and BC, 28-31 Dec. 1915.

[45] See chapter IV.

[46] *Ibid*.

[47] *Ibid*.

[48] See chapter V and M. Rafique Aizal, 'Quaid-i-Azam Muhammad Ali Jinnah and the Home Rule Movement', in *The Journal of the Research Society of Pakistan*, XX, No. I, Lahore, l983,pp. 1-27.

Before Gandhi's return to India in January 1915 Jinnah almost dominated the Muslim League as well as the Congress ranks.[49] Gopal Krishna Gokhale (1866-1915) and Sir Pherozeshah Mehta had helped Jinnah in the attainment of this position. After their death in 1915, Jinnah was supported in the Congress ranks by Tilak, a support which continued till the latter's death on 1 August 1920. In the Muslim League he had himself attained an important position but still he was backed by the Aga Khan, Mazharul Haq, and Raja of Mahmudabad (1879-1931).[50] From this dominant position he introduced Gandhi to the Indian political world.[51] Thus Gandhi was to follow the political developments led by Jinnah till the middle of 1920.

At, the time when the political scene of India was dominated by Jinnah - in the first half of 1917—the British Government felt concerned over his anti-British attitude, though expressed with a finesse, peculiarly his own.[52] It was on his suggestion that the Indian leaders planned to go to England in order to move a Home Rule Bill in British Parliament like the one the Irish had already done in 1913. Jinnah was anxious to use this precedent to his advantage.[53] The plan was frustrated because during the War the British Government was not ready to receive Indian leaders in London.

Instead, the British Government engaged the Indian politicians in dialogue with Edwin S. Montagu (1879-1924), Secretary of State for India who was sent to India in November 1917. Montagu remained in India for six months. Among others, he consulted Jinnah who made impression on his mind. In his diary Montagu records:

They [the politicians][54] were followed by Jinnah, young, perfectly mannered, impressive-looking, armed to the teeth with dialectics insistent upon the whole of his scheme. All its shortcomings, all its drawbacks, the elected members of the Executive Council, the power of the minority to hold up legislation, the complete control of the Executive in all matters of finance—all these were defended as the best makeshifts they could devise short of responsible government. Nothing else would satisfy them. They would rather have nothing if they could not get the whole lot. I was rather tired that I funked him. Chelmsford tried to argue with him, and was tied up into knots. Jinnah is a very clever man, and it is, of course, an outrage that such a man should have no chance

[49] See chapter IV.

[50] See chapter V.

[51] *Ibid*.; and Penderel Moon, *Gandhi and Modern India*, New York, 1969, p. 75.

[52] See chapter V.

[53] *Ibid*.

[54] Author's parenthesis.

of running the affairs of his own country.[55] ... Jinnah was able as ever but failed to impress the Viceroy. He certainly impresses me.[56]

As a result of these discussions, Montagu proposed a "Report on Indian Constitutional Reforms" with the help of Lord Chelmsford (1868-1933), the Viceroy.[57] This Report was announced in early July 1918 when the British success in War was almost sure.[58] After the war different situations developed strengthening the hands of the Government who became slack in granting of the next installment of Reforms. It was after going through various committees both at the Government and parliamentary level that the Reforms Bill was passed in December 1919, becoming an Act towards the close of the month.[59]

The Reforms of 1919 were far short of Indian expectations.[60] The Indian response to these Reforms shows rift and confusion among the leaders as seen at the 1919 Amritsar Congress.[61] Tilak denounced them as disappointing and unsatisfactory.[62] So was the case with C.R. Das (1870-1925).[63] It was Jinnah-Gandhi-Malaviya understanding which convinced Tilak and Das to work the Reforms whatever the limitations.[64] Jinnah's argument that five million electorate be mobilized into a great political force so as to send the best representatives into the Councils/Assemblies was given due attention. Further political power was to be left to further reforms. With this common aim the politicians who were to enter the Councils in a majority as compared to the nominated members were expected to act. as a powerful group against the all-powerful Governors and the Governor-General, checkmating thus the exercise of their veto power.[65] It was Jinnah's plan that succeeded at the Amritsar Congress. There was a consensus that the

[55] Montagu, *op. cit.,* pp. 57-58.

[56] *Ibid*., p. 140.

[57] See chapter V.

[58] *BC*, 8 July 1918.

[59] See chapter V.

[60] BC, 27-31 Dec. 1919, 1 Jan. 1920.

[61] *Ibid*.

[62] *Ibid*.

[63] *Ibid*.

[64] *Ibid*.

[65] *BC*, 17 Nov. 1919, 1-2, 26 Jan. 1920.

Reforms be worked. Jinnah now undoubtedly was the most important man in Indian, politics.[66]

Future events, however, were to submerge the political goals that had been achieved so far; In the International field, the defeat of the Central powers placed the Ottoman Empire at the whims of the victors, and with it the position of the Khalifa who was also the Sultan of Turkey, was greatly imperiled. The Indian Muslims were alarmed at the grim prospect and their sympathies lay with the Ottoman Sultan and the cause of the Khilafat. The issue was how to save the Khilafat? But it was not as simple. The issue was tied up with the fate of the Sultan. The Indian Muslims consequently became intensely worried as it affected their religious sentiment. Whatever the intensity of this sentiment, the international issue was to be solved through international pressures. And that was done by the Turks themselves. In spite of the Khilafat Movement in India, the Turks realized that the Khilafat could not be saved. They, therefore, managed to create an independent national state of their own. The Khilafat issue had created an unprecedented commotion in the country. The emotions ran high. Jinnah, although sympathetic to the Khilafat cause, was calm and peaceful.[67] Ali brothers and Gandhi, on the other hand, grew extremely emotional. Two internal developments added fuel to the fire. One was the passing of the Rowlatt Act in March and The other was the massacre at Jallianwalla Bagh in April 1919. These events added a sting to the already burning issue of Home Rule which had been so far worked on political and intellectual plane alone. Jinnah still believed in constitutionalism and was adamant to continue the political struggle on an intellectual plane and bring united pressure on the British Government to grant Self-Government to India.[68]

Internal events, on the other hand, had created a situation in which the masses could he mobilized for an emotional struggle.[69] Gandhi consequently launched the famous Non-Cooperation movement, As its architect, he earned world-Wide fame,[70] but this mass-pressure tactic, built upon emotions, was contrary to the intellectual pressure methods built up by Jinnah who stood alone calm and unmoved.[71] Jinnah emerged as a "constitutionalist" as opposed to "mass agitator". Gandhi took advantage of the emotional atmosphere and worked on a new line with his South African experience,

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[66] *Ibid*.

[67] See chapter V.

[68] *Ibid*.

[69] Lloyd to Montagu, 21 Nov. 1919, Montagu Papers, IOL. MSS. Eur. D. 523/24.

[70] Judith M. Brown, *Gandhi's Rise to Power: Indian Politics 1915-1922*, Cambridge, 1972, pp. 250-270.

[71] For Jinnah's stand see *BC*, 1-2 Nov. 1920.

which quickly gave him a position in the country.[72] When the emotions subsided, Gandhi's methodology could not keep the masses together. The internal unresolved contradictions among them exploded and they became divided on community lines. What was sought to be bridged through years of intellectual work and for which a guarantee had been provided in the Lucknow Pact was ripped open by emotions and its aftermath. The British designed new administrative measures to continue the emotional-pressure technique and at the same time intelligently worked to control or even break the intellectual-pressure tactic built up by Jinnah.[73] While history has recorded the account of the emotional struggle and the role of Gandhi in it, there is hardly any sound appraisal of the other side of the story that unfolded on the intellectual plane. The British measures can certainly be read in official documents but politicians like Jinnah did not, or could not, sit quietly at home. The real issue, namely, the adjustment among the communities and the struggle against a colonial power, was again re-opened soon. Should the internal struggle be completely forgotten and sacrificed to the second goal or should the second goal precede the solution of the internal issues? The first problem was dubbed a communal issue irrespective of the fact that a historical contradiction among the communities had existed in the subcontinent Jinnah had earlier succeeded in resolving the political aspect of the contradictions. Could he succeed again? There was a possibility, if the concept of communalism had not infected political platform. This concept neglected the main issue of India's freedom and there was no way out for the historical communities except to develop into full-fledged nations. Now what happened has to be seen in the events that followed after 1920.[74] Jinnah now rose to play that new histori.al role by which he redefined the position of the historical communities and made the Muslims realize that they were not a "minority" but a "nation" and they would have to play the historical role destined for them in the subcontinent.[75]

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[72] For details see M. Naeem Qureshi, "*The Khilafat Movement, 1918-1924*", Ph.D. thesis, London University, 1974; and M.K. Gandhi, *Non-Violence in Peace and War*, Ahmedabad, 1944, first published in 1942.

[73] Lloyd to Montagu, 12 June, 4 July, 17 Aug. 1919, *Montagu Papers*, D. 523/24; Montagu to Lloyd, 8 Aug., 2 'Oct. 1919, *Montagu Papers*, D. 523/22; and Aparna Basu, 'Growth of Education and Muslim Separatism 1919-1939', in B.R. Nanda (ed), *Essays in Modern Indian History*, Delhi, 1980, pp. 223-243.

[74] See David Page, *Prelude to Partition: the Indian Muslims and the Imperial System of Control 1920-1932*, Delhi, 1982.

[75] Jinnah's interview on 18 Dec. 1943, in Beverely Nichols, *Verdict on India*, Lahore, 1944, pp., 189-196; R. Coupiand, *The Cripps Mission*, London, 1942, pp. 35-39; and Jinnah's presidential address to 15th session of AIML, May 1924, in TI, 26 May 1924.

II

"I prefer the noisy agitator to this silken mannered fellow", wrote Sir George Lloyd Governor of Bombay, to Montagu[76] In his July 1919 communication, while conveying to Montagu the latest information concerning the political situation in British India created by, among others, Jinnah's leadership, Lloyd expressed his likeness for Gandhi whom he termed as the "noisy agitator" against Jinnah who came to be known a "silken mannered fellow." This was because Gandhi's scheme and ideas were ostensibly designed for the future because of their "visionary" character, while Jinnah's programme had a ring of immediacy and his ideas were catchy. If Jinnah's thoughts were allowed to gain further ground in the Indian political and constitutional developments, an unavertable danger to British rule would arise.[77]

In 1917-1918 Montagu, as noted earlier, was much impressed by Jinnah's qualities. He even expressed his desire to enlist his support for the Government.[78] All such endeavors, however, were of no avail because. Jinnah was never ready to work in the interest of the British Government at the expense of the national cause. Naturally, the Government considered him a "hopeless" case. In June 1919 Lloyd informed Montagu that he had "done all" to enlist Jinnah's services, but without success.[79] Thus in 1919 the Government was finally able to fathom Jinnah's contempt and hatred towards the British Raj. The reasons advanced by Lloyd finally convinced Montagu of the conclusion reached earlier by the Viceroy, the Governor of Bombay and other high officials of Government of India. Confirming to Lloyd on 8 August 1919, Montagu expressed his readiness "to believe" in Lloyd's observation on Jinnah. Thus he changed his earlier opinion. Montagu was even "grateful" to Lloyd for giving him such an accurate appraisal on Jinnah's politics.[80] At the time of this development of the new official attitude towards him, Jinnah was in England struggling for the cause of Reforms and preservation of the Khilafat and the holy places of Islam. When Jinnah appeared before the Joint Parliamentary Committee in London in August 1919, Montagu harshly put to him:

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[76] Lloyd to Montagu, 4 July 1919, Montagu Papers, D. 523/24.

[77] Sir Claude H. Hill, Member of Viceroy's Executive Council, to Lord Chelmsford, 7 April, 1919, *Chelmsford Papers*, IOL. MSS. Eur. E. 264/22.

[78] Montagu, op. cit., pp 57-58; Appendices to "Indian Diary", in *Montagu Papers*, D. 523/41; and Bolitho, *op. cit*., p. 70.

[79] Lloyd to Montagu, 12 June 1919, *Montagu Papers*, D. 523/24.

[80] Montagu to Lloyd, 8 Aug. 1919, *Montagu Papers*, D. 523/22.

> What I should like to put to you is that it has been your role in politics always to accentuate and increase your demand, as what is given you is increased in itself.[81]

This was the culmination of the official assessment of Jinnah's role in politics.

After his five month's stay in England in 1919, when Jinnah returned to Bombay, he had to face a complex situation in British India. This challenge, as great as it was successfully dealt with by Jinnah, though with difficulty, at the Amritsar Congress (December 1919) where he could skillfully make Gandhi, Pandit Madan Mohan Malaviya (186l-l946), Tilak, Das, Bepin Chandra Pal and others agree to work the new Reforms Act despite its grave and serious flaws.[82]

These developments in the formative years of Jinnah's political life have not been emphasized by Jinnah's biographers. What happened afterwards leading to the end of this phase in Jinnah's life when he finally dissociated himself from the Congress after December 1920 have also not been adequately explained by writers.

In the period of this study, Jinnah, as emerging from the published accounts is generally termed a moderate leader.[83] This assumption is not the whole truth This study, therefore strives to show that despite being a constitutionalist Jinnah had his own independent and vigorous approach in politics. The official circles were aware of this even as early as 1914. The services of certain leaders were also enlisted by the Government to block Jinnah's rise to further eminence As reflected by Nawab Fateh Ali Khan Qizilbash's correspondence with Sir James Meston (1865-1943), Lieutenant Governor of the United Provinces, Jinnah's position in the official circles had emerged to the level:

> The Muslim extreme political movement engineered by people like Messrs. Mazharul Haq, and Muhammad Ali Jinnah[84] and Abul Kalam Azad and

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[81] *Jinnah's Evidence before the Joint Parliamentary Committee on the Government of India Bill 1919*, 13 August 1919, IOR. L/Parl/2/405.

[82] *BC*, 28-31 Dec. 1919, 1-2 Jan. 1920.

[83] For instance see Saiyid, *op. cit*., pp. 37-131; Bolitho, *op. cit*., pp.. 49-718; G. Allana, *Quaid-e-Azam Jinnah: the Story of a Nation*, Lahore, 1967, pp. 77-135; Brown, *op. cit.,* pp 135-145; A. A. Ravoof, *Meet Mr. Jinnah*, Lahore 1965 pp 5-64; Abdul Hamid, *'Qauid-i-Azam and the Pakistan Demand'*, in A. H. Dani (ed.), *Founding Fathers of Pakistan*, Islamabad, 1981, pp. 190-195; and David Taylor, *'Jinnah's Political Apprenticeship 1906-1924'*, in A.H. Dani (ed.), *World Scholars on Quaid-i-Azam Mohammad Ali Jinnah*; Islamabad, 1979, pp. 102-112.

[84] Spellings as given in the original.

> Muhammad Ali, Editors, and patronized by men like Raja of Mahmudabad as being dangerous to the country and the community no less than to the Government and especially to the aristocracy whom they are trying to trample under foot and bring down to the level of the common people.[85]

The officialdom and the loyalist Muslim leaders came to this realization after Jinnah succeeded in bringing about a change in the AIML's constitution which set Self Government as the League's new ideal - a fact much resented by the official circles It was to get this new ideal reversed and bring the Muslim League back to its old loyalist policy that services of men like Nawab Fateh Ali Khan Qizilbash were secured through Meston who was known for his pro-Muslim attitude. Backed confidentially by the Government, Nawab Qizilbash and others with him, made attempts to bring the AIML to its old policy. But all such endeavors failed, though twenty-eight prominent Muslim leaders promised to help the Government in their design.[86] Jinnah, with the cooperation of other Congress and Muslim League leaders had acted with so much courage and tact that it had become impossible to reverse the League's decision for Self-Government.[87] Having achieved this success Jinnah advanced into the next step of affecting unity between the AIML and INC at Lucknow (December 1916), making his moderate role diminish in official viewpoint.[88] Jinnah's conduct at the Bombay War Conference in June 1918 was termed as "disloyal" by Lord Willingdon (1866-1941), the Bombay Governor (who was replaced by Lloyd in December 1918).[89] By handling the situation tactfully, Jinnah created a "dangerous" situation for the British Government. Writing to Austin Chamberlain (1863-1937) on I March 1917 in this connection, Chelmsford reported to the Home Government:

> The position today may be as, important as that at the close of the Mutiny but it differs in toto, in as much as while at that time we had had to give way, today we have none.[90]

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[85] Qizilbash to Meston, 19 May. 1914, *Meston Papers*, IOL. MSS. Eur. F. 136/6.

[86] *Ibid*.

[87] Qizilbash to Meston 20 July 1913 Meston to Muhammad Israr Khan Hon. Secretary of Aligarh College Trustees, 22 Dec. 1913, Qizilbash to Meston, 26 Dec. 1913, Muhammad Ishak Khan to Meston, 2 Jan. 1914, Qizitbash to Syed Wazir Hasan, 7 May 1914, Qizilbash to Meston, 19 May 1914, *Meston Papers*, F. 136/6. For more evidences of such nature see Seton Papers, IOL. MSS. Eur. E. 267/1.

[88] Meston to Chelmsford, 11 Jan., 20 Aug. 1917, *Chelmsford Papers*, E. 264/17 and 19.

[89] Willingdon to Chelmsford, 11 June 1918, *Chelmsford Papers*, E. 264/20.

[90] Chelmsford to Chamberlain, Secretary of State for India, 1 March 1917, *Ibid*.

Since Jinnah had played a key role in the creation of such a political, development, it was natural that, official circles came to term him an "extremist", "agitator", and even "Bolshevist".[91] Thus, the Government was, at last, able to discover the real nature of "Mazzini of the Indian liberation".[92]

Jinnah could help, bring India to this political level by justifying the existence of opposition in India on the British model with the right to criticize the Indian bureaucracy. This was procured by him for the first time in India's political and constitutional history at the Bombay High Court in the Tilak Sedition Case. This decision of the Court upheld Jinnah's viewpoint, though it was disliked by Willingdon.[93]

This wonderful aspect of Jinnah's life emerges from the private papers of Sir Fleetwood Wilson (1850-1940), John Morley (1838-1923), Harcourt Butler (1869-1938), Willingdon, Meston, Sir Malcolm Cotter-Cariston Seton (1827-1940), Lord Chelmsford, Montagu, Lord Reading (1860-1935), and Sir Hamilton Grant. The published studies have by and large proved inadequate in this behalf. Much revealing material exists in the India Office Library and Records (referred to as IOL or IOR), London, various volumes of the *Government of India Proceedings of Legislative Department, Government of India (Home Department) Confidential Proceedings, Government of India Confidential Proceedings (Home and Political), Bombay Judicial Proceedings 1901-1917, Bombay Judicial and Home Department Proceedings 1918-1924, Bombay Confidential Proceedings (Home and Judicial Department), Bombay Confidential Proceedings (Political); Bombay Confidential Proceedings (Legal and Legislative), Bombay confidential Proceedings (Local Self-Government and Medical) India Office Judicial and Public Proceedings, India Office Home Department Proceedings, Private Office Records, Records of the Crown Representative, Minutes of the Council of India; and Annual Reports: Bombay High court.* Jinnah's Council speeches and other legislative activities preserved in various volumes of *Proceedings of the Council of the Governor-General of India, Proceedings of the Indian Legislative Assembly,* and various files of Bills and Acts of Government of India have also not been comprehensively utilized by the biographers. The same is the case with the material preserved in the IOR under captions of the *Committee and Commission Reports, Parliamentary Debates (Hansard), Parliamentary Papers, and Legislative Debates and Proceedings.*

The published works have also not fully utilized the newspaper sources. His ideas expressed at the public meetings covered by certain newspapers from 1904 to 1920 have

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[91] *India Office Home Department Proceedings*, JOR. P/SO; and Willingdon to Chelmsford, 1 July, 12 Dec. 1918, *Chelmsford Papers*, E. 264/21.

[92] Mrs. Sarojini Naidu, 'Mohammad Ali Jinnah: Ambassador of Hindu-Muslim Unity', in Jamil-ud-Din Ahmad (ed.), *Quaid-i-Azam as Seen by His Contemporaries*, Lahore, 1965, p. 165.

[93] Willingdon to Chelmsford, 11 Nov. 1916, *Chelmsford Papers*, E. 264/17.

also not been properly made use of because most of them have not yet been published in the collections of Jinnah's speeches and statements. This material is available in the files of the *Bombay Gazette* (referred to as *BG*) showing Jinnah's participation in various functions especially his attendance of various meetings of Anjuman-i-Islam Bombay from 1897 to 1904. The information contained in the *BG* during 1897-1913, and in the *Bombay Chronicle* (referred to as *BC*) during 1913-1924, is of much value. It is interesting to note that after Mehta's death in 1915 it was Jinnah who guided the policies of *BC*, as Chairman of its Board of Directors. Only in April 1921 when he saw that this paper had discarded its policy of "neutrality" and had become partisan in projecting Gandhi's destructive philosophy of Satyagraha that he resigned from the presidentship of the Board of Management and severed all connections with this paper.[94] Jinnah's personality emerging from this paper is very much different from what Bolitho, among others, has painted.[95]

Though precious little is found on Jinnah from the private papers of Indian leaders, yet the information gathered from the papers of Badruddin Tyabji (1844-1906), Gokhale and Mahomed Ali is important to have "a, better understanding of Jinnah's personality. The *Quaid-i-Azam Papers* preserved by the National Archives of Pakistan (referred to as NAP), Islamabad are mostly silent on the early years of Jinnah Anyhow, the papers and reports of AIML and INC possess some good, informative material.

Politics alone was not Jinnah's passion. He was an outstanding lawyer as well. But surprisingly enough the legal aspect of his career is generally ignored.[96] Sufficient material in this connection has also been collected from the *Indian Law Reports* (referred to as *ILR*), the Legal Proceedings of the Bombay High Court, and from different newspaper reports covering judicial proceedings. A collection of more than four hundred cases has enabled the present writer to throw new light on this aspect of Jinnah's life also. This naturally includes Jinnah's six months' tenure as Presidency Magistrate in Bombay (May-November 1900). Seventy-three cases decided by him have been cited. Such a large number of cases decided during a brief period of six months reflect his powers of decision even when he was very young.

What has especially enabled the present writer to throw a fresh light on Jinnah's early years is the material gathered from the suits against his father, Jinnah Poonjah, as

[94] *BC*, 20-21 April 1921.

[95] Bolitho, *op. cit.*

[96] One research article and one book has so far appeared on this aspect of Jinnah's life. See Nisar Ahmad Pannoun (ed.), *Jinnah, the Lawyer*, Lahore, 1976—it is only a collection of 25 legal cases from 1907 to 1928; and 'Syed Sharifuddin Pirzadà, *'Quaid-i-Azam Mohammad Ali Jinnah as a Lawyer'*, in A.H. Dani (ed.), Quaid-i-Azam and Pakistan, Islamabad, 1981, pp. 78-89.

preserved in the Sindh High Court records.[97] Above all, are the memories of his two sisters (Fatima Jinnah and Shireen Jinnah, as recorded, respectively, by Fatima Jinnah in association with G. Allana,[98] and by Rizwan Ahmad[99]), and the records of the Law Society and Greater London Council.[100]

[97] For instance see suits No. 99 of 1890, No. 11 of 1896, and No. 184 of 1894, District Courts (now Sindh High Court), Karachi.

[98] Fatima Jinnah, assisted by G. Allana, "*My, Brother*", a manuscript preserved in *Fatima Jinnah Papers*, NAP, Islamabad.

[99] Rizwan Ahmad, *Quaid-i-Azam kay Ibtada'i-Tees Sa'l 1876-1906*, (Urdu), Karachi, 1976.

[100] For instance see M. C. Chagla, *Roses in December: An Autobiography*, Bombay, 1974; M.R. Jayakar, *The Story of My Life*, I, Bombay, 1958; Kanji Dwarkadas, *Ruttie Jinnah: the Story of a Great Friendship*, Bombay, 1950; Kanji Dwarkadas, *Gandhiji Through My Diary Leases 1915-1948*, Bombay, 1950, Kanji Dwarkadas, *India's Fight for Freedom 1913-1945*, Bombay, 1966; Bolitho, *op. cit;* Sarojini Naidu (ed.), *Mohomed Ali Jinnah:, An Ambassador of Unity*, Madras, 1918 and Mahadev H. Desai, *Day-to-Day with Gandhi* (Secretary's Diary), April 1919-October 1920, H. Rajghat, 1968.

Chapter 1

FAMILY BACKGROUND AND EDUCATION

In building the character and personality f a man the family influence is a potent factor on which future life: structure is built. Unfortunately, in the case of the Quaid-i-Azam, we know more about his later life than about his early upbringing. In a society, which judges a person more by his final achievements than by the totality of the human role ho plays in this world, it is natural to expect later events influencing the perspective of his early career. And when sufficient material about the early life is not available, choice for a historian is very limited.

Our sources about the early life of the Quaid-i-Azam are limited mainly to the memories of his two sisters - Fatima Jinnah (1893-1967) and Shirin Jinnah (1894-1980). The latter has been collected by Rizwan Ahmad in his Urdu work *Quaid-i-Azam - Ibtada'i Tees Sa'l 1876-1906* (Karachi: 1976), while the former is preserved in a manuscript, called "*My Brother*", carefully put together by G. Allana.[101] The details of these accounts, as will be noted hereafter, do not all tally with one another. In fact, on some points there is contradiction. Anyhow when facts have to be picked out of memory and family hearsay rather than the records such contradictions are natural. Among early records we, find nothing except enrolment of the child in the schools, some early legal cases of the family regarding the family business, Jinnah's application for admission at the Lincoln's Inn, the Bank Pass Book of his student days in London, and letters to Badruddin Tyabji. Under the circumstances a reconstruction of the early life is bound to be imperfect. Despite all these limitations, an effort has been made to reconstruct a life which is logical and understandable.

One thing is, however, certain that the Quaid-i-Azam belonged to a Muslim business family hailing from Paneli, a village in the Gondal State of Kathiawar in Gujerat. As is natural in coastal areas, like Gujerat, interest in trade is the primary occupation. So, in case of Jinnah's ancestors too, their family occupation was village trade. Bearing in mind the expanding British commercial interests in this part of South Asia for some centuries, it is not difficult to understand the aspirations of the local business families to participate in higher trade trying for greater gains. How far the ancestors of the Quaid were affected by this consideration is difficult to say. But certainly his father is known

[101] G. Allana, as he himself revealed to this writer in June 1982, was engaged by Fatima Jinnah in March 1964 in this project of writing. Their association resulted in production of three chapters. After some months, however, Fatima Jinnah dissociated herself from Allana. It was on the basis of the material provided to him by the Quaid's sister that he published his hook *Quaid-e-Azam Jinnah: the Story of a Nation* (Lahore: Ferozsons Ltd.) 1967 - The year of Fatima Jinnah's death. Allama himself died in March 1985.

to have been motivated by such a desire.[102] When he got married with Shirin Bibi, popularly known in the family as Methi Bai, in Dhafia around 1874,[103] he must have thought of choosing a better living for his small family. The family moved to Karachi[104] - it is not clear why? - where the head of the family Jinnahbhai Poonjah,[105] settled in a locality where most of the business community resided. There he rented a "modest room apartment", owned by a Hindu,[106] at the Newnham Road (now Wazir Mansion), in Kharadhar,[107] a locality which was then the commercial heart of the city. Here lived "numerous business families, some of them having come from Gujerat and Kathiawar"[108] Miss Fatima Jinnah looking back on those days records:

> There were at that time in Karachi a few British firms, which exported the produce of Karachi and of the hinterland to Europe and the Far East, and imported consumer goods from England. Grahams Trading Co., was one such firm, and it was one of the leading import and export houses in Karachi. Although my father had not had regular education at school in English, his diligence and natural aptitude had enabled him to be fairly conversant with the

[102] Fatima Jinnah, "*My Brother*", NAP, Islamabad, pp. 48-49.

[103] *Ibid*., p. 48.

[104] While Bolitho vaguely mentions that Jinnah's "parents migrated to the fishing port of Karachi" (Hector Bolitho, *Jinnah, creator of Pakistan*, London, 1954, p.3.), Fatima Jinnah is very clear about the decision of her rather to reside in Karachi (Fatima Jinnah, op. cit., pp. 4849). But Rizwan Ahmad, basing on Shirin Jinnah tries to establish that it was Poonjah Meghji, the grandfather, who migrated to Karachi (Rizwan Ahmad, op. cit., pp. 27.28).

[105] This name is spelt differently. Bolitho gives spellings as "Jinnah Poonja" (Bolitho, op. cit. p. 7), but Rizwan Ahmad's is "Jinnah Poonjah" (as shown by his signatures reproduced in Rizwan Ahmad, op. cit., p. 44). In Suit No. 99 of 1890 at the District Courts, Karachi, this name is spelt still differently. Sometimes it is Jinnahbhai Poonjahbhai, Jinnah Poonjah, Jeenabhai Poonjah, or Jinnahbhai Poonjah. Out of all this only "Iinnahbhai Poonjah" seems correct because his signatures on a number of papers are appended in this fashion hence we maintain this spelling. It was however after Jinnah's return to India in 1896 that the father started writing "Jinnah Poonjah." This may be because of sons influence over his father.

[106] Aoomal Pashbanri Paiyabimoney owned this property since 1868. On 4 Feb 1890 it was purchased by Khemchand Ruttenchand a merchant. In 1928-29 it was purchased by Lai ji Motichand; subdivided into two present portions in 1944.

[107] House No. 5, Street No. 64, Survey No. 14. This property measuring about 288 sq. yards was shown as his dwelling place by Jinnahbhai Poonjah in Suit No. 99 of 1890 referred to above. Presently this house is known as "Wazir Mansion" measuring 125 sq. yards. But originally when Jinnah Poonjah lived at this place and his son Jinnah was born here in 1876 it was a big house of about 288 sq. yards. The division of the property came later. In March 1891 two other properties were also shown by the father: 1) A house situated at Rampart Row Road bearing sheet No. 10, survey No. 55 measuring about 105 sq. yards; and 2). A plot enclosed by four walls shown as No. 13 Boree Road in Muchi Mimi quarter town. For all this see Suit No. 99 of 1890, District Courts, Karachi. The old maps of Karachi Municipal Corporation still bear these property numbers.

[108] Fatima Jinnah*, op. cit.*, pp. 48-49.

English language.[109] This was then considered quite an accomplishment, a few of the merchants in Karachi being able to converse in English. It is likely that it was his ability to speak English that brought him close to the General Manager[110] of Grahams Trading Co., and this proved to be a great blessing for the rapid expansion of his business.[111]

It was a continuation of his association by which he not only profited in his business, but he could also manage to send his son Jinnah to London for "apprenticeship and training in practical business education."[112]

While residing in Kharadhar, the family came into contact with the Afghan, Kutchi and Sindhi families. This contact enabled the family to attain speaking ability in Persian Kutchi, and Sindhi. This was in addition to Gujerati, being "the language spoken in our house".[113] It was perhaps owing to this family (and locality) environment, that in addition to school education, Jinnah could claim proficiency in "several Indian languages" in his application for admission to the Masters of the Lincoln's Inn.[114]

Poonjah was part of the name of the grandfather, known fully as Poonjah Meghji, while Jinnahbhai was, the proper name of the father. In following this practice the son had the last part of his name, Jinnahbhai,[115] later Jinnah, while his real name was Mahomed Ali.[116] Poonjah is derived from the Sanskrit word "Poonji",[117] which means collection, heaping, i.e., capital, and hence the derivation Poonjah implies the one who heaps, collects or amasses wealth. Jinnah may be derived from any of the two Arabic words - "Junnah" and "Junaha" plural "Ajnaha". (wings) - both occur in the Quran.[118] Thus the father's name is a combination of Sanskrit and Arabic words. However, the earlier

[109] This is confirmed by his English signatures as "Jinnahbhai Poonjah" or "Jinnah Poonjah" appended on a number of occasions in Suit No. 99 of 1890, District Courts, Karachi.

[110] Frederick Leigh Croft.

[111] Fatima Jinnah, *op. cit*., p. 50.

[112] *Ibid*., p. 51.

[113] *Ibid*.

[114] Mahomedalli Jinnahbhai's application of 25 April 1893, in the Archives of Lincoln's Inn, London.

[115] "*Bhai*", meaning brother, is generally added in a Muslim family as a respectable ending to the name of an elder in the family. In the same way '*ji*' is added according to the Indian, tradition of respect.

[116] As we shall see later in this chapter, this name is spelt differently.

[117] Monier Williams, Sanskrit English Dictionary.

[118] Quran, 'Al-Nisa'4:24, 102, 128; and 'Al-Maida' 5:93.

names Meghji or Hirji, brother of Jinnah's grandfather are derived purely from Indian vocabulary. On the other hand full name of the mother is given as Shirin Musa, Musa Juma being the father's name, while mother's grandfather is called Juma Khali as great grandfather implying Wali[119] - all the names on the mother's side are derived from the Muslim tradition. While Jinriahbhai Poonjah's two brothers have the names of Valjibhai and Nathoobhai,[120] and his sister called Manbi - all the names showing their Indian tradition - the children of Jinnabhai Poonjah bear the names of Muslim tradition[121] Obviously this change in the names must have come from the mother's side. We, are also informed that it is the maternal uncle Qasim Musa who proposed the name "Mahomedalli Jinnahbhai" for the child.[122]

Later in England, when Quaid-i-Azam passed his Bar examination, he notified to the Lincoln's Inn to change his name, most probably under Western influence, from "Mahomedalli Jinnahbhai" to "M. A. Jinnah".[123] Such influences are evident from the general style of his later life as well.

The mother reverently followed Islamic traditions, After the child was born in Karachi[124], on 25 December 1876[125] the *aqiqa*[126] ceremony was performed according to

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[119] Rizwan Ahmad, op. cit., p.45.

[120] Suit No. 99 of 1890, District Courts, Karachi.

[121] The names of Jinnah's brothers and sisters were: Rahmat, Maryam, Ahmed Ali, Shireen, Fatima and Bande Ali. With the exception of Fatima and Jinnah all remained "obscure". See Bolitho, op. cit., p. 6.

[122] M.A. Jinnah is spelled differently. In early phase it is usually spelt as Mahomed Au Jinnah, but sometimes also as Muhammed or Mohammad Ali Jinnah as the records of Bombay Municipal Corporation during 1904-1906, and those of the Proceedings of the Council of the Governor-General of India during 1910-1919 show. But it is on a very rare occasion that his full name appears. Frequently he is called as Mr. M.A. Jinnah - a style seemingly preferred by him. Even when we find references to him in the Bombay Gazette during 1897-1906, his name is generally written as "Mr. M.A. Jinnah" or "Mr. Jinnah" only. Later, however, as Governor-General of Pakistan he signed as "M.A. Jinnah" or "Mohammad Ali Jinnah".

[123] *Ibid*.

[124] A Sindhi text book - *Sindhi Satun Kitab* - published by Director of Education, Sindhi. Adabi Board, Hyderabad Region, West Pakistan, Karachi, 1960, pp. 7-12 mentions that Jinnah was born in Jhirak, a village 114 kilometers from Hyderabad. The present writer visited the place in June -1982. It is a small village on the right bank of the river Indus.
After interviewing a number of persons who failed to provide convincing replies to his inquiries and also for lack of any documentary evidence, he came to the conclusion that the story was a mere conjecture.
Of course, there was a mud-and-wood Jama'at Khana in a dilapidated condition and a person pointed to an adjoining plot, where, as he surmised, Poonjah might have lived during his business trips to the area. This village served mostly as a centre where hides and skins from the interior were collected for onward transportation to Karachi by country boats. Jinnah, as an infant, might have been occasionally brought to the place, even for a change of climate, because the interior of Sindh with a dry and crisp climate has always been reckoned better than the humid Karachi.

the Muslim practice. It is said that as the "baby boy was weak and tiny, having slim, long hands, and an elongated head", the "parents were seriously worried about his health.[127] Whether for this reason or any other, the boy was taken to the shrine of Hasan Pir[128] in Ganod, ten miles from Paneli for the *aqiqa*. There the family stayed for forty days and the father entertained the village population to a feast. The mother had the satisfaction of blessings from a saint. It is not unthinkable that after such blessings the mother had seen a great future for her son.[129] Although the child initially grew up under an Ismaili influence, he later decided to opt for a wider group of the Shias. At the age of 21 he quit the Ismaili sect and adopted the Asna Asharia creed.[130] Still later he

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Whatever the importance of Jhirak as a small, muffasil centre of business, Jinnah's birth place is, by consensus, Karachi.

[125] Fatima Jinnah, *op. cit*., p. 52. Although there are many sources giving his date of birth as 20 October 1875 (see for instance the school records of Karachi and Bombay, and statement tiled by his father in the District Courts, Karachi in Suit No. 11 of 1896), in the Lincoln's Inn, there is no mention of the actual date which may be because it was not necessarily required to give actual date of birth. Only the age in terms of years was considered enough. Jinnah showed himself of nineteen years at the time of admission to the Lincoln's Inn in June 1893; thus showing himself as if he was born in 1874. Though the judge did not pronounce his judgment on the issue of minority of Jinnah as it was not required for deciding the suit, yet he did express his doubts about the birth date of 20 October 1875. (See Civil Suit No. 11 of 1896, District Courts, Karachi). How this happened? When Jinnah was first admitted in the English standard I at the Sindh Madrassah-tul -Islam, Karachi on 4 July 1887 after passing 4th Gujrati standard, his date-of-birth-column was left blank. (See sketch of school register reproduced in Rizwan Ahmad, op. cit., p. 58). It was after Jinnah came from Bombay that his date of birth was recorded as 20 October 1875. This was mainly due to the reason that when Jinnah was sent to Bombay and admitted there in Bombay Anjuman-i-Islam School, his birth date was wrongly entered in the school register by his uncle who could not be expected to know exact birth-date. It was on the basis of this school leaving certificate that Jinnah's birth date of 20 Oct. 1875 was recorded in the Karachi schools where he was first admitted in the -Sind Madrassah-tul-Islam on 23 December 1887; hence the error continued. Despite all this, it is only the Christmas date of 1876 to which Jinnah himself switched throughout his later life. All his documents including the passport bear the date as 25 December 1876. Thus it has become the officially accepted date of birth. Even the first publication on him shows 25 December 1876 but with a note that "there is no reliable record of the actual year". (For this see Sarojini Naidu (ed.), Mohomed Ali Jinnah: An Ambassador of Unity, Madras, 1918, p. 3). This publication being a collection of Jinnah's .speeches was compiled and sent to the press towards the close of 1917. It was one in the series at that time to project eminent personalities of the Home Rule Movement as Jinnah emerged.

[126] In majority of Pakistani or Indian families the birth of the first male child is usually celebrated With great joy and even accompanied by religious ceremonies.

[127] Fatima Jinnah*, op. cit*., p. 49.

[128] Hasan Pir had come from Iran as an Ismaili missionary through the overland route from Baluchistan. After living for a while in Multan he migrated to Paneli. On his death he was buried at Ganod. He was so respected that both the Hindus and the Muslims regularly visited his shrine.

[129] Fatima Jinnah, *op. cit.,* p.. 56.

[130] *Pakistan Past and Present*, p. 14 cited in Prof. A. H. Dani, *World Scholars on Quaid-i-Azam Mohammad Ali Jinnah*, Islamabad, 1979, p. 9.

identified himself with the whole Muslim community.[131] From 1906, he spoke even for the Sunnis as is inferable from his stand on the Muslim Wakf issue which entirely concerns the Sunnis (Hanafi school), It was on the basis of this non-sectarian stance that he was accepted as a great Muslim leader. Even while pleading for the preservation of Turkish Khilafat before the Secretary of State for India and the British Prime Minister in 1919, he represented all the Muslims of South Asia. This was even more true when later, he led the Pakistan Movement and joined the large Muslim congregations of Juma and Eid prayers.

Jinnah's general attitude was to welcome all genuine influences. Even his family had cultivated this characteristic. The movement of his parents in 1874 from Paneli to Karachi was also a recognition of Karachi's growing importance as a city that offered more business opportunities than Bombay. Nevertheless they had not severed their connection with Bombay. Actually, Jinnahbhai Poonjah had his firm established in Bombay known as General Merchants in addition to his firm at Karachi, the Valji Poonjah and Co., which traded "in Bombay, Karachi, and other places". The three brothers: Valjibhai, Nathoobhai and Jinnahbhai were the partners. Jinnahbhai also worked as the managing partner and attorney of the firm. Although Jinnahbhai Poonjah had a house at Darga Maula, outside the Bombay Fort, he chose to reside in Karachi. It was only after suffering losses in Karachi that Poonjah moved to his Bombay house in the middle of 1893.[132]

Karachi had become a new commercial port for the British traders on account of political reasons. This was because of increasing British interest in the North-Western areas of the subcontinent which had not been conquered by them till 1830. It was after 1830 when the East India Company was able to conclude certain treaties with the Amirs of Sindh that Karachi began to develop as a new important seaport to make it suitable for the incoming troops, goods and personnel from Europe and for the British advance into the North-Western areas. Thus the city of Karachi grew from a small town to a big town of 56,789 people in 1866.[133]

Jinnah received his early education in this developing city. Initially, despite his father's great care, he was not attracted much by his studies.[134] He liked playing games. His father owned horse-carriages, an aristocratic paraphernalia in those days of no motor

[131] *Ibid*., p. 9.

[132] Suit No. 99 of 1890, District Courts, Karachi.

[133] Herbert Feldman, *Karachi, Through Hundred Years 1860-1960*, Karachi, 1966, pp. 22-38. A map of 1874, two years before the Quaid's birth, shows it a town consisting of the important areas of Kharadar and Mithadar in the city and Saddar Quarter and Civil Lines adjacent to the cantonment.

[134] Fatima Jinnah, *op. cit*., pp. 57 and 65; and Bolitho, *op. cit*., pp. 4-6.

cars, to which the young Jinnah developed an attachment. He loved "fine" horses and visited the stables in the evenings, after his return from the school, in the company of his friend Karim Kassim - son of another merchant in Kharadhar. He enjoyed horse riding[135] and this fondness continued to be his life hobby. In the midst of intense political activity he would find time to have a ride on the horse cab, especially on the sea-shore.[136]

Jinnah's early education was diversified. A teacher was engaged to give him instruction in Gujerati at home.[137] It was after the boy had attained proficiency of the fourth Gujerati standard that he was admitted in December 1887 to the first English standard of the Sind Madressah-tul-Islam, Karachi, which was about half a mile from his house.[138]

Generally, the Muslim parents sent their children to the schools run by Muslim organizations because they wanted to give them Western education in a Muslim environment. The Sind Madressah-tul-Islam established in August 1844 by Khan Bahadur Hassanali Bey Effendi was founded on this concept.[139] Sir Syed Ahmad Khan's Muhammadan Anglo-Oriental College at Aligarh founded in 1875 and the establishment of various Islamic Anjumans in almost all the big cities of British India were all in conformity with this spirit. In these schools special arrangements were made to teach Persian and Arabic, the classic Muslim languages. Urdu was also taught as a language of the Muslims of South Asia. Special lectures were arranged on Islam, the Quran and the life and teachings of the Prophet Muhammad (peace be upon him).[140] The object was that "before the young Mahomedan is allowed to turn his thoughts to secular education he must pass some years in going through a course of sacred learning".[141] The same was the case with the Sind Madressah-tul-Islam, run by the

[135] Fatima Jinnah, *op. cit.*, pp. 57 and 65.

[136] *BGS*, 11 June 1906.

[137] Fatima Jinnah, *op., cit.*, p. 57.

[138] Rizwan Ahmad, *op., cit*., pp. 57, 66.

[139] Khawaja Ali Mohammad, 'History of the Sind Madressah', *Sindh Madressah Chronicle*, vol. 6, Nos. 1-2, Karachi, Sept. 1930, pp. 18-25. This is an Anglo-vernacular quarterly journal usually carrying four sections: 1) English: 2) Urdu; 3) Sindhi; and 4) Gujerati.

[140] Rizwan Ahmad, *op. cit.*, pp. 49 and 57.

[141] Report of the Education Commission, December 1884, cited in *Sind Madressah Chronicle*, vol. 9, Nos. 3-4, March 1933, pp. 32-33; and *Sindh Madressah Chronicle*, vol. 3, Nos. 2-3, 1934, p.23.

Anjuman-i-Islam, Karachi.[142] However, there was another school, the Church Mission School (initially named Karachi Free School), founded in 1845 by Captain (later Colonel) Preedy; the Collector of Karachi, at his own expense which was later handed over to the Church Mission Society in 1854. This school functioned purely on the western model.[143] After some years at the Sind Madressah-tul-Islam, he migrated to the Church Mission School for reasons to be seen later in this chapter.

After observing the child for some months, who was more interested in games of marbles and horse riding, the father decided to send him to Bombay to make him live in a different environment. This was made possible by the visit of Manbai, Jinnahbhai Poonjah's "only sister" who "happened to be on a visit to Karachi"[144] and that of the visit of his maternal uncle Qasim Musa who was then living in Bombay.[145] Whatever the case, the mother did not very much like to send her son away to Bombay. She was, however, "persuaded to agree to this proposal". It was a "reluctant" consent that she gave.[146]

In Bombay the child was admitted to the Anjuman-i-Islam School.[147] This shifting did him much good, for he was able to devote himself to his studies. He "showed signs of taking to his books seriously", and passed the school quarterly test. This news must have been heartening to the parents, particularly to the mother whose "love and affection" had made her "miserable at the absence of her darling son". Her persistent pleadings to call him back to Karachi in order to keep him close to her eventually "triumphed over a father's sense of logic" and the boy ultimately returned to Karachi, where he was again sent to the Sind Madressàh-tul-Islam (23 December 1887) in the second standard of the English medium class.[148] Here he regularly studied for more than three years However, on 5 January 1891, he left the school to join his father in business.[149]

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[142] Khawaja Ali Mohammad, op. cit., pp. 22-23. It was with the help of Nizam of Hyderabad and Nawab of Junagarh that lower hall of the Madressah was built. As in the initial years there was dearth of English and Urdu teachers, they were "recruited in Upper India". See Ibid., p. 24.

[143] *Gazetteer of the Province of Sind*, compiled, by E.H. Aitken, Karachi, 1907, p. 473.

[144] Fatima Jinnah and her sisters and brothers called her Manbai Poofi. In the family she was popular as a great story teller. See Fatima Jinnah, *op. cit*., pp. 63-64.

[145] Rizwan Ahmad, *op. cit*., p. 65.

[146] Fatima Jinnah, *op. cit*., p. 64.

[147] *Ibid*. Bolitho has erred in mentioning that in Bombay Jinnah "attended the Gokal Das Tej Primary School, for one year". See Bolitho, *op. cit.,* p.4.

[148] Sketch of school register reproduced by Rizwan Ahmad, *op. cit*., p.66.

[149] *Ibid*., pp. 66 and 70.

The business activities of the father had a salutary influence on the boy. Despite his re-involvement with old friends and school mates, Jinnah continued to maintain good results in his examinations.

Better performance at Bombay was another reforming factor. In order to avoid the company at Sindh Madressah, that was not good, Jinnah decided to leave the school and join his father's business.[150] Moreover, Poonjah was involved in litigation (December 1890) which made his presence in law courts essential to the detriment of his business.[151] Jinnah offered to help him. But the father, at first, was unwilling to allow his conscientious and dutiful boy join his business at the cost of studies. This led to an argument between the father and the son as reported by Fatima Jinnah. Gifted with the tact of putting his case convincingly against the warning that a business office could not be run without, strict discipline and inconvenient office hours - hindering with his sportive habits - Jinnah was able to overcome his father's resistance. The father agreed to take him to his office.[152] But Jinnah could not spend more than 35 days in his father's business office. He became fed up with the office work, for the obvious reason that office management needed proper training. "Everything depended on reading and writing;, money received and paid had to be entered into account books".[153] And that required patience and training. After some days when Jinnah expressed his inability to carry on the business responsibilities, the father became worried. But when he realized that the boy had made up his mind "to go back to school" he became happy. Finding it a ripe occasion to instruct his son, he advised him that there were "only two ways of learning in life":

> One is to trust the wisdom of your elders and their superior knowledge; to accept their advice and to do exactly what they suggest .... The other way is to go your own way, and to learn by making mistakes; to learn by hard knocks and kicks in life.[154]

[150] By reporting from Fatima Bai, an old woman of the family, Bolitho has also tried to prove Jinnah as "a clever boy". See Bolitho, *op. cit*., p.5.

[151] Suit No. 99 of 1890, District Courts, Karachi.

[152] Fatima Jinnah, *op. cit*., pp. 59-60.

[153] *Ibid*.

[154] *Ibid*., pp. 60-61.

The second part of the advice impressed the boy.[155] He did not mind "knocks and kicks", but he thought that knowledge gained through personal experience was more dependable than the one gained through, elders' moralizations.[156]

This quality of independent decision-making on the part of the boy convinced Frederick Leigh Croft (1860-1930) who had business contacts with Poonjah. Croft advised that if Jinnah was sent to London he could be in a position to learn more and, cultivate his inborn talent. When Poonjah again contacted him on the prospects of his son, Croft readily

> offered to get young Mohammad Ali admitted in his Head Office in London as an apprentice for three years where he would learn practical business administration, which would best qualify him to further expand his business. This tempted the heart of a flourishing businessman, who was convinced that after such a rich experience in London, his son would surely add quite a few new and lucrative lines to the family business.[157]

Jinnah's future course was thus settled. But before sending him to London, it was necessary for the boy to improve his efficacy in English-speaking. Moreover, the scholarship by any British firm carried the condition that the candidate should be a student of any Missionary School.[158] Anyhow, Jinnah was sent to Sind Madressah-tul-Islam on 9 February 1891. After about a year, he left the Madressah on 30 January 1892. It has been recorded that Jinnah "left for Cutch on account of marriage".[159] But there was another reason also. And that other reason was that the boy had not yet acquired the required degree of proficiency in English-speaking. Although The passing of the examination was important, yet fluency in English was more important for the future of the boy in London. By staying in Madressah he could have easily passed the Matriculation examination, no doubt. But English-speaking was the paramount consideration. So the boy was sent to the Church Mission School where within months he developed a fair standard of English-speaking. When this requirement was fulfilled, arrangements were made to send him to London in November 1892.

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[155] *Ibid*., p. 61.

[156] *Ibid*.

[157] Ibid. Rizwan, however, has erred in disbelieving this. He has tried to prove as it Jinnah went to London in Connection with his business in the name of his firm "Messrs Mohammed Ali Jinnahbhai". See Rizwan Ahmad, *op. cit.,* pp. 80-81, 88-85

[158] This writer's interview with Benjamin Banerjea, Principal, Christian Mission School Karachi, in June 1982.

[159] Entry in the school register; its sketch is given in Rizwan Ahmad, *op. cit*., p. 70.

Though he went to the "C.M.S. High School", he was mature enough to carry the Islamic influences received from his nine years study at home and at the Sind Madressah-tul-lslam. At the Madressah he learnt Sindhi, Urdu, English in addition to Gujerati, his mother tongue. After this he carried the deep Islamic imprint received at this School of which the school authorities were legitimately proud.[160]

When Jinnah's mother heard that her son was being sent to England, she showed reluctance to allow her "darling" son "to be away from her for three years". However, "after days of persuasion" she relented only on the condition that Jinnah was married before he left for England. She believed that

> England was a dangerous country to send an unmarried young man to, particularly a young man who was as handsome as her Mohammed Ali.[161] She was afraid he might get married to an English girl and that would be a tragedy for the Jinnah Poonjah family. Father agreed with her reasoning and the question arose whom they would get Mohammed Ali married to.[162]

Such thinking was common in Eastern society of the 19th century. It was the parents who planned the marriage especially of the eldest son. Jinnah being the eldest in the family, it was natural to stick to the tradition. The first male child was expected to set the pace for the rest in supporting the family.

Interesting accounts of Jinnah's marriage have been given by Rizwan Ahmad and Fatima Jinnah. When Jinnah's mother, on whose insistence the marriage was being arranged, was asked about the girl to whom Jinnah was to be married, she

> had a ready answer...; she knew of an Ismaili Khoja family of Paneli who was distantly related to her, and they had a girl of marriageable age, Emi Bai; surely she would be a good match for Mohammed Ali. My father had no objection to this, but the two parents thought it advisable to inform their son.[163]

In those days it was after settling the marriage that the parents used to inform their children. Having complete faith in the "superior wisdom" of their parents the children accepted the parental decision But when Jinnah was informed of this, it was after, some

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[160] *Sind Madressah Chronicle*, Supplement, 1951, Karachi, pp. 33-35.

[161] Name spelling given by G. Allana, in his book referred to above. This uniformity of spellings is because Allana assisted Fatima Jinnah in compilation of *''My Brother''*, *op. cit.*

[162] Fatima Jinnah, *op. cit.*

[163] *Ibid*. P. 67.

reluctance that he accepted the decision of his parents and he thus came to be engaged to Emi Bai."[164]

Anyhow the mother had the satisfaction of seeing her son married with a bride of her choice. The father had the satisfaction of contracting a marriage in a rich business family settled in the big city of Bombay. Whether this first marriage had any influence on the young Jinnah is difficult to say. But it seems that this relationship with Bombay probably provided an extra attraction to this city with which his father had already trade links.[165]

Emi Bai was a beautiful girl of fourteen. She was the daughter of Leera Khem, a rich wool merchant of Bombay having business contacts with some English firms. While Fatima Jinnah has shown Leera Khem originally belonging to Paneli, Rizwan Ahmad has tried to establish his connection with Hariana, a village sixteen miles from Jamnagar, Kathiawar.[166]

In the middle of February, the family reached Paneli with Jinnah as the bridegroom who was of a little more than fifteen years of age. They went in *barat* (marriage party) to the bride's house in traditional bullock-carts. After performing *nikah* (marriage ceremony) and other rituals of marriage, the *barat* stayed at the bride's house for some weeks.[167] The host wanted it to stay for three months. The offer was not accepted by Jinnahbhai Poonjah, for it meant four weeks absence from business. Leera Khem anyhow insisted on his proposal. Fatima Jinnah gives an interesting account of how the young bridegroom intervened:

> Without informing my father or mother, Mohammed Ali went to see his father-in-law and mother-in-law. They welcomed their newly married son-in-law with warmth and ceremony that such an occasion demanded, and overwhelmed him with hospitality. He sat with them quite some time, without letting them know the reason why he had come to see them. What a nice, quiet, docile son-in-law he is, they must have thought. But after warm greetings and formalities were over, Mohammed Ali spoke in a firm tone. He said that his father and mother could no longer stay in Paneli and they must return to Karachi, and that he would go with them. He would like to take his bride with him and he hoped her parents would have no objection. But if they decided otherwise, in deference to village custom and tradition, they could have their own way.

[164] Ibid., p. 68.

[165] Still later, Jinnah chose to settle down and contract ... a second marriage with a Parsi girl of Bombay who was converted to Islam before the marriage ceremony. See chapter V.

[166] Rizwan Ahmad, *op. cit.* p. 73.

[167] Fatima Jinnah, *op. cit.*, p. 72.

> He had come to tell them that in that case they could keep their daughter with them, and send her to Karachi, whenever they wished. The parents of the bride were astonished to hear a young man talk to his parents-in-law with such an insolence, and they looked at their son-in-law with wide open eyes, too stunned by the unexpected firmness and outburst of this young man. Mohammad Ali, however, continued and said that he would be soon leaving Karachi for Europe, and he would be gone for three years. May be, the parents of his bride would like to send her to Karachi in his absence, and she would have to wait for three years until his return from England.[168]

Jinnahbhai Poonjah was compelled by another reason to come to Karachi soon. He was involved in a case at the District Courts, Karachi, filed against his firm in December 1890 by "Messers Volkat Brothers" for payment of Rs. 9129-9-9 with-interest. In this connection he was to appear before the court on 25 April 1892. For this he had already received the summons on 9 February 1892.[169]

Immediately after return to Karachi, Jinnah was admitted to the Church Mission School on 8 March 1892. In this school, where most of the staff members were Europeans, Jinnah vastly improved his knowledge of English. He was deeply obliged to the school authorities,[170] for it facilitated his departure for England in early November 1892. The last day of Jinnah's attendance in the 6th English-medium class- at this school was 31 October 1892 when the leaving certificate was issued.[171]

The other reason why Jinnah left London in the first week of November, could be the tragic outcome of the litigation. The judgment announced in May vent against Poonjab and his property was placed at the disposal of the court. Under these circumstances when the honor and prestige of the family were threatened and the decreed amount could not be paid, the father naturally decided to send his son abroad with the help of Croft, his British friend, so that his son might not be affected by family misfortunes. Immediately after his departure Poonjah was declared "Insolvent" in January 1893 and a process set afoot to realize debt money from attachment of his property. This compelled him to move to Durga Maula, a locality outside the Fort of Bombay, in July 1893.[172]

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[168] *Ibid*.

[169] Suit No. 99 of 1892, District Courts, Karachi.

[170] Jinnah to Rev. S.N. Spencer Principal, C.M.S. High School, 31 Dec. 1943, 11 Nov. 1946, and 21 July 1947, in the Archives of bishop's House, Trinity Close, Karachi.

[171] General Admission Register, C.M.S. High School, Karachi; its sketch reproduced in Rizwan Ahmad, *op. cit*., p. 76.

[172] Suit No. 99 of 1890, District Courts, Karachi. Basing on this case Rizwan Ahmad has tried to prove that Jinnah left for England in January 1893 which is not correct. (See Rizwan Ahmad, *op. cit*., pp. 80 and 85). Contention of

It should, however, be remembered that it was not primarily for law (as claimed by Bolitho)[173] but as a business "apprentice" - being the paid assignment at the Grahams' Head Office in London - that Jinnah developed interest in law. Flexibility in admission rules, among others, encouraged him to, appear in the admission test for the Bar. For a boy who had not yet passed his matriculation, it was indeed courageous to sit in a competitive examination.

Some interesting scenes of Jinnah's departure, his voyage, and arrival in London have been narrated by his sister, Fatima. There were moving scenes of affection and emotional exuberance on the part of the mother and: other, relatives on the eve of Jinnah's departure:

> She (mother)[174] said to him, "My son I hate to be away from you. But am sure this visit to England will help you to be a big man. This has been my dream all my life". Her son listened to his mother in silence, and she continued: "Mohammed Ali, you are leaving now on a long journey, I have a feeling I will not live to see you come back from England". And she sobbed, Mohammed Ali embraced his mother, overcome with choking emotion. My mother bade him farewell. "Mohammed Ali; God will be your Protector. He will make my wish come true. You will be a big man. And I will be proud of you".[175]

She could hardly realize how prophetic her words were going to be, as if in answer to her good wishes on parting. And so was Jinnah's own comments. When the eyes of Mrs. Fatima Ganji Vaiji, one of his first cousins, were trimming with tears Jinnah in an apparent bid to console her, uttered these fortuitous words:

> Don't be a fool bai, I will return a great man from England and not only you and the family but the whole country will be proud of me? Would you not be happy then?[176]

Apparently casual - even somewhat boyish - how prophetic these words proved to be?

Saiyid and Bolitho that Jinnah went to England after passing the Matriculation from the Bombay University is also not true. (For their views see Saiyid, *op. cit*., p. 2; and Bolitho, *op. cit*., p.7). Actually Jinnah proceeded for England without passing Matriculation.

[173] Bolitho, *op. cit*., p. 7.

[174] Author's parenthesis.

[175] Fatima Jinnah, *op. cit*., p. 74.

[176] Shamim Ahmad, *'A Leaf from Quaid-i-Azam's Early Life', Dawn* (Karachi), 27 Sept. 1948.

Jinnah was not yet sixteen when he undertook the long sea journey of three weeks to London. Having developed the aptitude of speaking good English at such an early age, he gave a good account of himself in the social exchanges with the English passengers travelling, on the same ship. He even developed "friendship" with an elderly Englishman,[177] who was much impressed by this young "Indian" exhibiting "self-confidence" beyond his age. Being a very careful young man, Jinnah used to spend most of his time in conversation with this Englishman in eliciting as much information about England as possible. His curious habit was much appreciated by the gentleman who behaved with young Jinnah in a paternal manner. When the ship berthed at Port Said for a day, enabling the passengers to disembark for a round of the city and its people, Jinnah, exhibited much interest in the Egyptians reputed to be a people with "nimble fingers". He went out into the city, had around of its *bazars*, and it was in the evening that he came back. He was happy to report to his English "friend" who had earlier warned him to be careful, that his valet was still safe. The Englishman marveled at the "sense of responsibility and alertness" of the boy who was "very wary and careful at every step he took". This observation turned out to be even more true in his later life, both private and public. Whatever the circumstances he never lost his temper, steadiness and sobriety. This quality endeared him to the elderly Englishman. This liking persisted for the rest of his life, especially during Jinnah's stay in London. Whenever this Englishman went "home" from India, he would invite Jinnah to have "a meal with him and his family".[178]

Towards the end of November 1892, Jinnah disembarked at Southampton. He took train for London. On reaching the metropolis, he hired an horse-cab and went to a hotel. The receptionist of the hotel was not quite sure whether the young man could meet the hotel charges. He enquired whether the "young man will be able to afford the charges?" Jinnah assured him that he could.[179]

A chilling winter had set in London. A "strange country and unfamiliar surroundings" upset him initially. But soon he adjusted himself to new environment, he even started liking it and developed 'a love for it'.

The headquarters of the Grahams Trading Co., were situated at the Threadneedle Street, London. A representative from the Grahams "took charge of this young apprentice" the text day. He was taken to the office and was provided with "a small table and chair in

[177] His name is unknown. It is not given by Fatima Jinnah.

[178] Fatima Jinnah, *op. cit.*, pp. 75-76:

[179] *Ibid.*, p. 76.

one of the rooms", where he "sat with a number of office-hands learning the ropes of business administration".[180]

Permanent stay in a hotel was, of course, beyond his capacity. He could afford only a short stay with "some money in cash" given to him by father. A large sum needed some time to be transferred from Karachi/Bombay to London. The transaction was made through the Grahams. It was after receipt of this large amount (i.e., two hundred pounds) that Jinnah opened his account on 1 February 1893 in the Royal Bank of Scotland, 123, Bishopgate Street. From November to the end of January, he spent from the ready cash he carried on himself. It was through the Grahams that he could get the first bank draft. The Pass Book of Jinnah shows a sum of 8£ credited to Grahams which probably refers to the monetary transaction charges.[181] He proved very careful in his spending.[182]

Within a few days lie was able to select a suitable single-room apartment at 40 Glazbury Road, West Kensington, owned by Harriet Payne, at the rates much cheaper than the hotel, and shifted to his new residence.[183] He was living in this house when he decided to give up business apprenticeship for legal studies as a result of financial assistance received through Dalton Young, a person whose whereabouts are not known. Was he the same Englishman who met Jinnah during his journey to London or some-one-else, is not clear. Nothing can be said with certainty.

The entries in the Pass Book are revealing in many respects. Almost all the payments including fees paid to the Lincoln's Inn or other institutions which he might have attended (probably, for the improvement of his writing capacity in the English language as he had joined his law classes without the benefit of a University education), to companies, to the owners of houses where he stayed as paying guest. He shifted from the hotel to 40 Glazbury Road, West Kensington and paid £ 1/10/- per week, i.e., £ 6/- per month from August 1893 to March 1894. Thereafter he shifted to 35 Russell Road, Kensington, a house owned by Mrs. Drake[184] where he regularly lived up to the completion of his studies. Here also he paid the same £ 6/- per month. Interestingly, we find that Jinnah usually spent five pounds a month as his pocket money. It was after qualifying the written part of the Bar examination in April, 1895 that he; contrary to his

[180] *Ibid*.

[181] Pass Book of Mahomedalli Jinnahbhai, *Fatima Jinnah Papers*, NAP, Islamabad.

[182] *Ibid*.

[183] See Register of Electors 1893 (Greater London Council). Only the property holders were eligible to vote at that time; hence their names were entered in this register. The property qualification was later removed by an Act of Parliament in 1918, implemented in 1921.

[184] Bolitho mentions this as "Jinnah's first lodging in London" (Bolitho, *op. cit.*, pp. 8 and 242), which is incorrect.

habits, drew £5/- on two occasions in the same month of April. Of course, he deserved this additional money for enjoyment after a spell of intensive studies.

During his stay (November 1892 to 15 July 1896), Jinnah must have incurred reasonable expenses on all heads. The details of expenditure from November 1892 to the end of January 1893 are not known as it was met from the "cash" he carried with him and for which no record exists. But for the period from 1 February 1893 to 15 July 1896 all details are available from the Pass Book. From 1 February to 8 June 1893, Jinnah's account was credited with a total sum of £775/15/11 from, different sources, the majority of the amount being paid by Dalton Young Between 10 February to 7 November 1894, he received £ 249/17/9 from various sources including a draft of £50/. Other payments in, this connection were received from Messrs. D.R. Mut, Z. Stockson, and N. Brough. From 24 January 1895 to 15 July 1896 he received £131/8/13 in the shape of four bank drafts which he might have received from his father or associates of Dadabhai Naoroji (1825-1918) to whom he was deeply committed in politics or he might have himself earned most of this money by doing some job. Then he is shown to have received payment of hundred pounds from Bombay. He also made a cash deposit, on the last day of his stay in London (i.e., 15 July 1896), of £41/16/1. This sum might be his own earning In all from 1 February 1893 to 15 July 1896 Jinnah spent a sum of about £ 1050/- and when he returned to India he transferred his balance of £71/. to the National Bank of India, Bombay Branch, and carried with him only £ 10/- as pocket money because all the meals during the sea travel were provided by the shipping company M/s Cook and Sons who had received £42/18/2 as travel fare from London to Bombay, inclusive of all meals.

The London environment did play a lasting influence on Jinnah who had initially come here for business training. It was the London atmosphere which made him change his mind to join the Bar and choose a public career. Law practice became the main source of his earnings throughout his later life. Although Jinnah had not taken part in Naoroji's election to Parliament from Central Finsbury (London) constituency, he might have participated in his public victory celebrations meeting on 23 January 1893 held in Foresters' Hall, Clerkenwell, London, in which "fully two thousands of friends and admirers of India's own number were present".[185] It was a great celebration for the number of Indians who might have impressed young Jinnah to be present A burning Indian issue was also involved, that of imposition of tax on, the cotton proceeds from Bombay Cotton Mills Almost all the commercial classes of India were concerned and it had become even an election issue Among others Naoroji and D E Wacha who was the Assistant Secretary General of the Indian National Congress and owned a number of cotton mills in Bombay were affected by the cotton duties Wacha was in

[185] *India* (London), 1 Feb. 1893, p.43.

correspondence with Naoroji in London to apprise him of the latest situation in India[186] Quite naturally, hailing from a commercial community, Jinnah was also influenced by this issue as he himself disclosed later in 1926 while speaking on the issue of Cotton Duties in the Indian Assembly.[187] In this speech while he reviewed the attitude of the British politicians particularly of the Secretary of State for India, Lord G. E. Hamilton (1845-1927), before and after his assumption of the office it was this issue which he particularly cited.

This public meeting in London, in which quite a number of Indian students of Law from all Inns of Court were present must have been instrumental in generating Jinnah's first lively interest in the question of freedom for his country. It was probably here that he came into contact with those Indian students in whose company he roamed about in the compounds of all the four Inns as claimed by Fatima Jinnah.[188] Naoroji's victory to Parliament was made possible due to the support of the Liberal Party. Consequently, the Liberals were invited to preside over this celebration meeting. As per arrangements, Lord Ripon (1827-1909), former Viceroy of India, was to preside over this meeting, but illness prevented him. Instead, R. K. Causton, M. P. and Chairman of the London Liberal and Radical Union, took the chair.[189] All the attending Hindu, Muslim, Parsi and other leaders unanimously paid a homage to Naoroji for his services. Nawab Nizamuddin Ahmad presented addresses and telegrams from various dignitaries from British India including one from Nawab Mohsihul Mulk (1837-1907), a close associate of Sir Syed Ahmad Khan. A. Zafar presented addresses and telegrams from Indians in the United Kingdom, the London India Society and the London Muhammadan Society called "Majlis-e-Islam",[190] functioning, as an organ of the Anjuman-i-Islam (Bombay) to which Jinnah became associated immediately after his return home. It is here that Jinnah was influenced by Naoroji for the first time as he himself later admitted addressing a students' gathering in 1915. A press representative reported '... he himself was a Congressman when as a student, he learned politics at the feet of Mr. Dadabhai'.[191] It is quite reasonable to believe that it was also here that Jinnah was

[186] R.P. Patwardhan, (ed,), Dadabhai Naoroji Correspondence, II, Pt. II, Bombay, 1977, pp. 557-558; and Wacha to Naoroji, 26 Aug. 1892, in R.P. Patwardhan, *Dadabhai Naoroji Correspondence*, II, Pt. I, Bombay, 1977, P. 297.

[187] Jinnah's speech on "the Indian Finance Bill", 16 March 1926, in Legislative Assembly Debates, VIII, Pt. 4, Delhi, 1926, p. 2569. During Jinnah's London stay this issue was discussed in the British Parliament on a number of occasions for which see Parliamentary Debates, Questions, etc. on Indian Affairs, IOR. V/3/1598, pp. 31, 63-67 and 1491; Parliamentary Debates, Questions, etc. on Indian Affairs, IOR. V/3/ 1599, pp. 122, 138, 142; and India - Bills, Objects and Reasons, IOR. L/PJ/5/62, Pt. 1, 1896.

[188] Fatima Jinnah, *op. cit*., pp. 78-90. Jinnah is reported to have himself admitted this to his sister.

[189] *India*, 1 Feb. 1893, p. 43.

[190] *Ibid*.

[191] Address to the Pathare Prabhu Students Union, Bombay, 17 Oct. 1915, in *BC*, 19 Oct. 1915.

influenced to join legal studies which, for him, was the only successful way for taking up politics necessary for the Indian freedom. After this meeting "he began to waver between two alternatives - to continue to work as an apprentice with Grahams, or to qualify himself for the entrance examination in order to obtain admission to one of the Inns in London and become a barrister. He himself is reported to have said:

> Fortunately for me, that year was the last when one could obtain admission by passing the examination known at that time as 'Little Go'. The following year regulations were to be changed,[192] and it would take me two additional years to be called to the Bar. So I decided to give up my apprenticeship with Grahams and to study hard to get through the 'Little Go'.[193]

Towards the end of 1892, Jinnah was under a, heavy pressure because of family circumstances when a number of litigations against his father, especially suit No. 99 of 1890 had taken a crucial turn. In early next year his father had even been declared an "Insolvent". Jinnah, with deep family attachment, must have been worried over his family misery leading to attachment of their property in Karachi. This suit by Volkat Brothers could, most probably, be due to Poonjah's close relationship with the Grahams, as in business the companies often acted vindictively against their rivals. Jinnah who had left for London against this background thought it advisable to find a suitable opportunity for admission to the Lincoln's Inn. Relaxation in rules helped him make an early decision. Through legal profession he wanted to save the family where from cases started on false grounds, Jinnah proved true in his determination. When back in British India in 1896 he defended the family successfully in another litigation discussed in the next chapter.[194]

Amongst the four Inns,[195] Jinnah decided to join the Lincoln's Inn even before he appeared in the preliminary examination. The factor which encouraged him to join this Inn was G. F. Watt's fresco "The Law Givers" on the inner side of the New Hall's main gate wherein Prophet Muhammad (peace be upon him)'s imaginary picture had been painted as one of the great lawgivers of the world.[196] It was natural for a young man

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[192] This refers to the admission rules by which even non-Matriculates could be admitted in the Bar.

[193] Quoted by Fatima Jinnah, *op. cit.*, p. 79.

[194] Suit No. 11 of 1896, District Courts, Karachi.

[195] These Inns are: Lincoln's Inn; Middle Temple; Inner Temple and Gray's Inn. All these Inns were, and still are, functioning under the joint auspices of an academic body called the "Council of Legal Education".

[196] This writer himself saw this fresco in 1981 on a number of occasions which was still found in good condition.

coming from a Muslim background to have been influenced by this picture. Muhammad (peace be upon him) was spelt as "Mahomet".[197]

For a student who had not yet passed any "Public Examination", it was difficult to succeed in the preliminary examination required for entry into the Bar studies. The candidate was required to appear in three papers: English Language; English History; and Latin Language. Jinnah prepared "hard" for the first two papers on the basis of his familiarity with English. The third was hard to deal with. To learn a language hitherto completely unknown needed a period of at least "two years", by which time the facility of entrance examination might have lapsed. Jinnah made enquiries. There was a rule by which Indians could be exempted from the Latin paper if the Masters of the Bench of the respective Inn were satisfied of the students' performance. He, therefore, promptly applied for the exemption to the Masters of the Hon'ble Society, of the Lincoln's Inn:[198]

> I most humbly and respectfully beg to inform you that I intend to appear for the preliminary Exam.
>
> Having learnt that I shall be examined in the Latin Language I request you in this petition to grant me dispensation for the following reasons:
>
> I. Being a native of India, I have never been taught this Language.
>
> II. I know several Indian languages which we are required to learn as our classics or second languages.
>
> III. Thus having spent my time in learning other languages which are required there, I have not been able to learn Latin Language and which if I be compelled to learn will take some years to pass the required exam.
>
> I hope you will kindly comply with my request considering the reasons to be satisfactory.

When Jinnah appeared before the Masters, the Special Council of the Lincoln's Inn accepted his plea on the same day and "excused" him of the Latin portion of the Preliminary Examination. The preliminary examination was held after one month on 25

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[197] *Ibid*.

[198] Mahomedallj Jinnahbhal's application, 25 April 1893, addressed to the Masters of the Bench of the Hon'ble Society of the Lincoln's Inn, London; Fatima Jinnah, *op. cit*., pp. 79-80; Consolidated Regulations of the Four Inns of Court, London, January 1890; Report of the Joint Committee of the Four Inns of Court, London, 15 Feb. 1893 and 25 Feb. 1895; Report of the Joint Committee on the Duties, Interests and Disciplines of the Bar, Inner Temple, London, 19 Nov. 1894; Report, by the Council of Legal Education to the Inns of Court, London, 1895; and Further Report of the Joint Committee of the Four Inns of Court, London, 29 May 1895.

May 1893 in which he got through. Thus having passed the required examination he joined the Lincoln's Inn on 5 June 1893 for which he deposited £ 138/14/-,[199] inclusive of all emoluments of fee, library deposits and other funds by a cheque issued two days later. Of this, the amount of £ 50/- was caution money returnable at the end of his studies. The admission was made possible by Jinnah's hard work and self-confidence. Despite his young age, he impressed the Selection Committee headed by John Westlake.[200] He presented his case intelligently and convincingly.

Immediately after this, Jinnah informed his father about the change-over from business to law. When the father learnt that his son had joined the Lincoln's Inn and that it would take him three years to be a full fledged Barrister, he wrote to him to give up this unprofitable pursuit and to return home immediately. In spite of a strongly-worded letter which he received, Jinnah wrote back in a pleading tone to allow him to remain in England and to complete his studies for the Bar. Jinnah assured his father that he would be no additional burden on his father, for, he would work in England while studying, and would spend as little as possible so that he would be able to stagger his two years' allowance that father had given him to last for three years. Although the, father was "not -happy at the decision of his head-strong son, he reconciled himself to the situation and hoped and prayed for the best.[201] Jinnah's Pass Book shows many entries that prove that he was raising extra money from other sources and also he was very frugal.

Jinnah was further influenced by the academic atmosphere at Lincoln's. Besides, the prescribed course, he made a deep study of the constitutional law. He was especially interested in the criminal law for at that time the British rulers in India, were engaged in evolving fresh laws to meet the rising political situation. To evolve a suitable code in India was a tedious job because when the British took over from the Muslim rulers, all the criminal laws were largely Muslim in their character. While it was easy to define the private or civil law of each community in terms of its norms and traditions, it became difficult to frame criminal branch of the law because it was to apply equally to all the communities. Thus, to transform from the Muslim to the British laws a lot of labor was called for especially when there was a danger of political unrest. Although the British were able to prepare the Indian Penal Code in 1860 and the process of superseding Muslim law by the English Criminal Law had been completed by 1872 by the enactment of the Evidence Act, yet the matter was still being debated in the English legal institutions as new problems cropped up regarding its adjustability to the local situation. A similar difficulty, but with less intensity, was faced in the matter of

[199] According to the Admission register he was required to deposit hundred pounds only. The increased amount was due to other emoluments which were not required to be entered in this register.

[200] Proceedings of the Special Council, Lincoln's Inn, Black Book 1890 to 1894, Lincoln's Inn, London, p. 425 ; and Jinnah's Pass Book, *op. cit.*

[201] Fatima Jinnah, *op. cit.*, pp. 80-81.

personal or private law such as the Muslim Law of Wakf, which continued to be debated in the Law schools in England.[202]

It was in this context that Jinnah studied the courses of "Roman Law", the "Constitutional Law (English and Colonial) and Legal History", the "Jurisprudence and International Law - Public and Private", "The Law of Real and Personal Property and Conveyancing", the "Law and Equity", and "Procedure, Civil and Evidence" from his known teachers, J. P. Wallis (1863-1928), W. A. Hunter, J. E. C. Munro (1864-1944), W. Elphinstone (1865-1936), John Gent (1844-1927), Edmund Robertson, J. A. Hamilton (1869-1936), and A. Henry (1857-1930).[203] Under the paper "Constitutional Law (English and Colonial) and Legal History", Jinnah studied the development of law both in England and India. This included both the Muslim and Hindu laws especially the mode of change from the Muslim criminal law to that of the British law - the field in which he specialized for his legal practice. In addition to text-book requirements, Jinnah is believed to have studied. *The Law Journal* (a weekly), a 'must' for all the students. This journal covered the activities of the students, teachers, and examinations of all the four Inns. It also briefed on the bills of legal importance passed or discussed in the British Parliament and on the important lectures delivered on the premises of these- Inns under the auspices of the Law Society or of various students societies functioning under the Law Society. For instance Mrs. Annie Besant delivered her lecture on "the States of Consciousness" on 19 June 1893, immediately after Jinnah's joining in which "a very large audience" welcomed her speech.[204] Similarly, Munro spoke on the commercial law in November 1893,[205] Professor B. M. Thompson on "The Jury System in the United States of America",[206] and Sir Courtenay Ilbert on the "Application of European Law to Natives of India" on 20 March 1895. While surveying the laws from the days of Lord Warren Hastings (1754-1826) until the present time in British India, Ilbert concluded that "our first attempt in India was to govern natives by native laws, Englishmen by English Law", and when that process was over in case of transference of complete sovereignty to the British Crown in 1858, the dominant power chose to create uniformity in the implementation of laws.[207] Similarly on other occasions and functions various other aspects of Indian interest were discussed. Naturally all this influenced the

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[202] Sir Courtenay Ilbert, *The Government of India*, Oxford, 1907, PP. 324-329. Ilbert was considered an authority on the Indian laws. It was due to this that Jinnah, later when he himself moved his Mussalman Wakf Validating Bill in 1911 in the Imperial Legislative Council, largely quoted from this book to prove his contention.

[203] Report of the Council of Legal Education to the Inns of Court, Appendix II Prospects of Lectures and Classes 1893-1895.

[204] *The Law Journal*, (London), 24 June 1893, p. 462.

[205] *Ibid*., 25 Nov. 1893, p. 795.

[206] *Ibid*., 8 June 1895, p. 370.

[207] *Ibid*., 28 March 1895, p. 215.

Indian students particularly those interested in politics like Jinnah who could not be an exception to it.

Despite the fact that Jinnah was one of those very few students who had joined the Lincoln's Inn without University education, he did not show any sign of inferiority in moving in an environment where most of the students had come after studying at the College or University level. Instead, he exhibited full confidence in himself and with resolute will he started his endeavors to pass the examination as early as possible, because he wanted to free himself to do some job to earn his stipend in London. Quite surprisingly he tried to pass the examination even before the required time-limit. In his first two attempts he failed. But, in the third he passed.

Under the rules for appearing in the Bar examination, it was originally provided at the time of Jinnah's admission that a student should first pass the paper on Roman Law and then appear in the general Bar examination. And that was also allowed only when a student had completed his nine terms' stay out of a total of twelve. With this provision, Jinnah started preparing for the Roman Law and appeared in the Trinity 1894 examination.[208] Unluckily he could not get through. This failure was perhaps due to his unfamiliarity with the Latin language. After Trinity 1894, the examination rules were changed. The condition of first passing the paper of Roman Law was dispensed with. Only one condition was maintained that a student appearing in the general Bar examination should pass in all the papers in one attempt. One could not pass in compartments. Even if one cleared the majority of the papers but failed in one or two he was required to re-appear in all the papers. There was, however, no term condition. Jinnah prepared himself and appeared in all the papers in the Michaelmas 1894 examination. He passed the papers of Roman Law, Group 'B', and of "Real and Personal Property", but under the rules he was declared failed as he could not clear all the papers. He again prepared without losing his time and appeared in the next examination of Hilarly 1894. But he still failed in some of the papers. Without being discouraged or wasting his time, and with a sense of perseverance and determination, he prepared himself well and appeared in the next examination of Easter 1895 held on 2-4 April 1895. It was a matter of great joy for him that this time his labors brought fruit and he passed in all the papers and was declared successful in the examination.[209]

As compared with the examination papers, he studied more courses mentioned in the preceding paragraphs. Each of the six papers he took covered two or three courses. There were two papers of three hours duration daily: one in the morning from 9, and

[208] One year was spread over four terms: Easter, Trinity, Michaelmas, and Hilarly. The examination for the Easter was held in April while that of Hilarly towards the close of the year. The other two in between. Total study requirements for a Bar student were three years or twelve terms.

[209] *Order of the Council of Legal Education*, 23 April 1895; *The Law Journal* (London), April 1895; The Law List, 1897, p. 129; *Council of Legal Education Calendar*, London, 1901, p. 269.

the other in afternoon starting, after an interval of one hour. Though, the youngest of the lot, Jinnah got through all these hard tests, being one of the fifty-three declared successful on 23 April 1895.[210] A total of seventy students had appeared in the examination.[211] Actual division or grading was not notified though minimum pass percentage was forty-five percent in aggregate. The marks were also not declared. The students were simply shown as passed. Despite the fact that Jinnah passed in this third attempt, it was a commendable success for a young man who was only twenty. Bolitho, who had not gone through all these records, still considers this a "remarkable achievement" on the part of Jinnah that he passed the examination in less than two years.[212]

After passing the Bar examination Jinnah stayed for fifteen months in England. In this period he moved freely in the English society. There is a possibility of his going frequently to Europe, especially to France. He was now free from the drudgery of text-book studies and was attending dinners during the remaining four terms' stay at the Lincoln's Inn. In each term he was required to attend only six out of twenty-three dinner's in the hall of Lincoln's Inn and that was also according to the dress norms of the Law Society. Jinnah admirably fulfilled this schedule, for it provided both training and enjoyment. All this had an immense social impact on Jinnah who, throughout his later life, strictly maintained the British habit of dress and social intercourse. He came to wear the Muslim dress (*Sherwani, shalwar* and *kameez*) on public functions when he was leading the Pakistan Movement.[213] When his twelve terms were complete he was called to the Bar on 29 April 1896 and awarded the degree. His papers for awarding the degree were moved by Graham Hastings.[214]

He did not immediately return to India. It was in July 1896 that he left London for Bombay, but with a changed name from "Mahomedalli Jinnahbhai" to "M. A. Jinnah", or "Mahomed Ali Jinnah", which was purely on the British pattern. He now preferred to be called as plain Mr. Jinnah, which has even been testified by Shamsul Hasan in his book *... Plain Mr. Jinnah*.[215] Following the order of the Council of the Lincoln's Inn, this change was made in all relevant records of the Inn of Court by its decision of 14 April 1896 though Jinnah had started signing even earlier on this new pattern. He signed the

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[210] *Ibid*.

[211] *Ibid*.

[212] Bolitho, op. cit., p. 8.

[213] It was for the first time in Oct. 1937 at Lucknow session of Muslim League that Jinnah wore *shalwar* and *kameez*. For this see Saiyid, *op. cit*., photo-plat 4 at p. 271.

[214] *Black Book 1894-1897*, Lincoln's Inn, London; and *Register* (Dining Terms) 1876- 1903, Lincoln's Inn, London.

[215] See Shamsul Hasan, *... Plain Mr. Jinnah*, Karachi, 1977.

register of the British Museum on receipt of his reader's ticket in February 1895 as "M. A. Jinnah".[216] Even when in accordance with the Order of the Council of Lincoln's Inn on 18 February 1896 he received his fifty pounds security back, he signed as M. A. Jinnah" whereas when he went to England he used to sign as "Mahomedalli Jinnahbhai". As far as his account in the bank is concerned it is quite understandable why he continued to sign cheques as "Mahomedalli Jinnahbhai" even afterwards till the close of his accounts in London on 15 July 1896 - the last day of his stay in London.[217] And that was due to his fast approaching date of departure. It seemed settled that he would return to Bombay where his father, sisters and brothers had already gone due to business losses and were living at Durga Maula.

Jinnah, who had left his mother in 1892 was not now to get a motherly reception on return. She had died during his stay abroad. And so also died his young wife whom he had left within a couple of months after marriage. After about four years he was to meet his father - a dejected person involved in litigation mourning two deaths arid heavy loss in business. Jinnahbhai Pooniah was however, happy to see his son, who had returned home single, though there could be a chance of marrying an English girl. It is believed some efforts in this direction were made by Mrs. Drake who tried to push the match of her daughter to Jinnah but without success.[218] No one could, however, realize at that time that the married life of this young man would never be settled and he would devote all his energies to the service of his country. Jinnah was now sufficiently equipped with a legal skill to help his father both in litigation and financial terms. This was possible by gaining further experience of attending the British courts for a period of eight months before returning to India.[219] Thus he prepared himself to make a good start both in his legal and public career. He was returning home with sufficient experience of living a successful life even if faced with continuous failures and sufferings. A clear headed and dedicated young man was thus to launch upon a new career of his life.

[216] *Readers Register*, British Museum, London, 1895, entry No. A53227.

[217] His Pass Book, *op. cit.*

[218] Fatima Jinnah, *op. cit.,* p. 90.

[219] Jinnah's own evidence before the Royal Commission on the Public Services in India (referred to in this study as *Jinnah's Evidence* before the *Islington Commission: Minutes of Evidences*), 11 March 1913, in *Parliamentary Papers* 1914, IOR. vol. 22, cot. 7294,

Chapter II

EARLY LEGAL AND PUBLIC CAREER: 1896-1906

In his evidence before Lord Islington Commission in 1913, Jinnah proudly mentioned that the period he spent "studying law in London" was "most beneficial" by which he "got a good deal".[220] Most of his ideas on public life were formed in this period. As hinted in the previous chapter the role and importance of the British Indian Government as a machinery "propelling" the affairs of the Indian administration, the shifting stand of British politicians before and after joining the Government particularly on matters of Indian interest, non-religious character of Indian political life wherein the small Parsi group had come to dominate the Indian National Congress - the main political organization of the subcontinent, and his high regard for Judiciary in Great Britain were the lessons he received from his English experiences. He supplemented his text-book study by intensive reading of other books at the British Museum. He also "attended the courts in London" for "about eight months" in order to see the working of the British Judiciary.[221] All this equipped him with a practical background for making a good advance both at the Bar and in public life.

Immediately after his arrival at Bombay, he enrolled himself as a member of the Bombay High Court Bar on 24 August 1896. Now he could "not only practice in the High Court but ... in the mufassal, in the Small Courts and Police Courts".[222] To establish himself high in the legal profession was indicative of his confidence in himself. He had a passion to do something special in his life which compelled him to express repeatedly that he wanted to "work".[223]

Jinnah devoted first two years to gaining experience and knowledge of the working of British judiciary in India. His evidence before the Islington Commission admirably sums up this experience:

> the members of the civil service in my opinion will not prove useful in this Higher Judicial Service unless from the very, start you select them for the Judicial

[220] Jinnah's Evidence before the Islington Commission. Minutes of Evidences, IOR. Vol. 22, col. 7294.

[221] Ibid.

[222] Ibid.

[223] *Ibid.* Rizwan Ahmad, *Quaid-i-Azam kay Ibtada'i-Tees Sa'l 1876-1906* (Urdu), Karachi, 1976, p. 112; The Rt. Hon. Lord Benning, *The Discipline of Law*, London, 1979, pp. 5-6; and Syed Sharifuddin Pirzada, *Foundations of Pakistan*, II, Karachi, 1970, p. 273.

> Service and during the probationary period of 2 years they read in the chambers of a barrister of considerable practice and attend the Law Courts and learn and watch the actual working of courts. ... I read in chambers of two eminent counsels in Bombay - one was Mr. John MacPherson who was the Acting Advocate-General of Bombay and the other was Mr. Love, who was the Advocate-General of Bombay.[224]

Sarojini Naidu (1879-1949) rightly considered this "a courteous concession - the first of its kind ever extended to an Indian".[225]

Simultaneously, with his active legal practice in 1898,[226] Jinnah started his public career. Excepting for some months of 1896 and those of early 1897, when Jinnah was involved in a family suit, he started attending the meetings of the Anjuman-i-lslam of Bombay.[227] In the year of Jinnah's return home M. R. Sayani—a prominent Muslim from Bombay—presided over the Calcutta Congress (December 1896). Jinnah is not reported to have participated in this meeting. As seen in the previous chapter, Jinnah himself confirmed at a Students function in 1915 that he already opted as a "Congressman" when, as a student, he had learnt politics "at the, feet of Mr. Dadabhai Naoroji".[228] Thus he was very clear about his association with the Congress which meant that he agreed with the aims and objectives of the organization, especially concerning the reform of Indian society by the Indian educated class trained on the western lines.[229] Although there is no documentary evidence confirming Jinnah's participation in the Congress annual sessions, until he formally attended the 1906 session at Calcutta, or of his presence at the Congress Reception Committee meetings held at Bombay in 1904 to make preparation for the Bombay Congress, yet his own admittance before the Joint Parliamentary Reform Committee on the Government of India Bill 1919 and his address to a student's function in Bombay in 1915 proved that he was associated with the Congress or was in "public life" - as he himself put it - "since he was twenty-one". This suggests that Jinnah occasionally, if not regularly, attended Congress meetings, particularly those held in Bombay, as one of the audience. This record naturally could not be maintained. But as far as his attendance of the meetings of the Anjuman-i-Islam is concerned, sufficient documentary evidence is available from the file of the *Bombay Gazette*, an English daily published from that city. This was the time when he was more

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[224] Jinnah's Evidence before the Islington Commission, *op. cit.*

[225] Sarojini Naidu, Mohomed Ali Jinnah: *An Ambassador of Unity*, Madras, 1918, p. 4.

[226] Jinnah's Evidence before the Islington Commission, *op. cit.*

[227] *BG*, 11 Sept. 1897; and Civil Suit No. 11 of 1896, District Courts, Karachi.

[228] *BG*, 19 Oct. 1915.

[229] *Ibid*.; and S.R. Mehrotra, *Towards India's Freedom and Partition*, New Delhi, 1979, pp. 91-104.

concerned with establishing his legal practice, rather than involving himself in politics deeply. His participation in politics was casual until after he had gained sufficient ground as a successful lawyer by 1903.

On completion of his studies, Jinnah's first concern was to come to the help of his father who was seriously involved in two litigations at the District Courts, Karachi; The first related to payment of Rs. 5000/-, with interest, to Nur Mahomed Lallen on account of two *hundis* executed with him on 27 November and 2 December 1892 respectively in the name of Jinnah and his first cousin Ganji, son of Valjeebhai, his uncle. Although the payment had already been made by Jinnah's cousin, Ganji Valjeebhai, the suit was filed against him in April 1896 when Jinnah was in England. As Jinnah's father was responsible for this because he was conducting the business on his minor son's behalf, he was served with the court summons. The case was still continuing when Jinnah arrived on the scene in August 1896. Although Tahilram, Advocate, appeared for the defendant and his father, Jinnah also attended the proceedings of the Court on his arrival in India. After framing the issues, in the suit on 7 October 1896 relating to Jinnah's minority and responsibility for payment the case was regularly heard on 29-31 October and 3 December 1896. It was on 9 December 1896 that the Judge announced the judgment in favor of Jinnah who was also paid Rs. 366/12/- as the costs of the suit. Jinnah received this amount on 1 January 1897. He even got a further amount of Rs. 246/12/- from Nur Mahomed Lallan for default of previous payments already ordered by the Court.[230]

Despite engaging a lawyer in this suit, Jinnah himself "conducted" the cross-examination and by calling all the registers of the schools[231] and the *Khatas* of the accounts to the Courts, he proved his contention. He "won the case and thus registered his first triumph in the practice of law". This was a remarkable performance by Jinnah who was not yet twenty.[232]

Against the firm of four partners (Jinnah himself, his father, his uncle Valjee Poonjah, and his first cousin Ganji Vaijee, who was the "managing partner") a suit was filed in

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[230] Civil Suit No. 11 of 1896, District Courts, Karachi; and Rizwan Ahmad, *op. cit.*, pp. 125-126.

[231] The author himself checked the registers of Sind Madressah-tul-Islam and "C.M.S. High School", Karachi in June 1982 which have been duly signed by the Joint District Judge, Karachi in October 1896. These were produced on the issue of Jinnah's minority.

[232] Dhanan jay Keer, Mahatma Gandhi: Political Saint and Unarmed Prophet, Bombay, 1973, pp. 27-28. With an intention to compare Jinnah's daring stand with that of Gandhi, Keer wants to prove Gandhi as a coward when engaged in the first suit at the Small Causes Court, Bombay, to appear for the defendant. When the time to cross-examine the plaintiff's witnesses came,. Gandhi's "heart sank in his boots, sat down, ... and never went to any court in Bombay till he went to South Africa". But here we have no intention to compare Jinnah with Gandhi or vice-versa. A partial coverage of this case has also been made available to the readers by Syed Sharifuddin Pirzada, *'Quaid-i-Azam Mohammad Ali Jinnah as a Lawyer'*, In Prof. A.H. Dani (ed.), *Quaid-i-Azam and Pakistan*, Islamabad, 1981, pp. 79-80; and Rizwan Ahmad, op., cit., pp. 123-125.

the District Courts, Karachi in September 1895 by the Bombay Co., Ltd - "European merchants carrying on business in Karachi by their acting agent James Mashew Lang In this suit Jinnah contracted a deal with the plaintiffs by paying Rs. 500 (out of total claimed amount of Rs. 12,4241-17). The plaintiffs informed the Court on 27 February 1899, that by accepting Jinnah's payment in full settlement of the decree in the above case, they begged the court for "permission to withdraw the suit against" Jinnah. In accepting the justified stand of the plaintiffs Jinnah did not hesitate to make compromise open with them by offering a gentlemanly deal.[233] Actually Jinnah was not aware of the whole affair because when these transactions were made on his behalf, he was in London. It was on his return home that he learnt of them and helped the family.

Throughout the proceedings of these two suits Jinnah was living in the Appollo Hotel, Bombay where he received his summons for both the cases. Even his father, who now came to style his signatures as "Jinnah Poonjah"[234] being influenced by his son sometimes visited this hotel apartment. On 30 September 1898, Jinnah Poonjah received the court summons at this hotel, though he was living at Darga Maula From Bombay both son and father used to go to Karachi to appear before the Courts when required, because they had made Bombay their home[235] Karachi was only of an occasional interest to them. It was from Bombay that Jinnah rose to prominence both in his legal as well as political career, first as a Home Rule leader, and then as the Quaid-i-Azam of the Muslims of South Asia.

There exists hardly any record of the cases which Jinnah conducted or the briefs he prepared for the senior counsels. Nevertheless suits in which Jinnah was engaged as a counsel, at the Bombay High Court and two family litigations against him and his father are important enough to suggest that Jinnah was progressively establishing himself in the profession and was earning sufficient amount to bear the expenses of his father's family and even pay Rs. 500 in a litigation. Moreover, he could live in a style in a hotel. When free from the family litigation and probation of two years, he found time to devote himself more actively to his legal practice from 1898 onwards. One of these cases is also reported in the Law Report which adds another factor to confirm Jinnah's capability as a successful lawyer.[236]

Trial for an "Extortion Case" which came to be popularly termed in Bombay as "Blackmailing Case" started at the Bombay Police Courts from 3 June 1898. Jinnah, despite his youth (he was just about twenty-two), played a key role in the final decision

[233] Civil Suit No. 184 of 1895, District Courts, Karachi.

[234] As seen in the previous chapter, before Jinnah's return he used to sign as "Jinnahbhai Poonjah".

[235] Civil Suit No. 11 of 1890, Suit No. 99 of 1890, and Suit No. 184 of 1895, District Courts, Karachi.

[236] *ILR*, 1898, Bombay Series, pp. 922-33.

of this case. Due to its complicated nature, the case was transferred to the criminal bench of the Bombay High Court in August where its hearing continued up to the end of October 1898. At the Police Courts, it was J. Safiders Slator, Chief Presidency Magistrate, who heard the suit. And at the High Court it was heard and decided by Justice Ranade and Justice Candy. A number of culprits were involved in the crime, but Jinnah appeared in defence of A. Williams (the fourth accused) on the briefs prepared by K. H. Judge, solicitor.[237] The barristers who appeared for the other three accused were Sir Pherozeshah Mehta, Roughton, Brown, Alpainwalla and P. S. Talyarkhan. The plaintiffs' case was pleaded by a group of lawyers first headed by D. D. Davur, an eminent lawyer, at the Police Courts, and then at the High Court by MacPherson, the Acting Advocate-General in whose chambers Jinnah had spent two years of study. Most of the lower court's time was consumed in the cross-examination of the complainant who tried to complicate the matter further. The proceedings were so interesting that during the hearing days the court used to be "densely" crowded by public and lawyers.[238] Mehta, who was leading the main defence arguments as leader of his group, pleaded "non-guilty" on behalf of his client, giving a number of arguments. Other lawyers of the group, when asked by the Court, supported Mehta's contention. As Jinnah also belonged to the defence group, he unhesitatingly said that he also "supported the arguments advanced by Mr. Mehta."[239]

When the case came to the High Court for hearing, Durrant, the chief accused, examined Jinnah on 7 October 1898 on behalf of the fourth accused. Although the questions put to Jinnah by Durrant were not according to the judicial norms, Jinnah displayed full sense of moderation and logic. He was least perturbed and answered all the questions like a skillful lawyer. When Durrant asked whether Jinnah had received, instructions from his client (Williams), the Judge said that he had never heard of a counsel being asked such questions. Persistent on his stand, Durrant quoted MacPherson in support of his right to ask such questions in a criminal case where no "privilege" could be given to the culprit. On this His Lordship put the question to Jinnah: "Do you object to disclose communication made to you by your client?" Jinnah's technical reply was: "I am not asked the question". When His Lordship repeated Durrant's question, Jinnah said, "I cannot disclose anything without the consent of my client. It is not my privilege, it is the privilege of my client". Durrant made some more efforts hoping to get out of young Jinnah something which could be useful to him. But he did not succeed. On 17 October when Jinnah's examination was resumed he boldly refused to disclose anything of the consultation between him and his client Jinnah even declined to answer any of the questions. Because as Jinnah himself argued in the court, all communications made to me by Williams were professional before he turned an

[237] *BG*, 4 June 1998.

[238] *BG*, 7-11, 15-17, 20-27 June 1898, 1 &4 Oct. 1898.

[239] Jinnah's statement before the Court, BG, 22-24, 27 June 1898.

approver, I have not interviewed him or discussed the point with him ever since, he has become an approver". This reply facilitated the High judgment which was announced on 29 October, in favour of Durrant who was acquitted of all the charges.[240]

In preparing the notes and briefs for the case, Jinnah was assisted by two solicitors first by Judge, and then by Craigie, another solicitor, who was engaged on Jinnah's instructions to the client.[241]

The same legal integrity and acumen were shown by Jinnah when he appeared in another criminal suit regarding division of Hindu property in the court of Justice Candy in September 1898 along with Bahadurji, another senior lawyer of Bombay. He and his senior associate were able to obtain judgment favorable for their clients on 6 September 1898.[242] This case became a reference case and was reported in the Indian Law Report.[243]

In addition to these two important suits, Jinnah appeared in many other important cases which were reported in the press.[244] His reputation and earnings had grown sizably before he was offered an appointment as Presidency Magistrate.

In view of these facts, it is not easy to agree with M. H. Saiyid whose description of Mr. Jinnah's early days is more of a piece of graphic writing than a statement of facts. He writes:

> The first three years were of great hardship and although he attended his office regularly every day, he wandered without a single brief. The long and crowded foot-paths of Bombay may, if they could only speak, bear testimony to a young pedestrian pacing them every morning from his new abode at Charni Road to his office in the Fort, and every evening back again to his apartments, after a weary, toilsome day spent in anxious expectation.[245]

Sarojini Naidu has gone to the extent of saying that these years of Jinnah were "the dark, distress of his early struggles".[246] Rizwan Ahmad, the latest biographer, has not

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[240] *BG*, 22-27 August, 1,4-5, 8, 10, 13-14, 18, 21, 29, 31 October 1898.

[241] *BG*, 4 July 1898.

[242] *BG*, 7 Sept. 1898.

[243] *ILR*, Bombay Series, 1898, XXII, pp. 922-33.

[244] For instance see *BG*, 19,21 January, 3-4, 6,9 March,? April and 14 December 1899.

[245] Saiyid, *op. cit*., p. 6. Bolitho by relying on this has even cited this in his *Jinnah, Creator of Pakistan*, *op, cit*., p.15.

[246] Naidu, *op. cit*., p.4.

only accepted this but has spun another story around it. According to him in 1898 when Jinnah Poonjah proposed his son Jinnah's marriage with the daughter of Qasim Musa, Jinnah's maternal uncle ,it was refused on the plea that Jinnah was not enjoying good practice and his father had also suffered business losses.[247] In my opinion, the facts when looked into objectively, reveal that Jinnah was not financially as miserable as these writers describe him. As a young lawyer, fresh from England, he could not be expected to take the law chambers of Bombay by storm. Nevertheless he speedily made a mark and in those days when merit was the basis of appointments and promotions, the offer of magistracy was a testimony of his skill and integrity. No brief less lawyer could be elevated to this prestigious position. And then his refusal to continue to serve as a magistrate (for he could earn more than his salary) is an added proof of his being a lawyer in demand.

Rizwan has also described a second story, which, however, seems to be true, that Qasim Musa, who was acting as Minister to the Aga Khan, refused to give his daughter in marriage to Jinnah because of latter's disinterestedness in the Ismaili faith.[248] This should be treated as the only fact since Jinnah had already left the Ismaili faith and become a convert to Shia (Asna Ashari) faith in 1897, even acquiring a closeness with Badruddin Tyabji who was a leading Bombay figure of this faith in Islam. The Shia community along with the Sunnis were influencing the affairs of the Anjuman-i-Islam, Bombay. Thus the point here seems to be religious consideration, not financial stringency on the part of Jinnah, that made Qasim Musa to refuse to give his daughter in marriage to him. Otherwise Jinnah was financially sound, as he himself was residing in Appollo Hotel which was quite an expensive way of living In addition to this expensive life style Jinnah was supporting his father's family.

Jinnah joined as Presidency Magistrate on 1 May 1900[249] This was considered a prestigious position for a young lawyers.[250] It enhanced his importance in the legal profession.[251] Upon learning that a leave vacancy in place of P. H. Dastur, third Presidency Magistrate, had occurred for three months, and that Government was keen to fill up this leave vacancy, Jinnah directly went to Sir Charles Ollivant, the Law Member, who, on seeing him, said: "I have already heard about you".[252] It is quite obvious that only capable persons in any profession receive notice from the seniors. A

[247] Rizwan Ahmad, *op. cit*., p 116.

[248] *Ibid*., pp. 116-117.

[249] *Bombay Judicial Proceedings*, April to June 1900, *IOR*. P/5980.

[250] For more detailed story in this connection see Saiyid, *op. cit.,* pp. 6-8.

[251] *BG*, 16 July 1900.

[252] Saiyid, *op. cit*., p. 7.

person devoid of any merit could hardly attract the attention of the Law Member of Bombay Governor's Executive Council. He was actually briefed by MacPherson, the Acting Advocate-General, or Love, the Advocate-General or/and other eminent counsels of Bombay in whose libraries Jinnah worked and had even appeared with them on a number of suits in the High Court at a very young age. The Government of Bombay was happy to recruit such a talented young man by which they could utilize his intelligence for their, own purpose. Whether this aim was fulfilled or not, one thing is certain that Jinnah was able to secure the appointment on a formal letter of recommendation by MacPherson as advised and required by the Law Member.[253]

When Dastur returned after expiry of his three months' leave, Sander Slater, Chief Presidency Magistrate went on three months leave. Dastur was promoted for a temporary period of three months. In this way Jinnah's tenure was extended for another period of three months. Even this period expired on 1 November 1900. Extension orders were issued on 26 July.[254] When the next term expired, Sir Charles Ollivant, who was interested to keep Jinnah in service to utilize his talent for the benefit of the British Government, asked Jinnah "to make himself available for future when he might require him permanently on an increased scale of pay rising up to Rs. 1500 per month".[255] Jinnah, who considered the pay of Rs. 700 or Rs. 800/- per month as insufficient,[256] "thankfully declined" the offer by "saying that his ultimate ambition was to earn Rs. 1500 a day". Ollivant waited for three days to make Jinnah agree, to continue, but when the latter persisted in his stand by withstanding all such persuasions, and there was no hope of his agreeing to continue in Government service, the order terminating his tenure as third Presidency Magistrate was issued on 3 November 1900.[257] At that time Ollivant thought that "the sentimental young lawyer was committing a mistake" by not accepting the offer. But "after two years", as Jinnah himself told Saiyid,

> Sir Charles returned to India having spent some time in England in quiet retirement. He was invited to the Orient Club in Bombay of which I was a member and I attended the function. On seeing me there, he came over and enquired as to how I was doing in Law; and when I told him that I was earning more than rupees two thousand a month, he congratulated me on my courage, saying that I had done well to refuse his offer.[258]

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[253] Ibid.

[254] *The Bombay Government Gazette*, Pt. 1, 26 July 1900, *IOR*. V/11/2300.

[255] Saiyid, *op. cit*, p.8.

[256] Jinnah's Evidence before the Islington Commission, *op. cit.*

[257] *The Bombay Government Gazette*, Pt. I, 3 Nov. 1900, *IOR*. V/11/2300.

[258] Saiyid, *op. cit*., p. 8.

The British interest in Jinnah through Ollivant was still there even though the latter had left for England.

As Jinnah had already become popular at the Bombay Bar, his appointment was duly celebrated by the lawyers because it was considered a prestigious position. Actually there were two Indians who were appointed in 1900 - one on the judicial side as civil judge and the other on the executive as magistrate. On the judiciary Jeejeebhoy Eduljee Mody joined as officiating Judge of the Small Causes Court while on the executive side it was M. A. Jinnah who took up the post. To honor these two gentlemen, a "very enjoyable entertainment" was given on Saturday evening, 14 July at the Connought Hotel Annexe, Esplanade, by the "native" members of the legal profession. D. D. Davur, a leading lawyer who was well acquainted with Jinnah, because they both had appeared in the High Court on a number of occasions, presided over the function. He spoke in "eulogistic" terms of the guests of the evening in proposing their toast and congratulating them on their appointments.[259]

At the age of twenty-four, Jinnah was very young to hold the office of Magistracy which involved a high sense of integrity, responsibility and good behavior. He did the job creditably. Of the seventy three cases reported in the press relating to different aspects of Bombay society, there were some very important relating to theft, robbery, travelling without tickets, absence without leave, army desertion, claims of conveyance, gambling, cheating, disorderly drinking, breach of trust, cheating and misrepresentation, assault, stabbing, creating public nuisance, resisting policemen on duty, importing forbidden alcohol, public health, extortion, importing *Ganja* without permit, impersonation, disobedience, brokerage, enticement of a married woman, intimidation, accidental negligence, charges of false nature, service matters, illegal possession of pearls, appointment of "approvers", suicide, complaint against hairdresser, kidnapping, broaching cargo, lost property, etc. At the Esplanade Police Court, the Chief Presidency Magistrate, along with second, third and fourth Presidency Magistrates, used to hold courts to hear cases under the Indian Penal Code. The first case which Jinnah heard and decided on 2 May 1900 related to a thief who, while travelling in a tram car, stole the purse of Mrs. Elizabeth Evans, an European lady. The accused was awarded punishment for six months' rigorous imprisonment.[260] One may be surprised to mark the nature of the case, but the cases of theft, robbery, criminal misappropriation, receiving stolen property, cheating, etc., had actually recently, increased from 13,880 in 1899 to 23,948 in 1900 in the whole Bombay Presidency.[261] It is, however, interesting to

[259] *BG*, 16 July 1900.

[260] *BG*, 3 May 1900. None of the biographers or writers on Jinnah have referred to any of these cases.

[261] Report on the Administration of Criminal and Civil Justice in Bombay Presidency (including Sind) for the Year 1900, *in Annual Reports. Bombay High Court, IOR*. V/24/2155.

note that when Jinnah joined Magistracy, his first case related to theft, as seen before, and when he left the service in November his own over-coat was stolen by a thief from his house at Eldon Road. This over-coat was of the value of Rs. 90/- Jinnah reported the matter to the police on 8 November. Actually Jinnah had last seen the coat a month and half before and had discovered its absence on 8th when he needed it due to approaching winter.[262]

The city at that time was passing through plague epidemic causing a large number of deaths.[263] In a case of public health, Jinnah exhibited a strong concern for social hygiene. When it was brought to his notice that storing and pressing raw hides by Ismail Haji Essac had affected the public health in a thickly populated locality of the city, Jinnah personally inspected the premises and found it injurious to public health. Normally, too, it was considered a cause of nuisance to the people residing there. He thought that sooner the trade was stopped the better. The court, therefore, declared the trade "injurious to public health". A note was taken of the frivolous attitude of the accused, who had already been warned by the health department of the Municipal Corporation. The accused was fined rupees one hundred and ordered to discontinue his business within twenty-four hours.[264]

In some cases Jinnah pronounced judgment upholding the dignity of the individual. Two men and a woman, being disorderly, were locked up in June by the police and they were not bailed out because, according to the police version, their residences were not sufficiently known. Next morning when they were brought before Jinnah, they were fined Rs. 5 each. However, he remarked, with regret, that the police thought it fit to hold them in the lock-up when the offence was bailable. The police should not have insisted on a 'substantial' bail.[265] Another case of an assault by a sailor upon a policeman, on the latter's having refused to salute him at a public place in Bombay, was reported in the press with headlines. When the accused expressed regrets in the court for what he had done and promised not to do it again, the magistrate remarked: "Everyone will say that he is sorry after he had done a wrong thing". In disposing of the case, Jinnah remarked that the practice of ordering police sepoys to *salam* members of the armed forces, and failing which to assault them, was one which should be put a stop to the dignity of police sepoys must be kept up. Taking into consideration the statement of the accused, the magistrate fined him Rs. 15.[266]

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[262] *BG*, 13 November 1900.

[263] India (London), Jan.-Dec. 1900; during this period it was a monthly journal of the Congress and it was from 1901 that it became a weekly; and *BG*, 1 Jan. - 31 Dec. 1900.

[264] *BG*, 19 June 1900.

[265] *BG*, 16 June 1900.

[266] *BG*, 31 July 1900.

In a suit of kidnapping there was a dispute over a boy between the Victoria Theatrical Company and the Parsee Theatrical Company, each claiming that the boy belonged to them. This was also given wide publicity because of the complicated nature of evidences involved. Expressing little confidence in the nature of the evidence put forward, Jinnah mainly relied on the Wish of the boy as to which theatrical company he wanted to join.[267]

There were nine important cases which Jinnah discharged, despite opposition from the police. This reflected his judicious nature. Jinnah did so because he was convinced of the innocence of the alleged culprits. His quality to perceive what is between the lines made him even doubt the filed statements of evidences.[268] In a case of "unlawfully imported" Persian opium, when the accused took the stand that they had brought the opium for their own use on medical grounds, they were discharged, though the police opposed.[269] In an assault, case by a broker, involving seven persons, Jinnah acquitted three and fined others with Rs. 15 each.[270] In an intimidation suit when the Magistrate found the evidence unsatisfactory, he released the accused without much unnecessary enquiry.[271] When a fault developed in the electric light boiler in the Municipal Workshop causing injury to a man nearby, a fitter was sued for negligence by the injured man. The magistrate, after hearing evidences, remarked that it was only an accident. Hence he discharged the Suit.[272] In another suit a person charged the other man of criminally trespassing his house. During the enquiry it was revealed that in a previous suit in the Small Causes Court filed against the complainant's brother, the accused was actually assisting the plaintiff. The magistrate was convinced of the falsehood of the charge and dismissed the suit, and decreed the complainant to pay the accused Rs. 25 as compensation for causing unnecessary harassment.[273] A false and vexatious charge was brought by a driver against Miss Edith MacDermott, a young European lady with the plea that she refused to pay him the alleged taxi charges of Rs. 11. At the first hearing, the Magistrate, after examining the Senior Superintendent of Police as to the nature of complaint, adjourned the further hearing to enable the complainant to call witnesses and to prove his contention. As the driver could not bring

[267] *BG*, l9 and 3l Oct. 1900.

[268] *BG*, 19, 21 June, 11, 18, 21, 24 July, 10, 19 and 30 Oct. 1900.

[269] *BG*, l9 June 1900.

[270] *BG*, 11 July 1900.

[271] *BG*, 18 July 1900.

[272] *BG*, 21 July 1900.

[273] *BG*, 24 July 1900.

any witness; the Magistrate, while discharging the suit, remarked that the driver had invented the story against a lady. He, however, regretted that he had not the power to punish the complainant for "bringing a false and vexatious charge against a respectable lady". Otherwise, he would have awarded him some punishment. Similarly two other suits of alleged receipt of stolen jewellery and robbery were discharged expressing his no-confidence in the statements filed by the complainants.[274] One case in which a husband charged his wife of causing hurt to his son, was also allowed to be withdrawn.[275]

Jinnah seemed to believe in social reform, of the culprits, especially the women. There was a case in which Dwarkabai, a girl of about eight years, was charged by the police with stealing a *saree* of the value of Rs. 14-0. The police pleaded that she was a habitual offender. Although Jinnah was convinced of the truth of the charge, he held the view that it was inadvisable to send her to jail where she would fail in the company of hardened criminals, with little chance of improving herself. He lamented that there was no suitable law and venue for the reform of such young female culprits. He considered it necessary that there should be some reformatory institution for girl offenders of her class. As there was no such institution, the court ordered her detention for one day only which had already expired and she was released.[276]

There was only one case in which Jinnah's decision was challenged in the High Court. In a criminal suit in which he had sentenced one of the accused on 31 July, the Bombay High Court accepting an appeal, casting doubts on the judgment of the magistrate, directed him to record again the evidence of the accused who was sentenced. But Jinnah refused to take evidence again because, as he held, he had already passed the order which had not yet been set aside by the High Court for revision. Upon being asked to explain, Jinnah sent a letter on 8 October to the Deputy Registrar of the High Court, in which among other things, it was pointed out that the affidavit was full of misrepresentations and inaccurate at many places. It was far from his desire, he added, that the least injustice should be done to an accused person, but owing to the "clumsy" advocacy of the pleader in this particular suit, he thought that "the case should be sent back to hear evidence if the accused really and honestly intended to call evidence". The High Court, in accepting Jinnah's stand, were of the opinion that the magistrate was "perfectly justified" in what he did; but in order that the accused might not be at any disadvantage by reason of his pleader's mistake, the court set aside the conviction and directed the magistrate to hear again the evidence for the defence. But the magistrate,

[274] *BG*, l9 and 30 Oct. 1900.

[275] *BG*, 9 June 1900.

[276] *BG*, 16 October 1900.

who last attended the Court on 1 November,[277] was not in his office to hear this again because he had left the service.

As a Magistrate, Jinnah was aware of the limitation of his powers. Two cases requiring heavy punishments were referred to the High Court. The senior court duly heard these cases and the accused were awarded severe punishment.[278]

As he informed Badruddin Tyabji in his private letter of 5 June 1900, "I do not wish to do anything which might reflect upon the bar or our community",[279] the experience of even six months of Magistracy was sufficient for him. For a talented, conscientious and careful person who is cautious every moment, and who had accumulated enough experience after having worked for four years successfully at the Bombay Bar and observed the functioning of the British Judiciary in London for "about eight, months",[280] it was enough to look at the other side of the picture as well. He was already impressed by the working of the British Judiciary in England and about the integrity of the courts there. He was not, however, as much impressed by the Indian Judiciary, though it functioned on British "lines". He did not particularly like the "combination of the Judicial and the Executive" in India and believed that the two should be "separated". In England he had observed the two functioning in their separate orbits. This arrangement, he considered, was "ideal". Be very much liked the Administration on the English pattern as it acted with a sense of "equal justice" and for "the promotion of the interests of the masses".[281] But in British India this was not the case. While, in England, the Magistrates and administrators mixed freely with the people, which made them understand their problems better, in India they only went to the clubs and gymkhanas, after attending their offices.[282] He desired that the Executive in India should mix with the people, and for this, recruitment to the Executive should be made from the barristers of at least "five years" standing - as in his own case. Another lesson he learnt was the difference between the Indian Magistrates and the European Magistrates,

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[277] *BG*, 2 Nov. 1900.

[278] *BG*, l August, 4 and 6 Sept. 1900.

[279] M. Yusuf Abbasi, in his decipherment of this letter, has erred in deciphering the real content of Jinnah's thought expressed to Tyabji. His decipherment is; "I do not wish to do anything which might reflect upon the bar in our community". Thus he has mistaken the word "or" for "in" between "bar" and "our". See his 'Earliest Known Letters of Quaid-i-Azam', in Prof. A.H. Dani (ed.), World Scholars on Quaid-i-Azam Mohammad Ali Jinnah, Islamabad, 1979, pp. 37-48. For the original see Jinnah to Tyabji, 5 June 1900, in Papers of Badruddin Tyabji, M-4024, School of Oriental and African Studies, University of London, Library, microfilmed by the National Archives of India, New Delhi, 1965.

[280] Jinnah Evidence before the Islington commission, *op. cit*.

[281] *Ibid*.

[282] *Ibid*.

particularly in the attitude of the British towards the Indians. He made an interesting observation:

> I feel that there should be no special reason, so far as the Executive Service is concerned, for any difference or distinction. If you make any distinction, or differentiate, it will not only lower the tone of the Service and impair the administration of the country, but it will not satisfy the people of India. You must remember that you have educated the people of India, and taught them the same British character which you want in the Service. Having taught them that British character, any circuitous method, any method by which you do not allow them to enter the Service by the same door as Europeans are allowed to enter, will certainly not satisfy the people of India, and certainly it is not in the interest of the Service.[283]

This argument namely the people's satisfaction was advanced because Jinnah considered that administrative reform was "a political question of the greatest magnitude".[284] He wanted to maintain equality between the Indian and the European educated persons. Merit and efficiency should be the criterion for filling up posts, he argued. The basis was not new to him. His own experience, relating to admission into the Lincoln's Inn and the passing of the entrance examination all on merit basis made him reach these conclusions. These views were a so applied by him in politics.

After leaving Magistracy, Jinnah again started legal practice. As he was already known in Bombay circles, it did not take him much time to establish himself at the Bar. He gained success for his clients in many important cases. In a brokerage suit heard by Justice Whitworth, Jinnah appeared for the plaintiff in the company of Madon, a European lawyer. The main brunt of pleadings was on Jinnah whose pleadings were accepted by the Court which passed a decree in favor of his client for the full recovery of the claimed amount of Rs. 4761-4-9 with interest.[285] Similarly he succeeded in many other cases in 1901.

Jinnah soon gained importance and he came to be engaged by the official circles as well. In an important case of "Murder by An Alleged Lunatic", Jinnah along with Basit Scott, the Advocate-General, appeared for the Crown to plead the case against the guilty who was charged with the murder of a "saint" Saya Babaji on 25 March 1896. The accused was defended by Rustom Wadia. After allegedly murdering Saya Babaji with a "prolonged" instrument belonging to a female flower-seller, the accused had surrendered to the police. The police, considering him a lunatic, sent him to the Colaba

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[283] *Ibid*.

[284] *Ibid*.

[285] *BG*, 15 Feb. 1901.

Lunatic Asylum (Bombay). A few days afterwards, he was released as being found an insane. Since then, although five years passed, nothing was done against him. The Advocate-General with the assistance of Jinnah pleaded that the accused's guilt should be determined by the jury since the accused had a grudge against the deceased at the time of murder. As such, the official counsel pleaded that the plea of insanity would have no effect. Wadia in defence stated that there had been no previous quarrel between the culprit and the deceased.[286] Jinnah's plea was ultimately accepted.[287]

Jinnah also appeared in many other cases for the Government. In 1903 he appeared in a murder case on the brief prepared by the Public Prosecutor, in the court of Chief Justice, Sir Lawrence Jenkins (185871928) who decided the case on 4 September 1903 in favor of Jinnah's clients.[288] Some cases continued to be heard for years. A case of "Alleged Murder at Matunga" was started on 5 April 1901 in the court of Justice Aston. But the decision was announced on 5 April 1904. In this, Jinnah appeared with the Advocate-General for the prosecution.[289] In another famous case of "Cutting a Woman's Nose", Jinnah appeared for the Crown before Justice Russell in which the jury "unanimously found the accused guilty of causing grievous hurt".[290] This recognition of Jinnah in official circles was to continue until he was seen arguing against the Government in 1907 in the famous "Caucus Case", discussed in the next chapter.

Mr. Jinnah's engagement by the Government was in a way a recognition of his talent. May be the Government wanted to use this favor as a political enticement. But he was too subtle to be, snared by low tactics. It was on his own terms that he was engaged by the Government of Bombay. In fact, he appeared against the Government on a number of occasions. In a case of kidnapping of a boy, Jinnah appeared for the defence while Setlur appeared for the Crown in 1902.[291] In an important forgery case when M. R. Jardine (1869-1947), the British counsel, appeared for the Crown, Jinnah defended two of the accused (5th and 6th) which was decided towards the end of January 1903 after a number of hearings in the court of Justice Crowe (1844-1925) who all along heard this, case.[292] This case was given wide publicity in the newspapers. In 1903 Jinnah appeared in a famous case of "The Chinch Murder" while Scott, the Advocate-General, appeared

[286] *BG*, 3 Sept. 1901.

[287] *Ibid*.

[288] *BG*, 5 Sept. 1903.

[289] *BG*, 6-7 April 1904.

[290] *BG*, 24 Nov. 1904.

[291] *BG*, 6 Feb. 1902.

[292] *BG*, 12-20, 24, 26-28 Jan. 1903.

for the Crown along with Nadkarni. While Scott was trying to prove that the murder of wife by her husband was intentional, Jinnah pleaded that it was not so.[293] Similarly, there were many such cases when Jinnah appeared against the Crown. Some of these cases were even reported in the Indian Law Reports due to their legal importance.[294]

It was always stimulating to watch young Jinnah conducting his case, even if it involved an exchange of hot words with the Judge of the Bombay High Court. On 23 March 1904 while appearing in an Insolvent Debtor's case in the court of Justice Russell, Jinnah put searching questions to the opposing counsel, Jardine. The Judge remarked: "I can't go on there must be proper documents. It is no use asking the insolvent". Jinnah retorted: "Why should not I ask the question, my Lord. In fact this is my case. Here is the affidavit on which we base it. Under what section does your Lordship say I must produce decree?" This infuriated the judge who ordered the adjournment of the case for a week. But Jinnah asked: "Your Lordship, may I ask my learned friend whether he admits us to be his creditors or not". The opposing counsel replied: "In a criminal case, I never make any admission". The hearing was, however, adjourned.[295] This was not the only bold stance in the court. In political career as well Jinnah showed no cowardice in telling his mind.

After establishing himself as one of the eminent counsels of the Bombay Bar, Jinnah actively involved himself in the politics. As a matter of fact, his public career had already started in 1897 when he first attended the meeting of the Anjuman-i-lslam of Bombay. He regularly attended the meetings of the Anjuman from 1897 to 1904 and even afterwards. This start of his public life was confirmed by Jinnah himself in 1919. Even Edwin S. Montagu, the Secretary of State for India, asked him, "How long have you been in public life?", Jinnah's reply was, "Since I was twenty-one".[296]

Before launching to speak on political issues, Jinnah had established himself well in legal practice. He had also become member of Bombay Municipal Corporation. He, even made the Congress circles agree that in matters concerning the religious character of either community, no decision would be finalized unless three-fourth members of the relevant community sitting in any legislature or council agreed. In this way he sought to safeguard Muslim religious matters from the Hindu dominance. In the Congress of that time, the leaders could achieve prominence only through their ability, minus religious considerations. That was how the original founders of the Congress hoped to build the party. National matters were to be determined purely on the basis of merit, efficiency

[293] *BG*, 30 June 1903.

[294] For instance see ILR, Bombay Series, XXVI, 1902, pp. 609-617; ILR, Bombay Series, XXX, 1906, pp. 477-493, 515-522; and ILR, Bombay Series, XXXI,1906, pp, 222-235, 293-303, 604-611.

[295] *BG*, 24 March 1904.

[296] Jinnah's Evidence before the Islington Commission, *op cit.*

and good standard of work. During the period of this study Jinnah was successful in pushing this ideal to a level from which he could get an honorable settlement between the Hindus and Muslims by contracting a Hindu-Muslim charter of unity. But afterwards, when the political developments took a different turn due to rise of Gandhi and the start of Non-Cooperation movement, the country was pushed to a road of disunity. Consequently, he had to confine his role only to the All-India Muslim League. He was no longer to rely on the Congress philosophy. But he was to continue his life mission in politics without any break or change in it. He also continued to maintain that in Hindu-Muslim relationship it is the Government's attitude which counted much. On this he said:

> If you ask me, very often these riots are based on some misunderstanding, and it is because the police have taken one side or the other, and that has enraged one side or the other. I know very well that in the Indian states you hardly ever hear of any Hindoo-Mahomedan riots, and I do not mind telling the Committee, without mentioning the name, that I happened to ask one of the ruling princes, "How do you account for this?" and he told me, "As soon as there is some trouble we have invariably traced it to the police through the police taking one side or the other, and the only remedy we have found is that as soon as we come to know we remove that police officer from that place, and there is an end of it."[297]

But if the Government sides with the police in a situation of religious tension, the position will be worse! In answer to another similar question Jinnah said: "If I thought otherwise I should be casting a reflection on myself. If I was the Minister I would make bold to say that nothing would weigh with me except justice, and what is right."[298] This could be possible only if the politicians as well as all the Government agencies acted with a completely impartial attitude. As long as Jinnah Gokhale and Mehta were dominant in national politics, this ideal position was broadly maintained, despite official endeavors to hamper it. Even after the death of Gokhale and Mehta in 1915, Jinnah could maintain the position still further for a period of about five years.

Badruddin Tyabji was a leading barrister of Bombay High Court. He was a Judge of that Court from 1895 to 1906, and acted as Chief Justice for a time in 1902. He was a member of the Bombay Municipality from 1873 to 1883 and of the Bombay Legislative Council from 1882 to 1886. He was closely associated with the Anjuman-i-Islam, Bombay as its President and did much for the welfare of the Muslim community. As a great political leader of the time, he was, interested in a variety of questions, particularly education. He gave evidence in 1882 before Sir William Hunter's (1841-1900) Education Commission, and in 1903 he presided over the 17th session of the Muhammadan Anglo-Oriental Conference - a body founded by Sir Syed Ahmad

[297] *Ibid.*

[298] *Ibid*.

Khan— at a time when INC was meeting in Bombay. He was, however, remembered as a great nationalist and one of the founders of the Congress, whose session in 1887 was presided over by him. Actually he believed to "take a part in" the Congress "deliberations from our own [Muslim][299] peculiar standpoint".[300] Throughout his career, he always projected Muslim viewpoint from the Congress platform. It was for this reason that Mehta opposed the idea of building a memorial to Tyabji in Bombay after his death in 1906.[301] This issue was discussed in a meeting of the Bombay Presidency Association presided over by Mehta. Jinnah also attended this meeting and favored the idea of a memorial. But seeing the opposition from Mehta, he did not press the point.[302] Tyabji had his contacts with Sir Syed Ahmad Khan, the Aga Khan, Syed Ameer Ali, Dinshaw Petit, Madhava Rao; Dinshah E. Wacha, M. G. Ranade (1842-1901), A. O. Hume, Lord Ripon and others. He even corresponded with them.[303] His services to the Muslim community through the organization of the Anjuman-i-Islam, Bombay were great. This Anjuman also had its subsidiary organization known as the Anjumani-Islam, London Branch, with offices at 47 Upper Bedford Place, Russell Square.[304] When he was appointed Judge of the High Court in 1895, the Honorary Secretary of this London Anjuman, Syed Wasiuddin Ahmad passed a resolution congratulating Tyabji on his being raised to the Bench.[305] This Anjuman acted as "the great representative Muslim body in the heart of the United Kingdom" looking after the education and other interests of the Muslims.[306] At this time Jinnah was-in England and after passing the required examination in April 1895, was waiting for the conferment of the degree. Possibly Jinnah might be a member of this Anjuman in London, though it cannot be confirmed owing to non-availability of records. It was, however, because of his close relationship with Tyabji that he made him his Muslim model both in law and politics. Although there is no evidence available to us, yet it is quite believable that Jinnah was extended facility of reading in the libraries of Love and MacPherson, as already seen, through introduction by Tyabji, or Mehta, or both. When Jinnah acted as Presidency Magistrate for six months, he had his private relationship with Tyabji. He even

[299] Author's parenthesis.

[300] Tyabjito Syed Ameer Ali, 3 Dec. 1887, Papers of Badruddin Tyabji, *op. cit*.

[301] Husain B. Tyabji, Badruddin Tyabji: *A Biography*, Bombay, 1952, pp. 257-65.

[302] *Ibid*., p.265.

[303] See the correspondence in Papers of Badruddin Tyabji, *op. cit.*

[304] In summer 1981 the author checked this place. Though the old building is available near the University of London, yet no trace of the Anjuman's office could be found.

[305] Syed Wasiuddin Ahrnad to Tyabji, 26 Sept. 1895, in Papers of Badruddin Tyabji, *op. cit.* This resolution was also sent to Tyabji by Wasiuddin Ahmad alongwith his letter. See ibid. Also see Abbasi, *op. cit.*

[306] *Ibid*.

corresponded with the latter to consult on various problems in his private capacity, an4 even had meetings and dinners with him. The nature of their relationship can well be imagined from these words of Jinnah's letter to Tyabji:

> If I write and consult you now I need not say, that nothing will give me more satisfaction than your most valuable opinion and there is nothing That I shall follow more readily than your advice.[307]

Such words Jinnah never wrote to any other leader.

Politically speaking, Jinnah's interest in Muslim affairs up to the end of 1903 was larger than in other communities but without contributing anything substantial to politics. This was, perhaps, because he was watching for an opportune time to come to politics with a thrust of his own. After he had established himself well in the legal profession and conditions suitable for the demand of Self-Government - a minimum demand for the country's internal freedom had gained ground that we see Jinnah come to speak in the cause of freedom at Calcutta Congress (1906) when the INC adopted Self-Government resolution as a goal for the country. This was the first issue which invited Jinnah's maiden speech at the Congress annual session.

As he is known to be keenly interested in the Bombay Muslim affairs, a glimpse of the Anjuman affairs is necessary to see how he was influenced by them. On the night of 22 June 1897 at Poona, two officers of the Government were murdered by a Hindu. The officials suspected that the murderer was a Muslim. The Hindi as well, as the Urdu press of Bombay criticized the Government for their suspicions. The Bombay Muslims feared a resuscitation of the post-mutiny vendetta. They apprehended that the Government might term the Muslims again as disloyal. To counter such feelings a public meeting was held in the evening of 8 July 1897 at its Bombay College Hall, Justice Tyabji presided. The meeting was attended by "M. A. Jinnah" - as reported in the press - and other prominent Muslims.[308] In his presidential address Tyabji called upon the Government to watch the activities of such papers whose writings could be construed as 'seditious'. He assured the Government that the Anjuman would exert its influence to prevent them from indulging in such writings. These views were incorporated in a resolution. By another resolution, seconded by Nawab Mohsinul Mulk Syed Ali Mehdi, a colleague of Syed Ahmad Khan, then in the service of the Nizam of Hyderabad State, Muslim loyalty to the British Crown was duly recorded.[309]

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[307] Jinnah to Tyabji, 5 June 1900, in *ibid*.

[308] *BG*, 9 July 1897.

[309] *Ibid*.

On another occasion, in 1898 the Hindus began a propaganda that the Muslims were disloyal to the British Crown. This was done with the aim of procuring official support for their anti-Muslim policy. The Anjuman-i-Islam under Tyabji's guidance took notice of this and organized two meetings on 6 and 15 April 1898 to express publicly Muslim loyalty to the British Crown. It was on the basis of the decisions arrived at the meeting of 6 April that the Secretary of the Anjuman Kazi Kabiruddin, wrote letters to the Viceroy and the Secretary of State for India assuring them that the Indian Muslims were "loyal and devoted subjects of Her Majesty the Queen Empress". The charge of "insinuation or sedition" against the Muslims during recent Hindu-Muslim riots was termed "absolutely abhorrent". In addition, telegrams were sent to the Viceroy and the Secretary of State by a number of Muslims individually.[310] These meetings were attended by Jinnah.[311]

At the instance of Mahomed Jaffer Mookhi, a "very largely attended meeting of Mahomedans of all denominations"[312] was held on 11 August 1897 to celebrate the Prophet Muhammad's (peace be upon him) birthday at the Anjuman-i-Islam School buildings, where Jinnah had studied for a short period in 1887. After the Maulood Shareef - describing the Prophet's birth and encomiums to him - had been heard with "rapt attention" by the audience including Jinnah, Nawab Mohsinul Mulk in his presidential address emphasized the duties imposed by Islam on every Muslim to purify his or her character and to follow a path of righteousness.[313]

During the Secretary of State, Lord Hamilton's visit to India, especially Bombay, in 1897 Jinnah's political views (evolved during his stay in Britain) were further re enforced. Before joining the Government Lord Hamilton was vocal about Indian interests on Cotton Duties. But after joining the Government he changed his stance as a result of pressure from the Members of Parliament from Lancashire and Manchester, because the considerations to maintain the Government in power weighed heavily on him and on Lord Salisbury, (1830-1903), the Prime Minister. Recalling this shift in 1926, Jinnah observed: "It created a profound impression upon me and I felt how India's interests could be sold in order to maintain the Government in Great Britain". To enlist support from the Muslims, Hamilton visited Bombay in August 1897 and dined with the young Aga Khan and Lord George Curzon (1859-1925), the Viceroy. Jinnah, however, was aware of this when in further extension of this policy of obtaining Muslim support the Shrievalty of Bombay was conferred on Adamji Peerbhoy by Lord Sandhurst, the Governor of Bombay. To commemorate this a function was held on a "moderate cool

[310] *BG*, 7 and 16April 1898.

[311] *Ibid*.

[312] Bohras, Memons, Khojas, Mughals, Arabs, Ismailis, Shias, Sunnis, and others.

[313] *BG*, 13 Aug. 1897.

evening" on 29 December 1899 which was attended by Jinnah though he made no speech. Distinguished official and nonofficial personalities participated in this function.[314]

As already observed Jinnah began his "public life" in 1897. He was a "Congressman" when as student in London he was learning politics at the "feet" of Naoroji. This commitment to politics was motivated by a number, of factors. The INC was dominated by the Parsis. Naoroji was its leader. Mehta, the "Lion of Bombay", Wacha, the Assistant-General Secretary of the Congress, and some others were the leading figures. They all influenced Jinnah's stay in the Congress. With this "moderate" group in dominance, the politics of the INC were kept away from the Hindu "reactionary" or "religious" prejudices. It was in this context that Jinnah's Muslim colleague in the Congress who was also Secretary of the Anjuman-i-Islam, Bombay, Kazi Kabiruddin wrote to Nawab Mohsin-ul Mulk that the "Parsis despite being a minority are dominating the Congress". Thus he advocated against the fear of dominance of Congress by the Hindus.[315] There was another group in the Congress of which Tilak was one of the chief spokesmen, who wanted to bring Hindu religion into politics and to revive the Hindu past by denigrating the influences or benefits of modern education. It was to counter such efforts of orthodox Hindu leaders that the "dominant" Parsi group of leaders tried to attract and bring into prominence men of ability from the Hindus and the Muslims who were against the revival of "reactionary" values of life. They were in favor of modernization among Indians. In Bombay, they could find two able men - one from each community. One was Gokhale, Professor of History and Political Economy at the Fergusson College, Poona, who is 1901 resigned from the service and devoted himself whole-heartedly to the Congress politics.[316] The other was the young barrister Jinnah. Gokhale believed in "the liberation of the Indian mind from the thralldom of old ideas, and assimilation of all that is highest and best in the life and thought and character of the West".[317] He was backed by Mehta to counter Tilak's influence in the Congress. The Parsi group was against Tilak because the latter

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[314] BG, 13 Aug. 1897; R.P. Patwardhan (ed.), *Dadabhai Naoroji Correspondence*, II, Pt. II, Bombay, 1977, pp. 63233; Wacha to Naoroji, 16 July 1898, in ibid., p. 632: BG, 31 Dec. 1899; Jinnah's speech in legislature on the "Indian Finance Bill", 16 March. 1926 in Legislative Assembly Debates, VIII, Pt. 4, Delhi, 1926,p, 2569; Parliamentary Debates, Questions, etc. on Indian Affairs, IOR. V/3/1598; India Bills, Objects and Reasons, Pt. I, 1896, IOR. L/PJ/5/62; Wacha to Naoroji, 26 Aug. 1892, in R.P. Patwardhan (ed.), 11, Pt. I, Bombay, 1977, p. 297; Wachato Naoroji, 18 Aug. 1893, in ibid., pp. 362-63; Ibid., pp. 557-558;andlndia, June 1896,p. 166.

[315] Correspondence between Kabiruddin and Mohsin-ul-Mulk in *BG*, 15 Nov. 1904: Jinnah's Evidence before the Islington Commission, *op. cit.,* and BG. 19 Oct. 1915.

[316] S. R. Mehrotra, *Towards India's Freedom and Partition*, New Delhi, 1979, p. 55.

[317] Cited in Stanley A. Wolpert, Tilak and Gokhale: *Revolution and Reform in the Making of Modern India*, Berkeley, 1961, p. 146.

denounced western education and worked for revival of Hindu religion in politics.[318] Jinnah was closer to Mehta who was impressed by the young man the moment he arrived in Bombay. When in 1898 Jinnah actively started his practice, he did so in the company of Mehta group of lawyers, which also included Bahadurji, another eminent Parsi counsel with whom Jinnah developed close intimacy. Not only in law, but in politics also Jinnah was aligned with this group, which was headed by Naoroji, the Grand Old Man of India. This association with the Parsis continued for a long time. He even married a Parsi girl, after she had accepted Islam in 1918. It was the Parsi newspaper, the *Bombay Chronicle* which brought Jinnah into prominence in national politics. It was also Parsi money which was spent by him in lakhs to popularize the cause of Home Rule in Bombay and India as discussed in the fifth chapter. However, when Jinnah was deprived of this backing due to Government's bickering towards the close of the period of this study, Jinnah chose to face the situation. Yet, he always maintained his high regard for Naoroji. Even during the Pakistan Movement he recalled that it was the character of men like Naoroji that "inspired us with some hope of a fair and equitable adjustment" between the Hindus and the Muslims in the evolution of a common Indian nationality.[319]

Like Gokhale, Jinnah also was a strong believer in the fruits of western education. Later in 1919, he agreed with Yakub Hasan (1875-1940) when the latter stated before the Joint Parliamentary Committee:

> I wish to state that communities are formed in India or, for the matter of that, in any Asiatic country, on religious and not racial basis. The Indian nation consists mainly of two peoples - the Hindoos and the Mussalmans. I want each of these two component parts of the Indian nationhood to remain intact without being subdivided. The new constitution should help in demolishing the castes, and not making the demarcating lines permanently rigid.[320]

To the members of the Islington Commission, Jinnah had himself suggested the need of western education and training for inculcating the "born" qualities of the Indian people. Moreover, he believed, it was the educated class, thus trained, who was suitable for sharing the responsibility of running the Indian administration. This educated class, he emphatically said, should be trusted and given responsibility by granting them Home Rule. It was this educated class who was to act "for the benefit of the people, and not for any particular class - not even an Indian class". Through education Jinnah wanted a social reform of the Indian people at large. This was evident from his address to the

[318] *Ibid*., pp. 142-150.

[319] Jinnah's speech at Delhi, April 1943, in Pirzada, 11, *op. cit.,* p. 404.

[320] Yakub Hasan's Evidence Before the Islington Commission, in Parliamentary Papers. 1914, *IOR*. vol. 22, col. 7294.

Bombay Provincial Conference in October 1916.[321] All these views were born of the change Jinnah himself had undergone, from being a member of tradition-ridden family to becoming a public figure of progressive views.

This goal, however, was not acceptable to Gandhi who "regarded Western civilization as a disease",[322] though he was himself educated and trained in law at the Gray's Inn. He had become quite a disbeliever in Western education. Like Tilak, he wanted to resurrect the Vedic past. Jinnah, on the other hand, had successfully passed through a period of education in London and a tough competition in legal profession in Bombay. He had become a strong believer in merit, ability and efficiency in all walks of life.[323]

But much before emerging on the political scene, Jinnah was non-controversial personality. He joined the Committee of the Coronation Ceremonies of King Edward VII and Queen Alexandra in Bombay on 1 January 1903 on a proposal moved by Justice Crowe. Badruddin Tyabji, Jinnah's Muslim mentor in public career, also spoke on this occasion. Actually he was responsible for suggesting that the coronation ceremonies in Delhi "should be accompanied in Bombay by celebrations of rejoicing, festivities, and illuminations throughout the city."[324] The participation in this function[325] enabled Jinnah to be elected as member of Bombay Corporation (termed as Justices of Peace or JP) in February 1904. His nomination papers were filed on the recommendation of G. M. Parekh (1847-1925), G. R. Lowndes (1862-1943), and seconded by Mehta, Sir Chimanlal H. Setalvad (d. 1947), Ibrahim Rahimtoolah. Despite the fact that he was supported in this by the Muslim, Hindu, Parsi and the British sections of Bombay, Jinnah did not like nomination. He preferred elections, and took part in the polls on 17 February 1904 in which he was declared successful on 10 March. Thus he became one of the sixteen elected J. Ps of the Bombay Corporation. It was a small fragment of more than 400 J.Ps of the Corporation nominated by the Bombay Government on the recommendation of the "Caucus Group", whom he was to fight in a legal suit in 1907 for the sake of public

[321] BG, 23-24 Oct. 1916; India, June 1897; and Jinnah's Evidence Before the Joint Parliamentary Committee on the Government of India Bill 1919, 13 August 1919, *IOR*. L/Parl/2/405.

[322] M. I. Selzer, "*A Psycho political Study of the Origins of Zionism and of Indian Nationalism*", Ph.D. dissertation, The City University of New York. 1973, p. 255.

[323] For instance see his speeches from 3 June 1947 to 14 Aug. 1948, in Speeches by Quaid-i-Azam Mohammed Ali Jinnah, Governor-General of Pakistan, Government of Pakistan, Karachi, 1948.

[324] *BG*, 3 Oct. 1902.

[325] *Ibid*., and BG, 2-3 Jan. 1903.

interest. However, Jinnah remained a member of the corporation for "two years" after which he "resigned" in 1906.[326]

It was immediately, after his election to the Bombay Corporation that Jinnah started speaking on political issues, though the amount of his expression was limited until the Calcutta Congress of December 1906. Even this limited opportunity was enough to suggest the line he had already chalked out for himself, to which he stuck during the period of his study. At the Congress reception Committee meeting held on 28 July 1904 in Bombay where Mehta presided, Jinnah seconded Manmohandas Ramji's resolution proposing to invite Sir Henry Cotton, the British Liberal statesman, to preside over the next Congress session.[327] This resolution also required the presence of Wedderburn, Naoroji, Hume and Banerjea at the next Congress session. Jinnah extended his support to the resolution, for all these personalities were of his liking.

This meeting was also important in discussing the formation of a separate political party by the Muslims. Jinnah is not reported to have contributed to this part of the discussion. This may probably be due to his characteristic cautious attitude. But his participation in the meeting and support to Kahiruddin, who being the Honorary Secretary of the Anjuman-i-Islam was authorized to write to and persuade Nawab Mohsinul Mulk not to form a separate political party for the Muslims because, as he later wrote to the Nawab, "all the Indians have common interests", "Parsis despite being minority are dominating the Congress", and "there was no fear of Hindu dominance".[328] Assuring further, Kabiruddin continued:

> At the same time the leaders of the Congress have so carefully drawn up its rules that interests of the Mahomedan minority have been carefully guarded. You would not find any constitution so jealous of the rights of the minority as to provide any initial safeguard that no measure would be introduced for discussion if it was objected to by three-fourth members of the Ma1omedan delegates present.[329]

Although there is no mention of Jinnah having advanced this proposal, yet keeping in view the later political developments in which he always maintained this position -

[326] Bombay Government Gazette (Extraordinary), 12 Feb. 1904, *IOR*. V/13/2325 Bombay Government Gazette, Pt. 1. 10 March 1904, *Parliamentary Papers*, 1914, H. R.. vol. 22, Col. 7294. p. 332. it is very strange that none of the biographers of the Quaid have mentioned this fact of membership of the Corporation.

[327] *BG*. 30 July 1904.

[328] *BG*, 15 Nov. 1904.

[329] *Ibid*.

including that of the Lucknow Pact of which he was the architect - his support to it cannot be ruled out.

In order to make the Indian issue of Self-Government debatable at the British political platforms in England, the Bombay Congress of 1904 resolved to send a deputation "looking to the near approach of a General Election in England, and to the vital importance, at this crisis, of bringing the claims of India before the Electors, before the Parliamentary candidates and before the political leaders".[330] Nominations on this deputation were called for from the provincial organizations of the Congress.

First of all the Bombay Presidency Association - a socio-political organization - adopted a resolution, moved by H. S. Dixit, another leading Muslim barrister, and seconded by Kahiruddin, that Jinnah and Gokhale were to be on this Deputation "as their representatives". Though, "Jinnah had yet to make his mark in public life", in the words of Dixit, "he had no doubt he [Jinnah][331] would prove a worthy representative to lay their wants and wishes before the British public".[332] Dixit had come to form this opinion about Jinnah because, himself a barrister, he could appreciate Jinnah's daring power of expression. He had seen him appearing before the British Judges of the High Court. Kabiruddin, representing the Anjuman-i-Islam, as its Honorary Secretary, made some "telling remarks about Jinnah". Other Muslim barristers were also impressed by Jinnah's qualities. M. M. Murzban said that:

> Jinnah was a rising intelligent Mahomedan gentleman who would make a good impression upon audience in England.[333]

Jinnah was thus unanimously recommended. Later, his name was endorsed by the Provincial Congress Committee.[334] But on the all-India level Tilak opposed the "younger leaders" included in the deputation. He particularly objected to Jinnah's inclusion, ostensibly on the plea that Jinnah was too young and inexperienced to play a role in national politics, though, in actuality, he feared the rise of an "intelligent" Mahomedan leader strengthening the position of Mehta and the Moderates. Besides, Tilak wanted Mehta to go to England so that he could strengthen his position in Bombay during his absence for which purpose he had already shifted his own residence from Poona to Bombay. Mehta was aware of Tilak's strategy. So putting forward the plea of his

[330] Report of Indian National Congress 1904, Resolution XV, p. 112, cited in Wolpert, *op. cit*., p. 153.

[331] Author's parenthesis.

[332] *BG*, 4 May 1905.

[333] *Ibid*.

[334] *India*, 2 June 1905, p. 254.

"illness" he expressed his inability to leave the country. Under Tilak's pressure, Jinnah's name was ultimately dropped.[335]

Before this happened, Jinnah had played a vital role at a crowded public meeting organized by the Bombay Presidency Association on 12 April 1905, to voice resentment against the policies of the Government of India, particularly those of Lord Curzon, the Viceroy: In this meeting which was attended by almost all the important leaders in Bombay including Wacha and Gokhale, and presided over by Mehta, speeches were delivered and a "resolution of respectful remonstrance" passed against Lord Curzon's administrative passion and his snobbish attitude against Gokhale over the Universities Validating Bill.[336] Wacha had proposed the resolution and Jinnah seconded it. Jinnah did not use unnecessarily hard words against the Government, but he came forward to move a "hearty" vote of thanks to Mehta whose speech criticizing Curzon's policies was particularly liked by him. It was while speaking on the vote of thanks to Mehta, that Jinnah made the audience laugh at Curzon's so-called public sympathy.[337]

In October 1906, Jinnah chose to speak for the first time at a public issue. It was on the occasion of expressing condolences at the death of Justice Tyabji, W. C. Bonnerjee and A. M. Bose. Tyabji's death had particularly left Jinnah sorrowful. Both in his legal and public career, especially relating to the Muslims' role in the Congress, he considered Tyabji as his guide. The death of other leaders was also lamented by him. Jinnah observed that since their hearts were full of feeling it was not possible "to express adequately their regret and sorrow their country had felt and suffered by losing three great men".[338] Jinnah, by this time, had "resigned" from the membership of the Bombay Municipal Corporation in March 1906.[339]

His association of two years with the Corporation affairs and his six months tenure of Presidency Magistrate had equipped him with a fair knowledge of the working of the executive and functioning of the "Caucus" group that dominated the affairs of the Bombay Corporation. This experience, helped him immensely when in 1907 he defended the popular cause of Mehta against the "Caucus" group and afterwards pleaded for the release of Tilak first in 1908 and then in 1916 on the charges of sedition.

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[335] H.P. Mody, Sir Fherozeshah Mehta: A Political Biography, vol. I, Bombay, 1921, pp. 252-253; Wolpert, op. cit., pp. 153-154; India, 2 June 1905; and T.V. Parvate, Bal Gangadhar Tilak, Ahmadabad, 1958, pp. 161-162.

[336] *Ibid*. For the text of Gokhale's Council speeches see: 1) Abstract of the Proceedings of the Council of the Governor-General of India, 4 March 1904, XLIII, Calcutta, pp. 119-130; and 2) Abstract of Proceedings of the Council of the Governor-General of India, 10 March 1905, XLIV, Calcutta, pp. 1621.

[337] *BG*, 13 April 1905.

[338] *BG*, 11 Oct. 1906.

[339] Jinnah Evidence before the Islington commission, *op. cit.*

Chapter III

EMERGENCE AS AN ALL-INDIA LEADER

Jinnah's participation in the 1906 Congress session at Calcutta as a delegate from Bombay was a well-planned event.[340] He had also acted as Private Secretary to Dadabhai Naoroji, the Grand Old Man who presided over this session.[341] Naoroji was also assisted by Gokhale, in reading the Presidential address on his behalf and for the conduct of the session business.[342] Thus Jinnah and Gokhale were very close to the Parsi President of the Congress, who had proved in unequivocal terms that he was better suited to maintain a balance in national leadership between the Hindus and the Muslims.

The year in which the Congress session was held in Calcutta (Bengal) was charged with hectic atmosphere. Bengal had been partitioned into two provinces: 1) The Hindu Western Bengal with Calcutta as its capital: and 2) the Muslim East Bengal and Assam with Dacca as its capital. The Hindu leaders of the Congress considered this partition as a blow to their one-nation concept. To protest against it demonstrations, public meetings and agitations were organized particularly in Bengal by the Hindu extremist leaders.[343] Even the Indian National Congress (INC) in its session of 1905, 1906, 1908, 1909 and 1910 passed resolutions against the division to support the Hindu demand. Though at Surat, in 1907, the extremists boycotted the Congress for a number of years to come, the moderate leaders who came to dominate afterwards, opposed the partition to pacify the Hindu public opinion until the partition was annulled in 1911.[344]

Opposed to this, the Muslims "welcomed" the partition "with thanksgiving prayers" and made all efforts to keep intact the new province of Eastern Bengal and Assam.[345] It was

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[340] *Report of the Twenty-Second Indian National Congress held at Calcutta on the 26th, 27th, 28th and 29th of December 1906*, Calcutta, 1907, pp. 67-70, 120, XCVI.

[341] Matlubul Hasan Saiyid, *Mohammad All Jinnah (A Political Study),* Lahore, 1962 (first published, 1945), p. 26.

[342] Stanley A. Wolpert, *Tilak and Gokhale: Revolution and Reform in the Making of Modern India*, Berkeley, 1977, p. 191 ; and *Report of the Twenty-Second Indian National Congress*..., *op. cit*. pp. 15 and 120.

[343] C. Y. Chintarnani, *Indian Politics Since the Mutiny*, London, 1940. pp. 78-81 and Gurmukh Nihal Singh, *Landmarks in Indian Constitutional and National Development*, 1, 1600-1919, Delhi, 1963, pp. 158-159.

[344] S. R. Mehrotra, *Towards India's Freedom and Partition*, New Delhi, 1979, pp. 115-123.

[345] Richard Symonds, *The Making of Pakistan*, Islamabad, 1976, (first published, 1949) p. 44.

basically for this purpose along with other political interests of the Muslims that the Muslim leaders from all over the sub continent assembled at Dacca in December 1906 and formed a separate "political association of the Muslims known as the All-India Muslim League."[346] Before the annulment of partition the country had to pass through a great turmoil, which was dividing line between the INC and the All-India Muslim League (AIML). A regular confrontation between the two ensued thereafter.

There were also factional tensions within the INC because of its being divided into (1) the Extremists led by Tilak and his supporters and (2) the Moderates headed by Mehta Gokhale and their associates.[347] Though both these groups were working for the benefit of the Indian public, they differed in their approaches. While the Moderates wanted progressive realization of self-government by reforming social, industrial and administrative life of the country through education on the western model, the Extremists were against it because they wanted to win self-government or *swaraj* through gradual process without being influenced by western education.[348] Jinnah aligned himself with the Moderates though he preferred to act independently.

It was Mehta's Bombay Presidency Association whose platform was utilized by Jinnah for expressing his political views in 1905 and 1906[349] And it was this Association which in its meeting of 11 December 1906 elected Jinnah as a Muslim delegate to the Congress from Bombay.[350] Five other Muslims were also nominated as delegates but they were all merchants of Bombay including Abbas S. Tyabji, son of the late Badruddin Tyabji.[351] There was another Muslim merchant Kazi Syed Sharifuddin but he was nominated by Swadeshi Vastu Pracharini Sabha in its meeting held on 9 December l906.[352] All these were young Muslim leaders. Jinnah, afterwards, was continuously elected as a delegate to every Congress session, even after he had joined the AIML in 1913, discussed later in this chapter. He however, could not attend the Congress session of 1911 and 1912.

The way Jinnah spoke on the self-government and wakf issues plus his association with the Congress were an evidence of his independent role at the national level. On the one hand, he represented the Muslim views at the annual Congress sessions which meant

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[346] Syed Sharifuddin Pirzada (ed.),*Foundations of Pakistan* I, Karachi, 1969, pp. L-Lii, I. The Moderates of the Congress were also invited to this Dacca convention of the Muslims. See *ibid*.

[347] Wolpert, *op. cit.,* pp. 192-196.

[348] *Ibid*., pp 157-212

[349] *BG*, 24 March, 30 July, 15 Nov. 1904, 13 April, 4 May 1905, and 11 Oct. 1906.

[350] *Report of the Twenty Second Indian National Congress*..., op. cit, p. XCVI.

[351] *Ibid*

[352] *Ibid*.

that he could not be expected to act against the interests of the Muslims. On the other, he tried to prove that the Muslims had a role to play in the national affairs on equal footing with other communities. It was on the basis of this principle that he entered the Legislative Council of the Viceroy in January 1910 for a period of three years. In the Legislative Council also, he represented Muslim public opinion as is evidenced by his Wakf Validating Bill. At the same time on matters concerning other communities or of common interest, he did not lag behind others in representing their case. It was on the basis of his projection of human values that Jinnah emerged as a great leader in British India. This position he came to attain in 1913 before his enrolment as a member of the AIML. His joining the AIML further strengthened his position wherefrom he took the next step of national importance - Reform of India Council controlling the Government of India.

Before attending the Calcutta Congress of 1906, Jinnah had fully comprehended the prestige and position of the Government in India as a machine controlling the political development in the country. It was for the purpose of influencing the Government and bringing change in its functioning that Jinnah involved himself with the national affairs at the all-India level. The way he spoke on the floor of the Legislative Assembly showed how extraordinarily eager he was to unite the Hindus and the Muslims and other communities. It was by creating unity amongst the leading figures that he wanted to influence the local and provincial affairs of these communities. While he was taking pains to keep the leaders of all these communities united at the national level, he continued to put pressure on the Government to accept their demands and reform itself accordingly. The pursuit of unity afforded him the experience of dealing with various leaders at the national level. He came to the conclusion that there was no harm if the Muslims could be organized around AIML, while the other communities including the Hindus gathered around the INC. Both the INC and the AIML were to strive to achieve one common goal. On his part, he worked hard for bringing common ideological harmony between the two organizations by making the League accept the Congress ideal of self-government. The acceptance of a common goal on an intellectual plane was, of course, necessary before taking practical steps for unity.

At the 22nd National Congress at Calcutta, Jinnah contributed to the proceedings of the Congress in two respects: first, he chose to speak on the fifth resolution entitled "Validity of Wakf-alal-aulad" moved by Maulvi Mahomed Yusuf (Bihar) on the second day, 27 December 1906.[353] Speaking on behalf of the Bombay Muslims, Jinnah supported the resolution. His argument was that:

[353] *Report of the Twenty-Second Indian National Congress*..., op. cit., pp. 67-68. The resolution urged "upon the Government to appoint a Commission to enquire whether the Privy Council has not erred in its decision having regard to the law usage and sentiments of the Muhammadan people". Also see *Congress Cyclopedia: The Indian National Congress 1885-1920*, New Delhi, nd., n p., p. 211.

> It is a matter of great satisfaction to me and it must be a matter of great gratification to the whole of the Mahomedan community, we have got on the programme of the Indian National Congress, a question which purely affects the Mahomedan community. That shows one thing, gentlemen, that we Mahomedans can equally stand on this platform of the National Congress.[354]
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> Thus Jinnah proved that the Muslim interests could be presented at the Congress platform which implied a refutation of the charge that Muslim interest could not be represented at the Congress because Sir Syed Ahmad Khan and his followers considered it a Hindu body. Against this contention, Jinnah was proving that the matters of Muslim concern could be presented from the Congress platform on "equal" footing with the Hindus. In fact, Jinnah himself was not prepared to accept for Muslims a position in the Congress that was inferior to that of the Hindus or the Parsis. He was aware of the importance of his community and wanted an equal status with other communities.

This was further elaborated when unreserved1yhe spoke on the resolution entitled "Self-Government". He said:

> There is in this resolution mentioned that there should be a reservation for the backwardly educated class, that is to say, in the constitution of Self-Government which we seek, we must make a reservation for the backward class. I understand that by backward class is meant the Mahomedan community. If the Mahomedan community Is meant by it, I wish to draw your attention to the fact that the Mahomedan community should be treated in the same way as the Hindu community. The foundation upon which the Indian National Congress is based, is that we are all equal, that there should be no reservation for any class or any community and my whole object is that the reservation should be deleted.[355]

Actually Jinnah wanted to make the Congress a united platform of educated India, as was desired originally by its founders. The people were urged to come forward on the basis of "merit" and "efficiency". The amendment moved by Jinnah was challenged by S. N. Banerjea (1845-1925), a Bengali leader, who asked the President whether it was "in order". The President confirmed that its "notice has been given";[356] Following Jinnah's short speech, Abdul Cassim (Calcutta) in seconding Jinnah's proposition further elaborated the purpose of the proposed amendment:

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[354] *Report of the Twenty-Second Indian National Congress*..., p.69; and Pioneer (Allahabad), 29 December 1906.

[355] *Report of the Twenty-Second Indian National Congress*..., p. 120.

[356] *Ibid* and *The Friend of India and Statesman* (Calcutta), 3 Jan. 1907

> I only second the amendment moved by Mr. Jeena.[357] If you have these words there it will give a handle to Government to introduce any sort of reservation that they please. As to Mahomedans, it is an insult to their intelligence and to their culture to suppose that they are not equal to combat with other races.[358]

The Muslim speakers on this amendment had in their mind that if the Parsis being "a greater minority" could have an "honored" place in the Congress, why not the Muslims?[359] Seeing the force with which the amendment was presented and backed by other Muslims, Gokhale repeated the amendment on behalf of the President and when the audience and other delegates gave their approval, the amendment was "carried unanimously".[360]

Next year, Jinnah was to rise to further eminence by his ably pleading the popular demand against the rigging of Corporation election by the official group of Bombay called the "Caucus" group. The election for sixteen Justices of Peace (J.Ps) of the Corporation was held on 20 February 1907 in which Sir Pherozeshah Mehta and his group, despite their popularity, was defeated. Jinnah, Mehta and other Moderate leaders and lawyers thought this a planned rigging against Mehta and his party. The leader of the "Caucus" group was F. C. Harrison, the Accountant-General who with the support, as alleged by Jinnah in the court, of W. D. Sheppard, Municipal Commissioner, H. G. Gell, Commissioner of Police, L. G. Fraser, editor of the Times of India (Bombay), and Hatch, the Collector of Bombay had started a movement since June 1906 to prevent Mehta's entry into the Corporation on the plea that the politicians should be kept out. The official group did not want polities to be discussed at the Corporation meetings. This movement initiated by Harrison continued till the elections in February. The previous election date (13 February) was also changed to influence the J.Ps. For this, as Jinnah proved in the court, even the support from the Aga Khan's telegram, addressed to Fraser, was used to influence the Mahomedan Justices, particularly the Khojas. In the words of Jinnah, Harrison "had cut up the roots of the local self-government and poisoned the fountain of public security."[361]

As Jinnah, Mehta and their political associates were considering this rigging a blow to the healthy spread of political activity in Bombay. They filed three petitions on behalf of i) Mehta ii) Rao Bahadur Nagariis Narottamdas Nanavati and iii) Sir Bhalchandra Krishan and Messrs Jehangir Bomanji Petit and first asserted that their right of being

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[357] Jinnah's name wrongly spelt in the Report.

[358] *Report of the Twenty-Second Indian National Congress*..., p. 120.

[359] *Ibid*.

[360] *Ibid*.

[361] *BGS* (Supplement), 4 May 1907.

elected Hormusji Ardeshir Wadia. While the first asserted that the right of being elected instead of the successful candidates on the support of Harrison's movement, the petitioners in the third suit "sought for a declaration for setting aside the whole election because it was "unfairly and illegally interfered with".[362] These suits were filed at the Small Causes Court. R. M. Patel, Chief Judge, started hearing these suits on 17 March in the midst of an "unprecedented excitement". It was on the fourth day of the hearing on 20 March that he announced the judgment. He rejected the second and third petitions but accepted the first, which declared Mehta elected to the Corporation.[363] Jinnah who, as head of the petitioning counsels, pleaded for all the three petition was happy to see this victory which was particularly important in the face of defense pleadings of G. D. Inverarity the leading European barrister practicing at the Bombay Courts, for whom even John Morley (1838-1923) had great regard.[364]

Jinnah and other members of the Mehta group of lawyers were not content with this victory. The two dismissed petitions particularly relating to declaring the whole election as "null and void" were further taken up. While Setalvad appeared at the High Court for Bhaishankar Nanabhai of Messrs Bhaishankar, Kanga, Girdharilal who filed suit against the Municipal Corporation to prove that "there was no general election" at all,[365] Jinnah chose to appear at the Small Causes Court before N. W. Kemp, Chief Judge, for Sir Bhalchandra Krishna and Messrs Jehangir Bomanji Petit and N. A. Wadia who appealed to the court "to set aside the recent election on the ground that it was not a fair and free one and that it was illegally and unduly interfered, with". The appeal at the High Court was heard on 12 April and decided on 18 April by Sir Lawrence Jenkins (1858-1928). Chief Justice, and Justice Batty. Pronouncing their judgments, the High Court Judges "dismissed" the appeal "with costs".[366] The hearing of the second petition at the Small Causes Court also started on 12 April but the able pleading of Jinnah prolonged the court proceedings which continued up to 6 May. This petition was also dismissed but by prolonging the case involving Harrison, Fraser, Gell, Sheppard, MacDonnald and other officials, including some non-officials, who were eighteen in number, involved with the Harrison movement directly or indirectly, Jinnah could get the desired information through his fearless examination and cross-examination of their evidences. All this was duly reported in the English and vernacular press. Through his tactful handling of the case, Jinnah also proved by his examination of Fraser that the Aga Khan's position through his telegram, produced in the court on Jinnah's insistence,

[362] *BGS*, 23 March 1907.

[363] *Ibid*.

[364] Morley to Minto, 20 April, Minto to Morley, 28 April 1910, *Marley Papers*, IOL. MSS. Eur. D. 573/24 and 26.

[365] *BGS*, 20 April 1907.

[366] *Ibid*.

was also used to influence the Mahomedan Justices.[367] This appeal was also "dismissed" but its costs of Rs. 500/- were awarded in favor of Jinnah's client because the judge was convinced of the plea, though, as he put it, "it could not be sufficiently proved". Thus financially suffering nothing, Jinnah could gain much because the publication of the court proceedings along with the facts like the Aga Khan's telegram established Jinnah as a daring and fearless pleader of a cause of great public concern. The official interference in the election stood exposed to the public through the tactful handling of the case by Jinnah. The position of Jinnah at the all-India level was also further established.[368]

From this episode Jinnah alone was not to benefit: the moderates' prestige as a whole was enhanced in public. In particular the Extremist charge that the Moderates were toeing the official line was belied. The Moderates also saw this as a success of their "constitutional movement". The extremists felt worried for the Moderates' position being solidly established. It was in this background that extremists under Tilak's leadership were to stage a drama to capture the Congress towards the end of the year at Surat. But the able handling of the situation by the Moderates under Mehta's leadership, with legal cover of Jinnah, compelled the Extremists to withdraw from the Congress for the next decade, leaving the entire Congress leadership in Moderate hands.

Jinnah remained all along with the Moderate leaders during the Surat episode of December 1907. Originally, that year's session was planned to be held at Nagpur but it "was a stronghold of Tilak's party". Gokhale "wanted to shift the Congress venue to Madras, but Mehta finally convinced his powerful Surat backing to invite them to Gujerat".[369] Jinnah attended the meeting of the All-India Congress Committee (AICC) in Bombay on 9 December 1907 which took decision of holding the Congress session at Surat.[370] At the sessions, the Nationalists and the Constitutionalists established their

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[367] This telegram was addressee to Fraser, editor of the *Times of India*, by the Aga Khan in December 1906. Its text is; "Entirely agree with proposed election campaign. If any sympathy with influence voting please publish. As to directly influencing Khojas you know extreme delicacy religious relations requiring great tact. Some made rule not to use religious influence for worldly things. Prefer by advocating things openly. Set example. Witness Aligarh. However, am cabling Jaffar Kassam Moosa to see trustworthy Khoja justices and other good Mahomedans like Adamji and influence them follow you confidentially". See *BGS*, 4 May 1907. After seeing this telegram, the original was returned to Fraser by the judge.

[368] *Pioneer*, 20 April 1907; BGS, II May 1907; *Times of India*, 20 April 1907; *Paisa Akhbar* (Lahore), 20 March - 8 May 1907. A partial reporting of this case is available in Allana, *op. cit*., pp. 82-84, and in Hector Bolitho. *Jinnah, Creator of Pakistan*, London. 1954, p. 20. in M. R. Jayakar, *The Story of My Life 1873-1922*, I, Bombay, 1958. pp. 68-69 and in R. P. Masani, *Evolution of Local Self Government in Bombay*, London. 1929, pp. 265-266.

[369] Wolpert, *op. cit*., p. 208.

[370] *The Englishman* (Calcutta), 14 Dec. 1907.

"separate camps".[371] Jinnah was there in the regular session when it opened on 26 December and he was also present at the next day's session when disturbance occurred.[372]

Immediately after the opening of the Surat Congress at 2.30 p.m. on 26 December, A. S. Desai's proposal that Dr. Rash Behari Ghbse should take the chair was interrupted with cries of protest. S. N. Banerjea, who seconded the proposal was shouted down, and when Pandit M. M. Malaviya, President of the Reception Committee, was unable to restore order within the huge *pandal*, he suspended the meeting for the day—only one hour and fifteen minutes after it had begun. On the following day, a second attempt was made to launch the session. Banerjea warned that "nothing can be more disastrous to the Congress than a demonstration such as we had the misfortune to witness yesterday".[373] Before convening of the session, Tilak had informed Malaviya in writing that he wanted an opportunity to move for adjournment "with a constructive proposal".[374] But Malaviya refused to recognize Tilak, though the latter was authorized under the rules to put his motion. As soon as Banerjea had finished his address, Tilak walked onto the platform and insisted that he had a right to be heard. The Chairman ordered him to return to his seat. At this the *pandal* resounded with shouts and counter-shouts of "We don't want him to speak", and "he must speak", "he must be allowed to speak".[375] Dr. Ghose tried to read his address, but the noise and growing confusion drowned him. The Congress volunteers threatened to remove Tilak forcibly from the platform, at which Gokhale, "restraining the rage of Moderates" tried to save his old opponent by "flinging out both arms to protect him from the threatened onset".[376] This followed a "free attack on the platform from the Extremists". From the Extremists' side even a shoe was hurled at the platform hitting both Banerjea and Mehta, the latter being saved by others. As all semblance of order disappeared, the policemen were called in and the *pandal* clared.[377] The Extremists left the Congress, and they were to return to it after a decade in 1916 when Gokhale and Mehta had died. It was through the collaboration of Jinnah and Tilak that they were brought together in 1916.

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[371] Wolpert, *op. cit*., p. 208.

[372] *The Friend of India* and *Statesman*, 2 Jan. 1908.

[373] *The Surat Congress: A Collection of Letters, Articles, Reports, and Speeches Concerned with this Congress*, Madras, n.d., p. 64.

[374] *Ibid*., p. 144.

[375] *Ibid*., p. 169.

[376] *Ibid*., p. 150.

[377] *The Friend of India* and *Statesman,* 2 Jan. 1908, M. R. Palande, *Source Material for a History of the Freedom Movement in India* (Collected from Bombay Government Records), 1885-1920, II, Bombay, pp. 154-155;and *BGS*, 4 Jan. 1908.

After this catastrophic, get together both the parties parted and arranged their separate meetings issuing separate press statements in which they accused each other for the tragic session. The Moderates who met at Mehta's house in Surat[378] appointed a Committee to draft new rules for the party on the lines of self-government resolution adopted at the Calcutta Congress.[379] Jinnah was appointed as legal expert on this Committee which finalized its recommendations on 18-19 April 1908 at Allahabad by which a new constitution of the party was proposed.[380] This was ratified at the next Congress at Madras.[381] The Madras Congress was also attended by Jinnah who was member of both its Subjects Committee and the AICC. At this session he showed no interest in speaking. But a number of leaders requested him to speak in support of "Reform Proposals" resolution moved by Benerjea which recognized the genuine efforts of Lord Morley to reform, the Indian constitution. Speaking "from the Muhammadan point of view", as Jinnah himself used the phrase, he thanked Morley for the labors he took for the Reforms.[382] Banrjea. Who had proposed the motion had already declared that they are struggling, "for the attainment, of constitutional rights by constitutional methods",[383] a line already chalked out by the Moderates.

The Government was happy at the division within the Congress, especially at the time when the Indians were demanding self-government.[384] As a follow-up, the Government arrested Tilak in June on a Sedition charge based on objectionable publication of his two articles in *Kesari* - a Marathi newspaper issued from Poona under Tilak's editorship -

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[378] Wolpert, *op. cit*., p.208.

[379] *Report of the Proceedings of the Twenty-Third Indian National Congress held at Madras on the 28th, 29th and 30th December 1908*, Madras, 1909; p.iii.

[380] *Ibid*., Appendix B; and *The Friend of India* and *Statesman*, 2 Jan. 1908. Article I of this constitution declared: "The object of the Indian National Congress are the attainment by the people of India of a system of government similar to that enjoyed by the self-governing members of the British Empire and a participation by them in the rights and responsibilities of the Empire on equal terms with those members. These objects are to be achieved by constitutional means by bringing about a steady reform of the existing system of administration and by promoting national unity, festering public spirit and developing and organizing the intellectual, moral, economic and industrial resources of the country". Although there is no evidence with the .author to suggest as to how far Jinnah contributed to these rules, yet the very language and the ideas contained in it suggest Jinnah's substantial share in its formulation. These resemble with Jinnah's ideas as seen in the preceding chapter. Also see Wolpert, *op. cit*., p. 214.

[381] *Report of the Proceedings of the Twenty-Third Indian National Congress*..., Appendix B.

[382] *Ibid*., p. 62.

[383] Ibid., p. 49.

[384] Martin Gilbert, *Servant of India*, London, 1966, p. 119.

and *Maratha* in May and June 1908.[385] Tilak was to be tried at the Poona Sessions Court. Jinnah, despite being a Moderate, took the initiative and filed on behalf of Tilak a bail application at the Bombay High Court before Justice D. D. Davur on 1 July 1908. Davur was an Indian Judge who as barrister had pleaded Tilak's case in 1897. As the Judge was busy in another suit, he could not attend to it and postponed its hearing for the next day. On both days Jinnah tried to advance his arguments for Tilak's release, but in vain, because the Judge was not prepared to heart. He, however, agreed to hear the whole case at the High Court ordering the Sessions court at Poona to transfer the case to the Bombay High Court for further trial. Despite these efforts, Jinnah was not allowed by Tilak to act as his defense counsel. Tilak being himself a law-graduate chose to plead his case at the High Court without the aid of any counsel.[386]

Jinnah tried his utmost to engage Justice Davur in argument on his refusal to grant bail for Tilak, but "in view of the publicity that was widely given to everything said in the court", the Judge desired that "nothing should be said before the trial". Thus he refused to give any reasons or enter into a discussion of the considerations weighing with him in refusing the application", and he was constrained to refuse bail pending trial".[387] The court had become careful because perhaps, the previous year, wide publicity given to the 'Caucus' case of a political nature was considered damaging to the court and the Government prestige. On the basis of these legal proceedings, it seems Tilak was also not interested "to secure his acquittal, but to establish that the Anglo-Indian press was guilty of defaming India and the Indian people which was much a libel and the Government did not take any steps against them.[388] A writer has tried to suggest that Tilak could find no barrister to defend him as he wished, though he had asked the brilliant young Muslim barrister of Bombay, Muhammad Ali Jinnah to serve as his counsel". Jinnah later recalled that he had "refused to adopt any line, as a counsel, except what I considered best for his defence".[389] Whatever the case, Tilak "decided to plead on his own behalf".[390] Trial continued for eight days and judgment was announced on 13 July by which Tilak was awarded a sentence of six years' rigorous imprisonment.[391] "Knighthood was conferred" upon Justice Davur for his services in

[385] The articles in the *Kesari* were published on 12 May and 9 June 1908.

[386] N.C. Kelkar (pub.), *Full and Authentic Report of the Tilak Trial 1908, Bombay, 1908*, p. 16; BGS, 4 July 1908; *The Englishman*, 3 July 1908; and S. L. Karandikar, *Lokamanya B. G. Tilak* ,Madras 1957, p. 303.

[387] *The Englishman*, 3 July 1908.

[388] Jinnah's reminiscence to Tilak in S:V. Bapat (ed.), *Lokamanya Tilak, Yancya Athavani Va Akhyayika (Reminiscences and Recollections of Lokmanya Tilak),* Ill, pp. 28-29 cited in Wolpert, op. cit., p.220.

[389] Cited in *ibid*.

[390] *Ibid*., p. 221.

[391] Kelkar, *op. cit*., p. 103; and *BGS* (Supplement), 4 July 1908.

this case. The Bar even arranged a dinner for Justice Davur to commemorate the new honor conferred on him. Writing a "scathing" note on the invitation card, Jinnah refused to attend the, dinner in honor of a person who benefitted by acting as a stooge of the Government.[392] With Tilak's imprisonment in jail the Extremists' role in politics diminished for a number of years to come. It, however; now remained with the Moderates how they handled the situation. Along with his political, involvement, Jinnah was deeply engaged in his legal practice. A number of cases of importance were reported in the press in which Jinnah was engaged as a counsel which show the substantial financial earnings by him. In a number of cases, the court was usually crowded with audience to hear Jinnah's arguments and style of speaking. In a case of "alleged abduction of a minor girl" on 11 July 1907 Jinnah appeared for the opponents in the appeal. Several members of the Bar were present at the court to hear his arguments.[393] The High Court decided the suit on 18 July in favor of Jinnah's clients against whom all "allegations" were "expunged."[394] There were certain long litigations of a business nature like the one of October 1907 which were settled by Jinnah's "assistance" to bringing "reconciliation" with Strangman, another lawyer for the opposing clients.[395] He also appeared as defence counsel in "winding up of two mills - the Tricumdas Mill and Laxmidas Mill" resulting in a settlement between the parties bearing their own costs.[396] There were even cases in which he appeared in association with Inverarity, Binning and other eminent European and Indian counsels who had appeared against him both in Caucus suit of 1907 and Tilak trial of 1908.[397] Like a cultured lawyer, Jinnah observed the etiquette of the profession The opposing stances taken inside the courtroom were not allowed to affect the intimate relationships outside. He remained on good terms with Inverarity, Binning and others.[398] He even appeared with the Advocates General.[399] Most of the cases in which Jinnah appeared in 1907-1910 (and even afterwards) related to business, property (religious or private) or that of the commercial concerns.[400] Most probably, he was considered expert. Cases involving deep

[392] Cited in Syed Sharifuddin Pirzada, *'Quaid-i-Azam Mohammad Ali Jinnah as a Lawyer'*, in Prof. A. H. Dani (ed.), *Quaid-i-Azam and Pakistan*, Islamabad, 1979" p. 83.

[393] *BG*, 13 July 1907.

[394] *BG*, 20 July 1907.

[395] *BGS* (Supplement), 19 Oct. 1907.

[396] *BGS*, 25 Sept. 1909; and 10 Oct. 1911.

[397] *BGS*, 20 July 1907, 12 Oct 1907, and 19 Oct. 1907.

[398] *BGS*, 26 Dec. 1908, 3 Sept. 1910; and *BG*, 10 Jan. 1912.

[399] *BGS*, 26 Oct. 1907 and 23 Nov. 1907.

[400] *BG*, 13 July 1907; BGS (Supplement), 12 Oct. 1907; BGS, 8 Aug., 26 Dec. 1908, 25 Sept. 1908, 2 Oct. 1909, 20 Aug. 1910, 3 Sept. 1910, 24 Sept. 1910, 12 Nov. 19101 14 Jan. 1911, 21 Jan. 1911,25 Feb. 1911; BG, 8 June 1911,22

law points interested him much.[401] On certain points he even entered into arguments with Chief Justice Chandavarkar "to find out the justice of the case".[402]

During his first three years' association with the Legislative Council from 1910 to 1913, Jinnah's legal practice had to be practically suspended for some short periods when he had to go to Calcutta, where the first session of the Council was held Later the shifting of the capital to Delhi and in winter the Viceroy's presence there and in summer in Simla necessitated Jinnah staying away from the seat of his practice. The Viceroy called the winter session at Delhi and the summer in Simla. Despite these intervals in the legal practice, Jinnah earned sufficient amount of money to be able to invest in 1912 in a business concern, "The Simplex Mill Company, Ltd.," a cotton mill in Bombay.[403] The amount is not known. But the very fact that he was one of the five directors of the managing board indicates that he must have invested quite a substantial amount.[404] The strengthening of his financial position was necessary, so that he could afford to suspend his legal practice at times when he was deeply involved in his public career. It was due to this financial independence that Jinnah was able to devote himself to politics during 1915-1919 when he emerged a great Home Rule leader.

It was on 4 January 1910 that Jinnah was first elected to represent the Bombay Muslims at the Imperial Legislative Council.[405] Eight members of the Bombay Legislative Council meeting on the evening of 4 January decided, by 5 votes to 3, in favor of Jinnah's nomination, defeating his opponent Maulvi Rafiuddin. A Congress organ thus praised Jinnah's victory in the election against the Muslim League candidate who was President of the Bombay Muslim League:

> Mr. Mahomed Ali Jinnah is another Councilor with all the advantages of youth on his side, and it is pleasant to be able to add that he is among those t1énted

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June 1911,1 July 1911, 25 Feb. 1911, 1142 July 1911, 25 July 1911, 1-3, 7-9, 15-16 Aug., 2, 7, 9, 13, 21 Sept. 1911; 10 Feb., 4 July, 10 Aug., 9 Sept., 7 Oct., 15 Nov., 13D 1912; JLR, Bombay Series, XXXI, 1907, pp. 146-151, 208-214; *ILR*, Bombay Series, XXXII, 1908, pp.592-598; *ILR*, Bombay Series, XXXIII, 1909, pp. 28-32, 121. 128, 469479; *ILR*, Bombay Series, XXXIV, 1910, pp. 13-54, 420-423, 467-484, 491-496; *ILR*, Bombay Series, XXXV, 1911, pp. 103-109, 279-288, 333-339, 342-361, 380-396, 425-438, 478-487; *ILR*, Bombay Series, XXXVI, 1912, pp. 105-110, 144-146, 214-267, 334-339,.308-315, 396-404; *ILR*, Bombay Series, XXXV1I, 1913, pp. 71-76, 393-397, 494-506, 575-594, 639-644; *ILR*, Bombay Series, XXXVIII, 1914, pp. 77-94, 204-219, 255-272; and *ILR*, Bombay Series, XXXIX, 1915, pp.1-16.

[401] *BG1* 26 July 191i,29 July 1911, 21 Sept. 1911.

[402] *BG*, 3 Feb. 1913.

[403] *BG*, 8 Nov. 1912.

[404] *Ibid*.

[405] *The English man*, 5 Jan. 1910; and *Pioneer*, 6 Jan. 1910.

> Mahomedans of the new school who have thoroughly identified themselves with the Congress. We are all the more rejoiced at his success in as much as he defeated a declared reactionary in the person of Maulvi Rafiuddin Ahmad.[406]

This victory of Jinnah was not possible without change in his ideas. In 1906, he was opposed to the idea of separate electorate for the Muslims, but, later he changed and came in favor of the proposal put forward by the AIML and the leaders of Muslim public opinion. In his letter published in the *Times of India* (10 February 1909), Jinnah not only disagreed with Morley's proposed joint electorate but argued that separate electorates alone could give "to the Mahomedans the reasonable certainty of returning their real representatives".[407] This referred to Morley's dispatch of October 1908.[408] Jinnah also suggested that the proportion of Muslim representation should be one-third because of the political importance of the Muslim community, instead of one-fourth as proposed in the Dispatch.[409] He advocated that "the Mahomedans are entitled to a real and substantial representation in the reforms" and that they should, be represented "from the rural Boards to the, Viceregal Council" through the system of "communal representation".[410] Thus his views came in conformity with the ideas of the Bombay Muslim League.[411] At the Bombay Anjuman-i-Islam's meeting on 1 August 1909 Jinnah's stand was even more forceful in this respect when he moved a resolution calling "upon the Government to form separate Mussalman electorates in consultation with Muslim leaders".[412] This was accepted unanimously in presence of the Aga Khan who presided over the meeting, and Jafar Rahmatullah, the latter being President of the Bombay Municipal Corporation. The speakers knew that Jinnah had changed his stance, but, this was thought a good change in a talented young man.[413] In addition to enlisting the support of the Anjuman and of the Aga Khan, who had led the Muslim deputation to Simla to meet Lord Minto in October 1906 Jinnah also enjoyed support from Mehta who, in order to prepare for Jinnah's victory, had, not even gone to Lahore to attend the

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[406] *India* (London), 28 Jan. 1910.

[407] Shamsul Hasan, *Plain Mr. Jinnah*, Karachi, 1976, p. 339.

[408] S. Razi Wasti, Lord Minto and the Indian Nationalist Movement 1905-1910, London, 1965, pp. 133-137; and Indian Review (Madras), Oct. 1909.

[409] Hasan, *op. cit*., pp. 338-339.

[410] *Ibid*.

[411] *The Englishman*, 16 Feb. 1909.

[412] Hasan, *op. cit*., p.340.

[413] *Paise Akhbar* (Lahore), 6 August 1909.

Congress session of 1909. Jinnah was also absent from this Congress,[414] which was expressing "dissatisfaction" over the "regulations framed under the Act" of 1909. This Congress also accused the Government for "excessive and unfairly preponderant share of representation given to the followers of one particular religion".[415] Jinnah, however, could not be expected to agree with such Congress expressions when he himself was busy in getting himself elected on the basis of these very rules. Instead, he proved himself at the largest Muslim platform of Bombay not only a staunch believer in the Muslim cause but also one who wanted to become a spokesman of the Muslim community at the national level. At the same time, he was also proving that his remaining in the Congress did not mean that he could act against the overwhelming majority of the Muslim opinion. He was not at the Congress platform to act against the Muslim interests. He, instead, wanted to project them. Even at the Allahabad Congress (1910) when he was asked to move a resolution against the extension of separate electorates to the local bodies, he made his position clear:

> I am not prepared to make a long speech on this resolution as I did not intend to speak at all but in response to the wishes of a great many leaders of the Congress, I have agreed to move this resolution before you. I wish it to be made quite clear that I do not represent the Muhammadan community here nor have I any mandate from the Muhammadan community. I only express my personal views and nothing more. As far as my personal views are concerned, they are well-known to many of you, and these are embodied in this resolution. The resolution runs: "This Congress strongly deprecates the extension or application of the principle of separate communal electorate to Municipalities, district or other local boards". With these remarks, I beg to propose this resolution.[416]

This was a great recognition of Jinnah's talent, who, despite being very young in age as compared with other Muslim leaders of the Congress like Syed Hasan Imam (1871-1933) and Mazhar-ul-Haq, was pressed to move this resolution. Hasan Imam and Mazhar-ul-Haq merely supported his motion.[417] Jinnah in his public capacity was not ready to act against the views of his community, but in his "private" capacity he was ready to take any position if that was necessary for the unity and harmony amongst various communities of India. This was necessary because at this Congress session, the need for unity between the Muslims and the Hindus was emphasized. While Jinnah had made the Hindus agree to the grant of separate electorates to the Muslims at the

[414] See Report of the Proceedings of the Twenty-Fourth Indian National Congress held at Lahore on the 27th, 28th and 29th December 1909.

[415] *Ibid*, p. 47.

[416] *Report of the Twenty-fifth Indian National Congress held at Allahabad on the 26th, 27th, 28th and 29th December 1910*, pp. 93-94.

[417] *Ibid*., pp. 94-95.

central and provincial levels, he was ready to come forward to ask his community in his private capacity not to press its, further extension to the local level. If the Muslims were required to forego this demand, he made the Congress leaders shun their opposition to the separate electorates for the Muslims. Thus a congenial atmosphere at this session was created, which was followed by holding a Hindu-Muslim conference for unity in which almost all the leading figures of both the communities, including Gokhale, Mehta, the Aga Khan, participated. Jinnah acted as a "cross-bencher" in this inter-communal conference because of his popularity on both sides.[418]

During his three years' tenure as a legislator, Jinnah maintained his stance as a Muslim national leader. He became the first non official Muhammadan member to get his Mussalman Wakf Validating Bill passed by the Imperial Legislative Council.[419] This bill was introduced in the Council by Jinnah on 17 March 1911[420] and passed by it on 5 March 1913.[421] The Governor-General being the, constitutional head of the Legislative Council gave his assent on 7 March where after the bill became an Act.[422]

It took about two years to get the bill enacted and enforced in the country. The delay in this respect was caused by various factors. First, as it was circulated to all the local Governments, high courts, representative bodies of Muslims belonging to different shades of opinion, local bodies, eminent Muslim personalities and others, replies were not prompt in coming. Some of them were, however, very quick, in sending their opinions but most of them slept over it. Certain newspapers like the *Paisa Akhbar* (Lahore) took particular note of the delay and complained about it, especially displayed by the local (provincial) governments.[423]

The second was the development of differences of opinion amongst the Muslims themselves who formed three sections: (1) those who out rightly supported the bill, as

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[418] Naidu, *op.cit*., pp. 5-6; *Paisa Akhbar*, 3 and 16 Jan. 1911; Indian Review, January 1911, pp. 65-66 and Jayakar, I, *op. cit*., p.87. This Hindu-Muslim Unity Conference was held on 1 Jan. 1911 at Allahabad under Sir William Wedderburn's presidentship. Forty prominent Muslim and sixty important Hindu leaders participated in this conference.

[419] Syed Ali Imam's (the Law Member) declaration in the Legislative Council. For this see Proceedings of the Council of the Governor-General of India, from April 1912 to March 1913, LI, Delhi, 1913, p, 344.

[420] Proceedings of the Council of the Governor-General of India, from April 1910 to March 1911, XLIX, Calcutta, 1911, pp. 480-484. For the text of this speech see Appendix 'A'.

[421] Proceedings of the Council of the Governor-General of India, from April 1912 to March 1913, pp. 335-336.

[422] Bills and Acts of Government of India, *IOR*. L/P&J/5/86.

[423] *Paisa Akhbar*, 30 June and Aug. 1911.

moved by Jinnah;[424] and (2) those who opposed it vehemently.[425] The third, in overwhelming majority, desired amendments in the Bill.[426] The AIML and the Nadvatul Ulama, under Maulana Shibli Nomani (1857-1914) led this group. Shibli Nomani desired the *ulama* to frame their opinions uniformly to reform the Bill.[427]

The Bill contained twelve clauses and when it passed through the Council it was reduced to six. The remaining clauses relating to registration or authenticity of the Will in the Wakf were deleted in response to the demands from the third section of the Muslims and suggestions from other persons as well as local governments or institutions. Jinnah had originally drafted the Bill, as he himself declared in the Legislative Council, in consultation with the leading Muslim experts like Syed Ameer Ali and on the basis of his independent study of the Quran, Hadith, and such standard works of Muslim jurisprudence as the *Fatawai-Alamgiri*, the *Ruddul Mukhtar*, and the *Hedaya*.[428] Though the Bill was moved in the Council in March 1911, Jinnah had started preparing its draft from the start of his legislative career in February 1910 when he received an encouraging reply to his question on the issue of Wakf that the Government was ready to welcome such a move to restore the Islamic law of Wakf to its original position if supported by the "Muhammadan Community".[429] The draft of the Bill was

[424] There were many like the Anjuman-i-Islam, Abbottabad, Peshawar, Bombay, the Punjab, Muhammadans of Bannu, G. M. Bhurgri (Sindh) and provincial governments of the Eastern Bengal and Assam, Commissioner of Sind, Chief Commissioner of the N.W.F.P., Chief Commissioner of Coorge, and others who out rightly extended their support in their recommendations to the Central Government. For this see Bills and Acts of Government of India, IOR. L/P&J/5/80.

[425] There were very few like the Governments of western Bengal and of U.P. who vehemently opposed Jinnah's proposition. For this see Bills and Acts of Government of India,. *IOR*. L/P&J/5/86.

[426] The majority belonged to this group who desired and suggested certain amendments in the original Bill. The provincial governments of the Punjab, C. P., Madras, Burma (then part of Indian union), suggested certain improvements. Important persons like Sir Abdur Rahim (Madras), Justice Shah Din (Punjab), and the High Courts of Bombay, Calcutta, Madras, while agreeing to the main principles of the Bill, suggested certain improvements. Similarly most of the Muslim associations like the AIML, Anjuman-i-Islam (Hissar), Mahomedan Association Malda (Bengal), and the Nadvatul Ulama also suggested amendments in the Bill. Their opinions were received late by the Central Legislative Department. For this see Bills and Acts of Government of India, IOR. L/P&J/5/80.

[427] *Paisa Akhbar*, 29 March 1911.

[428] Jinnah's speech in Proceedings of the Council of the Governor-General of India, from April 1912 to March 1913, pp. 220-221, *Paisa Akhbar*, 22 Aug. 1910; and Indian Review, November 1913, p. 875.

[429] On 25 February 1910 Jinnah asked: "Are the Government aware that there is strong feeling prevailing amongst the Muhammadans against the present state of the Wakf law as. expounded by the recent decisions of the Privy Council affecting in particular the system of 'Wakf alal awlad'? Does the Government propose to take steps to bring the law on the subject into conformity with the texts and the wishes of the Muhammadans? If so, how soon?" The Law Member, Sir Harvey Adamson's reply was: "The Government are aware that objections are entertained to the exposition of the law on the subject of Wakf contained in various decisions of the Judicial Committee of the Privy Council. As at present advised, the Government are not prepared to, undertake legislation

finalized by August 1910 when it was sent to the Central Legislative Department for prior approval of the Viceroy, a condition necessary to introduce a Bill in the Counci1.[430] It was after the Viceroys permission that the Bill could be introduced in March 1911. The registration clauses proposed by Jinnah were considered, by the objectors, against the very principles of Islam. Jinnah, who was a man of progressive outlook, knew this but, it seems that his anxiety to improve upon and adjust Islamic laws to the prevailing, social conditions prompted him to move for registration of the Will of Wakf. This was perhaps required in the Indian social set-up where authenticity of every third Will could be doubted. Jinnah was ready to accommodate others' point of view, if it did not involve departure from principle. His dominant idea was to keep the Muslims united, and that also of the Sunni sect being the majority of the Muslims (Hanafi school of fiqah or jurisprudence), he agreed to meet the demands to amend the Bill accordingly.

The third reason for the delay was that the approval of the Secretary of State for India (Lord Crewe), as required under the rules, was received towards the end of the year (1912) when Jinnah's tenure of three years was about to expire.[431] The Government of India had sent it for the sanction of the Secretary of State in January 1912,[432] the Home Government taking, almost a year. As Jinnah's tenure ended on 3 January 1913, he was not ready to seek re-election. It was on the orders of the Viceroy that he was notified on 11 January 1913 for his second tenure as an additional member of the Viceroy's Legislative Council.[433] The Select Committee, with Jinnah as its Secretary, appointed on 19 February, finalized their recommendations which were submitted to the Secretary, Legislative Department on, 24 February.[434] It was on 5 March that these

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with the express object of upsetting judicial decisions to which exception is taken. They are, however, ready at any time to accord their fullest consideration to any specific proposals for legislation directed to the object of securing family settlements, of a limited nature, provided that such proposals are generally approved by the Muhammadan Community". For its text see Proceedings of the Council of the Governor-General of India from April 1909 to March 1910, XLVIII, Calcutta, 1910, p. 185.

[430] *Paisa Akhbar*, 22 Aug. 1910.

[431] Bills and Acts of Government of India, *IOR*. L/P&J/5/80. 93

[432] *Paisa Akhbar*, 17 Jan. 1912.

[433] Gazette of the Government of Bombay, 11 Jan. 1913; and *Paisa Akhbar*, 15 Jan. 1913. Before issuing this notification, the Viceroy's Executive Council had considered Jinnah's appointment as such on 8 Jan. 1913. See 'Diary of Events Since His Excellency the Viceroy and Governor-General was incapacitated from Presiding at Meeting of Council', in Sir Gay Fleetwood Wilson Papers, *IOL*. MSS. Eur. 224/21.

[434] Report of the Select Committee on Mussalman Wakf Validating Bill, 1913, IOR. L/P&J/5/86. The Select Committee consisted of Syed Ali Imam (Law Member), Sir Reginald Craddock (Home Member), Henry Wheeler, E. H. Carr, Herbert Lovely Eales, Arthur Leslie Saunders, Sir William Vincent (Finance Member), Sir Ibrahim Rahimtoola, Abdul Karim, Abu Ahmed Ghaznavi, Nawab Saiyid Muhammad, Qamrul Huda, Fazalbhoy Currjmbhoy Ebrahim, Sigismund Raynor Arthur, Pandit Madan Mohan Malaviya, and M. A. Jinnah (the Mover). See Proceedings of the Council of the Governor-General of India, from April 1912 to March 1913, p. 219.

recommendations reducing the Bill from twelve to six clauses was discussed in the Council and approved unanimously.[435] After the Bill was assented to by the Viceroy, Jinnah resigned from the Council because he did not like the idea of continuing as a nominated member.

Despite this delay, for which the mover could not be blamed, Jinnah was able to enlist success on a matter which had been agitating the Muslim mind since the last days of Sir Syed Ahmad Khan who had failed to rectify this error due to Government's non-approval, caused by the decisions of the Calcutta High Court and the Bombay High Court which were confirmed by the Privy Council in 1804.[436] At this time, Jinnah was studying in London. This was a great achievement on his part. Despite being a "Congressman" he was able to prove that he acted in the best interest of the Muslims.

It is to be noted that during the time he was engaged in the matter of Muslim Wakfs he did not or could not attend the Congress sessions of 1911 and 1912; rather he is reported to have attended meeting of the Muslim League in February 1910 and 1912.[437] This was the period when he not only became very close to the Muslim League - without becoming its member - but also became instrumental in changing its constitution, at the AIML Council meeting in December 1912, thus paving the way for his joining it next year.[438]

Along "With the promotion of Muslim interests; Jinnah's concern for matters vital to other communities was no less enthusiastic. This liberal approach was necessary to prepare all the communities for the cause of self-government. Above all, the spread of education, freedom of press and Indianisation of services were of prime importance so that the Indians could be prepared for taking the responsibility of ruling their own country. In order to promote the freedom of press, he voted for Gokhale's amendment to the Press Bill moved by the Government for curbing press freedom by giving certain discretionary powers to the Magistrates. Gokhale's amendment was, however, defeated

[435] *Ibid*., pp. 335-344.

[436] Faiz B. Tyabji, *'Trends of Recent Legislation Applicable to Muslims in India'*, in The Muslim Year Book of India and *Who's Who 1948-49*, Bombay, All-India Muslim Chamber of Commerce and Industry, 1949, p. 195; *The Law Reports: Indian Appeals*, XII, London, 1895, pp. 76-89.

[437] *BGS*, 12 Feb. 1910 and FMA, University of Karachi ,AIML Records., F. No. 84.

[438] Report of the Twenty-sixth Indian National Congress held at Calcutta on the 26th, 27th and 28th of December 1911, In this Jinnah was only shown member of the AICC, but not in the list of delegates. See Ibid., p. 7. Also see Report of the Proceedings of the Twenty-seventh Indian National Congress held at Bankipur, December 26-28th, 1912. Jinnah was there in Bankipur attending the League Council meeting but he is not shown to have attended or even delegate to this Congress session. Also see BGS, 12 Feb. 1910; Pirzada, I, op. cit., pp. 258-259; FMA, University of Karachi, AIML Records, F. Nos. 84 and 85.

in the face of an overwhelming official majority in the Legislative Council.[439] Jinnah's opposition to the Government sponsored Dourine Bill,[440] the Court Fee (Amendment) Bill,[441] and the Indian Tariff (Amendment) Bill[442] was important as these bills in one way or, the other affected the Indian interests. Despite opposition of the non-officials who represented the popular will of India, these bills were passed because of the official majority who represented the British Imperial interests. When Gokhale moved his resolution for nationalization of Railways, Jinnah was one of those few who out rightly supported the move.[443] He also strongly pleaded the move for the spread of technical and elementary compulsory education in the country on a resolution moved on 23 March 1910 by R. N. Muidholkar.[444] Of the eight members participating in the debate Jinnah was the third who considered technical education "an excellent thing". Jinnah was very clear on the "function of the State" in this matter of Indian concern in the modern set-up, as is clear from his words;

> It is the function of the State to help the technical education of the country because State is something more than a mere agency for keeping peace, and, the doctrine of laissez faire, the policy of 'let alone', has been given up long ago ... it is the business of the State to help the education of country, general or technical.[445]

In his speech Jinnah brought instances from Japan's system of education and exhorted the Government to provide necessary funds for the purpose. He was still speaking when the time-limit of fifteen minutes prevented him from continuing.[446]

Gokhale introduced the Elementary Education Bill in the Imperial Legislative Council on 16 March 1911 for making primary education compulsory all over India. Jinnah was one of the eight speakers who spoke on this issue. The argument in favor of the bill was carried by Gokhale and Jinnah from the nonofficial side. Jinnah quoted the example of England and other European countries where education had spread through the principle of compulsion. In his own terminology, Jinnah, while giving "entire support"

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[439] Proceedings of the Council of the Governor-General of India, from April 1909 to March 1910, p. 151.

[440] *Ibid*. p. 238.

[441] *Ibid*. p. 304.

[442] *Ibid*. p. 342.

[443] *Ibid*. p. 464.

[444] *Ibid*. p. 576.

[445] *Ibid*. p. 591.

[446] *Ibid*., pp. 591-593.

to the bill, was not specific as to how the beginning in introducing the compulsory education was to be made. Gokhale had, however, clearly explained that compulsory education should be introduced first in the selected areas. As this stand of Gokhale was objected to by some of the official speakers, Jinnah, in his speech, left the option to the Government. In support of this, and leaving a wide option with the Government, Jinnah suggested that what he was concerned was that only "a beginning should be made gradually in that direction". Thus, he desired the bill to be referred to the next step; rather than be refused at the preliminary stage.[447] After emerging from the Select Committee when the bill again came for discussion, Jinnah said that if the Government was not interested it could come forward with an excuse of lack of finances for Which he foreseeing advocated

> all I say is that, find money, find money, find money. I appeal to the President - find money. I appeal to the President not as President, but as the Finance Minister. I say, find money. If you say you have not got enough money, discover and tap new sources of taxation.[448]

Some of the members from the non-official side also spoke against the spread of education because they believed that the spread of education created "agitators" and "socialists",[449] which was likely to enhance "political danger" to the country.[450] Refuting these hypotheses and in a spirit of substantial support to Gokhale, Jinnah said: "It is the elementary right of every man to say if he is wronged that he was wronged and that he should be righted".[451] Alluding the fears of the Muslims in this connection, if any, he stated:

> If the Bill would have come before this Council without these requirements which I think will be necessary in the interest of the Muhammadans in the present state of the conditions of the people in this country, I would have been the first to oppose that Bill until and unless those requirements are incorporated in the Bill.[452]

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[447] *Proceedings of the Council of the Governor-General of India, from April 1910 to March 1911*, p. 447.

[448] *Ibid*., p. 599 and India Legislative Proceedings, *IOR*. P/9012.

[449] Views of Nawab Abdul Majid, who was a nominated member. See Proceedings of the Council of the Governor-General of India from April 1910 to March 1911, p. 602. For the views of Butler, the official member, see ibid., pp. 601-602.

[450] *Ibid*, p. 602.

[451] *Ibid*. p. 602.

[452] *Ibid*., p. 603.

Jinnah advocated compulsory education in the belief that educated Indians should lead the country in accordance with the Congress ideal as well as the assurances given by the Government on a number of occasions. And because, he believed, that the spread of education amongst the masses would create healthy social effects which would be helpful in creating better political awareness among the masses so that the Government and big landed interests would no longer be able to exploit the people. Through education the citizens could become more conscious of their rights.

He also advocated the cause of freedom of expression and desired reformation of the police system in the country through which freedom of speech was curtailed. By speaking against the Prevention of Seditious Meetings Bill,[453] and the Indian Criminal Amendment Bill,[454] he showed himself to be very clear about the freedom of individual and collective liberty. This could not be made possible unless the police system was reorganized. In his Council speech of 28 February 1912, he said;

> The police force was far from efficient. It was defective in training and organization; it was inadequately supervised; it was generally corrupt and oppressive; and it had utterly failed to secure the confidence of the people.[455]

As compared with others, Jinnah was very much qualified to say so, because, he, as a Magistrate, had seen what dubious practices the police indulged in.

At That time there was no concept of Opposition in the Indian Legislative Council. Yet, Gokhale and Jinnah by organizing "combined debate" against official benches tried to show that Opposition did exist in the Council.[456] If the Government accepted their advice, they praised it duly. If the Government was uncompromising, they offered stiff opposition. Of the two, Jinnah was more bold and daring in many respects. In pressing his cause of Indian interests, he excelled even many a Council members. Even when he was just a new entrant to the Legislative Council he scathingly condemned the Government on the issue of maltreatment of Indians in South Africa. Addressing Lord Minto, the Viceroy, who was presiding over the meeting, Jinnah said:

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[453] *Ibid*., and India Legislative Proceedings, *IOR*. P/9010.

[454] His speech in the Council on 5 March 1913, in Proceedings of the Council of the Governor-General of India, from April 1912 to March 1913, pp. 313-317; BC,6 March 1913; and M. Rafique Afzal (ed.), *Selected Speeches and Statements of the Quaid-i-Azam Mohammad Ali Jinnah* (1911-34 and 1947-48), Lahore, 1966, pp. 1-11, 20-25 Afzal's collection, however, is not complete.

[455] *Proceedings of the Council of the Governor-General of India, from April 1911 to March 1912*, pp. 265-266; and India Legislative Proceedings, *IOR*, P/9010.

[456] Parmatma Sharan, *The Imperial Legislative Council of India* (from 1861 to 1920), Delhi, 1961, p. 236. Also see Manuranjanjha, *Jaddo-Jihad-i-Azadi main Markazi Majlis-i-Qanoonsaz ka Role* (Urdu translation by Ghulam Rabbani Taban), New Delhi, 1973.

> If I say, at the outset, it is a most painful question - a question which has roused the feelings of all classes in this country to the highest pitch of indignation and horror at the harsh and cruel treatment that is meted out to Indians in South Africa.[457]

Taking a severe note of this, Lord Minto interrupted

> I must call the Hon'ble gentleman to order. I think that is rather too strong a word 'cruelly'. The Hon'ble Member must remember that he is talking of friendly part of the Empire and he must really adapt his language to the circumstances.[458]

Jinnah perfectly understood the limitations of a Member's right to speak and without caring for the risks involved, he unhesitatingly replied:

> Well, my Lord, I should feel inclined to use much stronger language, but I am fully aware of the constitution of this Council, and I do not wish to trespass for one single moment, but I do say this that the treatment that is meted out to Indians is the harshest which can possibly be imagined and, as I said before, the feeling in this country is unanimous.[459]

This fearless condemnation of a Government policy, particularly in the presence of a Viceroy was perhaps first of its kind. Even Gokhale, despite his critical attitude towards the Government, had not criticized it so forthrightly. Gokhale and other members were highly respectful to the Viceroy. They believed in respectful remonstrance. But Jinnah continued to maintain this daring style even in some of his public speeches.[460]

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[457] Jinnah's speech in the Council, 25 Feb. 1910, in *Proceedings of the Council of the Governor-General of India, from April 1909 to March 1910*, p. 254. Jinnah had actually been receiving letters in this respect for support even before 1908 from the Indians, especially the Muslims, in South Africa, Natal and other places in Africa. Gandhi, in order to pacify the Muslims of South Africa, professed in Feb. 1908 that he regards Jinnah with "respect". Thus Gandhi was trying "to bring the Hindus and the Muslims together to make them a single community". See *The Collected Works of Mahatma Gandhi*, VIII, Jan-Aug. 1908, Government of India, Ahmedabad 1962 pp 0-101. At one time there was even a suggestion that Jinnah should be invited to work for Indians in South Africa and other colonies in Africa. See *Ibid*., p. 368. While Gandhi found South Africa a good place to start politics, Jinnah preferred to work in India under the most difficult and competitive circumstances both In law and politics.

[458] *Proceedings of the Council of the Governor-General of India, from April 1-909 to March 1910*, p. 254.

[459] *Ibid*., p. 254; Muhammad Umar (ed.), *Quaid-i-Azam Mohammad Ali Jinnah: Rare Speeches 1910-1918*, Karachi, 1973, p. 19. The Gujerati version of this speech along with that of Gokhalein the Council was published in the Indian Opinion (Natal), April 1910. See *The Collected Works of Mahatma Gandhi*, Nov. 1909 — March 1911, X, Ahmadabad, 1963,p. 221.

[460] For instance see Jinnah's speech in Dec. 1913 at the AIML session at Aligarh, in Umar, *op. cit*., pp. 99-103.

Due to his intellectual, legal and legislative qualities, and with an effort to win him, over to the official side, the Government thought to appoint him, as it was rumored, a judge of a High Court in 1913, after he had left attending the Legislative Council as a nominated member, but Jinnah politely refused to accept this offer.[461] Appearing before the Islington Commission on 11 March 1913 when Lord Ronaldshay suggestively asked to attract "best men" from the Bar for the High Court Judgeship Jinnah making his personal position clear to avoid any misunderstanding on his part, said As a matter of fact I would not care if the High Court Judgeship was offered to me today. So I am out of the question".[462] Obviously, the Government endeavors to win him over failed Some more official attempts were made even to appoint him as a Law Member. For an average, person, these overtures would have meant a lot. Even for Jinnah this might have been normally a good offer in the 37th year of his age but he was not ready to succumb to any temptation because of his higher ideals to act in the interest of the people to which he belonged.

Jinnah knew that the Government was conducting legislative business by paying a lip-service to the non-official points of view; and getting its own policies approved in the Council due to majority of the official and nominated members. The Indian public opinion represented by the non-official members was tactfully ignored. In some of the matters, Jinnah, too, acted with utmost tactfulness. Some of his moves looked counter to Muslim traditions. But through this stratagem he wanted the Government to commit errors and be dragged into difficulties. It was for these reasons that he extended his ostensive support to Bhupendranath Basu's Special Marriage Amendment Bill in a forceful manner on 27 February 1912. Basu's plea was to provide for legal cover to marriages which were not covered by the Hindu or Muslim laws In his long speech Basu tried to justify with reference to the ancient ages from the Puranas - the Hindu scriptures - hence the continuity of practice. As this issue was very basic to the Indian social compulsions, a heated controversy developed in the Council in which as many as twenty members participated. The majority of them spoke against the bill. There were only a few who supported the measure Jinnah was amongst them. He said that "equity" was favorable to the bill. He advocated and said: "If a representative in this Council is convinced in his mind that this is a measure which is good for his country and his people he sought to support it".[463] Although he wanted amendments in what was moved by Basu, his support to the general principle of the bills was very "strong".[464] When Syed Ali Imam, the Law Member, as a Muslim objected to Jinnah's particular

[461] *Paisa Akhbar*, 27 July 1913.

[462] Jinnah's Evidence before the Islington Commission: Minutes of Evidences, in Parliamentary Papers 1914, *IOR*. vol. 22, col. 7294.

[463] *Proceedings of the Council of the Governor-General of India, from April 1911 to March 1912*, p. 160; and Sharan, *op. cit*., p. 224.

[464] *BG*, 29 Feb; 1912

stance considering it against the Islamic principles, Jinnah replied that as Islam was not against the basic individual liberty of man, those persons who are not ready to accept the marriage laws of Hindus, Muslims and Budhists, should be given some other outlet to act freely.

Only few people could appreciate the spirit of Jinnah's stand. It was mainly interpreted as not in conformity with the principles of Islam because of his being a Congressman. Some maintained that his stance hurt Muslim interests which he was basically required to represent at the Council.[465] Various types of charges were leveled against him as a man of free ideas, or a person who did not understand the spirit of Islam,[466] but Jinnah was not the man to reply to such allegations. Though the author has not been able to find any of Jinnah's replies to these charges yet keeping in view the personality of Jinnah who was concerned with his mission in politics, there is a lot of room to suggest that he supported the cause because of his warm spirit of, accommodation for the communities, other than the Muslim, in his national orientation. He was not such a Muslim leader as to impose Muslim personal laws on those who did not believe in it. Though his stance led to harm his popularity temporarily in some Muslim quarters, still he was not a man to be sorry for it.

Excepting this, the Muslim League leaders were much impressed by the services of Jinnah for the cause of the Muslim community especially the way he got the Mussalman Wakf Validating Bill passed, as discussed already, and he came to be termed a symbol of inspiration "among the younger generation of Mahomedans" to whom the limitations of the League were vexatious. The gap between the younger and older generation of the Muslims had been widened by dissatisfaction with the policy of the Government in "the last two was waged against the Turkish Khilafat". Russian occupation of Persia was also considered by the Indian Muslims as the "first step in the gradual absorption of another Islamic State by Russia, with the connivance of Great Britain".[467] The "indiscreet expressions" by certain English statesmen like Balfour, as the British sources put, added "fuel to the fire".[468] Annulment of partition of Bengal in 1911 was another shock to them.[469] Thus the "Muslims felt that not enough consideration had been paid to their claims".[470] There were also other factors responsible for turning the Muslim leaders against the British Government. As it was considered that the British "intervention"

[465] *Paisa Akhbar*, 29 Feb. 1912.

[466] *Ibid*.

[467] Gamal-Eddine Heyworth-Dunne, *Pakistan: the Birth of a New Muslim State*, Cairo, l952, p. 9.

[468] *The Times,* 19 April 1913.

[469] Symonds, *op. cit*., p. 41.

[470] Heyworth-Dunne, op. cit., p. 9.

would bring some good results favorable to Turkey, there were a lot of appeals to the British Government by the Muslim League and other Muslim organizations like Islamic Anjumans. Because the Government did not duly respond to these, the prevalent mood of Muslim youth, even those belonging to the Muslim League, turned agitational.[471] The Government's antipathy towards the "status and operation of National University for the Muslims was also disliked".[472] Though the older generation of Muslim leaders avoided confrontation with the Government, the young Muslims were daring enough to go ahead. As a follow-up of this trend, Jinnah and Dr. Muhammad Iqbal (1877-1938) being representatives of the younger Muslims, had been appointed on the proposed Muslim University Committee.[473] Against this rising young Muslims' increasing influence the Government tried to influence secretly some leaders and even some who were associated with the affairs of the M.A.Q. College, Aligarh, through men like Nawab Fateh Ali Khan Qizilbash of the Punjab,[474] and Muhammad Israr Khan, Secretary of Aligarh College but in vain The Trustees of the Aligarh College were also influenced.[475] It was to avoid such influences from men like Qizilbash that the head quarters of the AIML were shifted from Aligarh to Lucicnow in July 1911.[476]

Against this background both in respect of political developments in the country and his role in: politics, Jinnah attended the AIML Council meeting on 31 December 1912 at Bankipur and contributed signally in changing the League constitution from loyalism to "self-government suitable to India". Jinnah attended this meeting after persistent requests from Syed Wazir Hasan (1874-1947), Secretary of the AIML, even though he was not a member of the League.[477]

Jinnah who represented the voice of younger, elements had to face older; men like Nawab Viqarul Mulk, Maulvi Mushtaque Hussain (1841-1917), who were still not daring enough to deviate from the loyalist policy of the Muslim League.[478] But the younger elements like Maulana Mahomed All, Wazir Hasan, and Jinnah were determined to bring about change in the League constitution. Thus the meeting was not

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[471] The CID Report: United Provinces 1912, cited in R. Hughes-Buller (of Criminal Intelligence Office, Simla) to Butler, 17 April 1913, Butler Papers, *IOL*. MSS. Eur. F. 116/21.

[472] *BG, 1 April 1913.*.

[473] BG, 31 Dec. 1912.

[474] Qizilbash to Meston, 2 Jan. 1914, Meston Papers, *IOL*. MSS. Eur. F. 13/6.

[475] *Ibid*.

[476] Butler to the Aga Khan, 3 Aug. 1911; Butler Papers, IOL. Mss: Eur. F. 116/17.

[477] FMA, University of Karachi, AIML Records, vols. 84-85; and Pirzada, I, op. cit., pp. 258-259.

[478] Stanley Reed (ed), *The Indian Year Book 1914*, Bombay, 1915, p. 476.

an easy affair. This generated heated debate both on the older and younger sides of the leaders Nawab Abdullah Khan, another leader of the old school delivered a long speech against the contemplated change in the League's policy.[479] He particularly took exception to Jinnah's satirical criticism of Viqarul Mulk's stand against Self-Government. The younger leaders were, backed by Raja of Mahmudabad (1878-1931).[480] While Wazir Hasan, being the Secretary of the party, was not supposed to be partisan, the main burden fell on Raja of Mahmudabad or Jinnah The Raja Sahib decided to remain in the background but he fully extended his moral support to Jinnah.[481] The latter was outspoken with his mastery over the use of legal terms in a debate. Sometimes it appeared as if he was pleading a case before the highest court of law with his idealistic explanation of self-government. This was because Jinnah had the "fiery passion" for the change.[482] The Aga Khan, who presided, remained neutral leaving the meeting to the debating command of Jinnah. This neutral support of the Aga Khan was also sufficient because of his close links with the British Government. He could not be expected to do more than this.

When Jinnah had given a strong rebuttal to the arguments advanced by Nawab Viqarul Mulk and Nawab Abdullah Khan, his stand for self-government on the lines suggested by him was still not acceptable to some of his Muslim colleagues in the Congress like Mazhar-ul-Haq. Actually they wanted to follow the Congress with a blind faith, but Jinnah was looking far ahead. The ideal of "self-government suitable to India" advanced by Jinnah was not acceptable to Mazhar-ul-Haq who wanted to stick to the Congress ideal of "self-Government on colonial model" adopted in December 1906 at a time when Jinnah was also instrumental in adopting this ideal by the Congress. Being progressive and learning from the experiences between 1906 and 1912 and when the Muslims came to attain a position of political importance by the grant of separate electorate, to which he had also agreed, as seen already, Jinnah wanted to take the next step. When the Muslim League was made to take the first step of achieving self-government as its ideal, Jinnah desired to qualify this achievement on the condition of its suitability to Indian situation. By openly declaring for the first time that "the National Congress had hitherto followed a wrong principle of self-government", Jinnah urged that "India's self-

[479] He delivered his speech in Urdu. For its text see *Paisa Akhbar*, 18 Jan. 1913.

[480] Raja Muhammad Ali Muhammad of Mahmudabad. His son Raja Mohammad Amir Ahmed Khan of Mahmudabad (1914-1973) inherited close relationship with Jinnah after the death of his father in 1931. He is also known as Raja of Mahmudabad in the Pakistan Movement and acted as one of the trusted lieutenants of the Quaid-i Azam.

[481] *Paisa Akhbar*, 18 Jan. 1913.

[482] A. B. Rajput, *Muslim League: Yesterday and Today*, Lahore, 1948, p. 26; and Mohammad Noman, *Muslim India*, Allahabad, 1942, pp. 126-127.

government must be on lines suitable to the Indians special needs,[483] Thus he finally succeeded in making the League leaders agree to his plea of a new ideal of "self-government suitable to India" adopted by a majority vote which marked "a new era in the history of Muslim politics in India".[484] In a long article in his Comrade, a Muslim weekly issued in English from Delhi, Maulana Mahomed Ali justified this change in the League constitution.[485] Even to certain writers "self-government suitable to India", "appeared to mean self-government in which Muhammadans will have a share proportioned to what they consider their numerical importance".[486] This change was ratified by the special session of the AIML presided over by Mian (later Sir) Muhammad Shafi (1869-1932), a leader from the Punjab. This session was held on 22-23 March 1913. In his presidential address Shafi was reported to have said:

> The political conditions, internal and external, prevailing in the British colonies had no analogy whatsoever with that obtaining in India, and he was in entire accord with Mr. Jinnah in thinking that the adoption of any course other than the one proposed by the Council would be absolutely unwise.[487]

Thus most of the credit which went to Jinnah was recognized publicly.[488] This was a big achievement both for the young Muslim leaders and for the Congress leaders who were jubilant over this new change in the League constitution. When Sarojini Naidu (1879-1949) who had attended the League session in March 1913, brought the news of this change to Gokhale with great pleasure, Gokhale was already aware of the new development and of the criticism on it. Gokhale, however, assured Naidu that he would try his utmost to get a cordial response from the coming Congress session.[489]

The Government was not happy over this change in the League constitution. It tried to sabotage this new development by enlisting support from a number of Muslim leaders from the Punjab and the U.P. As the headquarters of the AIML were based in the United Provinces, the Lieutenant Governor of the U.P., Sir James S. Meston (1865-1943) acted as a representative of the Government to influence the Muslim affairs at the League sessions. Sir Harcourt Butler (1869-1938), Member of Viceroy's Executive

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[483] *BG*, 2 Jan. 1913; and also see India, 3 Jan. 1913.

[484] *Ibid*.; and *The Times*, 1 Jan. 1913.

[485] *The Comrade*, 4 Jan. 1913, pp. 7-9.

[486] Sir Verney Lovett*, A History of the Indian Nationalist Movement*, London, 1920, p. 93.

[487] *BC*, 24 March 1913.

[488] *Ibid*.; and *Paisa Akhbar*, 25 Nov. 1913.

[489] Pirzada, I, *op. cit.,* p. 279.

Council, also acted in this connection. But Meston's role was deeper because he was keeping up his ostensible stance of sympathizing with the Muslim demands. It was through Meston's patronization that Nawab Fateh Ali Khan Qizilbash from the Punjab struggled hard to influence the League members. In addition, Muhammad Israr Khan, Secretary of the Aligarh College, also acted on this line of the Government.[490] Qizilbash who had struggled hard since the time the change was brought in the League constitution "in bringing round" the AIML members, was disappointed after spending March-April, as the busiest two months, touring different parts of the country meeting local office-bearers of the Muslim League. In a detailed report of his tour he suggested a number of measures which also included opening of a "Shia College at Ahigarh if the Muslim League and Aligarh College do not come "round" to his "views". First step to be taken out of "some practical and active measures" was:

> To checkmate the Muslim extreme political movement engineered by people like Messrs Mazhar-ul-Haq and Muhammad Ali Jinnah,[491] Barristers and Abul Kalam Azad and Muhammad Ali, Editors, and patronized by men like Raja of Mahmudabad as being dangerous to the country and the community no less than, to the Government and especially to the aristocracy whom they are trying to trample under foot and bring down to the level of the common people; and to this end to start Muslim moderate organs and organizations as proposed by me - His Highness[492] offering to contribute to them liberally, and I am hoping to get from His Highness a donation of Rs. 50,000 to the organs and an annuity of Rs. 1,200 to the organizations.[493]

Despite these official maneuvers, Jinnah continued to advance into prominence at the all-India level. All this compelled adoption of a new policy regarding the Hindus and the Muslims as suggested by certain organs projecting the official viewpoint.[494] A Central Government's circular of 3 April 1913 called upon the provincial Governments for the improvement of existing Muslim institutions, text books and "religious teaching to the Muslim students at hostels".[495] Similar instructions were issued to the educational

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[490] Muhammad Ishak Khan to Meston, 2 Jan. 1914, Meston Papers; *IOL*. MSS. Eur. F. 136/6.

[491] Spellings as given in the report.

[492] Reference to the Viceroy.

[493] Qizilbash to Meston, 19 May 1914, *Meston Papers, IOL*. MSS. Eur. F. 136/6. Also see Qizilbash's letters of July, 24 Aug., 22 Dec, 26 Dec. 1913, 2 Jan. 1914, in ibid. For more details of official endeavors in this connection see Bullet to Bulter, 16 April 1913*, Butler Papers*, F. 116/71; and Butler to the Aga Khan, 29 May 1913, in *ibid*.

[494] *BG*, 1 April 1913; and *The Times*, 19 April 1913.

[495] *BG*, 3 May 1913.

institutions for making arrangements for imparting religious instruction to the Hindu students at the hostels.[496]

These factors enhanced Jinnah's importance both in the official and public quarters. The Royal Commission on the Public Services Commission, headed by Lord Islington, was already touring different parts of India and interviewing important men of experience and of independent thinking. Gokhale was also on this Commission. Originally, Jinnah was not included in the list of persons to be interviewed. It was of later thinking that Jinnah was associated. He was informed of their intention on 24 February with a long questionnaire to be answered in writing on the basis of which his interview was conducted on 11 March 1913, He was informed at a time when he submitted the report of the Select Committee on the Wakf Bill to the Imperial Council. He had to remain in Delhi until the Bill was passed and ratified by the Viceroy on 7 March immediately afterwards returning to Bombay. He even complained to the Royal Commissioners for the short time at his disposal to reply all the questions as desired. In his reply and interview, Jinnah ably pleaded the cause of Indianisation of services, holding simultaneous examinations with equal competitive spirit and opportunities between the Indian and European candidates.[497] The Royal commissioners were much impressed by Jinnah's personality.[498]

After thus harmonizing the political forces in India and guessing pertain changes contemplated by the British Home Government, Jinnah decided to sail to London on 19 April 1913 along with Gokhale in order to understand better the British policy regarding the Muslims and other communities of India.[499] It was interesting that the ship in which Jinnah sailed was carrying five hundred passengers including important figures like Lord Islington, Chairman of the Royal Commission on the Public Services in India, J. Ramsay MacDonald, Justice (later Sir) Abdur Rahim (1867-1948), Sir Cowasji Jehangir, Lady Jehangir and her two daughters, Sir Dinshaw Petit, Lady Petit, and their three children.[500] Gokhale, with whom Jinnah had close political association, was forty-seven, while Jinnah was thirty-seven years of age. Freedom from sectarian prejudices in politics had brought both of them closer to each other.[501] Jinnah lived for about six months in England and Europe in which he did foundational work in London, which

[496] *BG*, 12 May 1913.

[497] Jinnah's Evidence before the Islington Commission.

[498] *BC*, 12 March 1913; and *BG*, 12 March 1913.

[499] *BG*, 21 April 1913.

[500] *Ibid*.

[501] Naidu, *op. cit*., p. 30; and Bolitho, *op. cit.,* p. 55.

were particularly directed to achieve harmony between the Hindu, Muslim and other Indian students living in Europe.

At a largely attended meeting on 28 June 1913, at Caxton Hall (London), Jinnah, as the principal speaker, called upon the Indian students to unite the various students' bodies and form, a Central Indian Association to be called the London Indian Association. His lecture mainly dealt with the position and behavior of Indian students in England with an unmistakable emphasis on building their national character because "their actions and conduct here reflected upon their country at home" as the "custodians of reputation of India". "Beginning with a hint at the evil results of the caste system", he advised, "the Indian students to mix up with each other in order to get to know one another", and "to give up strong language and hysterical ideas to become practical workers and serious thinkers". This was a kind of social club. The students were not asked to enter politics. His advice was thus reported by the Bombay Chronicle correspondent from London:

> He urged upon them that during the whole of their time in England they should behave simply as students, should do all they can to get a knowledge of Western society and institutions, but should eschew politics altogether. This did not, mean that members of the association would be debarred from political discussion. On the contrary there should be plenty of opportunity for debate and members would be at liberty to discuss the ideas of nationalism or the possibility of Indian autonomy, but they should not go so far as to send up any resolutions that might adopt to the Press or the Government as the views of their association.[502]

After a hot debate especially over Jinnah's objection to the behavior of Indian students earning bad name in the British public, a consensus developed on his idea of one association called the "London Indian Association", Which Naidu, in her closing remarks, called a "republic of the Indian students".[503]

That summer there was a large, "rather unusual", presence of prominent Indians in England which, besides others, included Jinnah, Gokhale and Naidu. There was also an unusual activity among them.[504] Sir M. Bhoronaggree, President of the Indian Social Club in London, when invited these gentlemen at a reception on 19 July, expressed the pleasure he and the other members of the Club felt at having an opportunity of meeting so many of their distinguished countrymen from different parts of India. "He was pleased to observe the presence of several eminent Indians from Bombay, among them the Hon'ble Mr. Jinnah, who, they were glad to recognize, was making use of his

[502] *BC*, 21 July 1913.

[503] *Ibid*.

[504] *BC*, 12 Aug. 1913.

holidays in England to encourage effort by bringing the communities more closely together".[505] Replying to these, Naidu, while praising the efforts of the visiting leaders including Gokhale, also said of Jinnah:

> In Mr. Jinnah's name she would remind them that their task was to prepare themselves as missionaries for the promotion of great ideals.[506]

At the first meeting of the London Indian Association on 2 August when Gokhale completed his presidential, remarks, Jinnah moved a cordial vote of thanks to Gokhale for his inspiring address which was seconded by Sayid Hassan.[507] Naidu subsequently entertained the members of the Association to the tea. At the United Behar Club, H. N. Lall paid "high tributes to Mrs. Naidu and Mr. Jinnah for the interest they had shown in Indian students in this country. Their united efforts had brought, into existence the London Indian Association, which, during the last three weeks, had enlisted upon its roll 160 members including H. H. the Aga Khan, the Hon. Mr. Gokhale, and the Right Hon. Syed Ameer Ali. The United Behar Club would now be merged in the largest association representing all India".[508] Jinnah and his associates were thus able to merge all the other associations into the London Indian Association - Jinnah being "a founder" of this association.[509]

It was to bring the London Branch of the Muslim League in line with the new League ideal, that Jinnah also attended the fifth annual meeting of the London Muslim League on 14 July 1913 presided over by the Aga Khan in which it was on Jinnah's support that a resolution to improve relations between the Hindus, Muslims and other races in India was adopted. The resolution also declared that "an element of the new national self-consciousness must be the mutual goodwill and understanding of the different races in India".[510]

It was after the AIML had changed its constitution and the affairs of the London Branch of the League had been settled and there was hope of bringing unity between the League and the Congress that Jinnah joined the AIML on 10 October 1913, on the sponsorship of Mahomed Ali and Wazir Hasan. His joining was not without condition. As Naidu puts it:

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[505] BC, 11 Aug. 1913.

[506] *Ibid*., For more views of Naidu on Jinnah see Appendix "B".

[507] *BC*, 23 Aug. 1913.

[508] Ganesh's letter to the Editor, *BC*, 16 May 1914.

[509] *BC*, 30 Aug. 1913.

[510] *The Comrade*, 16 Aug 1913, pp. 125-126.

> His two sponsors were required to make a solemn preliminary covenant that loyalty to the Muslim League and the Muslim interest would in no way and at no time imply even the shadow of disloyalty to the larger national cause to which his life was dedicated.[511]

This was reflective of his independent thinking. Similarly, he must have said to the Congress leaders that his belief in the Congress ideal of nationalism would not amount "even a shadow of disloyalty" to the Mahomedan interest. Although no record substantiates this surmise, yet there is a lot in Jinnah's career to suggest it. However, the fact remains that he was moving the Muslims as well as the Hindus along with other communities towards a sort of new nationalistic spirit in which all were to act politically without prejudicial of racial considerations.[512]

During his stay in England, India had been charged with an atmosphere of turmoil. A mosque in Cawnpore had been partly demolished to extend the width of a road. There were riots in the city and a protest all over the subcontinent against this act of sacrilege. Mahomed Ali and Wazir Hasan, being the leaders of this Movement, went on Deputation to England to press upon the Secretary of State for India and the Home Government to redress the Muslim grievances. This was particularly necessary when Gokhale, Jinnah and other leaders were already visiting England.[513] Shortly before, departure from Bombay Mahomed Ali, while explaining the reasons when they "quickly decided to proceed to London", said: -

Two of our eminent co-religionists, Mr. Jinnah and Khwaja Kamaluddin were already in England and we look forward with hope to their hearty cooperation ... Gokhale is also in England at the present moment and we hope to secure his sympathy and cooperation.[514]

Despite his intention to plead for an issue of strictly Muslim concern, Jinnah expressed himself in favor of a vaster ideal - Indian unity. Jinnah deplored the Secretary of State's

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[511] Naidu*, op. cit.,* P. 11. Also cited in Saiyid, *op. cit*., p. 54; and S. M. Ikram*, Modern Muslim India and the Birth of Pakistan 1858-1951*, Lahore, 1970 (first published, 1965), pp. 343-344.

[512] See Mushirul Hasan (ed.), *Mohamed Ali in Indian Politics; Select Writings*, New Delhi, 1982; and Abdul Hamid, *'Quaid-i-Azam and the Pakistan Demand'*, in Prof. A.H. Dani (ed.), *Founding Fathers of Pakistan*, Islamabad, 1981, pp. 190 and 210-211.

[513] *The Comrade*, 13 Sept. 191-3; and Shan Muhammad, *Freedom Movement in India: the Role of Ali Brothers*, New Delhi, 1979, pp. 40-51.

[514] *BC*, 8 Sept. 1913. Some quarters even thought that Jinnah will also join this Islamic delegation. See *Paisa Akhbar*, 9 Sept. 1913 and 1 Oct. 1913.

attitude as he refused to grant interview to this delegation.[515] When the delegation returned to India, the first organization to welcome them and hear report from them was that of the Anjuman-i-Islam, Bombay, whose meeting was presided over by Jinnah who had earlier returned from England Speaking on this occasion he said:

> The fact is that the Mahomedans have passed the stage of political infancy and have grown up to the stage of manhood and therefore can no longer be controlled by dictatorial policy from without or within. They will not obey even the semi-dictatorial policy of a few individual leaders as they did a few years ago.[516]

This year was also charged with another Muslim controversy over the change of League's policy - already discussed - in which Jinnah signally contributed. The London Branch of the Muslim League headed by Syed Ameer Ali was not ready to accept this change. In his correspondence with Wazir Hasan, Secretary of the AIML Syed Ameer Ali openly debated the issue and the correspondence was published in the press especially the Urdu press.[517] Wazir Hasan while appreciating Ameer Ali's services to the Muslim cause humbly emphasized that the League policy was "to be settled in India" and not in England. As the Central organization of the AIML was not coming to the viewpoint advanced by Ameer Ali, the latter preferred to resign.[518] In all this the Aga Khan preferred to remain neutral.[519] This Controversy was not liked by the general Muslim leadership.[520] Jinnah maintained that this issue of "whether the London League is to be subordinate with or independent of" the AIML would be considered at Agra where the next session of the AIML was to be held on 30 December 1913.[521] It was also reported:

> The London Moslem League is commencing to refill its offices. Two nominations which are receiving favorable consideration are those of Mohammad Ali Jinnah of Bombay as President, and Dr. Abdul Majid as Vice-President. The former would spend one-third of every year in London and the latter was a permanent resident in London. Mr. Jinnah has obtained considerable popularity by his

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[515] *BC*, 22 Dec. 1913.

[516] *Ibid*.

[517] For instance see *Paisa Akhbar*, 2-5 Nov. 1913.

[518] *BC*, 5 Nov. 1913.

[519] *Ibid*.

[520] *BC*, 3 Nov. 1913.

[521] *BC*, 22 Dec. 1913.

> success in welding together students of various denominations into what is known as the London Indian Association.[522]

At the Karachi session of the INC (December, 1913), Jinnah, with Gokhale's support could persuade the Congress leaders to adopt the same party-line as that of the AIML. In a resolution moved by Basu, Congress, accordingly, adopted the League ideal. While doing so it also recognized the change in the League constitution on Jinnah's initiative:

> That this Congress places on record its warm appreciation of the adoption by the All-India Muslim League of the ideal of self-government for India within the British Empire and expresses its complete accord with the belief that the League has so emphatically declared in its last sessions that the political future of the country depends on the harmonious working and cooperation of the various communities in it, which has been a cherished ideal of the Congress. This Congress most heartily welcomes the hope expressed by the League that leaders of different communities will make every endeavor to find a modus operandi for joint and concerted action on all questions of national good and earnestly appeals to all sections of the people to help the object we all have at heart.[523]

Andrews considers this Congress as "the forerunner of the Lucknow Pact". Thus it was through the efforts of the Congress and the League leaders, in which Jinnah made a fundamental contribution, that an ideological unity between the two organizations was achieved. Some quarters, however, thought that the League had subordinated itself to the Congress.[524] But this was not the case because, as a matter of fact, both the parties had come to have a sort of political partnership by maintaining their separate identities.

With this foundational work, Jinnah was able to establish his position both in official and non-official circles. While the British Government came to express doubts about Jinnah who had practically refused to toe the official line by refusing the offer of judgeship of the High Court, his popularity as an all-India leader of both the INC and the AIML became an established fact. In both these organizations and in his entire political role he was acting independently. It was due to this, that he enjoyed good relations with the Extremists like Tilak even after the Congress mishap at Surat in 1907. It was to impart balance to the Extremists viewpoint that Jinnah even offered his legal services for the release of Tilak in 1908. At this juncture, he was not only taking steps to bring unity between the League and the Congress, but also striking a balance between the Moderates and the Extremists. No wonder that the Extremists, the Moderates, the

[522] *BC*, 22 Dec. 1913.

[523] C.F. Andrews and Girija Molerjee, *The Rise and Growth of the Congress in India*, London, 1938, p. 237.

[524] *Ibid*.

Muslims, the Hindus, and the Parsis and others came to recognize him as a young "missionary" in politics.

Chapter IV

"AMBASSADOR OF UNITY"[525]

Immediately after his return from England, Jinnah presided over the Anjuman-i-Islam meeting on the evening of Saturday, 20 December 1913. This was a "public meeting of the Mahomedans of Bombay" to welcome Mr. Wazir Hasan and Mr. (later Maulana) Mahomed Ali on their return from England, this being the first public meeting presided over by him.[526] Earlier, Jinnah had been addressing the meetings as representative of the Mahomedans of Bombay, or in his individual capacity as a nationalist like other leaders of the time. In December 1910 he had even read an address on behalf of Bombay Muslims to congratulate Sir Currimbhoy Ibrahim on the conferment of baronetsy on him.[527] Though Jinnah had been pleading for the rights of Hindus and Muslims and for the projection of popular will of the Indian masses, still he could not make a comprehensive statement as he did in his address in December 1913. This was most probably because he had now almost succeeded in making the Indian National Congress (INC) and the All-India Muslim League (AIML) accept a common goal, and had also become a member of both these organizations. All these factors were compelling him to take the initiative which he did from the platform of the association of the Muslims (Anjuman-i-Islam) with which he had been actively associated since 1897. A "statement" issued on this day was a sort of manifesto of the man who was perceptibly giving a new direction to history.

Giving a clarion call to the Government, he said that "a stage" in the national politics had been reached when the Government was bound to consult the people and to take them into their I confidence before they adopt a particular measure or policy.[528] The Government was, however, requested by him to do this "on the lines of partnership between the English and the Indians on the basis of "intelligent agreement" between the two For this reason he desired that the Government should give due. "respect" to and "consider the opinion of the people and tolerate their criticism." The criticism of the people should not be termed as sedition or disloyalty. The Government approach must

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[525] Title of this chapter has been derived from Sarojini Naidu (ed), *Mohomed Ali Jinnah: An Ambassador of Unity*, Madras, 1918.

[526] *BC*, 22 Dec. 1913. This "unrecorded speech" has so far been utilized only by Mahmudul Hasan Shidiqi in his paper "Jinnah's Emergence to Muslim Leadership', in Prof. A.H. Dani (ed.), World Scholars on *Quaid-i-Azam Mohammad Ali Jinnah*, Islamabad, 1979, pp. 90-101. As compared with the wider context of this speech of Jinnah, Siddiqi has, however, shortened its horizon. None of the biographers of the Quaid have seen or utilized this speech.

[527] *BGS*, 24 Dec. 1910.

[528] *BC*, 22 Dec. 1913.

be based on "truth and reason".[529] Under his leadership the Muslims had become united. There was "no such thing" as "split" amongst them. There is he added, no such thing as two parties of the young and the old Clarifying it further he said:

> I know that some people would like very much to see that there were such a thing as "split", but let us hope that Providence will disappoint them. I make bold to say that the Mussalman community was never more united or at one on all the fundamental question of policy and principle than it is today. Differences of details there are and will be as you find all over the world amongst the most highly organized nations. Besides it will be a very unique community indeed consisting of 70 millions of people if there were no such differences.[530]

These words about the Muslim community reveal the existence of many things in the Quaid's mind; most important of all wag the dominating desire to unite the Muslims of the subcontinent on one platform so that he could accomplish their goal. As we see later in 1940s, it was after uniting the Muslims of the sub continent belonging to different sects and regions that he was able to make them a force to be reckoned with. This Muslim unity under his unique leadership later became the basis for the creation of Pakistan.[531]

As to the future policy of the INC and the AIML Jinnah called upon the two "most representative organizations in the country" to consider jointly the issues of common concern like that of the Press Act.[532] But in their deliberations he advised, "moderation and sobriety should be the guiding principles" for "our public utterances". It is sobriety that "lends dignity and strength to a good cause, too strong a language and rashness spoils a really good cause". He reminded "every right-minded citizen" of his "duty" to criticize the Government if he was reasonably convinced his stand was correct. Emphasizing more on the present and the future rather than the past, Jinnah said that "salvation of India lies in the true union of the people and her onward march of progress depends upon the constitutional and constructive methods". This was the spirit that motivated him to create "harmonious union" between the Muslims and the Hindus for the "common good" of the country. "This is the problem", he argued, "of all problems that India wants a statesman to solve and when that is solved, true advance or real progress can be achieved".[533]

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[529] Siddiqi has not mentioned these aspects of the Quid's speech.

[530] *BC*, 22 Dec. 1913.

[531] Khaijd bin Sayeed, *Pakistan: the Formative Phase 1857-1948*, Karachi, 1978, pp. 102-175.

[532] *BC*, 22 Dec. 1913.

[533] *Ibid*.

Jinnah advanced these views as a foremost representative of the progressive Moderate group.[534] He wanted to unite not only the Muslims and the Hindus, but also other sections of the Indian population. The basis of his national unity was equality without consideration of majority, or minority, as discussed in the previous chapter. This was with the aim to create a united front against the Government. By creating a genuine opposition for healthy criticism of the government he wanted to prepare his people for self-government, the ideal of both the INC and the AIML.[535] His goal was self-government suitable to India wherein the Muslim position could particularly be better adjusted but without hampering the cause of other communities. Jinnah's stand was accepted by both the parties. After acceptance of this common goal by the INC and AIML he struggled hard to achieve a constitutional agreement between the Muslims and the Hindus which he could accomplish in December 1916 in the shape of Lucknow Pact. But it was not an easy stage to reaching: he had to pass through many ordeals in his personal, legal and public life.[536]

The way Jinnah piloted his India Council Reform Resolution through the INC and AIML in December 1913 did suggest to him the idea of a farsighted "statesman". May be he himself was trying to attain that distinction.[537] He was struggling to take concrete steps both for unity and for reforming the system of Government of India.

After this, he went to England as a spokesman of the delegation.[538] Though his mission failed to achieve the desired result, he could yet galvanize the forces on his return to India. On the start of World War, I in August 1914.[539] The biggest hindrance to his unity efforts was the non-holding of the AIML session during the War on the initiative of some "wire-pullers" and "jouhukams" of the Government.[540] When he learnt about this, he daringly took an initiative for calling the next League session at Bombay.[541] This was opposed by Cassim Mitha, Rafiuddin and some others on the prompting of provincial Government.[542] Almost all through 1915 Jinnah faced this challenge and it was by his

[534] BC, 29 Nov. 1913, and Meston t'o Chelmsford, 11 Jan. 190, *Chelmsford Papers*, IOL. MSS. Eur. E. 264/17.

[535] See chapter III.

[536] Discussed later in this chapter.

[537] *BC*, 22 Dec. 1913.

[538] *India* (London), 25 Sept. 1914.

[539] Discussed later in this chapter.

[540] *BC*, June 1915.

[541] *BC*, 2 Nov. 1915.

[542] *Ibid*.

skilful handling of the situation that he not only made the AIML Council agree to his proposal, but the Bombay Governor was also compelled to arrange a peaceful patch-up between Jinnah and his opponents, making the AIML session possible in Bombay in December 1915, where Congress was also meeting.[543] At these sessions of the two organizations, at one place for the first time since their inception when the committees of the respective parties were busy settling an agreed constitutional formula, that some more challenges cropped up for Jinnah. These were three famous suits in 1916 at the Bombay and Poona Courts. The first case related to the *Britons*, a newspaper issued from Bombay,[544] the Second to sedition charges against Tilak,[545] and the third was of alleged charges of rigging against Jinnah for his election to the Imperial Legislative Council in June 1916.[546] Jinnah successfully defended the popular cause and was able to convince the Court of his viewpoint that Opposition had the right to exist in India as it existed in England.[547] These cases, as will be seen presently, revealed some scintillating aspects of Jinnah's personality.[548]

His involvement in politics did not force him to leave his legal practice. He was equally engaged in his law activities because of his popularity at the Bombay courts as an expert in constitutional and criminal law. He was one of the busiest men in India struggling hard to maintain his independence of views so that he could criticize every unreasonable act of Government. As such he was behaving himself into opposition leader in India, but within the bounds of constitutionalism.[549]

The first thing he chose as a matter of national concern was the reform of the India Council. As soon as the INC modified its goal for self-government suitable to India at its Karachi session in December 1913 and both the INC and AIML came to have a common goal, Jinnah took his first major step in changing the basis of power structure in British India. This was to change the character and functions of the India Council and the Office of the Secretary of State for India. He moved his proposals at the Karachi Congress on 27 December which were carried unanimously in the form of Resolution V. entitled "Council Reform" after the supporting speeches of N. M. Smarth (Bombay), Krishna Rao (Madras), Gopaldas Jhatmal (Sindh) and Babu Surendra Nath Mullick

[543] *BC*, 11 Nov. 1915.

[544] *BC*, 1 April 1916.

[545] *BC*, 8 Aug. 1916.

[546] *BC*, 6 Oct. 1916.

[547] *BC*, 10 Nov. 1916.

[548] Discussed later in this chapter.

[549] *BC*, 9-10 Nov. 1916.

(Bengal).[550] Immediately after this approval, Jinnah travelled to Agra by train where he reached on 29 December 1913, to attend the AIML Council meeting that very evening.[551] On 31 December, Jinnah moved the same resolution at the AIML session. Here it was also approved "unanimously" but after he had accepted Rafiuddin Ahmad's (his political opponent in Bombay) amendment "that Mahomedan representation should be duly safeguarded in any extension or modification of the Council of the Secretary of State".[552] Thus Jinnah was able to make the two political organizations agree to take a common step. Though in many other matters like the Press Act, Indians in South Africa, separation of judicial and executive functions, etc., both the parties had passed the resolutions with equal interest, yet there is no other example of the same man carrying the same resolution through both the organizations as Jinnah did by moving the same resolution from the platforms of the AIML and INC.

The proposals mooted by Jinnah for reforming the India Council required the salary of the Secretary of State for India to be placed on the "English Estimates the India Council to be of not less than nine members at least "one-third" of whom should be "elected"; "one-half" of the nominated members should be public men of merit and ability, the "remaining" to be officials who had served in India for at least "ten years"; its character should be "advisory" and "not administrative"; and tenure of every member to be for "five years".[553] The reasons, he advanced at the League session, are not fully recorded. They, however, seem in line with those he expressed at the Congress platform which seem to be accurately recorded Jinnah opposed the existing India Council for the reasons that (i) "it is entirely composed of officials who go from this country" and have already "formed" their "opinions of the administration of this country"; (ii) the "views of the people of India" are not represented on this Council; (iii) the Secretary of State for India acts as "a greater Mughul than any Mughul that ruled in India". Thus he advocated that "the Council as at present constituted should be abolished".[554] The other reason for abolishing this Council, advanced by Smarth, who seconded Jinnah's proposition, was:

> One great reason we have why the salary should be placed upon the British assessments is the relations between the Government of India and Secretary of

[550] *Report of the Twenty-Eighth Indian National Congress held on the 26th, 27th and 28th December 1913 at Karachi*, pp. 79-83.

[551] *BC*, 30 Dec. 1913.

[552] Syed Sharifuddin Pjrzada (ed.), *Foundations of Pakistan*, I, Karachi, 1969, pp. 320-321.

[553] *Ibid*., pp. 320-321; and *Report of the Twenty-Eighth Indian National Congress*.., *op. cit*., p. 79.

[554] *Ibid*., p. 80.

State. We want the Secretary of State for India to be accountable to Parliament in the same way as that the Secretary of State for Colonies is accountable.[555]

He wanted to introduce an element of "direct representation" by sending representatives on the basis of "elections", a remark hailed by the audience.[556] These views equally represented the views of Jinnah who being an "ex-officio" member of the Subjects Committee of this Congress session[557] had planned most probably, about the arguments to be advanced by himself and by others in support of his proposition.

After the take-over of the Government of India by the British Crown in 1858, the Indian Government had been reformed by various Acts, such as those of 1862, 1867, 1892, 1909, but the Office of the Secretary of State for India, which was responsible for the Indian bureaucracy ruling the country, was left untouched. It continued to function as such since 1858. Jinnah, who was a professed constitutionalist, took a constitutional step by making the two "most representative organizations", as put by him, in India agree to reform the India Council. He was not to be contented with this victory; he rather chose to proceed to England as the "chief spokesman" of the delegation proposed for this purpose by the INC under the leadership of Jinnah's friend Bhupendra Nath Basu.[558]

Learning that Lord Crewe (1858-1945), the Secretary of State for India, was intending to move a Bill in Parliament to reform the India Council in summer 1914, this all-India delegation left for England in April and arrived in London in the first half of May 1914.[559] Immediately after its arrival, the deputation met Lord Crewe on 10 May 1914 for two hours' at the India Office under Jinnah's leadership because the, leader of the deputation had not yet arrived.[560] On 14 May the deputation met British statesmen at a breakfast meeting arranged by Sir William Wedderburn (1838-1918) in which Jinnah further explained the aims and objectives of the deputation.[561] The Bill was moved in the House of Lords on 25 May 1914. As the Lords were not favorable to its adoption due to opposition led mainly by Lord Curzon, it was rejected by 96 votes to 58 on 7 July

[555] *Ibid*., p.81.

[556] *Ibid*., p.81.

[557] *Ibid*., Appendix "C", p. 139. Also see Mohammad Umar (ed.), *Quaid-i-Azam Mohammad Ali Jinnah: Rare Speeches 1910-1918*, Karachi, 1973, pp. 99-101.

[558] *Paisa Akhbar*, 5 March 1914; and BC, 2 Jan. 1914. Other members of this deputation were Suba Rao (Madras), Lala Lajpat Rai (Punjab), Mazharul Haq (Bihar). Pandit Bishan Narayan Dar (U.P.), S.P. Sinha (U.P.), former Law Member of Viceroy's Executive Council, N.M. Smarth (South India), C.P. Ramaswamy (Royar), and Barnard Hotain.

[559] *BC*, 16 May 1914.

[560] *The Times* (London), 12 May 1914.

[561] *BC*, 29 May, 13 June 1914; *The Comrade*, 20 June 1914; BC, 9 July 1914; and *Parliamentary Papers*, 1914, IOR.

1914, thus shelving the issue.[562] Naturally, the deputation was disappointed. With a broken heart the deputationists returned to India on the start of first World War.

All, through this stay, of the, deputation in England, the main brunt of explaining the Indian popular interest to the British statesmen, was borne by Jinnah as its "chief spokesman". In the beginning, Jinnah even had to act as its chairman due to late arrival of Basu.[563] This was a great responsibility which, so far as the presentation of Indian viewpoint is concerned, was well accomplished by him "with the parliamentary emphasis growing much less usual among our political speakers than once it was".[564] At a breakfast meeting at Westminster Palace Hotel on 14 May, which included fifty Liberal M.Ps., presided over by Lord Courtney, Jinnah in his "almost a House of Commons manner" of slow speaking explained the reasons and purposes of the reform of India Council. After giving a history of the constitutional development in India, Jinnah emphasized on the election of some of the members of the India Council on the line of election of non-official members of the Imperial Legislative and Provincial Legislative Councils. Further emphasizing his contention he said:

While it was necessary to have men with experience in administration, it was equally necessary to have men who could place the public point of view before the Secretary of State. It was proposed that one-third of the Council should consist of the official class, one-third of the non-official class, and the remaining one-third should be men of merit and ability in public life in the United Kingdom unconnected with the Indian Administration. This third would hold the balance between the two other sections. They would bring to bear upon the deliberations of the Council that independent judgment which was so characteristic of public men in this country.[565]

These views were also explained to Lord Crewe, when the deputation met him on 25 May 1914, in a written statement.[566] In a communiqué to the press on 20 July the delegates "deeply" regretting the Bill's rejection by the Lords took the plea that "the rejection of the Bill will create a very unfortunate impression in country, and will greatly weaken, if not paralyze, the constitutional party in India".[567] Jinnah returned to Indiain in November 1914 and before returning home he had issued a press statement

[562] *Daily Telegraph* (London), 8 July 1914; BC, 9 July 1914. The Tory majority in the Lords was responsible for this mishap for the cause of India. See *Daily News* and *Leader* (London), 8 July 1914.

[563] *India*, 25 Sept. 1914.

[564] *BC*, 29 and 30 May 1914.

[565] *BC*, 1 June 1914.

[566] *BC*, 30 May 1914.

[567] *BC*, 21 July 1914.

to *The Times*,[568] was interviewed by the representative of the *Daily Telegraph*, his views appeared in a number of English dailies and other journals. Above all his views summarizing all these endeavors on his part for reform of India Council were also published in the form of his article in a journal called the *Fortnightly Review* in October 1914.[569] This was the time when the War had started. Jinnah, along with other members of the delegation, had assured in a written statement addressed to the Secretary of State for India in September 1914 that "the people of India will readily and willingly cooperate to the best of their own ability and opportunities in securing" the restoration of freedom in the world and maintaining, values of the civilized world.[570]

There were various reasons for the failure of this Bill. It not only speaks of the only Tory opposition in the Lords, as already seen, but the Liberals were also not outspoken in their support for the Indian cause. Even Lord Courtney, in his presidential remarks delivered on 14 May, in reply to Jinnah's emphatic pleadings for the projection of Indian, aspirations for the intended Bill, was not frank in supporting the move. As reported, "he foresaw many difficulties, some of a practical character, in bringing to Westminster elected representatives to join the work of the Secretary of State's Council".[571] He considered Jinnah's move "an entirely a new proposition at which even the most advanced Secretary of State would feel a little staggered".[572] Consequently, he pleaded for some sort of agreement between the Government and the Indian politicians.[573] These were the uttering's of a man who was considered by Jinnah "a ray of sunshine" to the "dark" and "dismal" political horizon of India.[574] The Bill as moved by the Secretary of State in the Parliament was also considered defective and short of meeting the Indian aspirations. In his statement to *The Times*, Jinnah took a serious exception to this Bill and was disappointed with the provision that two members of the council "domiciled in India will be selected by the Secretary of State from the list of non-official members of the Imperial and Provincial Indian legislatures in accordance with the regulations to be made by the Secretary of State in Council"; thus without shattering the powerful position of the Secretary of State. Jinnah considered this acceptance of "the principle of election" as "the most circuitous and clumsy method". In a pleading tone, Jinnah was ready to give "the power" of "veto" to the Secretary of State and to "direct a

[568] *The Time*, 3 June 1914.

[569] *Fortnightly Review* (London), October 1914.

[570] *BC*, 8 Sept. 1914.

[571] *BC*, 1 June 1914.

[572] *Ibid*.

[573] *Ibid*.

[574] *Ibid*.

fresh election" in case "any undesirable man" was elected. Nothing "short of this" was acceptable to him because, as he concluded, it will "not satisfy the people of India.[575] Other provisions of the bill were (i) the Council was to consist of seven to ten members, for a term of five years, of which six were to be men who had served in India for a minimum of ten years; (ii) the Secretary of State was to continue to enjoy the privilege of sending "secret orders without communicating them to the members of his Council"; (iii) salary of the Secretary of State and his office continued, to be charged on the Indian exchequer; and (iv) portfolio system was retained.[576] In his interview with the *Daily Telegraph's* representative Jinnah criticized these measures and pleaded for the introduction of elective principle - a principle of the highest importance to him. At that time there were 140 nonofficial members of the Indian central and provincial councils.[577] The attitude of the British press was also not favorable. Most of the British newspapers considered the bill conceding to "revolutionary" proposals.[578] The *Westminster Gazette* considered it a "blunder".[579] The *Pall Mall Gazette* emphasizing the "seriousness and significance of the event" hoped for the development of an agreement between the parties and to achieve consensus in a modified measure, being the only paper to advocate such a stand.[580] *The Times* was also not favorable to the adoption of the bill introduced in the Lords.[581] Even this bill, as introduced in Parliament, was not acceptable to the British press and statesmen. While the British press considered, it a "revolutionary" step, the Indian press and politicians termed it far "short" of the public demand. *The Tribune*, the *Punjabee*, the *Pioneer*, the *Bombay Chronicle* and others objected to this bill particularly when it failed to introduce the elective principle.[582] Consequently, the *Bombay Chroni*cle in its editorial accurately termed the bill "The Friendless Bill".[583]

In his article entitled "Reorganizing the India Council", Jinnah, finding the time (of World War I) appropriate, explained to the British intelligentsia the causes of "so much

[575] *The Times*, 3 June 1914. By this time Basu had not arrived in London. Jinnah issued this statement as leader of Indian deputation.

[576] Text of the Bill published in *The Times*, 18 June 1914.

[577] *Daily Telegraph*, 18 June 1914. Similar interview was given to the *Daily News* (London), 20 June 1914; its summary published in the *BC*, 20 June 1914.

[578] *Daily Telegraph*, 6 July 1914.

[579] *Westminster Gazette* (London), 8 July 1914.

[580] *Pall Mall Gazette*, editorial entitled "India and Party", 8 July 1914.

[581] *The Times*, 8 July 1914.

[582] Report carried by the *BC*, 5 June 1914.

[583] *Ibid*., editorial.

disappointment" to the Indian "people" whose "support" he considered "necessary" for the British government "as the present time for the maintenance of India in the British Empire".[584] Giving the brief history of the move to reform India Council since 1858 he forcefully projected the "Indian public opinion" which had developed high hopes when Lord Crewe had announced his intention to take such step in July 1913. He explained that "responsible Indian opinion desired improvements in the Bill, and not its destruction in a summary fashion" when it had the backing of the INC and AIML being the "great representative political gatherings of the people of India". The act of Parliament was considered by him "a disaster" and "a grave blunder" because "the days when messages of hope and sympathy used to satisfy the people have gone: What is wanted now is deeds". Lastly,

> I, for one, therefore, look forward to, seeing such a Bill being again, introduced soon and speedily passed by both Houses of Parliament. This would once more justify the trust and confidence which the vast majority of the people of India still repose in the British nation and in the British Parliament.[585] This was nothing more than a statesman's reiteration in a different perspective of what he had already advocated, but in a more skilful way.[586]

Jinnah returned to India "disappointed". But he was to face more difficulties in India. This became a great challenge to his endeavor for unity between the Hindus and the Muslims. Turkey, which had not joined the War against the Allies initially, came to join in October 1914. The way the Turks, were compelled to make this choice was considered shocking by the Indian Muslims.[587] Although there were leaders like Mazharul Haq who were not lacking in expressing their "loyalty" to the British Crown,[588] yet the Government was feeling concerned about the Muslim sentiment. It was able to convince some influential Muslim leaders for not holding the AIML session during the War for it might not embarrass the Government.[589] Consequently, the AIML session due to be held in December 1914 could not be convened. When Jinnah was in England busy pleading his cause of "reorganizing the India Council", Tilak returned to India in June 1914 after expiry of his six years tenure of imprisonment in Mandalay.[590]

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[584] *Fortnightly Review* (London), 1 Oct. 1914, p. 612.

[585] *Ibid*., pp. 612-613.

[586] Also see *Daily News* and *Leader* (London), 16 July 1914; *BC*, 14 Aug. 1914; and *Paisa Akhbar*, 30 Oct. 1914.

[587] *BC*, 7 Nov. 1914.

[588] Mazharul Haq's appeal in *ibid*.

[589] *Paisa Akhbar,* 15 Jan. 1915.

[590] Stanley A. Wolpert, *Tilak and Gokhale: Revolution and Reform in the Making of Modern India*, Berkeley, 1977, p. 263.

But, as appears from his statement of 27 August 1914, he was a changed man and looked to have become convert to the philosophy of Jinnah and Gokhale. He came to believe in progressive change and prepared "to work for the good of our country in cooperation with Government".[591] This stance of Tilak encouraged Annie Besant, President of the Theosophical Society (Madras), and editor of the Commonwealth and New India, "woman of remarkable intellect, talent, and energy" to join the Congress.[592] Actually she had already started expressing on Indian political issues. She criticized the provisions of the Indian Council Reform Bill as introduced in the Lords in May 1914,[593] thus preparing herself for joining Indian politics after her long conversion to Hinduism Moreover Mohandas Karamchand Gandhi was returning to India following his long stay in South Africa. He had reached England. During his English tour, Jinnah had even met Gandhi in August 1914.[594] Gandhi, arrived in India in January 1915 when all the leaders including Jinnah, Gokhale were in Bombay to give him an "ovations" welcome.[595] All these were new developments in Indian politics at the time when Jinnah had emerged as an all-India leader. It will now be examined how Jinnah planned to attain his goal of unity not only between the Muslims and the Hindus, Extremists and Moderates, but among various classes of India as well. It was perhaps owing to this engagement that he could not attend the Madras Congress of 1914 for which he had even not sought his election as a delegate from Bombay. It was in his absence that on a motion by Krishna Rao the Congress regretted the "summary rejection of the Council of India Bill of 1914". The demand was reiterated in the form of adoption of Jinnah's resolution.[596]

Gandhi's arrival in Bombay on 9 January 1915[597] was duly welcomed by Jinnah who wanted to enlist his services for the cause of Hindu-Muslim unity.[598] It was because of his popularity that Jinnah was invited to preside over a garden party given by the Gurjar Sabha, an association of the Gurjar (Gujar) community, arranged to "welcome"

[591] *Ibid*., pp. 264-265.

[592] *Ibid*., p. 265.

[593] *The Times*, 29 May l914.

[594] *The Collected Works of Mahatma Gandhi*, XII, April 1913—Dec. 1914, Ahmadabad, 1964,, p. 523; James D Hunt, *Gandhi in London*, New Delhi, 197,p. 179; and D.Q. Tendulkar, *Mahatma: Life of Mohandas Karamchand Gandhi, I*, Bombay, 1951,p. 187.

[595] *BC*, 11 and 15 Jan. 1915.

[596] *Report of the Proceedings of the Twenty-Ninth Indian National Congress held at Madras on the 28th, 29th and 30th December 1914*, pp. 111-116.

[597] *BC*, 9-10 Jan. 1915.

[598] *BC*, 11-13 Jan. 1915.

"Mr. and Mrs. Gandhi" on 13 January.[599] In his presidential address, Jinnah "welcomed" "Mr. and Mrs. Gandhi" not only on behalf of Bombay but on behalf of "the whole of India". Jinnah was qualified to say so. He impressed upon Gandhi that the problem of all problems was "how to bring about unanimity and cooperation between the two communities so that the demands of India may be made absolutely unanimously". Before this he desired: "It was that frame of mind, that state, that condition which they had to bring about between the two communities, when most of their problems, he had no doubt, would be easily solved". Jinnah even said: "Undoubtedly he [Gandhi][600] would not only become a worthy ornament but also a real worker whose equals there were very few", a remark widely hailed by the audience, which was largely Hindu.[601] Gandhi however, was more circuited in his remarks. He took the plea that he would "study all the Indian questions" from "his own point of view", because Gokhale had advised him to study the situation for at least one year before his entry into politics. Throughout his speech Gandhi remained non-committal. However, he thanked Jinnah for presiding over "a Hindu gathering".[602] Although Gandhi was hesitant, yet he could see no other way to rise into eminence except by following Gokhale, Jinnah and other moderate leaders. This was also because Tilak had come round to the moderate line of action in politics. Gandhi cooperated with all of them until he attained prominence in 1920. By this time, Gandhi was able to win approbation from the British Government through the good offices of Gokhale, who "exerted the full weight of his prestige and influence upon the Viceroy, Lord Harding (1858-1944), to bring the Government of India solidly behind Gandhi".[603] This was the time when the British Government were feeling very much concerned about Jinnah and they were trying hard to keep the AIML away from the INC.

On this occasion, the influential leaders were endeavoring to bring "compromise" between Tilak and Gokhale so that the extremists, now called "Nationalists", could be united with the Moderates. As no final agreement could be achieved between the two, both did not participate in the Congress. Correspondence between them, however, continued.[604] Although, no documentary evidence was available to the present writer, certain matters did nevertheless suggest that Jinnah played a role to bring rapprochement between Gokhale and Tilak. The very fact that he did not attend the Madras Congress, as mentioned already, suggests his involvement in Bombay because

[599] *BC*, 14-15 Jan. 1915.

[600] Author's parenthesis.

[601] *BC*, 15 Jan. 1915.

[602] *Ibid*.

[603] Wolpert, *op. cit*., p. 255.

[604] *Ibid*., pp. 265-270.

of these engagements. The failing health of Gokhale was another reason which, perhaps, compelled Jinnah, in his own words, to engage himself in "many discussions with Mr. Gokhale" on the point of evolving a common constitutional formula around which all the political forces in India could be united.[605] Both Gokhale and Jinnah took "notes at the time" so that in their public utterances they could use the "same expressions and same language" for the "agreed" and "common formula".[606] It was after his discussion with Jinnah, the Aga Khan and Pherozeshah Mehta that Gokhale evolved his scheme of constitutional reforms historically known as "Gokhale's Political Testament" which was finalized in a penciled draft towards the close of latter's death on 19 February 1915.[607] Naturally, the Aga Khan and Mehta had its copies. Its copies were also sent to Lord Willingdon, the Bombay Governor, Lord Harding, the Viceroy, and Lord Crewe, the Secretary of State for India.[608] After Mehta's death on 5 November 1915, there were only two public leaders with the exception of Srinivasa Sastri, President of Servants of India Society an organization founded by Gokhale in 1905 - who possessed this document.[609] It was not made public until August 1917 when the Aga Khan released this document to the press from London with the official permission.[610]

The "Gokhale scheme", as Jinnah used the phrase,[611] was a scheme of "provincial autonomy" in its "internal administration" by which the Governor of each province was to be appointed from England from amongst men of public service. The Governor was to have a cabinet of six members (three Indians plus three Europeans) with the portfolios of (1) Home (including Law and Justice); (2) Finance; (3) Agriculture, Irrigation and Public Works, (4) Education; (5) Local Self-Government (including Sanitation and Medical Relief); and (6) Industries and Commerce. These executive councilors were to be men of ability on the basis of merit. The local legislative councils were to consist of members between 75 and 100 with "special representation to Mahomedans". Only experts were to be nominated, while four-fifths of members to be elected by different constituencies. The relations between the executive Government and the legislative councils were required "similar to those between the Imperial Government and the *Reichstag* in Germany", thus executive made responsible to the

[605] Jinnah's letter published in *BC*, 10 Dec. 1918.

[606] *Ibid*.

[607] *Ibid*.; and Wolpert, op. cit., p. 271.

[608] *BC*, 17 August 1917.

[609] *Hindu* (Madras), 18 August 1917; and *BC*, 6-8 November 1915, and 20 August 1917.

[610] *Ibid*.; and Willingdon to Chelmsford, 6 August 1917, *Chelmsford Papers*, E.264/19.

[611] *BC*, 10 December 1918.

legislature. The services were to be provincialized. The Council of the Secretary of State was to be abolished. With the grant of provincial autonomy, the Viceroy and his executive council was to have "nominal control exercised on very rare occasions". In place of many executive councilors of the Viceroy, the "Testament" suggested that only one councilor with portfolio of Interior should also look after the matters of Home, Agriculture, Education, and Industries and Commerce. The other executive councilors were to look after Finance, Law, Defence, Communications and Foreign Relations. The central legislature was to consist of at least 100 members with powers of budget and financial control being independent of the Secretary of State whose Council was to be abolished.[612]

Having achieved a sort of constitutional agreement amongst the leaders of a group, Jinnah endeavored to unite all the forces around this formula, a fact least known to the vast majority of leaders before August 1917. Against this background alone, Gokhale's death meant a great loss for Jinnah who, on 5 March 1915, moved for the construction of a Gokhale memorial at a meeting presided over by the Bombay Governor, Lord Willingdon,[613] and addressed by Sir Pherozeshah Mehta, Sir Bhalchandra Krishna, Claude Hill, Sir John Heaton, Sir Fazulbhoy Currimbhoy, H. A. Wadia, N. M. Gokuldas.[614] M. A. Jinnah in his speech mentioned a number of factors that brought him and Gokhale together. He considered Gokhale's death as an "irreparable" loss. He said that he considered it a matter of "pride" and "pleasure" to "listen" to Gokhale in the Imperial Legislative Council and as a colleague he "often" followed "his lead".[615] It was to keep his memory alive that he moved a resolution for raising a "suitable memorial or memorials to commemorate the life and great work of Mr. Gokhale" for which a Committee "to collect subscriptions and to take all necessary measures in that behalf", was also proposed.[616] His proposal was supported by Dr. Stanley Reed and J. B. Petit. It was carried unanimously.[617] Jinnah's "deep sorrow and grief" was also expressed at Gokhale's death anniversary. Jinnah was one of the early contributors to the memorial fund and gave five hundred rupees.[618] These expressions of devotion to Gokhale further

[612] Text published in *BC*, 18 August 1917

[613] *BC*, 6 March 1915.

[614] *Ibid*.

[615] *Ibid*.

[616] *Ibid*.

[617] *Ibid*.

[618] *BC*, 21 April 1915.

strengthened the feeling of unity not only amongst the "Nationalists" and the "Moderates" but also among the Hindus and the Muslims.[619]

Having thus achieved a substantial measure of communal harmony, Jinnah proceeded to take the next step, namely the position, of the Muslims in self-government scheme. Jinnah thought that Muslims were being led on the wrong path through some "wire-pullers". This was all being worked around the AIML. Its session during the War was considered against the interests of the British Government. In February 1915 Jinnah was elected to the AIML Council which at a meeting entrusted to Sir Fazulbhoy the task of sending a formal requisition to the League Secretary signed by "a large number of prominent and leading Mussalmans of place" to hold the session in Bombay. But his business engagements did not allow him to accomplish the task, leaving the matter to his friend Jinnah "who set himself to work with characteristic single-mindedness and zeal."[620] By 12 April Jinnah was able to get signatures of twenty-eight Muslim leaders.[621] As he wanted to get signatures of five other leaders who were not available in Bombay, Jinnah waited for a fortnight. When they did not turn up Jinnah sent the formal requisition on 26 April to Wazir Hasan inviting the next League session at Bombay if approved by the AIML Council.[622] The Council was to meet on 6 June to consider this requisition but owing to opposition from some Bombay leaders led by Suleman Cassam Haji Mitha and Rafiuddin Ahmad, respectively, President and Vice-President of the Bombay Muslim League, and development of controversy in the columns of newspapers, the matter could not be decided. *The Times of India* representing the official stand projected the views of the Mitha party, while those of Jinnah were represented by the *Bombay Chronicle*. Even public letters, anonymous or otherwise, appeared on both sides in the newspapers. Jinnah's position, was much debated. The matter remained hanging because the Secretary of AIML wanted to achieve unanimity amongst the Bombay leaders; But this was not possible because both sides continued to level charges against each other. It was also alleged by Jinnah's opponents that some of the leaders who had signed the requisition had done so under pressure without seeing its content and they (about eleven) had withdrawn their signatures. Jinnah in his letter addressed to the *Times of India* tried to clear this "wrong impression" and lamented that the

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[619] *BC*, 6 March 1915;. Sarojini Naldu, 'Gokhale, the Man', in *BC*, 9 March 1915.

[620] The AIML Secretary, Syed Wazir Hasans revelations to the press, in *BC*, 2 Nov. 1915.

[621] These were: (1) Currimbhoy Ibrahim; (2) M.A. Jinnah; (3) Aboobaker Abderrehman; (4) Kazi Kabiruddin; (5) Abdul Kadir haji Eonani; (6) Cassumally Jairabhoy; (7) Fazalbhoy Currimbhoy (8) Mahomedbhoy Currjmbhoy (9) Salahbhoy K Baodawalla (10) Syed Ali el-Edroos (11) Mahomed Hajeebhoy (12) Fazalbhoy J. Laijee (13) H. Sulleman Abdool Wahid; (14) Abdoolabhoy Lalljee; (15) Mian Mahombd Haji Jan Mahomed Chotani; (16) Sayed Gulam Mahomed Rafie; (17) Hakim Mahomed Dayam; (18) Rahimulla Currimbhoy; (19) Jaffer Hajeebhoy; (20) Sheriff D. Canjee; ('21) Abdoola Abdul Rahim; (22) M. R. Sayani; (23) M. H. Muckaba; (24) Abdulsattar A. Gaya; (25) Abdul Kadir Khatkhatary; (26) M.A. Khadaunj; (27) Haji Ahmed Dewjee; and (28) Mjrza Ali Mahomed Khan.

[622] Jinnah to Wazir Hasan, 26 April 1915, later published in *BC*, 2 November 1915.

newspaper thought it fit to give so much space for misrepresenting "me in this way". Those leaders who were opposed to Jinnah's idea of holding the League session were termed by him as "wire-pullers" and "Johookums" who had put the "Muhammadan community" in "an awkward position".[623] As the year was fast approaching its end and the leaders who were opposed to the idea were not coming to terms, the AIML Council in its meeting on 10 November at Lucknow decided by a majority vote of 49 to 13 to accept Jinnah's invitation to hold the next League session at Bombay.[624] Like a true statesman, who was always ready to forgive and forget his opponents, Jinnah, in his appeal of 11 November 1915, called upon the Muslim leaders to close their ranks and sink their differences so that it could be proved that "we are fit for the real political franchise, freedom and self-government". Dispelling the rumors about the League's merger into the INC, Jinnah concluded:

> In conclusion, I urge all the Mahomedans to rally round the flag of the All-India Muslim League and as true patriots stand by its Constitution and thus make the community feel proud of the only political organization it possesses at present.[625]

This was duly supported by the *Bombay Chronicle* editorial and the League session was held as planned, thus proving "a great victory for Jinnah".[626]

It was nothing less than a hero's triumph for Jinnah who, in a "constitutional" way, was able to push ahead the march of history by laying the very foundation upon which all the other leaders could later jointly build a building of Hindu-Muslim unity, a fact least appreciated by Bolitho, Saiyid, Allana and other writers on Jinnah. Instead of emphasizing on Jinnah's role, they have just given passing references. It was not a matter of "two distinct groups" who, according to Saiyid, were against Jinnah: (i) "One maintained that the promoters of the idea wanted to merge the League into the Congress and that cooperation with the Congress at the moment would mean the alliance with an anti-British element"; and (ii) the other was against holding the annual session altogether on the ground that owing to the undesirable turn of events of the War due to Turkey's participation against the Allies, it would be impolitic to express any sentiments from the public platform as it would necessarily encourage anti-British feelings".[627]

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[623] This letter also published in *BC*, 1 June 1915.

[624] *BC*, 11 November, 1915; and *TI*, 14 November 1915.

[625] *BC*, 13 November 1915.

[626] *Ibid*. These facts have not been adequately explained in Saiyid, *op. cit*., pp. 62-63; and in Bolitho, *op. cit*., pp. 63-64. The "official" interference have been mentioned by them, no doubt, but they have not explained as to how the officials interfered.

[627] Saiyid, *op. cit*., pp. 62-63.

This was not the whole truth. Actually, Jinnah's opponents formed one group, as seen in the preceding paragraph, who were advancing different types of arguments and leveling charges that Jinnah would merge the League into the INC. This group was duly backed by the Government. Being a fearless statesman and after being backed by the AIML Council decision Jinnah entered into direct negotiations with Cassam Mitha and his associates. Conceding to Mitha's demand to maintain "non-controversial character" of the League at the coming session, Jinnah assured him that he and his associates will do nothing contrary to the spirit of the League constitution.[628] As this could not satisfy his diehard opponents, Mitha demanded direct mediation from the Government. In his interview with the press representative, Jinnah agreed even to this effort of pleasing the officials by the Mitha party.[629] In a meeting at the Governor's House on 9 December 1915, presided over, by Lord Willingdon and attended by, among others, Sir Ali Imam, the Law Member of Viceroy's Executive Council, an agreement developed which was signed by Jinnah, Faiz Tyabji, Fazalbhoy Currimbhoy, Muhammad Hakim Abdullah Shah, Sharif Devji Kanji, Sulleman Abdul Wahid, Sulleman Cassim Mitha and Rafiuddin. It concluded that whatever be the proceedings of the ensuing League session, the League would, under the terms of the agreement, be bound to pass a "resolution of loyalty to Government."[630] Despite this binding, the fact of holding the League session was a great triumph for Jinnah. This enhanced his reputation which was duly commended by the *BC* editorial.[631] Jinnah also succeeded in getting a sort of no objection from the Government for appointing a committee by the League to confer with other political parties for the purpose of framing a joint scheme of reforms.[632]

Despite these assurances, the, League session was not a smooth affair. As is clear from the police interference and disturbance in the AIMI. session on 30 and 31 December 1915, it became obvious that the Government and the leaders of the Mitha group had come to an agreement with Jinnah reluctantly. It was their half-hearted way of coming to terms with Jinnah who had come to establish, his own position as a dominant figure, particularly in Bombay politics. Even the official interference proved futile. It was then natural that the Government was to revert to some other methods to check the popularity of Jinnah who after the death of Gokhale and Mehta had come to be termed a "dangerous" figure by the official circles, particularly at a time when the War was at

[628] Letter of Jinnah, Mitha and Jairabhoy published in *BC*, 20 November. 1915.

[629] *BC*, 6 December 1915.

[630] *BC*, 6 and 11 December 1915.

[631] *BC*, 11 December 1915. This was followed by other newspapers. See, for instance, *Paisa Akhbar* (Lahore), 18 December 1915.

[632] *BC*, 11 December 1915.

its peak. Jinnah, who had already since his boyhood learnt to pass successfully through difficult times faced all these hurdles in the way of unity with a lion's heart.

Before this meeting Jinnah had to face another event of personal loss to himself, in the death of Mehta in November, in whose funeral procession on 6 November Jinnah had participated.[633] In a meeting he seconded D. A. Khare's resolution expressing their deep sense of the irreparable loss caused by Mehta's death and "their heart-felt sympathy" for the bereaved family. After Mehta's death "differences over current political issues arose between the directors of the Board of Management of the *Bombay Chronicle* and B. G. Horniman (1873-1948), who, without prior notice, walked out of the editorial office along with the majority of the staff".[634] It was due to an accommodating temperament that Jinnah who was already one of the directors of the Indian Newspaper Company responsible for the administration. Of the *Bombay Chronicle*, was "elected" Chairman of the Board of Directors.[635] Apparently, he chaired, the *BC* management. But, as a matter of fact, he was presiding over Bombay politics of both the Congress and the League, a position of dominance in politics after the death of Gokhale and Mehta. The *BC* which was already projecting Jinnah's views since its inception on 4 March 1913 was further to advance the cause of a leader who had emerged as a, symbol of unity.[636]

At the three-day session of the AIML, which began on 30 December 1915, Jinnah established his position well. The session was presided over by Mazhar-uI Haq, a close associate of Jinnah both in Congress and League. Being held under the most difficult circumstances, a skilful handling of the situation by Jinnah saved from a major mishap. Some disturbances did occur, yet it could proceed to its goal of appointing a Committee on a resolution by Jinnah which was carried unanimously. Representatives from all the provinces were included in this Committee of 71 Muslim leaders. It was constituted "to formulate and frame a scheme of reforms" and "to confer with political and other organizations or committees" on condition that in the formulation of scheme of reforms it shall give due "regard" to the "needs and interests of the Musalmans of India".[637] The first day of the, session passed peacefully and it was with rapt attention that the presidential address was heard by the audience which included both the Muslims and the Hindus. On the second day after four resolutions had been passed, which also included one of the Muslims' loyalty to the British Crown, Jinnah was asked to move his resolution of appointment of a committee to confer with other political parties and

[633] *BC*, 8 November 1915.

[634] G. Allana*, Quaid-e-Azam Jinnah the Story of a Nation*, Lahore, 1967, p. 86.

[635] *Ibid*., p. 87.

[636] See chapter III.

[637] Pirzada, 1, *op. cit*., pp. 352-354.

for the aforesaid purposes. But it was objected to by Maulana Hasrat Mohani (1878-1951) who desired, with the backing of disgruntled element in the League, that the speaker should deliver his speech in Urdu and not in English. They even charged: "This is not a meeting of Mahomedans. This is Congress. They want to join the Congress. Why should they speak in English".[638] When the situation went out of control, President asked Jinnah to handle the situation. Jinnah first asked the Police Commissioner, who was already standing just outside the *pandal* with a large police force, to control the situation, but the Commissioner showed his inability to help Jinnah. Seeing that the Police Commissioner was bent upon clearing, the whole *pandal* on this pretext, Jinnah conceded. Thus the *pandal* was cleared of all the participants by the police.[639] When the adjourned session was held next day on 1 January 1916 at the Taj Mahal Hotel, Jinnah explained the whole situation to the participating delegates on the President's request.[640] On this day also Jinnah dominated the League proceedings. After he had moved his resolution, Mohani moved his "verbal amendment" substituting words "a scheme of self-government and steps leading to self-government" for "a scheme of reforms". The second amendment moved by Nizamuddin required the committee to frame a scheme of reform "keeping in view the objects of the League". When Jinnah, who as a constitution expert was more qualified to speak, asked these two gentlemen "not to press" their amendments, they agreed to withdraw them. Mohani said jokingly that "he had only moved his (amendment) to assert his right of moving amendment." The remark was widely hailed by the delegates.[641] As Jinnah desired, the resolution was carried "unanimously."[642] He was able to exert his position in another resolution (Resolution VI) moved by Syed Alay Nabi for the extension of "the principle of communal representation" to "all self-governing public bodies". It was objected to by Mohani followed by A. M. Khwaja's motion for "deferring consideration of this question" because, as they argued, the resolution was against the spirit of the agreement reached between the two parties in the presence of Bombay Governor. The way Jinnah came in support of this resolution, which was against his "personal views", shows that Jinnah wanted to go to the Congress Committee with all the demands of the Muslim community. This was necessary, as he himself revealed, because "liberty should be preserved to discuss the question". These two amendments were also "withdrawn" on

[638] *BC*, 1 January 1916.

[639] *Ibid*.

[640] *BC*, 3 January 1916. By this small incident Judith M. Brown has erroneously come to conclusion that the Muslims were "divided" in the whole of India. See Judith M. Brown, *Gandhi's Rise to Power; Indian Politics 1915-1922*, Cambridge, 1974, p. 31. Brown has also erred in mentioning Jinnah as "Secretary of the Muslim League". See *ibid*. Actually in 1915 Jinnah was member of the AIML Council and its President in 1916; as discussed in this study.

[641] Pirzada, I, *op. cit*., p. 357.

[642] *Ibid*., p. 378.

Jinnah's insistence and the resolution "carried by a majority" vote.[643] At the end of the session it also openly recognized that it was with the assistance of Jinnah that this, session could meet. The President personally expressed "a deep debt of gratitude" to Jinnah and declared that it was with the "exertions" of Jinnah that "they could" meet in Bombay.[644] Addressing direct to Jinnah, the President said: "Mr. Jinnah, we the Mussalmans of India thank you" - a remark acclaimed by "loud" and "continued" cheers by the audience.[645] This was duly complemented by the BC editorial entitled "The Unity of the League".[646]

The three-day Congress session, starting on 27 December 1915, and presided over by S. P. Sinha, also carried its business in accordance with the planning of Jinnah. On a motion by Banerjea, a friend of Jinnah, seconded by Mrs. Annie Besant and supported by six other leaders a resolution authorized the All-India Congress Committee (AICC)

> to frame a scheme of reforms and a programme of continuous work, educative propaganda, having regard to the principles embodied in this resolution and further authorizes the said Committee to confer with the Committee that may be appointed by the All-India Muslim League for the same purpose and to take further measure as may be necessary.[647]

Sinha in his presidential address termed self-government "a government of the people, for the people and by the people", a definition in which Jinnah equally believed. The President demanded a "frank and full statement of government policy" in respect of self-government. Though Jinnah did not participate in the deliberations of the Congress, still the fact that he welcomed Sinha at the railway station as the Vice-Chairman of the Congress Reception Committee with Wacha, a Parsi, as the Chairman, and also that he was a member of the Subjects Committee,[648] does suggest that almost all the resolutions passed by the Congress were in line with Jinnah's views which desired to promote genuine feelings of cooperation between the Hindus and the Muslims and other communities. To promote such feelings "the Congress volunteers and the Muslim League volunteers arrived at a joint session and worked shoulder to shoulder. A joint

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[643] *Ibid*., pp. 358-359.

[644] *BC*, 3 January 1916.

[645] Pirzada, I, *op.cit*., pp. 360-361; and *BC*, 3 January 1916.

[646] *BC*, 3 January 1916.

[647] *BC*, 30 December 1915, "Congress Supplement".

[648] *BC*, 27-28 December 1915; Bomanbehari Majumdar and Bhakat Prasad Mazumdar, *Congress and Congressmen in the Pre-Gandhian Era 1885-1915*, Calcutta, 1967, pp. 98-99; and *Report of the Thirtieth Indian National Congress held at Bombay on the 27th, 28th and 29th December 1915*, pp. 2, 12 and 182.

dinner was arranged by some of the younger men".[649] The week-long activities of the League and the Congress were rightly termed as a "national week".[650] Thus a stage was set for a joint and concerted action".[651]

Jinnah had not only a close political relationship with Mazhar-ul-Haq, President of the Bombay League session, but was also associated with Sinha, President of the Bombay Congress. Both were given an ovations welcome by Jinnah on their arrival at the Bombay railway station. In 1908 when Sinha was offered the post of Law Member of the Viceroy's Executive Council, it was Gokhale and Jinnah who went to Calcutta to convince Sinha to join the new post, the first of its kind to be offered to an Indian. Actually Sinha was earning a lot of money through his "enormous legal practice". The new office meant a great financial loss to him. These were the considerations that weighed heavily on Sinha's mind. "Two months elapsed in this battle of wits", but Sinha was adamant. Finally, Jinnah addressed Sinha thus:

> Do you think we are fools to waste our time like that? Do you think Gokhale is a fool to draw only seventy-five rupees from the Servants of India Society? Is he not capable of earning more? Do you think I am not losing my practice in Bombay owing to my being absent from my work? What are we begging of you for? Do you think it is something for our own personal good? We agree that you lose much but you may resume your practice after you have served for sometime on the Executive Council in the interest of your country and your people.[652]

The thrust of the argument went home and Sinha agreed to join as Law Member. Apart from showing Jinnah's personal frankness with Sinha, it showed his deep concern for the country and people. He wanted more and more Indians to join the Government so that they could be trained for sharing responsibility for self-government. The public response from Hindus, Muslims and Parsis working jointly for the congress and the League as volunteers and body-guards is a measure of Jinnah's popularity and people's faith in his ideals.[653]

Jinnah had involved himself in politics not completely at the cost of his legal practice. Actually, he had become very popular and the people loved to engage him in their suits, even in preference to European lawyers. In May 1915, when a European lawyer,

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[649] M.R. Jayakar, *The Story of My Life*, I, Bombay, 1959, p. 139

[650] *BC*, 27 January 1916.

[651] *Report of the Thirtieth Indian National Congress, op. cit*., p. v; and *BC*, 27 Jan. 1916.

[652] Saiyid, *op. cit.,* p. 35.

[653] *BC*, 27 December 1915.

Strangman's retainership to the Bombay Improvement Trust was renewed, it was objected to by Wacha, Chairman of the Improvement Trust, on the plea that in the event of the availability of "very able Indian lawyers" like Jinnah, Bahadurji, Setalvad, Davur and Desai why a European "retainer" was being appointed? Wacha strongly protested against the "racial distinction". Wacha's motion was carried by a majority vote in the Trust meeting on3,May 1915.[654]

Jinnah anyhow continued to maintain an independent attitude. In a review case, he refused to appear when the party, who approached him on his own terms, insisted on the way how the case was to be argued in the High Court. In another case, seeing the arguments as lop-sided Jinnah refused to appear, a fact much lamented by the party, Major Leslie, Cantonment Magistrate. As Jinnah foresaw, the case was decided against Major Leslie.[655] After his return from England in November 1914, he appeared in important cases of property, insolvency, liquidation of banks, cotton mills, marriages, administration of certain estates of Nawabs like Nawab of Surat, adulteration charges in tea by the Brook Bond Tea Company and others.[656]

Whenever he was free from active political involvement he appeared in these cases, most of which were argued at the High Court level. As Jinnah appeared with a number of Indian and European lawyers, namely, Baptista, Talyarkhan, Bahadurji, Setalvad, Inverarity, Strangman, Campbell, M. R. Jardine (1869-1947), Desai and others belonging to different religious and communal groups it cannot be said that Jinnah was communal in his approach or intolerant of others' views. As in politics, so in personal and professional contacts he remained a man free from these considerations. If he projected the Muslim viewpoint, he advanced the interests of other communities as well with equal zeal. The only criterion was the human values. Amongst the lawyers appearing with him it was Bahadurji who was liked most and that was also on the basis of his ability. Bahadurji was much senior to him both in age and practice, but what they shared was the good qualities. Jinnah became associated with him since the start of his legal career. They jointly appeared in an important case in 1897-1898 at the Bombay High Court which was reported in the Indian Law Report.[657] Their friendship became

[654] *BC*, 5 May 1915.

[655] *BC*, 17 April 1915.

[656] *BC*, 17, 20, 27 November 1914, 9, 12, 22-23 December 1914, 19, 22, 29 January 1915, 3, 17, 27 February 1915, 9, 17, 24-25 March 1915, 12, 17, 22 April 1915, 5 May 1915, 15, 17, 19, 22-24, 30 June 1915, 13, 15, 17, 31 July 1915, 13-14, 24 August 1915, 10, 18, 20-22, 29 September 1915, 14 October 1915, 10, 16-17, 20. 25-26, 30 November 1915, 3-4, 15, 18 December 1916; ILR, Bombay Series, XXXIX, 1915, pp. 485-494; *ILR*, Bombay Series, XL, 1916, pp. 69-73, 134-158, 263-269, 301-313, 341-351, 401-428, 639-647; *ILR*, Bombay Series, XLI, 1917. pp 181-290.

[657] *ILR*, Bombay Series, 1898, *op. cit*., pp. 922-933.

so deep that in 1906 Bahadurji was seen on a leisure trip with Jinnah in the latter's horse-cab on the sea-shore making good use of their holiday. When the cab-man mistreated and Bahadurji, Jinnah was so infuriated that he removed him from the service, as already seen in the second chapter.[658] Bahadurji's talent was recognized by the Government and he was appointed Advocate-General in 1915. Jinnah participated in the function at the Taj Mahal Hotel to celebrate the appointment, being the first Indian to join as such.[659]

Jinnah's legal practice continued throughout 1916 covering a wide variety of commercial, property, criminal, industrial suits.[660] Comparatively, it was a year of less number of suits owing to his deep involvement in politics.[661] All along Jinnah was emerging as a great leader. As a champion of unity he had to be a fearless critic of bureaucracy. This attitude of Jinnah can be further inferred from the remarks of Montagu, the Secretary of State for India, who said to Jinnah in 1919: "What I should like to put to you is that it has been your role in politics always to accentuate and increase your demand, as what is given you is increased in itself?"[662] This was the generally believed notion of Jinnah in official circles, for which he had to face bureaucratic opposition after 1919 for a number of years.

Although the stage for unity had been set by making the two "most representative" organizations, in the words of Jinnah, meet at one place and appointment of their respective committees to frame a joint scheme of reforms, yet the year to come was to pose a bigger challenge. Amongst the galaxy of leaders working for the "common" objective, Jinnah's part was almost decisive. He had to withstand the pressures with much more determination than that of many of his contemporaries. He had not only to face the Government in political battles as before, his legal acumen in defence of India's joint struggle for freedom was to be repeatedly tested. This year he pleaded three important political cases. The first was the "Briton Defamation Case" heard by the Chief Presidency Magistrate from 31 March to 9 May 1916 in which Jinnah pleaded the cause

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[658] *BGS*, 17 November 1906.

[659] *BC* 5 July 1915.

[660] *BC*, 12, 14,25 January 1916, 8 February 1916, 1-2, 7,11,17 March 1916, 23, 31 May 1916, 6, 27 June 1916, 6, 22, 25, 29 July 1916, 2, 14, 29-30 September 1916, 6 October 1916, 2, 6 December 1916, 24-26, 31 January 1917; *ILR*, Bombay Series, XLL, 1917, pp. 49-64, 560-562, 566-580, 636-653. Such material has not yet been used in any of the writings on Jinnah.

[661] *ILR*, Bombay Series, XLII, 1918, pp. 288-295, 438-443, 668-676; ILR, Bombay Series, XLIII, 1919, pp. 386-411, 647-689; *ILR*, Bombay Series, XLIV, 1920, pp. 696-698, 710-719, 907-923; *ILR*, Bombay Series, XLV, 1921, pp. 428-433, 463-503, 535-546, 834-881.

[662] *Jinnah's Evidence Before the Joint Parliamentary Committee on the Government of India Bill 1919*, 13 August 1919, *IOR*. L/Parl/2/405.

of B. G. Horniman who being editor of *BC* had sued the proprietor, printer, publisher and editor of the European daily *Briton* (Bombay) for publishing defamatory remarks against him and his paper. Jinnah impressively established the difference between personal and political allegations.[663] The second related to Sedition Case against Tilak which was first heard by the District Magistrate (Poona) from 7 to 12 August and then by the High Court of Bombay from 8 to 9 November 1916.[664] In both these suits Jinnah succeeded in further projecting the popular case of Home Rule. The wide publicity given to the proceedings of these cases was a matter of concern for the Government. The third case of political importance related to Jinnah's election to the Imperial Legislative Council in June 1916. On a plea by Rafiuddin, his old opponent, the Viceroy ordered an enquiry. The enquiry was conducted by the District Judge (Poona) from 5 October to 3 November 1916.[665] The strategy misfired: Jinnäh was "exonerated" and the British Government's backing of the anti-Home Rule elements was exposed. The enquiry received wide publicity which was again a point of added concern for the Government and of strength to the Home Rule movement and Jinnah. He was now a powerful leader of India - a position which made Tilak and other Congress leaders accept his pleadings about unity and the recognition of Muslim interests in the shape of the Lucknow Pact. Thus he emerged as "an ideal" leader not only of the Muslims but also of the non-Muslims. Before presiding over the Lucknow session of the AIML he presided over various public functions of Hindus, Muslims, Parsis and other communities.[666] Throughout his legal career, Jinnah never said or complained to the court, that he was acting on the instructions of his clients. Even some of the leading counsels were, sometimes, forced to admit that they were doing so. Baker, a defence counsel, for instance, appearing against Jinnah, was forced to admit that he was acting on the "instruction" of his clients."[667] But this writer has not been able to get access to any such statement by Jinnah. Instead, he, as already seen; showed independence of judgment and pleadings at the courts. This was particularly true in politics and political suits. It was due to his approach of holding his independent views in politics and political suits that in 1908 Jinnah, refused to continue as defence counsel for Tilak when he found the latter insisting on him to plead in accordance with his instructions.[668] He was an independent lawyer as he was an independent thinker, and politician. He did not permit anybody to have him on a string. Even on the issue of Muslim question of separate electorates, he was acting from two points of view. One, he was a

[663] *BC*, 1 April - 10 May 1916.

[664] *BC*, 8 - 14 August and 9 - 10 November 1916.

[665] *BC*, 6 October —4 November 1916.

[666] *Ibid*.

[667] *BC*, 10 - 15 April 1916.

[668] Wolpert, *op. cit*., pp. 271-273.

representative of the Mahomedans at the national level both at the political platform and in the Imperial Legislative Council; two, as a human being, he was not only obliged to listen to the genuine demands of Hindus, Parsis and other communities but projected their demands as well. This was necessary, according to him, for a balanced and healthy unity.

In the "Briton Defamation Case" Jinnah defended the cause of responsible press which he considered necessary for the development of healthy public opinion in the country. The *Briton*, an Anglo-Indian daily, had actually started a malicious propaganda against the *Bombay Chronicle* and its editor who was an Englishman devoted to the cause of India under Jinnah's directions. In two articles on 21 and 27 February 1916, the *Briton* had spoken against the *BC*. I an advertisement circular issued in the same month it had made it clear that "the *Briton* has been making special efforts to check the anti-European tendencies and vagaries of a local daily English newspaper". However, it called upon its sympathizers that they should "watch against any such tendency in any direction and to check it whenever there is dangerous outgrowth thereof.[669] In this effort, the paper confirmed, the editor had received various letters of support which also included "a letter from a very high official".[670] In his cross-examination of the witness, Jinnah wanted to know the name of this "official" but it was not disclosed.[671] On the issue of "anti-European tendencies" Jinnah proved that the *Briton* itself was fanning the tussle between the Indians and Europeans, which was least desired by him in his unity endeavors. Jinnah explained that "this was a matter which was purposely dragged on with the sole object of creating a certain feeling between the Indians and Europeans in the city".[672] He also explained that he was "not concerned" with "any communal questions of the city". However, he added, "when these matters were reported in the newspapers in the city it was liable to create bad feeling between the different communities in the city. It was not a question of policy between the different communities in the city".[673] Thus Jinnah explained the "political sense" of these writings which could not even be interpreted "in the moral sense". Quoting from Thomas Carlyle (1795-1881), an English political thinker, that in India every nine persons out of every ten are "fools", Jinnah tried to show that such "tendentious" writings are bound to influence ninety percent of people. In the judgment delivered by the Chief Presidency Magistrate, it was confirmed that there was "hopeless failure of defence" on the part of Baker, solicitor, and P. Godinho and H. B. Spencer, pleaders, who respectively defended

[669] *BC*, l4 April l9l6.

[670] *Ibid*.

[671] *Ibid*.

[672] *BC*, 10 April 1916.

[673] *Ibid*.

Alfred Hope Brewin (Proprietor and Publisher of the *Briton*.), C. S. Menon (Editor), and L. De Mello (Printer). Thus the defence counsels' heinous charge against Horniman of committing "unnatural" acts were declared "false". The case was termed by Jinnah as a "miserable and disgraceful fiasco".[674] Each of the three accused were awarded punishment from two to three weeks with fine of Rs. 1000/- each. Jinnah, however, pointed out with lament that:

> In England such a case would be tried by a judge and a jury while here in India the Magistrate sat both a judge and a jury and had to find out what was the meaning of the articles.[675]

This was stated by Jinnah in his final address to the Court on the point of awarding the sentence to the culprits after they had been declared as such in the judgment and the issue of tenure of imprisonment was being debated on the Magistrate's asking.[676]

In the Sedition Case against Tilak the Government had taken serious objection to three speeches of Tilak: two delivered at Ahmadnagar on 31 May and 1 June and one at Belgaum on 1 May 1916.[677] Tilak's criticism of bureaucracy and Government, as prevailed in India, was termed "sedition". Jinnah, who defended Tilak, as leader of a group of lawyers, pleaded non-guilty on the part of Tilak. According to Jinnah, the Indians were entitled to criticize the bureaucracy. They were not loyal to the Government as to the British Crown and Parliament. The other basic plea of Jinnah was, that the C.I.D. had wrongly translated Tilak's speeches who never meant to become disloyal to the British Crown. While reporting and rendering the speeches into English from Marathi, the official reporters had "murdered the speeches".[678] Actually, "there were comments, expressions, disapprobation of the measures of the Government with a view to bring about a change by lawful means without exciting hatred or contempt or disaffection". These discourses were actually in line with "lawful" propaganda for the "Home Rule League" which Tilak had just founded. Jinnah in hi defence made it clear that "he wanted to demolish the argumens which had been advocated against the Home Rule League". He proved by quoting from Tilak that "Home Rule should be secured through the British and must be fostered by British Rule, etc." He asked: "Was that

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[674] *BC*, 6 May 1916.

[675] *Ibid*.

[676] *Ibid*. None of the biographers of the Quaid have mentioned about this suit.

[677] *BC*, 2 May 1916. This meeting was also addressed by, among others, Gandhi who declared that he was neither a "Moderate" nor a "Nationalist". Actually he was trying to build up his own position in Indian politics which must be different from these two groups.

[678] Jinnah was qualified to say this because he himself understood and could speak Marathi. See Jinnah's. Evidence before the Islington Commission, *op. cit*.

Sedition?" Himself replying, he made it clear that "Swarajya was the full authority for the management of their affairs and not that the British Government should go away and that the Germans should come here". It was to convince the people, who were illiterate at large, that Tilak critically used the Indian term "Sarkar" for the bureaucracy and the Civil Service, which does not mean that he was challenging a "government established by law". He had said that "the Civil Service had got a monopoly of power and that that system was not beneficial - it was neither beneficial to the people of this country nor to the English people". And on this basis he wanted a change. "Therefore, this attack in reality was an attack on this system" Elaborating further Jinnah said:

> There was the typical instance of the Opposition who attacked the Government for not doing certain things which they did not do when they came into power. They had started the Home Rule Movement to bring about a change in the present system of administration which they wanted to carry out by reasonable and practical methods.

These amendments in the system were to be "brought about through Parliament" for which "a petition was to be made to the English people and the English Parliament".[679] Despite these pleadings the Poona District Magistrate bounded Tilak in two surety bonds of each of Rs. 10,000/- for a "good behavior" for one year.[680]

Although it was nothing as compared to the previous cases of 1897 and 1908 when Tilak was sentenced to imprisonment for a number of years on each occasion, yet feeling the encouraging development of the case in which Jinnah ably proved the justification for an opposition in India within the constitutional framework allowing the right of criticism of Government to the Indians, the case was brought at the Bombay High Court in appeal against the judgment of the District Magistrate.[681] At the District Magistrate's court, Jinnah was the principal counsel for defence, although he was assisted by a group of six other well-known lawyers in addition to many unknown juniors.[682] But at the High Court the appellant counsel was basically S. R. Bakhale, one of Jinnah's assistants at the lower court in this suit. After the case had passed through the preliminary pleadings and reached a crucial stage of arguments, Jinnah was again there in the High Court to further plead Tilak's cause or that of the Home Rule.[683] Justices Shah and

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[679] *BC*, 11 August l9l6.

[680] *BC*, 14 August 1916. Allana has erred in mentioning that Tilak was bound "for Rs. 40,000". See Allana, *op. cit.,* p. 87.

[681] *BC*, 1 September 1916.

[682] *Bombay Confidential Proceedings*, IOR. P/12. Also see *Proceedings of the Home Department (Political)*, IOR. P/31.

[683] *BC*, 9 November 1916.

Batchelor heard the appeal. After hearing Jinnah's arguments (for arguments see below) for two days they announced their judgment on 9 November 1916 accepting Jinnah's plea of the right of Indian politicians to criticize the bureaucracy by setting aside the order of security as ordered by the District Magistrate.[684] Thus the Court accepted the plea of Jinnah that Tilak's activities to popularise the cause of Home Rule were "not seditious".[685] But the Bombay Governor was not happy over this decision and he tried his utmost "to annul this decision". Fearing further exposure the Central Government did not agree with the Governor's opinion.[686] The Government also feared that Jinnah, who had pleaded the case when "the court room was fully crowded and there was hardly room left",[687] would further rise in stature and attain a position that will be respected by other Indian leaders including Tilak, whose help in the final settlement of Lucknow Pact was of great importance. Tilak had come to accept such a position because he felt himself obliged to Jinnah who had done so much for him at the courts.[688]

At the High Court, Jinnah pleaded that Tilak's criticism of the Government was "not causing disaffection". He never intended that. His "whole burden of the song", Jinnah emphasized, "was that here was a system of Government, viz., bureaucracy. It was not under the control of the people. It was to be changed not by unconstitutional means but in a lawful manner by petitioning to the British Parliament"; Thus, he clearly established that the "Home Rule League is a good one, that people should join it and try to change the system".[689] When the Advocate-General replied to Jinnah's points he tried to emphasize that he was agreeing with Jinnah for the right to criticize the Government, but the point under discussion was that Tilak was proving the Government as "alien". Upon this Justice Batchelor remarked: "It is a fair criticism". In reply to the Advocate-General's observations on Tilak's intentions, Jinnah, by reading a passage from Hallisbury's Law of England, said: "It was no sedition if the speaker had no intention of disseminating sedition".[690] After the announcement of the judgment setting aside the

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[684] *BC*, 10 November 1916

[685] *Ibid* and Palande, *op. cit*., pp. 243-244.

[686] Willingdon to Chelmsford, 11 November 1916, *Chelmsford Papers*, E. 264/17.

[687] *BC*, 9 November 1916.

[688] No biographer of the Quaid has mentioned this case of such a great political importance. Even Bolitho ignored it. Only Allana has made a mention of this case. Allana, however, erred in mentioning: "Tilak, however, had made a distinction between Government established by law, which is a permanent institution, and the administration, which was subject to change". See Allana, *op cit*., p. 87. This is not factual.

[689] *BC*, 9 November 1916.

[690] *Ibid*.

security bonds, it was on Jinnah's pointing out that the Court "cancelled" the bond already "executed" by Tilak.[691] Jinnah's efforts for this case were duly eulogized by *Bombay Chronicle*, in its editorial entitled "The Right to Criticise",[692] but Willingdon was not happy. He expressed his "dispair"[693] to Chelmsford in these words:

> I received a shock on hearing that the High Court had reversed the security order in Tilak's case. It is difficult to understand Batchelor's judgment. He brushed aside Jinnah's main arguments on Tilak's behalf, but apparently held that, if a speech generally showed no disloyalty, it was not right to condemn if the speaker said certain things which might tend to bring into disrepute the Government or its officials.[694]

In the Council Hall at Poona, nine Muslim members of the Bombay Legislative Council[695] met on 21 June 1916 under G. M. Bhurgri's (1881-1924) chairmanship and elected Jinnah to the Imperial Legislative Council by six votes to three. His opponent Rafiuddin could get only three votes.[696] This was the second time that Rafiuddin had been defeated by Jinnah, the first in January 1910, as already seen. Actually Rafiuddin stood "discredited in the eyes of the bulk of the Mahomedan community by reason of the scandal attaching to their riotous proceedings" at the Bombay League session and Jinnah came to enjoy "the confidence of the Mahomedan community throughout India at this moment as one of their recognized leaders in a degree unexcelled by any of his colleagues."[697] Rafiuddm felt it too much and on 13 August he appealed to the Viceroy for an enquiry in this election accusing Jinnah of rigging. Jinnah learnt about this from the newspapers of 22/23 August with an additional announcement that the Viceroy will order the enquiry in this connection. Jinnah was much upset over the allegation. He even could not sleep through the night.[698] He immediately sent a telegram (25 August) to the Government of India and a letter to the Bombay Government in which he prayed

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[691] *BC*, 10 November 1916.

[692] *Ibid*.

[693] *Ibid*., Also see *Mahratta*, 10 November 1916.

[694] Willingdon to Chelmsford, 11 November 1916, *Chelmsford Papers*, E. 264/17.

[695] *BC*, 8 September 1916.

[696] *BC*, 22 June 1916.

[697] BC, editorial "The Mahomedan Election", 21 June 1916. At another election on 30 October 1916 Ebrahim Haroon Jaffer defeated Rafiuddin by a narrow margin of two votes: 167 votes to 165. See BC, 31 October 1916; and TI, 30-31 October and 1 November 1916.

[698] Jinnah's own revelations before the Court, in *BC*, 4 November 1916.

for a "public enquiry".[699] Thus the enquiry was ordered by the Viceroy which was conducted by P. E. Perceival, District Judge (Poona) with effect from 5 October 1916. The judge took almost a month to complete his enquiry on 3 November after a number of hearings, examination, cross-examination and re-examination of evidences.[700] The resistance offered by Binning, Rafiuddin's counsel, that "he could see no good in having the matter, published or broadcast" because Rafiuddin Ahmad's was "a private petition to the Government of India", was not accepted by the court. It was forced to accept Jinnah's strong arguments for making the enquiry "public" on the ground that the matter was of public concern.[701]

The basic charge against Jinnah was that, he used the services of Ebrahim Haroon Jaffer, an industrial magnate and member of Bombay Legislative Council. It was also alleged by Rafiuddin Ahmed that Jinnah gave Rs. 500/- to Fakir Mahomed Pathan's servant Gulam Ahmed through Jaffer who acted Jinnah's "Agent" in order to get Pathan's vote. To prove it, detailed stories were mentioned in the court through a number of witnesses appearing on the instance of Rafiuddin. Pathan's servant who allegedly received the money being the real evidence, was not, however, produced, despite Jinnah's insistence. Gulam Ahmed was said to be missing having left Pathan's service and his whereabouts were not, as reported to the court by Binning, traceable. All these charges were written in the form of a statement in Urdu alleged to be signed by Gulam Ahmed, who, in his complaint to Major Leslie, Cantonment Magistrate (Poona) in early September, had already stated that Rafiuddin obtained this document from him "by dishonest means".[702] It was on insistence by the Court that this document was produced.[703] This had caused a great - "sensation" in Poona.[704]

Through his able pleadings, Jinnah was able to prove the falsehood of these charges because his opponents could not produce satisfactory evidence. Jinnah also proved Rafiuddin's stay in Poona on 7-10 August by producing a hotel's register where Rafiuddin stayed, i.e., some days, before he petitioned to the Viceroy for enquiry.[705] The long statement by Jinnah on 3 November 1916 "ended" the enquiry.[706] The enquiry

[699] *BC*, 6 October 1916.

[700] *BC,* 4 November 1916.

[701] *BC*, 6 October; and *TI*, 6-11 October 1916.

[702] *BC*, 5 September 1916.

[703] *Ibid*.

[704] *BC*, 16 September 1916.

[705] *TI*, 26-28 October 1916.

[706] *BC*, 4 November 1916; and *TI*, 4 November 1916.

report was submitted by the District Judge to the Government of India through the Bombay Government. The Government, however, announced on 1 December 1916 that Jinnah was finally acquitted of the charges leveled by Rafiuddin Ahmed. Thus he was confirmed as having been duly elected to the Imperial Legislative Council.[707] To satisfy the anxiety of Jinnah and of the public the Government categorically announced on 3 January 1917 that "the report of the enquiry officer is a confidential document, and cannot therefore be published, but the Government of India were satisfied that there was no ground for any imputation with regard to propriety of the Hon. Mr. Jinnah's conduct in connection with his election and that he was fully exonerated from the charges brought against him".[708]

Jinnah's statement and Jaffer's evidence before the court revealed official hand behind Rafiuddin whose popularity had much declined in the course of equity. Regarding Jinnah, Jaffer said that he:

> was not his agent. He had no special or general authority from Mr. Jinnah to act at the election. Mr. Jinnah did not even ask him to convas for him. He took the little interest that he did because he did not want Mr. Rafiuddin to succeed.[709]

Explaining the reasons as to why he, as an industrial magnate, previously supported Rafiuddin and why he later turned against him and came in favor of Jinnah, he said that he paid Mr. Rafiuddin's election expenses in 1909 and 1912 as he thought he would be useful to his community. He did not know Mr. Rafiuddin much but he had heard he could make a good speech and talk well. He did not support him again as Mr. Rafiuddin did not come up to his expectations.[710] Towards the close of enquiry, Jinnah presented his statement to the court clarifying his own position in an appealing manner, Jinnah stated that it was at his own that Jaffer supported him in the election. He did never ask him to do so. Jinnah also refused to accept "Jaffer's brief because it would have looked as if he had enmity against Mr. Rafiuddin". Jinnah also declared that "before he came to Poona on 18 June he had seven "definite promises of votes, six, of them in writing and he had not slightest anxieties as to the result".[711] As regards Pathan's position Jinnah said that Pathan had already refused to vote for him during his

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[707] *Government of India Gazette, Extraordinary*, 1 December 1916.

[708] *BC*, 4 January 1917.

[709] Jaffer's Evidence before the District Judge, in *BC*, 1 November 1916.

[710] *Ibid*. It was, perhaps, because of this unpopularity that Rafiuddin had already been defeated in election to the Bombay Legislative Council. For this see BC, 29 April 1916.

[711] Jinnah's Address to the Court, in *BC*, 4 November 1916.

personal meeting with the latter. When Pathan had once declared his intention Jinnah never pi1essed the point or asked anyone else to go after him to fetch his vote. In his final address to the court,

> Jinnah said nothing could compensate him for the reckless aspersions which had been cast on him and the mental torture and persecution he had undergone and he hoped he left the court with his honor and reputation unsmirched.[712]

Jinnah had gone to Poona by his own car on 18 June for the purpose of his election campaign, three days before the election date. He stayed there at Dawood Fazul's bungalow where Chimanlal H. Setalvad was also staying.[713] Jaffer had his own, residence in Poona.[714] Jinnah, cross-examined by Binning, said that there were "rumors that some high officials were working against him". It was because of this that he had requested Sir Fazulbhoy and Umer Sobani to come to Poona, where he himself also arrived three days before the election date in order to meet the "nine" members who were "all" known to him "personally".[715]

Jinnah was now a highly esteemed leader particularly among the youth who aspired to hear him and to follow his ideas. At an inaugural meeting of the Muslim Students' Union, A. M. Kajiji (later Justice A. M. Kajiji), in his presidential remarks called upon the students "to model their life on that of Mr. M. A. Jinnah" who was "a man of great independence of character and who attained a leading position at the Bar and in the public life of the country by his own exertions". The remark was hailed by the audience.[716] Being the principal speaker Jinnah considered the formation of this Union a "distinct sign of progress" of the Muslims and advised them to develop "cooperation, unity and good will, not only among the different sections of the Mahomedans but also between the Mahomedans and other communities",[717] because "unity was absolutely

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[712] *Ibid*.

[713] Setalvad's Evidence before the Court, in *BC*, 30 October 1916. Setalvad had gone for his own election against a general seat in the Council.

[714] Ibid.

[715] None of the biographers of Jinnah have detailed about this "Jinnah Election Enquiry". Bolitho has only mentioned that "in the autumn he (Jinnah) was again elected to the Imperial Legislative Council". See Bolitho, *op. cit*., p. 65. Saiyid's description is: "In autumn of 1916 Mohammad All Jinnah was again elected by Muslims of his province to the Imperial Legislative Council, where he still commanded "unanimous respect and esteem by his personal dignity of character and his fearless, and vigilant championship of Indian rights and demands. His election to the Council afforded him one more opportunity to throw his weight on the inner circle of politicians". See Saiyid, *op. cit*., p. 65. This is a defective version. Allana has, however, not mentioned about this election.

[716] *BC*, 18 February 1916.

[717] *Ibid*.

essential to progress". He advised the students not to take part in politics though, he considered, "in India politics had become life blood of people". What he desired was that the students should "understand politics" and the "current affairs of their country" as "true patriots" and cultivate amongst themselves good qualities so as to become refined gentlemen of great principles and conviction. After completion of their studies when they enter wider life they should go with "determination" for "great sacrifice".[718] Complementing these ideas the *BC* in its editorial entitled "Students and Politics" wrote:

> The new institution could not be ushered into existence under better guidance than that of Mr. Jinnah who, in many ways, occupies a unique position.[719]

At the first Gokhale anniversary celebrations, Jinnah quoted Gokhale with "very great force" that"

India was a country which had been served well by Beneficient Providence and plentifully too but her own men had not served her well .... Mr. Gokhale wanted men to serve her. He was the man who served her well to the last moment of his life. He lived for India. He was an example which not only young men, but old men could well imitate, and if they followed in his footsteps the future of India would be bright. India was passing through a very critical stage and they required the service of not one or two men but of every son of India.[720]

It was Jinnah among the other twelve speakers who in particular emphasized this point. This function was presided over by D. E. Wacha, the Secretary-General of Indian National Congress.[721] The BC in its editorial truly complemented these remarks of Jinnah.[722] In order to protest against the application of the Press Act against "several newspapers and recently in case of New India", a Council meeting of the Bombay Presidency Association on 8 June 1916 passed a resolution appointing a Committee "to draft a memorial for the purpose and submit it to the Council with in a fortnight". Jinnah was elected on this Committee.[723]

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[718] *Ibid*.

[719] *BC*, editorial, 15 February 1916.

[720] *BC*, 21 February 1916.

[721] *Ibid*.

[722] *Ibid*.

[723] *BC*, 10 June 1916.

Jinnah's talent was thus needed in diverse fields: He was not a leader who, according to Latif Ahmed Sherwani, considered the Muslims as "backwards",[724] nor was he merely a leader of Hindus and Muslims as shown by Saiyid.[725] He was a leader who appreciated the needs of all the communities and projected them with equal interest. If he was found piloting the Mussalman Wakf Validating Bill in the Imperial Legislative Council, he was never lacking in extending his support to Basu's Special Marriages' Bill or Hindu Wakf Property Bill moved by Malaviya, discussed in the third chapter. This was because he was a humanist with strong faith in human values. He was not as H. V. Hodson has tried to, say about him, "Politics apart, they (British Viceroys and administrators) had less common ground of human intercourse with him than they had, for instance, with Mahatma Gandhi."[726] Hodson cannot be blamed for such an aspersion on Jinnah because the material collected by the present author was not available to him. Such observations are actually based on the writings on Jinnah done mainly during and after 1940s when the main problem in India was the tussle between the Hindus and the Muslims - an issue that dominated all other matters. But this was not the case up to 1920 when historical developments were definitely different to what emerged after the Khilafat Movement. Jinnah is also not to be understood as a, politician who was merely "associated" with Lucknow Pact or a person who "had reached the first peak of his ambitions ..., had become a leader of united India" after the conclusion of the Pact, as shown by Bolitho.[727] Actually Jinnah was on the political scene since 1906 and had already emerged a "leader of united India". Obviously Bolitho has erred in his observation. In fact non-availability of material had been the bane of many a writer who made such irresponsible statements on Jinnah.

Jinnah's dominant position in public life was further recognized before the Lucknow Pact when he was elected President of the Bombay Provincial Conference, a non-communal organization, for the year 1916. This was a great honor conferred on a person of national repute who had done some creditable work for the cause of his nation. Gokhale, Mehta, and Tilak had already had the honor of becoming presidents of this conference. They were all non-Muslims. Only one Muslim, M. R. Sayani, had presided over the conference in 1883. Jinnah was the second. But these two Muslims were to preside over the conference under different circumstances: whereas Sayani was to attract the Muslims to Congress politics, Jinnah was to reunite not only the Muslims, Parsis, and Hindus but also the "Moderates", and the "Nationalists". Even Gandhi, who

[724] Latif Ahmed Sherwani, 'Jinnah and Hindu-Muslim Unity', in Dani, *op. cit*., p. 117.

[725] Saiyid, *op. cit.*, pp. 64-69.

[726] H. V. Hodson, 'Quaid-e-Azam and the British', in Dani, *op. cit*., p. 241.

[727] Bolitho, *op. cit*., p. 66.

attended the conference, termed Jinnah's presidentship as "right man for the right post".[728] This three-day conference was held on 22-24 October 1916 at Ahmadnagar.

In his presidential address, Jinnah, touching upon the "uppermost" issue of accommodating the "new spirit" of the Home Rule Movement coherently explained the idea of provincial autonomy as well as the structure of the Central Government. The changes in the administrative structure and in the local self-government also formed topic of his comment. In a voice charged with "emotion", which "stirred" the audience, he spoke against the application of the Press laws and the Defence of India Act. He also spoke on the issues of compulsory education, Hindu-Muslim cooperation, separate representation for the Muslims. He even added that the words of "Moderates" and "Extremists" should be dropped "under one single and true name of Nationalists".[729] Thus, as a "true" leader, and statesman, he touched upon all the burning issues of the time and made far-sighted suggestions towards a new line of action for the united political forces of the country.

Jinnah's scheme of Provincial and Central Government was largely in accordance with what he had already agreed with Gokhale. The only difference was that of details and the basis of their thinking. While Gokhale based his proposal on the German Reichstag and their provincial set-up, Jinnah based on the English constitutional set-up and the Irish Home Rule Bill of 1913. Jinnah himself declared:

> He [Gokhale] has taken for his model the German constitution and the relation between the Imperial Government and Reichstag is sought by him to be applied to the Provincial and Central Government of India, whereas the preamble of my suggestions is based on the Home Rule Bill which was passed just about the, time Mr. Gokhale left England for India in 1914.
>
> Sir, no scheme of this kind can be entirely the idea of one man. Even the Chelmsford-Montagu scheme, for instance, contains many features which appear either in the Curtis scheme, or the Congress-League scheme, which again in their turn are the result of discussion and conference between many people, and there in some parts it is not possible to use different language.[730]

While Gokhale had suggested the membership of the provincial legislatures between 75 and 100 and that of the central legislature 100, Jinnah had not specified as such in his

[728] *BC*, 23 October 1916. These words or expressions have, however, not been included in Gandhi's speeches compiled as *The Collected Works of Mahatma Gandhi*, XIII, January 1915 - October. 1917, Ahmadabad, 1964, pp. 303-304.

[729] *BC*, 25 October 1916.

[730] Jinnah to the Editor in *BC*, 10 December 1918.

address. This was, most probably, because Jinnah wanted to keep the matter open between the Government and the politicians and also that the committees of both the INC and the AIML were busy in settling this matter. His specification would have hampered his mediatory role as 'ambassador of unity'. He wanted to avoid taking sides, which was the best way to act as ambassador of unity.

Even on the position of Muslims and their demand for separate electorates he was arguing in a unique style. He was speaking as if he was not projecting his own views, but those of his community. He said: "The Mahomedans want proper, adequate and effective representation in the Council chambers of the country and in the District and Municipal Boards, a claim which no right-minded Hindu disputes for a moment".[731] He also said that the Muslims "further require" their representation in the various local boards by "means of separate electorate".[732] This was the matter, he added, upon which "the Mussalman community is absolutely determined for the present. As the matter had already been settled by the Minto-Morley scheme of reforms of 1909" it was "no more open to further discussion or argument because it had become a "mandate of the community". He also elaborated that this "demand" of the Muslims was "not a matter of policy but a matter of necessity". He called upon the "Hindu brethren" to win "confidence and trust" of the Muslims by showing "no resistance" to their "demand".[733]

He considered that the attitude of the people belonging to different communities and groups should be changed in the light of the "new spirit" in India, for which he himself had contributed so much. This was necessary before the transfer of "power from bureaucracy to democracy". This change was required with a spirit of "sacrifice". Emphasizing it further he said that this was "a sacrifice that God would love" at a time when "the soul of young India has been roused and it yearns for Political Freedom". He wanted to bring India to the "status" of "respect" amongst the "nations of the world". It was with these purposes and aims that Jinnah desired to "refashion and reconstruct the constitution of the Government of India".[734]

Jinnah's position as "the President of the first United Bombay Provincial Conference" and as "one of the most representative of Indian leaders" occupying "a commanding position as a leader of political thought" was recognized.[735] He was not the leader with only "oratorial flourishes", but a "trusty" exponent of "public opinion" and a "builder" of

[731] *BC*, 23 October 1916.

[732] *Ibid*.

[733] *Ibid*.

[734] *BC*, 23-25, October 1916.

[735] *BC*, 23 October 1916.

"future constitution of India". Jinnah attained this position through his Own "exertions", though his eminence in politics was not liked by the Government of India.[736] He tactfully handled the situation, particularly the official opposition. Before he was to preside over the League session at Lucknow in December 1916, he had to see both the committees of the two political parties to come to a sort of settlement. This settlement was necessary, making unity possible at the AIML and INC sessions. His efforts had, however, been "greatly strengthened by the Provincial Conference held at Ahmedabad in October 1916.[737]

As planned, the AICC, being the senior organization, was to take the step first. Accordingly, a three-day, meeting was held at Allahabad on 22-24 April 1916, which was presided over by Pandit M. M. Malaviya.[738] It framed "tentative" proposals which were circulated amongst its provincial committees. It was further to finalize its deliberations by August 1916.[739] The Proposals of the provincial Congress committees were received by the AICC by the end of July. Jinnah played an "important role" in the deliberations of the AIML Committee which met on 16 August and "he modified the draft which Syed Wazir Hasan had prepared as a basis for discussion".[740] The "amended draft" was circulated amongst the members of the AIML "for eliciting their opinion and comments".[741] The suggestions of the individual members were discussed by the League committee on 16 November 1916 when the recommendations on behalf of the AIML were finalized. After this a joint meeting of the Congress and League Committees was held on 17 November at Calcutta, presided over by Surendranath Banerjea, a leader from Bengal.[742] Jinnah had to work hard in both the committees to achieve a consensus of opinion. There was an agreement on most of the points but a sharp debate took place over the "question of the strength of Muslim representation in various councils" on which the committees ultimately "agreed" to place "them for settlement" before the sessions of the Congress and the League.[743] Jinnah's contribution towards unity was duly recognized by the Muslim League Council which decided in October to appoint

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[736] *BC*, 28 October. 1916.

[737] *Moral and Material Progress and Condition of India*, a report of the Government of India, cited in Tendulkar, I, *op. cit*., p. 231.

[738] *BC*, 24-26 April 1916.

[739] Sitaramaya, *op. cit*., p. 213; and Robb, *op. cit*., p. 12.

[740] Syed Shamsul Hasan, *Plain Mr. Jinnah*, Karachi, 1976, pp. 12-13.

[741] *Ibid*., p. 13.

[742] *Ibid*., p.13.

[743] *BC*, 20 November 1916.

him the President of the next League session to be held in December at Lucknow. The choice was much hailed in the Congress Circles.[744] The able handling of the situation by Jinnah as President of the Muslim League with the support of Tilak in the Congress, a joint scheme of reforms was evolved by both the parties. This came to be known as "Congress-League Joint Scheme of Reforms" or the "Lucknow Pact", which was made possible by the "signal service" of Jinnah to the cause of unity.[745] The Muslim League and the Congress speakers at the Lucknow sessions considered this scheme "as the first necessary step towards the establishment of complete self-government in India".[746]

This joint scheme of reforms was a sort of an agreement on certain principles of fundamental importance at the national level by which both the parties were to share power in executive and legislative functions. This was however, more specified than what was contained in "Gokhale's Testament" or what Jinnah had suggested in his Bombay Conference presidential address. It, however, contained what was already suggested by Jinnah in both these documents or in the Memorandum of the Nineteen Members of the Imperial Legislative Council with which Jinnah was deeply associated. According to the Lucknow Pact, the Congress was to have two-thirds representation at the central executive and legislature, while the Muslim League was to get one-third representation. In matters religious, however, certain safeguards were agreed upon. All such matters required for their passage the support of three-fourth members of the concerning community. Separate electorate for the Muslims was recognized as the principle of cardinal necessity which was adopted after a lot of assurances by Jinnah who was backed by Tilak. Thus by uniting the two chief communities, Jinnah as an "arch culprit", as he himself used the terminology, had paved the way for unity amongst all the communities of India, giving "a new wave" to the country's political life.

While Jinnah was making this tremendous contribution to the cause of unity, he was correspondingly giving a new sense of direction to the Muslims of the subcontinent whose "loyalty" to the British Crown was considered by him not u "small asset". In his presidential address at the Lucknow League session, Jinnah induced the Muslims "to learn to have, self-respect", "infuse greater spirit of solidarity into our society" by "cooperation with each other" which could be possible only if we "sink personal differences and subordinate personal ambition to the well-being of the community". Thus, he added, "we must show by our words and deeds that we sincerely and

[744] *BC*, 14 October 1916.

[745] *BC*, 1 January 1916. Also see Akbar Bhai Pir Bhai, 'Quaid-i-Azam Muhammad Ali Jinnah', in Muhammad Hanif Shahid (ed.), *Tributes to Quaid-e-Azam*, Lahore, 1976, p. 15; Khalid Bin Sayeed, *Pakistan: the Formative Phase 1857-1948*, 1978, a reprint, pp. 40-41.

[746] BC, 1 January 1917; Report of the Thirty-first Indian National Congress held: at Lucknow on the 26th, 28th, 29th and 30th December 1916, Lucknow, 1917, p. 7.; and Abdul Lateef, "From Community to Nation: the Development of the Idea of Pakistan", Ph. D. Dissertation, Southern Illinois University, 1965, pp. 88-89.

earnestly desire a healthy national unity. For the rest, the 70 million of Mussalmans need not fear".[747] All this was necessary because, in the words of Jinnah:

> Renaissance of India really lies in our own hands. Let us work and trust in God so that we may leave a richer heritage to our children than all the gold of the world, namely, freedom for which no sacrifice is too great.[748]

Thus, Jinnah, along with his associates, was able to accomplish the task of unity despite a sense of alarm in official circles and hindrances from dissenters within the Bombay and the Punjab branches of the AIML. But all these had an insignificant effect on his unity endeavors. It was, however, later that the Government could make those dissenting elements, gain ground and become a threat to the cause of unity and freedom of the country.[749]

Before discussing Jinnah's role in the Imperial Legislative Council, (in the next chapter), one thing, however, seems worth noticing. The Government, became aware of the disappearance of the Moderate from the political scene In this connection Meston, the Lt. Governor of the U.P. had a meeting with Jinnah which was thus reported to the Viceroy.

> Jinnah came to lunch with me at the end of the week, and had a long talk afterwards. He was perfectly frank about the disappearance of the Moderates; what else could you expect? he asked. The Extremist has a definite programme, impracticable perhaps, but appealing keenly to the pride of the people. The Moderate has no particular creed, except trust in Government. If he goes on the platform and also asks his audience to trust Government, they immediately challenge him to tell them what Government is going to do for them. He is unable to reply Government has not confided its intentions to him; and he is shouted down. The Extremist, on the other hand, is definite, plausible, and unless he breaks the law, there is nothing to show that Government disapproves of his propaganda. All this I merely quote from Jinnah who is, as your Excellency knows a very plausible person himself.[750]

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[747] *BC*, 1 January 1917.

[748] *Ibid*. For partial text of Jinnah's address see Pirzada, I, *op. cit*., pp. 370-377, but for better text see M. Rafique Afzal (ed.), *Select Speeches and Statements of the Quaid-e-Azam Mohammad Ali Jinnah (1911-34 and 1947-48),* Lahore, 1976, pp. 45-64.

[749] Robb, op. cit., p. 70; and Nawab Murtaza Husain Abdj's tape-recorded interview, 12 March 1970, South Asian Institute, University of Cambridge, S. 26. In this session he acted as Jinnah's "body guard".

[750] Meston to Chelmsford, 11 January, Chelmsford Papers, E. 264/17.

Thus Jinnah himself emerged as an "extremist" leader of the advanced section - his Moderate role disappearing.

Chapter V

THE CRUCIAL YEARS: 1916-1920

In 1916 Jinnah was at the climax of his popularity both among the Hindus and the Muslims - a position which he had attained by bringing the two major political organizations round to a common goal of "self-government suitable to India" and by evolving a constitutional formula by consensus. The only obstacle now left in the way of attainment of goal was the British power, whose willingness to share authority and the honesty of dealing remained to be tested.[751] In the growing complexities of the First World War the path towards the goal was not a smooth one. Although all the Indian leaders had volunteered to give full support to the British in their War effort, mainly to preserve democratic rights, freedom and peace, yet it was far greater price they paid for their goal.[752] The Muslims particularly were to be greatly shocked. As the War progressed the Ottoman empire was shattered to pieces resulting in the overthrow of the Khalifa. Emotionally attached to both, the Muslims were profoundly unhappy over the development.[753] On the other hand, the British could not but carry out a programme of progressive reforms in the constitutional field so as to give greater chances of association to the Indians with the administration of the country.[754] The Indian attitude towards these constitutional reforms could not be expectedly uniform.[755] The vested interests were multi-dimensional and so was the response multi-facetted. Jinnah stood firm to acquire more and more power by playing the constitutional role of an Opposition in India.[756] This was the overall framework within which he was working. The British, by expanding the electorate, had trotted out another plan to woo the intellectual and industrial class who had their own interests to satisfy.[757] But the actual

[751] *BC*, 1-4 January 1917.

[752] *BC,* 28-31 December 1916.

[753] *Ibid*.

[754] *BC*, 21 August 1917.

[755] See Edwin S. Montagu, *An Indian Diary*, London, 1930.

[756] *BC*, 29-31 December 1916, 1-2 January 1917; and Syed SharifuddIn Pirzada (ed.) *Foundations of Pakistan*, 1, Karachi, 1969, pp. 370-391; Mohammad Umar (ed*.), Quaid-e-Azam Mohammad Ali Jinnah: Rare Speeches 1910-1918*, Karachi, 1973, pp. 139-157; and M Rafique Afzal (ed.), *Selected Speeches and Statements of the Quaid-e-Azam Mohammad Ali Jinnah (1911-34 and 1947-48)*, Lahore,1976, pp. 45-64.

[757] *Report of the Joint Parliamentary Committee on the Government of India Bill 1919 in Parliamentary Papers*, IOR. L/Parl./2/405.

political movement could not be limited to the educated class as emotions and sentiments had been surcharged with new hopes and fears, which became more and more complicated because of the administrative muddle that ensued at the end of the First World War.[758] These feelings created a still different frame which had far reaching influence in the emergence of new leadership. Jinnah, true to his own model, remained firm and determined, and though left alone by the end of 1920 by other leaders, his own high position and leadership did not suffer as he still remained the focus of attention and a personality to be looked up to when all-India issues confronted the nation,[759] Jinnah as a leader remained uncontested although his own following underwent a material change.[760] In the unfolding of this change lies hidden the historical role that the different communities in India had been playing for the attainment of their freedom and self-preservation. Jinnah lent his full support to the wishes of these communities as he had brought them together in his earlier political role. Jinnah was now to become the god-father of a movement that would lead to the independence of these communities in the historical context of the subcontinent. There was a long way to go before the new position could be redefined and cleared. The year 1920 is the dividing line between the old political methodology and the new movement for gaining political power. When mass pressure was introduced into politics by Mahatma Gandhi to force the hands of the British, Jinnah did not give up his stand and remained committed to the goals set by the historic communities as well as to the ideal of sharing power equitably by the political organizations that had matured in this century.[761] No emotional movement could shake him from this set purpose.[762] He had a set political, model, although new events required new definition for its achievement.

This study could be started from his own private life during this period. Jinnah looks like a human being mixing freely with the men who had profited by English education and had acquired an admiration of English ways of living, and had adopted a style of behavior pattern that was English in the background but Indian in environment.[763] Here, the Parsis in Bombay had established for themselves a status that was envied by others as it was a privileged position even among the elites. Jinnah, thoroughly conversant with English ways of living, could not but find a welcome place in the social

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[758] *Ibid*.

[759] *BC*, 1-2, 4, 20 January, 20 February 1923; and *TI*, 4 January 1923.

[760] *Ibid.*

[761] *BC*, 17 November 1919.

[762] *BC*, 1 November 1920.

[763] Aga Khan, *The Memoirs of Aga Khan*, London, 1954, pp. 54-89; G. Allana*, Quaid-e-Azam Jinnah: The Story of a Nation*, Lahore, 1967, p. 168; M. H. Saiyid, *Mohammad Ali Jinnah (A Political Study)*, Lahore, 1962, a reprint, pp. 3-5; and Hector Bolitho, *Jinnah, Creator of Pakistan*, London, 1954, pp. 64-75.

living of this community.[764] He, being the man of fashion, belonged to this group.[765] It is at this time that we find him coming socially nearer, to the well-known Parsi Petit[766] family of Bombay. He enjoyed the privilege of sharing their company in their summer resort in Mussourie.[767] In the cool atmosphere of the hill station the middle-aged politician must have exhibited his youthful habits of horse-riding and other games, whiled away his time with the young daughter, Ruttie, of the Petit family.[768] Under this circumstance the girl could not but, feel attracted towards the great personality of Jinnah, whose youthful behavior may have added new charms to moments of relaxation.[769] Whatever may have been the original attractions, Jinnah, for the first and last time in his life, felt humanly involved with this young girl. Unfortunately, the biographers have not furnished us with much detail. Anyhow this was undoubtedly a theme that could explain the innermost feelings of this great man.[770]

However, three points come out very clearly in his marriage with Ruttie.[771] The first is the determination of the man, who, having taken a decision for marriage, would not yield to the pressure of the daughter's parents although they had been his good friends.[772] The second was the barrister in him which could not make him act contrary to law. When Sir Dinshaw Petit advanced the argument that Ruttie was a minor and that she could not get married at this age out of her own will, Jinnah waited for two years to see the girl attain the age of marriage and then make her decide according to the law, out of her own choice to marry Jinnah.[773] In this free choice the barrister was

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[764] *Ibid.*

[765] *Ibid.*

[766] The Petit was a Parsi family headed by Sir Dinshaw Petit, one of the industrial magnates of Bombay. He was also one of the ranking lawyers of Bombay High Court. He was so much attached to Jinnah that he frequently invited the latter to "dinner parties". See Allana, *op. cit.*, pp. 166-167. This close relationship later developed into love relationship between his daughter and Jinnah.

[767] Kanji Dwarkadas, *Ruttie Jinnah: the Story of a Great Friendship*, Bombay, n.d. 1963?, pp. 10-14; Syed Sharifuddin Pirzada, *Some Aspects of Quaid-e-Azam's Life*, Islamabad, 1978, pp. 43-55; and Bolitho, op. cit., p.75.

[768] *Ibid*.

[769] *Ibid*.

[770] *Ibid*.

[771] On 19 April 1918 Jinnah's marriage with Ruttie (or Ruttenbai), a girl of 18 years, was conducted in Bombay. Two years earlier she had developed her love relationship with Jinnah. Before her marriage she "underwent conversion to Islam". See *Statesman*, 20 April 1918. Other papers including the *Civil and Military Gazette* (Lahore) also reported about this marriage but in a very brief way. See *BC*, 20 April 1918; and *TI*, 20 April 1918.

[772] *TI*, 20 April 1918; and Dwarkadas, *op. cit.*, pp. 10-14.

[773] Bolitho, *op. cit.*, p.75.

again acting in accordance with the English style of social living. And yet Jinnah was not all that English. He persuaded the young girl to adopt Islam as her religion before the marriage took place according to Islamic rites.[774] It is in this conversion that one could read the force of family tradition and the Islamic background that must have weighed in the mind of Jinnah.[775] Actually, Jinnah won her over to his side. It will not be true to say that the conversion was other way round and Jinnah fell a prey to her feminine romances. In the subsequent years, Jinnah won her over even to his political life.[776] But, if Kanji Dwarkadas is to be relied upon, politick was too much for young Ruttie, who was more prone to enjoy life and literature. Jinnah, later, could not give all the company to her, probably, because of his too much involvement in politics. The result was a dismal failure of his married life, separation and her untimely death. However, Jinnah remained devoted to her till the end and, even after her death, would wishfully see her clothes in moments of relaxation.[777]

From his private life we can go to his legal engagements in this period and draw conclusions about the personality of the man. Although he continued to practice in some criminal cases, yet in this period he involved himself more and more in constitutional and law suits. It was after Jinnah's intense pleadings on section 233 of the Contract Act in the Specie Bank Share case on behalf of the first defendant that Chief Justice Macleod found "all the issues in favor of the first defendant and dismissed the suit ordering the plaintiff to pay the costs of the first defendant".[778] In the *Bombay Chronicle* security case, Jinnah ably pleaded the points of law connected with the application of the Press Act, which the paper termed "Star Chamber" Act, in December 1917.[779] *The Bombay Chronicle*, a pro-Jinnah paper, was unnecessarily required by the Government to deposit. Rs. 2,000 as security by an order of the Magistrate, which Jinnah challenged in the court.[780] In his definition of section 8 (2) of this Act, Jinnah established that the Magistrate was required to record "special reasons" for asking the maximum security of Rs. 2,000 (minimum being Rs. 500) from any newspaper or printing establishment. He also questioned the appearance of the Advocate-General in this suit because, according to him, "the Government had nothing to do with it". He tried to prove that there was "no such thing in the Act" of issuing provisional order.

[774] *Statesman*, 20 April 1918.

[775] See chapters I and II.

[776] *BC*, 28 April, 12-14 December 1918; and *TI*, 12-14 December 1918.

[777] Dwarkadas, *op. cit.,* pp. 16-17; and Allana, *op. cit*. pp. 169-170.

[778] Proceedings of Bombay High Court, in *BC*, 6 February 1917.

[779] Proceedings of Bombay High Court, in *BC*, 20 December 1917.

[780] *Ibid.*

Because once the Magistrate had dispensed with the security in the past, he was acting as "*functus officio*".[781] As the Government was bent upon, getting security of Rs. 2,000 the Magistrate passed the order accordingly, but without recording the reasons as required under the law. The publication of proceedings of this case further exposed the high-handedness of the Government.

In a suit of Orphan son's rights, the question of "Mitakshara Law" was ably elaborated by Jinnah, who appeared in this suit, with two other, barristers M. R. Jayakar and Rangnekar - for the first defendant.[782] It was after Jinnah's able pleadings of the relevant portions of the Insurance Companies Act that he could win judgment favorable to his client (Jamnadas Trikamlal Satia) against three insurance parties.[783] The latter's plea was advanced by Strangman, G. D. Inverarity and S. R. Davar, the leading barristers of the High Court.[784] Similarly Jinnah explained the points of law in the Indian Copy Right Act (1914),[785] Railway Act,[786] Cooperative Societies Act,[787] Defence of India Act (1915),[788] and Code of Criminal Procedure.[789]

He also appeared in some cases the like of which he had experienced in his early family life. He successfully pleaded for his clients in the disputed claim to a "rich estate",[790] in late Raja Bahadur Motilal's Estates,[791], a partnership dispute,[792] an Arab Pearl Merchant's Insolvency,[793] a business suit in which "a consent decree" culminated,[794] and

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[781] *Ibid.*

[782] Proceedings of Bombay High Court in *BC*, 26 Jan. 1917.

[783] These companies, as parties, were: (1) The Scottish Union and National Insurance Co.; (2) The British—America Assurance Co.,; and (3) The Easter United Assurance Corporation Ltd.

[784] Proceedings of Bombay High Court, in *BC*, 31 January 1917.

[785] Proceedings of Bombay High Court, in *BC*, 15 February 1917.

[786] Proceedings of Bombay High Court, in *BC*, 2 February 1918 and 24 January 1919.

[787] Proceedings of Bombay High Court, in *BC*, 24 January 1919.

[788] Proceedings of Bombay High Court, in *BC*, 14 February 1919 and 14 October 1920.

[789] Proceedings of Bombay High Court, in *BC,* 22 October, 6 December 1920.

[790] Proceedings of Bombay High Court, in *BC*, 16 June 1917.

[791] Proceedings of Bombay High court, in *BC*, 18 July 1918.

[792] Proceedings of Bombay High Court, in *BC*, 26 July 1917.

[793] Proceedings of Bombay High Court, in *BC* 14 August 1917.

a suit in which directors and share-holders were interestingly "at variance".[795] Such cases had been witnessed by him against his father on return from England in 1896, as discussed before.[796] Another case was that of a dispute between a "young girl and chauffeur" in which the latter claimed his marriage with the young lady. The young girl, Khanum Bahjat, a Muslim of Persian community in Bombay, refused to admit so.[797] Her case was pleaded at the Court by Jinnah. The latter's marriage in the recent past was also conducted as a result of love relationship. Therefore, he well understood, how a lady could feel about the man or the "chauffeur" who was basing his claim on false evidence; Jinnah succeeded in pleading the case for the lady's free will against the chauffeur. A particular point out of Jinnah's pleadings was even noted in Justice A.M. Kajiji's judgment with emphasis. And that was Jinnah's questioning "whether any parent—much less a Mussalman parent—would keep a man of the defendant's position [chauffeur][798] in his service for a moment after knowing that his daughter wanted to marry the servant", because according to the servant he had been allowed to continue in service for 13 months after marriage. Thus the court, accepting Jinnah's legal arguments, declared that "the defendant was not and never has been her husband."[799]

In a number of suits Jinnah succeeded, in winning High Court's orders to reverse decisions of the lower courts and in defining High Court's jurisdiction according to the legal points pleaded by him.[800] He also appeared in some suits relating to disputes over temples and mosques.[801] Though Jinnah was careful enough not to allow any conflict to occur between his legal profession and public duties, still we see a single instance in the period of this study when he was compelled to ask adjournment of the jewellers business suit in which he was appearing as head of nine counsels. He asked for postponement of the suit because he had to proceed to Delhi as member of two Joint Delegations - one on behalf of INC and AIML headed by B. G. Tilak, while the other of two Home Rule Leagues headed by Mrs. Annie Besant. When he saw that Weldon, his

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[794] Proceedings of Bombay High Court, in *BC*, 24 January 1918.

[795] Proceedings of Bombay High Court, in *BC*, 22 January 1920.

[796] See chapter II.

[797] Proceedings of Bombay High Court, in *BC*, 16 February 1920.

[798] Author's parenthesis.

[799] Proceedings of Bombay High Court, in *BC*, 16 February 1920.

[800] Proceedings of Bombay High Court, in *BC*, 17 February, 14, 20 June, 18 August, 17 November, 12, December, 1917, 29 January, 23 February, 18 June, 8 July 1918, 8, 14, 22 January, 16 February, 12, 17-18 June, 6 July, 25 September 1920.

[801] Proceedings of Bombay High Court, in *BC*, 21 November 1917, 31 August 1920.

opposing counsel, was not agreeing to postponement on public grounds, Jinnah was reported to have said that:

> During his practice of eighteen years at the Bar, he never had made an application of this kind on personal grounds, and he had made it on this occasion in view of the very complicated nature of the suit under trial by his Lordship. This was a case of conflict between his public duty and his duty towards his client.[802]

The nature of public duty, however, was not revealed to the Court but we come to know about it from other sources. This case was interestingly entitled "Conflict Between Duty to Client and Public Duty" by the *Bombay Chronicle*.[803] Convinced of the sincerity of the cause and the "complicated" nature of the suit in which Jinnah's presence was considered of utmost importance by the client, the court granted the application.[804]

Certain writers have pointed out that Jinnah disliked appearing with a lawyer who had once opposed him in any court suit.[805] Some have projected him as a barrister, who never appeared in the court of a judge with whom he quarreled on a point of law.[806] Jinnah was indeed a different lawyer. But he observed full norms of the profession. He never felt ashamed of appearing before a judge with whom he had quarreled over a point of law.[807] Normally the judge and the lawyer argue in all important suits. They meet the joints of the opposing counsel. This is what their profession demands. But once they are out of the courts they meet as friends. There are many cases to cite in support of this contention. For instance Inverarity, Strangman, Binning or Campbell, the topmost European barristers at the Bombay bar, appeared against Jinnah on many cases including some political suits like that of Tilak.[808] We also see a number of cases when they appeared with Jinnah or vice-versa for the same client and for the same purpose.[809]

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[802] As reported by the *BC*, 26 November 1917.

[803] *Ibid.*

[804] *Ibid.*

[805] For instance see Chirnarilal H. Setalvad, *Recollections & Reflections: An Autobiography*, Bombay, 1946, pp. 66-68; and M. C. Chagla, *Roses in December. An Autobiography*, Bombay, 1974.

[806] For instance see Chagla, *ibid*.; M. R. Jayakar, *The Story of My Life*, I, Bombay, 1958, pp. 89-91; and T. V. Parvate, *Makers of Modern India*, Jullundur, 1964, PP. 93-95.

[807] Already discussed in chapter IV.

[808] *Ibid.*

[809] For instance see Proceedings of Bombay High Court, in *BC*, 31 January, 26 July 1917, 24 January 1918, 14, 22 January 1920.

Mostly leading lawyers appeared with him. And he frequently acted as the head of the team. In this regard he had no sectarian or religious priorities The only priority before him was the professional quality.[810]

The political struggle during World War I and after the Lucknow Pact provides a new perspective of Jinnah's monumental work. He wanted to attain Home Rule for India through dialogue and negotiations with the British rulers, an indication which he gave in his Lucknow address.[811] It was also through dialogue and parleys between the leaders of Muslims, Hindus, and Parsis that he evolved a Joint Scheme for Reforms.[812] On the, same principle he wanted to negotiate with the British Government. For this reason he made Lionel Curtis, a Member of Bombay Governor's Executive Council and leader of the recently formed Round Table group, Sir James Meston, the U.P. Governor and some other officials, attend the Lucknow gatherings of the AIML and INC.[813] Jinnah was so passionate to open the dialogue with the Government that immediately after the Lucknow gatherings he arranged a meeting between Curtis (who had prepared new scheme to counter the Lucknow Pact of unity on orders of the Viceroy), and the Indian political leaders. Curtis later informed Chelmsford that it was "at Jinnah's request that I met the Bombay political Caucus last Thursday".[814] These "proceedings lasted about two hours."[815] In order to meet these 70 politicians, Curtis had returned to Bombay, after seeing the Viceroy in Delhi and attending the Lucknow sessions, to discuss matters on Jinnah's "request".[816] After such meetings Jinnah was so spirited in his belief of winning freedom through dialogue that he emphasized its further need in his various, public pronouncements.[817]

He wanted to use these negotiations to rouse political consciousness among the people as well. He held various public meetings, calling upon the educated classes to prepare

[810] The leading lawyers who appeared with him during 1916-20 mostly were: B. J. Desat, D. F. Mulla, J. Baptista, D. N. Bahadurji, Strangman, Jayakar, Rangnekar, Binning, Dadachanji, C. H. Setalvad, V. C. Kelkar, Subnis, G. N. Thalkore, Manilal K. Thokore, Padye, Pilgamker, R.S. Billiomoria, F.B. Tyabji, D.A. Tuijapurkar, J. H. Vakeel, S. R. Bakhla, B.G. Modak, J.D. Davar, Kanga, Munshi, V.G. Dalvi, G.P. Murdeshwar, J.G. Rele, A.C. Campbell, P.V. Vatcha, V.G. Taraporewala.

[811] Pirzada, Foundations . . ., i, *op. cit*., pp. 371-377, 389-390; and *BC*, 31 December 1916,1-2 January 1917.

[812] For its discussion see chapter IV.

[813] *BC*, 29-31 December 1916, 1-3, 5 January 1917.

[814] Curtis to Chelmsford 2 January 1917 *Chemsford Papers*, IOL. MSS Eur. E 264/18.

[815] *Ibid*.; and *BC*, 27 January 1917.

[816] *Ibid*.

[817] For instance see *BC*, 25 January 1917, 21 and 28 July 1917; and FMA, Karachi University, *AIML Records*, Council Meetings, 1917, F. No. 114.

themselves to share responsibilities for running the Home administration. Jinnah launched upon this course immediately after the Lucknow Pact. Of the other politicians we see Tilak and Mrs. Besant competing with each other for starting their separate Home Rule Leagues. While Tilak formally started his Home Rule League in April 1916,[818] when he saw signs of unity between the AIML and INC Committees to evolve a common plan for self-government, Mrs. Besant formally launched her Home Rule League on 1 September 1916, a few days after the joint session of committees of the two organizations.[819] Initially, Jinnah joined none of these two organizations, though he had close political links with both of them.[820] In fact Jinnah was, attracted more by principles than by personalities.[821] He did not join Besant's Home Rule League until June 1917 when she was interned.[822] This was also "more as a protest against her internment by Lord Pentland in Madras than for love of the League" or Mrs. Besant.[823] Before joining this Home Rule League Jinnah had emerged as a great leader, and most of the functions organized by the two Home Rule Leagues in Bombay were held under his common presidency. This was because of his popularity. He remained a member of the Home Rule League from 18 June 1917 to 5 October 1920. During this period, also, he was usually accepted as common president of the public meetings organized jointly by Tilak's and Besant's Home Rule Leagues.[824] He managed huge funds for holding such joint meetings and preparing pamphlets issued on behalf of Bombay Home Rule League thus playing a key role in all the Home Rule activity.[825] Industrial magnates like S. R. Bomanji and Sir Ibrahim Rahimtoola lavishly contributed to such funds until the British victory in the War changed the whole national and international situation.[826] These industrial magnates, withdrew their support to Jinnah and his dedicated cause of Home Rule on seeing the British reaction against it.[827] However, during the War years

[818] T. V. Parvate, BaL Gangadhar Tilak, Ahmadabad, 1958, pp. 334-335; D. V. Tahmankar, *Lokmanya Tilak: Father of Indian Unrest and Maker of Modern India*, London, 1956, pp. 200-238.

[819] See chapter IV.

[820] *Ibid.*

[821] *Ibid*.

[822] *BC*, 19 June 1917. She was Interned on 15 June. Jinnah announced his joining as such on 19 June 1917.

[823] Purvate, Makers ... *op. cit*., p. 93.

[824] For instance see *BC*, 25 January 1917.

[825] This fact was even recognized by M. K. Gandhi in a meeting of Swarajya Sabha (before 3 October 1920 known as All India Home Rule League) held on 3 Nov 1920 under the latter's presidency after Jinnah's resignation. See report of the Home Rule League for the years 1917-1920 published in *BC*, 5 November 1920.

[826] *BC,* 17 November 1919.

[827] *BC,* 10-11 December 1918 and *TI*, 9-13 December 1918.

Jinnah had succeeded in popularizing the cause of Home Rule, as a first step towards freedom of the country. The Bombay Home Rule League kept the countrywide Home Rule activity integrated, a spirit which was lost after his resignation.

Jinnah mobilized public support to such an extent that he called upon the British rulers to realize the need to "transfer power" into Indian hands:

> We are maintaining a calm atmosphere for Montagu who is in this country investigating the case of Home Rule for India and let there be no bungling let it be quite clear that the demand for the immediate step towards the transfer of power into our hands for the control of the Government of this country and for the marking of a clear road to establish Self-Government was the united demand of the people of this country. It is the birthright of every man and the laying down of the principle of self-determination for India.[828]

Jinnah pleaded and worked hard for changing the rules and regulations of the country so as to make possible Indians entry into every branch of Indian administration. If the country was to attain freedom in the near future, he believed it was necessary that a sizeable portion of the civil services be well trained to shoulder the coming responsibilities At all platforms - council, legislature or political - he eagerly pleaded for people's right for a larger share in administration.[829] Speaking on a resolution regarding "Simultaneous Examinations, for the Indian Civil Service in India and England" on 21 September 1918 in the Imperial Legislative Council, he emphatically said in reply to Sir William Vincent's official stand:

> If you had simultaneous examinations in this country you would find better men, better talents will have an opportunity of competing and you will get better men, I venture to say better men will get in, if you had examinations here in India as well as London. Therefore, Sir, I strongly object to the present system of recruiting for the Civil Service, and I say that it is obvious to any thinking man that, while theoretically the Civil Service examination is open to the sons of India practically every possible difficulty is put in their way and the result of that is that you find (I believe I am right) that out of 1300 civilians holding various posts in this country, today these are no more than 60 or 70 Indians. Well, that is the state of things, that although in theory it is open to His Majesty's subjects in India to compete for Civil Service, to all practical purposes the door is really closed. Now we say open that door properly and let. there be honest equal competition.

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[828] Jinnah's public address, in *BC*, 27 March 1918.

[829] Pirzada. *Foundations*, I, *op. cit.*, pp. 370-381, 542-544; *The Indian Annual Register*. Pt. III, 1920, pp. 217-221; *Proceedings of the Council of the Governor-General of India, from April 1909 to March 1910*, XLVIII, Calcutta, 1910, pp. 591-593; *Proceedings of the Indian Legislative Council, from April 1916 to March 1917*, LV, Calcutta, 1917, p. 76.

> Let the best talent of India compete for it. Put any test you like, and then, whoever is the fittest should get into that service.[830]

This candid and vehement criticism exposing the difference between "theory" and "practice" of the British policy "struck dismay into services" and caused "most serious apprehension" amongst the civil servants.[831] The most concerning matter for O'Dwyer, the Punjab Governor, was such forthright remarks of Jinnah and his associate politicians who were "welcomed by the extremists as foreshadowing the hauling down, at no distant period, of the British flag and all it stands for".[832] Similarly, Jinnah advocated for representation of Indians in Defence Services, Railways, Police administration and other, services.[833]

He was particularly concerned with the Defence Force. To get it Indianized to the maximum level, he utilized the War plea. This was the first great issue emerging after the Lucknow meetings of parties that attracted the attention of politicians. In February-March 1917 session of Imperial Legislative Council, this caused a heated debate. Members expressed themselves freely, particularly Jinnah, who had come to Delhi to attend this session after mobilizing public support in Bombay.[834] Great hopes were raised.[835] While Jinnah, in his speech at the floor of the Legislative Council on 21 February 1917, assured the Government of the Indian loyalty, he invited attention to the advantages this scheme offered:

> My reasons are that service, rendered during the period of War, will prepare these young men for the future army. There is not the slightest doubt that our frontiers have to be guarded conditions are changing; events are moving rapidly. I do not wish to enter into details at this juncture but suffice it to say that if anything untoward happens, it would be impossible in the present condition of our army to make an adequate defence of this country. What I call a national army, I venture to say, must come, and the sooner it comes the better - a national army not in the sense that it will be entirely a paid army; there must be a reserve and militia behind it. My Lord, we know from the experience of this War how

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[830] *Proceedings of the Indian Legislative Council, from April 1917 to March 1918*, LVI, Calcutta, 1918,p. 342.

[831] Michael O'Dwyer's 'Memorandum on the Government of India's Suggestions for Constitutional Reforms', 10 January 1918, in *Proceedings of the Home Department (Confidential)*, IOR. P/43.

[832] *Ibid*.; *BC*, 11, 13-15, 20-27 September 1917; Montagu to Chelmsford, 4 October 1917, Chelmsford Papers, E. 263/3.

[833] *Proceedings of the Indian. Legislative Council, from April 1916 to March 1917*, IV, Calcutta, 1917, pp. 1095-1108; and *Proceedings of the Indian Legislative Council, from April 1917 to March 1918*, pp. 506-509, 1062-1063.

[834] *BC*, 16 February 1917.

[835] *BC*, 22 February 1917.

> essential it is to have an adequate number of officers. It is well-known fact that, in the Indian army, we have got just enough officers, and if any calamity comes there will be such a paucity of officers that it will be very difficult to manage our affairs. Therefore, I strongly urge that Indian boys between the ages of 16 and 18 should be given an opportunity of local military service during the period of war, and, when the bigger question comes to be considered, this will be the material ready to a certain extent having undergone a certain amount of training already, and therefore fit for the future formation of a national army.[836]

Thus it was amidst great hopes that the Indian Defence Force Bill was passed. Many jobless educated young men, who saw prospects of employment, enthusiastically supported the move. But the Indian Defence Force Act did not fix the number of Indians required to be recruited. It was vaguely left to the judgment of the Government which in April 1917 announced that it desired to recruit 6000 men in Defence Force, of which 1000 were allocated to Bombay Presidency. Under the Act, the Indians could not go beyond the rank of Risaldar Majors or Subedars. The Indians were not to be given the King's Commission. Despite these drawbacks, Jinnah was in favor of seizing the offered opportunities, though these proved more as promises than fulfillment. Addressing a joint meeting of the two Home Rule Leagues in Bombay on 22 April 1917, he thus advised:

> We must remember our ideals, our aspirations, and that we are a part of the British Empire. We must remember that the bureaucrats who had the direction of this country were not the only people who have to look after the interests and progress of this country. It is our duty to come forward, in spite of the fact that the authorities have done everything to mar the scheme. The question is: Are we going to mar the scheme also and the interests of ourselves and the Empire?[837]

In this "wise guidance" to the educated youth, Jinnah was duly supported by the audience and various letters to the editor appeared in the Indian newspapers.[838] To circulate these ideas at other places in the Presidency, the Joint Honorary Secretaries of the two Home Rule Leagues sent special circular letters.[839] But these efforts proved fruitless, because the Government was still not practically ready to recruit Indians to higher ranks. Whatever it was doing by passing the Indian Defence Force Act was all in

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[836] Jinnah's speech on the 'Indian Defence Force Bill', *In Proceedings of the Indian Legislative Council from April 1916 to March 1917*, p. 336; and Umar, op. cit., pp. 62-3.

[837] *BC*, 23 April 1917.

[838] For instance see *BC*, 24-28 April, 5, 26 May 1917.

[839] B*C*, 26 May 1917.

theory. Similar policy was maintained by Lord Chelmsford, the Viceroy in other matters of policy.[840]

Though the Government did nothing for practical realization of the scheme, yet Jinnah was not disappointed. He continued to plead the cause. On his return to Bombay from England in November 1919, the Indians were undergoing a repressive policy of the Government. It was an alarming situation. Nevertheless, Jinnah was not shaken in his belief to strengthen country's defenses. He, rather, became determined. Speaking on "Essentials of Indian Renaissance", he had gone to the extent of saying that there can be "no Home Rule without power to defend homes," a head-line given by the *Bombay Chronicle*. He convincingly said to the BC special representative:

> I would ask the people of India now to concentrate their attention more on the naval and military questions concerning which are far more important than anything else at present.[841]

This plea of Jinnah was duly advocated by the *Bombay Chronicle* editorial entitled "India's Vital Need".[842] With regard to Government's "military policy", he refused to take the announcement of 20th August by itself".[843] Thus he desired to prepare Indians in defence requirements necessary for some bigger action in future, the details of which he avoided to reveal at least for the time being.

In this way he was acting in two ways: one, preparing the Indians for the coming responsibility of freedom; and the other, arguing with the British rulers the cause of Self-Government in the light of their own history.

Democratically, the Bombay people proved far ahead of others in expressing the will and also a degree of preparedness to get Self-Government. At that time, 10 to 12 percent of the Indians formed the educated class, which Jinnah considered sufficient to receive Self-Government.[844] For convincing the British, he advanced arguments from their own political history. For "the franchise", on "as broad and safe a basis as possible", of educated class, Jinnah suggested to Montagu:

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[840] P. G. Robb, The *Government of India and Reform: Policies towards Polities and the Constitution 1916-1922*, Oxford, 1976, pp. 50-52.

[841] *BC*, 17 November 1919. For the text of this see Appendix "D".

[842] *Ibid.*

[843] *Ibid.*

[844] *Jinnah 's Evidence before the Joint Parliamentary Committee on the Government of India Bill 1919; and Minutes of Evidences Taken before the Joint Parliamentary Committee on the Government of India Bill 1919*, in Parliamentary Papers, IOR. L/Parl/2/405.

> We suggest that every person who is qualified, either by reason of payment of revenue, or by reason of his earning a certain amount of wage, or by reason of certain educational qualification, ought to have a vote in these elections. We tentatively suggest in this respect that every person who pays revenue assessment of Rs. 50, or any person who earns a wage which in its aggregate amounts to no less than Rs. 250 a year, every person paying income tax, and lastly, every person who possesses a School Leaving Certificate either of an Anglo-Vernacular or Vernacular School, should be qualified to vote.[845]

This was a novel feature of widening the educated and intelligent electorate which none of the other delegations to Montagu had suggested.[846] This was because elections to the Imperial and provincial legislative councils under the Government of India Act (1909) were conducted on the basis of electorate composed of highly educated class, landlords, tax-payers, and big property holders and industrialists.[847]

But all this was not acceptable to the British who were designing to change the very basis of electorate system. Since the adoption of Lucknow Pact by INC and AIML, the Government had prepared itself to meet the challenge of the educated class by evolving a new policy. And that was to question the representative character of this class on the basis of which Jinnah was demanding Home Rule. Through various schemes advanced by the provincial governments and by the scheme evolved by Lionel Curtis a consensus developed that the British Government should boldly come out with a plea that the educated class did not represent the Indian masses. As the British Government was required to show that it is responsible to the Indian masses directly, it did act on similar lines Now the British argument was that as long as the Indian masses were not ready to attain independence, the British would continue to rule the country.[848] On this basis the British Government was not only to challenge the very basis of the Lucknow Pact, a

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[845] Annexure to Jinnah's address as head of the Home Rule. Leagues, (Bombay and Poona) Deputation to Montagu, 24 December 1917, in *Montagu Papers*, IOL. MSS. Eur. D. 5.23/37.

[846] Montagu, *op. cit*., p. 55; and Montagu Papers, D. 523/37.

[847] For Instance see S. Razi Wasti, *Lord Minto and the Indian Nationalist Movement 1905-1910*, London, 1965.

[848] See editorial "Curtis' Fallacies—I", in *BC*, 6 January 1917; O'Dwyer, *op. cit*., Curtis to Chelmsford, 8 September 1917, Chelmsford to Willingdon, 12 September 1917, *Chelmsford Papers*, E. 264/19; 'Confidential Report of an Informal Committee appointed to consider the Most Suitable Lines of Advance Towards Responsible Government', *in Proceedings of the Home Department (Confidential),* IOL, P/43; MacPherson, Chief Secretary to the Government of Bihar and Orissa, to Secretary, Govt. of India (Home Dept.), 31 October 1917, *in Proceedings of the Home Department (Confidential),* IOR. P/43; and for full text of Curtis proposal see his *Letters to the People of India on Responsible Government*, Calcutta, 1917.

united political demand of India, but to work for the creation of a new situation. But the Government was helpless until its position became secure in the World War in 1918.[849]

In August 1914, when the British were gripped by First World War, the world as a whole entered a new historical phase. The unprecedented killings and destruction opened the eyes to the terrific cruelties of War. India contributed significantly. The British position in the War did not improve until the end of 1917. It was for the first time in March 1918 that the signs of the Allied victory started appearing. The War finally came to an end in November 1918 when the Germans surrendered. Turkey, which had sided with the Germans, suffered enormously. Its vast empire was dismantled causing much disappointment to the Muslim world, particularly the Indian Muslims.[850]

Indian political aspirations were much encouraged by this War, especially by its ideals of peace, self-determination for the suppressed nations. To Jinnah this provided a special incentive. The intensity of his feeling can be imagined from his Lucknow address when he declared:

> The future historian, while chronicling the cataclysms and convulsions of these limes, will not fail to note the conjunctions of events of boundless influence and scope that have made the fortunes of India so largely depend on the united will and effort of this generation. These events have, of course, flowed from the world-shaking crisis into which Europe was plunged in August 1914. What this dark period had meant in accumulated agony suffering, destruction, and loss to mankind, is beyond any standard of computation known to history. With the unfolding of this appalling tragedy have emerged into light, stark, elemental forces of savagery that lay behind a bright and glittering mask of *kultur* (culture) which threaten to sweep the very foundations of civilized life and society. The issues which are in death grips on the battle-fields of three continents, go to the roots of the principle on which the fabric of modern civilization has been reared by the energy and toil of countless generations. Freedom, justice, right and public are pitted against despotism, aggression, anarchy, and, brute force, and the result of this deadly combat will decide the future of mankind whether the end will come with a stricken and shattering world, lying is bleeding and helpless under the iron heel of, the tyrant, with the whole of humanity stripped bare of its hope and faith and reduced to bondage, or whether the hideous nightmare will pass away and the world redeemed by the blood of the heroic defenders of

[849] Bolitho, *op. cit*., pp. 61-62.

[850] The New Encyclopedia Britannica, vol. 19, Chicago/London, 1974, pp. 945-966; Khalid bin Sayeed, *Pakistan: the Formative Phase 1857-1948*, 2nd ed., Karachi, 1978, pp. 44-46; I. H. Qureshi, *The Struggle for Pakistan*, Karachi, 1965, pp. 37-45; and Naeem Qureshi, *op. cit*., p. 5.

civilization and freedom, regain a vaster and more glorious synthesis and reconstruction.[851]

This is how Jinnah derived an argument from what the British pleaded in order to enlist support from its colonies. From this Jinnah advanced the Indian interest of Home Rule.[852] The British could not refute his arguments. Moreover, they could not afford to annoy the Indians until, of course, they were sure of their victory.

The British response to the Home Rule movement appeared to be accommodating as long as the British position in the War continued to be weak and they were not sure of their victory. According to this policy, the announcement of 20 August 1917, was made by Montagu followed by his visit to India during November 1917 - April 1918 in which, he, along with the Viceroy, conjointly heard different viewpoints and met various politicians from all-over India.[853] After March 1918, when victory prospects became bright, the Government started to devise a new policy of showing strength to the Home Rule movement. After November 1918, when the War ended, the British were in a stronger position to handle tactfully the Indian political situation.[854]

Even before adopting a bold policy against the Home Rule protagonists like Jinnah, the Government did not sit idle. After December 1915 Bombay sessions of the Muslim League and the Congress, towards which Jinnah contributed much when committees of the two organizations hopefully adopted the path of unity, the British felt alarmed.[855] They found fault with the policies of Lord Harding, who as Viceroy was replaced by Lord Chelmsford, on 5 April 1916.[856] Before joining as Viceroy, Chelmsford asked the Round Table group at Oxford headed by Curtis to prepare a new scheme to meet the challenge of united strength of the educated class.[857] By this time Lucknow became "a

[851] Umar, *op. cit.*, p. 141. Similar sentiments were expressed by the President of Indian National Congress (Lucknow session), Ambjka Charan Mazumdar in his presidential address. See *Congress Presidential Addresses*, Madras, 1934, pp. 231-232.

[852] M. Rafique Afzal, 'Quaid-e-Azam Muhammad Ali Jinnah and the Home Rule Movement in *Journal of Research Society of Pakistan*, XX, No. 1, Lahore, 1983, pp. 1-27.

[853] For Montagu's impressions see Montagu, op: cit. Certain writers suggest that this announcement was under consideration by the Government since long. Thus they tend to create impression as if this announcement was made not in response to Home Rule Movement. For this see Robb, op. cit. This, however, is not the real picture.

[854] For a detailed study of the official policy see *ibid.*

[855] Harding to Lowndes, 5 February 1916, *Sir Hamilton Grant Papers*, IOL. MSS, Eur. D 660/ 1; Willingdon to Chelmsford, 27 June, 24 August 1916, *Chelmsford Papers*, E. 264/17; and Meston to Chelmsford, 7 September 1916, *Chelmsford Papers*, E. 264/17.

[856] Robb, *op. cit.*, pp. 12,15,11.

[857] Willjngdon to Chelmsford, 24 August 1916, *Chelmsford Papers*, E. 264/17.

concourse of educated middle class Indians, so thoroughly enjoying themselves",[858] in December 1916 and Curtis had prepared a new draft scheme to show unrepresentative character, of the educated class.[859] Thus by the time the War ended the British Government had thoroughly debated the issue in the official circles both at the central and local levels, and they were ready to launch upon the new policy which was to be accomplished by establishing a Publicity Board both at the Centre and in the provinces. This Board at the Centre was headed by Sir Stanely Reed, editor of the *Times of India* (Bombay), while Prof. Rushbrook Williams of Allahabad University functioned as an officer on special duty. These Boards started functioning from the spring of 1918 when there were signs of British victory in the War. It was to prepare, publish and distribute literature exposing unrepresentative character of the educated community and showing Government's deep sympathy for the genuine demands of the Indian masses.[860] This new institution was to function under directions from the Home Department.[861] Various leaflets, pamphlets, articles and books appeared under this new scheme.[862]

Before the publication of Montagu-Chelmsford Report in July 1918, the Government did try to enlist support of the Indian politicians on the War. Munitions Board. For this purpose, a War Conference was held in Delhi on 27-29 April followed by similar conferences in the provincial metropolis. Jinnah attended both the Delhi War Conference and the Bombay War Conference, the latter was held on 10 June 1918. Jinnah, who witnessed change in British attitude towards reforms, became harsh and spoke in these conferences to the Viceroy and Bombay Governor in a challenging mood. Addressing Lord Willingdon at the Bombay War Conference, he said:

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[858] Meston to Chelmsford, 11 January 1917, *Chelmsford Papers*, E. 264/17.

[859] *BC*, 5 January 1917.

[860] Curtis to Chelmsford, 8 September 1917, Chelmsford to Willingdon, 12 September 1917, *Chelmsford Papers*, E. 264/19; Chelmsford to Montagu, 13, 27 July 1918, *Chelmsford Papers*, E. 264/4; "Confidential Report of an Informal Committee appointed to Consider the Most Suitable Line of Advance Towards Responsible Government", IOL. P/43; J. L. Maffey, PS to Viceroy, to Sir Stanley Reed, 16 May 1918, Chelmsford to Governors and Lt. Governors, 18 August 1918, Chelmsford to Governors and Lt. Governors, 18 August 1918, *Chelmsford Papers*, E. 264/21; and *India Office Proceedings (Minutes of the Council of India) 1918-1919*, IOR. C/115.

[861] *Ibid.*

[862] For instance see the pamphlet entitled 'An Indian lawyer in Home Rule for India', issued by the Indo-British Association, 6 Broad St. Place, EC-2, London, or another entitled 'Indian Muhammadan and Home Rule: Hindu-Muhammadan Antagonism: Fallacies of the Home Rule Agitations, issued by the Indo-British Association, preserved in *Seton Papers*, IOL. MSS. Eur. E. 267/1. Also see 'Constitutional Reform in India in The Round Table' (London), No. 32, September 1918, pp. 706-719; Robb, op. cit pp. 29-33; and 'Proceedings, of Bombay Publicity Board', in Government of India (Home. Dept.) Confidential Proceedings, 1910, IOR. P/51; Chelmsford to Governors and Lt. Governors, 18 August 1918,- *Chelmsford Papers*, E. 264/21; *India in 1919*, Calcutta, 1920; *India in 1920*, Calcutta, 1921; **India in 1921-22**, Calcutta, 1922; Indian Annual Register 1 921 Calcutta, 1922; and *Indian Politics 1922-23*, Calcutta, 1923.

> What we want Government clearly to understand is this: If you want us to raise an army to stand this menace, then make the people feel that they are citizens of the Empire. Do this by your deeds, not words.[863] I do not agree that we should do all we can on the understanding that we are going to be rewarded for afterwards, neither do I say that if you wish to enable us to help you, to facilitate and stimulate the recruiting, you must make the people feel that they are the citizens of the Empire, and the King's equal subjects. But you do not do so. You say that we shall be trusted and made real partners in the Empire. When? We don't want words. We want action and deeds, immediate deeds. I will give one instance. At the Delhi Conference we unanimously passed a resolution recommending that a substantial number of King's Commissions should be granted to the people of India; but nothing has been done yet.[864]

As a result of the Bombay War Conference, Jinnah, in official press version, "came forward as the champion of the sincerity of the Home Rule. Party with an eloquent plea that the Home Rulers did not approve the methods of Government".[865] For this Willingdon charged him as a leader of "bad" character who was "irreconcilable".[866] Addressing a public meeting five days later Jinnah was bold enough to charge the Government: "You are playing with the people, and you are not in earnest. Your methods and policy are all wrong".[867] These ideas of Jinnah were widely acclaimed by the public.[868]

Jinnah maintained his opposition attitude until the end. But in spite of provocations he did not fall a prey to agitational politics. His method was peaceful and procedure was legal. But this does not mean that he could swallow the wrongs accruing from administrative muddle created by the bureaucracy. However, the opposition to these wrongs was demonstrated differently on different occasions. A few examples may be cited to show his methodology. The first relates to anti-Willingdon demonstration in December 1918 at Bombay so vividly described by Kanji Dwarkadas[869] and by the

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[863] Author's italics to emphasize Jinnah's thinking pattern.

[864] *Bombay Judicial Department (Confidential) Proceedings*, IOR. P/23. This version is not available in Umar, *op. cit.*, pp. 185/187, or in any other collection. For full text of Jinnah's dialogue with the Governor see Appendix "C".

[865] *TI*, editorial, 12 June 1918.

[866] Willingdon to Chelmsford, 11/12 June 1918, *Wilingdon Papers*; IOL. MSS. Eur. F.93/1.

[867] *BC*, 17 June 1918.

[868] *BC*, 18 June 1918.

[869] Kanji Dwarkadas, *op. cit.*, pp. 13-14.

Bombay Chronicle.[870] It is in this demonstration that we find the real conversion (political) of his newly-wedded wife, Ruttie, who stood shoulder to shoulder with him to express the resentment against the retiring Governor. The second aspect of Jinnah's opposition can be seen in his condemnation of Jallianwala Bagh massacre at Amritsar.[871] And the third is amply borne in the case that he fought against the deportation of Horniman in April 1919.[872]

The Willingdon issue was the result of the Governor's attitude towards Jinnah and towards the movement for self-government, which was demonstrably unsympathetic, or even imperialistically reactionary. When the question of erecting a public memorial: in the name of citizens of Bombay to mark the retirement of Lord Willingdon arose, it was under Jinnah's social and political leadership that the people of Bombay succeeded in defeating the very idea. This is popularly termed as an anti-Willingdon demonstration.[873] Instead of conferring this honor on the retiring Governor, it was rightly conferred on Jinnah by constructing a hall called "Jinnah People's Memorial Hall" in the Conges compound, which still stands as a living memory to Jinnah's public career. This hail was not constructed by any one person. It was constructed with funds collected, by subscription of one-rupee given by majority of the citizens of Bombay, a fund entitled. "People's One Rupee Fund".[874] As the lists of subscriptions show, men and women belonging to different social and religious groups not only contributed themselves but also collected it. Funds were collected from Parsis, Christians, Hindus, Muslims, and students.[875]

The anti-Willingdon demonstration by the people of Bombay under Jinnah's dynamic leadership was the best example of a popular movement conducted on peaceful lines. The retiring Governor, Lord Willingdon was humiliated in public demonstration on 11 December 1918. This was all due to exemplary leadership of Jinnah. None of his infuriated followers tried to break the law. This was the first demonstration of peaceful, law-abiding and popular struggle by the Indians, the like of which is difficult to find in pre-1918 period.[876]

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[870] *BC*, 11-17 December 1918.

[871] *BC*, 19 November 1919.

[872] *Ibid.*

[873] *BC*, 9-12 December 1918.

[874] *BC*, 20 December 1918, 7-30 January 1919.

[875] On 20 December 1918 subscriptions of more than Rs. 3,000/- were announced. See *BC*, 20 December 1918. Similar subscriptions continued even later collected by the management of the *Bombay Chronicle*.

[876] *BC,* 12-14 December 1918; Bolitho, *op. cit.*, pp. 77-78; and Allana, *op. cit.*, pp. 114-120.

The second issue related to the Rowlatt Act, which was the real cause of Jallianwalla Bagh tragedy. Sir William Vincent, the Home Member, moved two bills: 1) the Criminal Law (Emergency Powers) Bill on 6 February 1919;[877] and 2) the Indian Criminal Law (Amendment) Bill on 10 February 1919.[878] As both these bills were based on the recommendations of the Rowlatt Committee, they came to be termed as Rowlatt Bills. One of these was dropped, immediately after introduction, due to stiff opposition from Indian circles.[879] But whatever its stringency, it was still of minor importance as compared to the second one. Jinnah and Pandit M. M. Malaviya played leading role in opposing the Indian Criminal Law (Amendment) Bill. They moved various amendments to change the character of the bill, but it did not, receive sympathetic consideration owing to official and nominated members who formed the majority and were acting in line with the Government policy. The Government was determined to push the Bill through as a legal cover of its measures adopted during the War to continue its old policy after the expiry of the Defence of India Act on the conclusion of Armistice. Jinnah resigned from membership of the Council in protest. He was also bent upon starting agitation against the Government. In his letter of 28 March 1919 to Viceroy Jinnah made it clear that "the passing of the Rowlatt Bill by the Government of India and the assent given to it by Your Excellency as Governor-General, against the will of the people has severely shaken the trust reposed by them in the British justice."[880] Jinnah who had built high hopes in the ,"British justice" was disappointed to the extent of saying that "the fundamental principles of justice have been uprooted and the constitutional rights of the people have been violated at a time when there is no real danger to the State".[881] Thus, he termed the Rowlatt Act as an "obnoxious" and "Black Act" which was passed against the will of the Indian people.[882]

The British felt relieved on his resignation.[883] A wave of protest followed all over the country against this Act in which Jinnah and Gandhi actively participatd.[884] Two days - 28 March and 6 April - were celebrated as days of protest all over India. The *Bombay Chronicle* edited by Horniman under Jinnah's directions, played a key role in building

[877] *Proceedings of the Indian Legislative Council, from April 1918 to March 1919*, LVII, Calcutta, 1919, p. 450.

[878] *Ibid*., p. 550.

[879] Parmatma Sharan, *The Imperial Legislative Council of India*, Delhi, 1961, p. 246.

[880] Jinnah to Viceroy, 28 March 1919, *Chelmsford Papers*, E. 264/22; and M. Rafique Afzal (ed.), *Selected Speeches and Statements of the Quaid-e-Azam Mohammad Ali Jinnah*, Lahore, 1966, pp. 112-113.

[881] *Ibid.*

[882] *Ibid.*

[883] Maffey to H. Noncrjeff, Off. Secy to Govt. of India (Legislative Dept.), 6 April 1919, *Chelmsford Papers*, E. 264/22.

[884] *BC*, 6-7 April 1919.

public opposition to the Rowlatt Act. It even published a story of soft-nosed bullets used by the British forces in Delhi, a matter which led to Horniman's deportation without trial.[885] It was further in protest against this measure that 13 April was also celebrated as another day of protest all over the country, the day when Jallianwalla Bagh tragedy happened. On this day no public meeting in Bombay was allowed by the Government. Mr. and Mrs. Jinnah managed to escape and travel to Hyderabad State to address a protest public meeting on 13 April.[886] Jinnah succeeded in entering Hyderabad on the plea of appearing in a legal suit, but as a result of this his entry into Hyderabad State was later banned.[887] While the Government was not ready to respond positively to this protest, the country witnessed another great event, leading to the massacre of about 400 innocent persons and injury to 1200 who had gathered at Jallianwalla Bagh in protest against the Rowlatt Act on 13 April.[888] The massacre was intentionally perpetrated by Brigadier-General R. E. H. Dyer on the orders of Sir Michael O'Dwyer, Lt. Governor of the Punjab, who had already voiced strong resentment against Home Rule movement with particular reference to Jinnah. To meet the threatening situation in Afghanistan the Government wanted to keep the Punjab as base of military operations, peaceful and well-controlled. When the "culprits" were being tried under Martial Law regulations in Lahore, Jinnah, along with C. R. Das, tried to proceed to Lahore to plead for them, but they were not allowed to enter the Punjab because of a special concern expressed by the Governor.[889] This was the second great historical event which sent a country-wide wave of resentment against the Government who was determined to suppress the Opposition. Jinnah's paper, the *Bombay Chronicle* played a leading role to expose the high-handedness of the Government. The Government had thus come to adopt a policy of their own liking with respect to political developments in India after the War.[890]

It was on this occasion that the possibility of interning Jinnah, Gandhi, Horniman and other "agitators" was discussed in the secret counsels of the Government. Priority was, however,, given to the idea of interning Jinnah, he being the most dangerous person Deportation of Horniman was also on the list. Still later, a decision was taken that Jinnah should not be interned because of fear of his becoming more popular. As the Government thought that Jinnah's popularity is based upon the writings of Horniman,

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[885] *BC*, 6 Apr11, 31 May 1919.

[886] Sir Stuart Fraser, British Resident at Hyderabad, to Maffey, PS to Viceroy, 17 April 1919, *Chelmsford Papers*, E. 264/22.

[887] Nizam Jung (Political Secretary to Nizam of Hyderabad), to Jinnah, 18 April, 1919, *Chelmsford Papers*, E. 264/22.

[888] Bolitho, *op. cit*., p.81.

[889] O'Dwyer to Chelmsford, 21 May 1919, *Chelmsford Papers*, E. 264/22.

[890] Robb, *op. cit*., pp. 120-123.

action was contemplated against him as well. Horniman could not be tried under any act of law because of his well-guarded writings.[891]

The new Bombay Governor, Sir George Lloyd, studied the situation for some months after which he was allowed by the Central Government to deport Horniman and suspend publication of the, Chronicle for some time.[892] As the actual timing of the action was left to the Bombay Government, Lloyd got Horniman deported on the night of 26 April 1919 without any prior notice with the connivance of two doctors who were treating Horniman in the Military Hospital. Horniman was promptly brought to the docks and put into a steamship that was to sail immediately to England without stoppage.[893] The publication of the *BC* was also banned Jinnah, as Chairman of Board of Directors of this newspaper, was engaged in negotiations with Lloyd as Governor and then Crerar, Secretary of Bombay Judicial Department over the censorship rules. Active meetings and correspondence between Jinnah and Crerar passed between 29 April and 8 May 1919 in which Jinnah pleaded the cause of free press.[894] He also met the Governor on a number of occasions for this purpose.[895] As Jinnah was not agreeing to the pre-censorship, conditions imposed by the Government, the publication of the paper remained suspended until 31 May 1919 when it was allowed to reappear but without editorial comments.[896] Editorials were, however, allowed to appear after Jinnah's departure to England in June 1919.[897] Within a week of non-appearance of the *BC,* the position, according to Lloyd's version, improved and Jinnah "came to fear political obscurity".[898] Ultimately by the end of April 1920 the situation had changed to such an extent due to machinations of the Government that Lloyd informed Montagu: "The curious thing is that really no one wants him [Hornirnan][899] back except Jinnah. Even

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[891] Lloyd to Montagu, 26 December 1918, 18 March, 6 April 1919, *Montagu Papers*, D, 513/24; Montagu to Chelmsford, 22 January 1919, *Chelmsford Papers*, E. 264/5; and India Office Home Department Proceedings, IOR. P/50.

[892] Secretary, Government of India (Home Dept.), to Chief Secretary, *Bombay Government (Political Dept.),* 12 April 1919, *Government of India (Home Dept.) Confidential Proceedings*, IOR. P/50; *Bombay Judicial Dept. (Confidential)* Proceedings, 1919, IOR. P/46 Chelmsford authorized Lloyd for Horniman's deportation on 17 April 1919.

[893] *Ibid.*

[894] For text of this correspondence, see *Bombay Judicial Dept. (Confidential) Proceedings*, IOR. P/46; and Jayakar, 1, *op. cit*., pp. 239-242.

[895] Lloyd to Montagu, 12 June 1919, *Montagu Papers*, D. 523/24.

[896] *BC*, 31 May 1919.

[897] *BC*, 19 June 1919. Jinnah left for England on 7 June. The censorship was withdrawn from 19 June.

[898] Lloyd to Chelmsford, 6 May 1919, *Chelmsford Papers*, E. 264/22.

[899] Author's parenthesis.

the "Chronicle" directors don't want him, but issue appeals from time to time to save their faces".[900] This was written with full realization by Lloyd that without Horniman the extremists in Bombay could not succeed. Horniman was required to remain, not for ever, in England but as long as "steadier elements in public life" were not able to "recover their courage and place in political life", which was "gradually" being done.[901]

Jinnah went to England to plead for Horniman's return, met Montagu on a number of occasions for this cause.[902] The basic charge, in Montagu's words, against Horniman was that he "began to use his paper in the midst of riots to fan the flame, and published an accusation that British troops had used soft-nosed bullets in Delhi and his paper was distributed free to British troops in Bombay, hoping to incite insubordination".[903] Jinnah tried to convince Montagu of falsehood of this, charge and tried to clarify the position of publication of such a report by saying that the *BC* correspondent from New Delhi in his telegram of 17 April tried to correct the false version but the telegraphic message was intercepted by the C.I.D. making it reach Bombay after Horniman's deportation.[904] But Montagu and Lloyd were now not ready to accept Jinnah's arguments once they had felt strong enough to push him into political "obscurity".[905] Despite best endeavors on the part of Jinnah, Horniman was never allowed to return to India, nor was he ever tried in a Court for fear of Jinnah's legal wit and his power of methodical reasoning.

In spite of all these provocations, Jinnah did not start any mass movement as he fully realized the implications and dangers of mass politics.[906] After mobilizing public opinion to his point of view, he was bent on pressing upon the British Government to fulfill their promises and, grant the same freedom and democratic rights for which the World War was fought.[907] He fully understood the implications of British intentions of making another installment of reforms but in order to press the Indian point of view and the demands, Jinnah built up and mobilized public opinion that was on democratic lines, legal and constitutional, in opposition to the British, bureaucratic maneuvering,

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[900] Lloyd to Montagu. 30 April 1920, *Montagu Papers*, D. 523/25.

[901] Lloyd to Chelmsford, 27 April 1920, *Chelmsford Papers*, E. 264/24.

[902] Montagu to Lloyd, 2 October 1919, *Montagu Papers*, D. 523/22.

[903] Montagu's statement in the House of Commons, in *BC*, 3 June 1919.

[904] *BC*, 6 June 1919.

[905] Secretary of State to Bombay Governor (telegram,), 30 June 1919, *Private Office Records*, IOL. V/PO/450.

[906] *BC*, 30 October 1920.

[907] *BC*, 17 November 1919.

but in line with the British democratic system as it prevailed in Britain.[908] After all, it was the British who were playing the game from a vantage point. To keep that game in India's favor it was necessary to understand its deeper implications and to continue to mobilize public opinion and at the same time build legal and moral pressure so that the Indian British Government follow the same democratic principles for transfer of power to the rightful Indian heirs.[909] The important point to remember is the stress on democratic system, in which Jinnah had a great faith. His method was to obtain it through a legal and constitutional framework built on the mobilization of the Indian public opinion. He wanted to convince the British parliamentarians and the Indian voters that the Indians were intelligent enough to shoulder the responsibility of self-government.[910]

It was this particular frame of mind that governed Jinnah's approach to Montagu's announcement of 20 August 1917 in the British Parliament for granting "responsible Government" through gradual process and after providing "ample opportunity" for "public discussion of the proposals" to be submitted to the British Parliament.[911] According to this. "policy of His Majesty's Government", Montagu visited India, heard different Indian viewpoints and submitted his proposals to parliament which were framed in consultation with the Viceroy.[912] Jinnah met Montagu and Chelmsford, and presented his viewpoint on a number of occasions.[913] Afterwards on appointment of two Committees (known as Southborough Committees) by the Government of India to review Montagu-Chelmsford Report, when a number of leading-public figures were interviewed, Jinnah duly cooperated.[914] These parleys reached climax when the Joint Parliamentary Committee finally reviewed all the proposals during July-November 1919. Jinnah, with high spirit, pressed his viewpoint further.[915] All these endeavors

[908] *BC*, 9-16 December 1918.

[909] *BC*, 27 March 1918; and Jinnah's Evidence before the Joint Parliamentary Committee.

[910] *BC*, 17 November 1919.

[911] *Gazette of India, Extraordinary*, Simla, 20 August 1917; Jamlluddin Ahmad (ed.), *Historic Documents of the Muslim Freedom Movement*, Lahore, 1970, pp. 63-64.

[912] For its text See *Report on Indian Constitutional Reforms*, Supdt. Govt. Printing Press, Calcutta, 1918. This report is commonly known as *Montagu-Chelmsford Report*.

[913] Montagu, *op. cit*., pp. 55-58.

[914] See *Jinnah's Evidence before the Reforms committee (Franchise)* II, 25 and 27 January 1919, IOR. V/26/261/3; and *Jinnah's Evidence before the Reforms Committee (Division of Functions),* 29 January 1919, in *Parliamentary Papers*, IOR. L/Parl/2/405.

[915] *Jinnah's Evidence before the Joint Parliamentary Committee*.

culminated in the Government of India Act (1919), which received the Royal Assent on 23 December.[916]

Jinnah "looked upon" British policy announcement of 20 August 1917 as "laying the foundation for India's independence similar to that of the Dominions, in her domestic and fiscal matters consistently with her Imperial obligations".[917] Explaining the principle of gradual association of Indians in every aspect of Indian administration, Jinnah gave his own interpretation:

> I accept the principle of gradual transfer of responsibility simply because it gives services in India an opportunity to readjust themselves gradually to the changing conditions and to the bureaucracy, gradually to relax its hold and retire with good grace and dignity.[918]

By such pleadings at all levels - official, parliamentary, and public - Jinnah had prepared the educated class of India to receive responsibility for running the internal Indian administration.[919] To substantiate his viewpoint and the position of the educated class he cited the examples of the United States of America, U.K., Canada, etc.

> Now what was the position of the United Kingdom when there was a complete responsible government in this country? In England in 1835 you had 4.6 percent; in Ireland you had 1.2 percent; in Scotland, 3.2 percent. In 1871, England, 9 percent; Ireland, 4.2 percent.; Scotland 7.5 percent. In 1881, England, 9.7 percent; Ireland, 4.4 percent; Scotland, 8.4 percent. In 1889, you had 15.8 percent in England, 16.6 percent in Ireland, and 14.2 percent in Scotland. We do, not stop at England, but we go further. What do you find in other countries in Europe? You find, first of all in Sweden, there was 1 percent of the population that got into electorate; in France 26.6 percent; the Chamber of Deputies in Italy was elected by 2½ percent of the population till the franchise was broadened in 1832; and you find as late as 1898 only 17.6 percent of the population in the United States of America took part in electing the most complete responsible Government in the world. Therefore, my Lord, it is no argument that you will be able to get more than 10 percent - if you wish to lower the franchise, if the Southborough Committee had not put such a high qualification, you certainly would get at least 10 percent, of the population in the electorate. But are we asking for responsible government today, although we have 10 percent, of the population that can get

[916] For a detailed discussion of this Act as part of new British policy see Robb, *op. cit*.

[917] *Jinnah's Evidence before the Joint Parliamentary Committee*.

[918] *Ibid.*

[919] *BC*, 27 March 1918.

into electorate? We are not. What do you find in Canada? In Canada people had no municipal franchise even, they had no municipal experience when complete responsible government was established in Canada. Therefore I say this argument that we have not got an electorate is without justification. There is no warrant for it.

Then the next argument is that the politically minded people cannot be trusted. On that point I do not wish to say anything more than this. You have, only got to look at the past record of the Congress, of the Muslim League and Other political bodies. I do not want to go into the details of it, but we have urged in season and out of season upon the Government measures purely intended for the welfare of the people. I say it is really a libel on the educated people that they will form an oligarchy, and they will think in their own interests and neglect the interests of their own people. Apart from any other consideration, politically minded people in India know perfectly well that ... if we neglect the interests of the masses we shall never make any real advance; the country will remain in a backward state.[920]

The publication of such ideas of Jinnah in the Indian newspapers signally contributed to the promotion of political consciousness amongst the educated classes.[921]

For him the Reforms were neither "satisfactory" nor "disappointing".[922] But these were definitely considered "a step forward" from the Minto-Morley Reforms. Though the new Act retained old powers of Governor-General and Governors, it gave maximum powers to legislative assemblies, majority of whose members were to be elected on the principle of direct elections. For Jinnah the matter of greatest importance under the new Reforms was the composition of an electorate based on principle of direct representation. While under the Act of 1909 the electorate was composed of 500,000 voters on the principle of indirect elections through municipal, or local boards, etc., the Act of 1919 introduced an element of direct franchise system consisting of an electorate of five million voters.[923] This was considered a great democratic advance once it was granted. Jinnah had much hope in mobilizing these voters for his future struggle.[924] By making the entry of the "best" Indian politicians into the Reformed Councils possible, both at the Centre as well as in the provinces, Jinnah wanted them to act as true democratic force and play a role in opposition to the powerful Governor-General and

[920] *Jinnah's Evidence before the Joint Parliamentary Committee*.

[921] *BC*, 17 November 1919.

[922] *BC*, 25-30 September, 2-3 October 1919.

[923] *BC*, 17 November 1919.

[924] *Ibid*.; and A. B. Keith, *A Constitutional History of India*, Allahabad, 1961, pp. 226-270.

the Governors.[925] This was suggested on the British Crown's power pattern which, despite having "exceptional powers under the constitution", does not exercise them but acts on the advice tendered by. the British Prime Minister.

A particular emphasis was placed on mobilizing the electorate of five million voters[926] on direct representation basis which he desired to mobilize even at the district level. It was in this way that he desired the people to cooperate, though Sir Harcourt Butler, Lt. Governor of the United Provinces, Lord Ronaldshay, Governor of Bengal, and Sir George Lloyd were loud in asking the people to cooperate in their own way, as noted by Jinnah.[927] By cooperating with the Government to work the offered electorate by sending best representatives to the Council, Jinnah did not mean to follow the British interests.[928] What he meant was to build up a democratic opposition to the bureaucracy and to make the Viceroy and Governors bend before the wishes of the united strength of the Indian people.[929] Emphasizing the importance of this view from another angle after the speeches of Jayakar, Faiz B. Tyabji, K.M. Munshi, J. M. Mehta, and others, Jinnah again appealed to the people and the politicians alike, as Chairman of the meeting:

> I repeat obliterate bitterness. Let us begin afresh. We are strong enough, we are great enough, to tell the bureaucracy, come along, work with us for a common purpose. But the moment we find that you do not behave properly, we are strong enough to resist you.[930]

He was bold enough to add:

> We have suffered. We have struggled, we have borne the brunt when we were much weaker several years ago. I say that when we have found men amongst us, men ready to sacrifice, men ready to serve the country, are we going to be afraid if the bureaucracy does not cooperate with us? Therefore, depend upon your strength. But at the same time do not sulk ... Say to the bureaucracy, I am willing

[925] *Ibid*.; and *BC*, 26 January 1920.

[926] When the Rules and Regulations were framed, afterwards, the number of voters increased to six million voters. See Keith, *op. cit*., p. 277.

[927] *BC*, 26 January 1920.

[928] *Ibid.*

[929] *Ibid.*

[930] *Ibid.*

to cooperate I am strong enough to cooperate with you. See that you do not misbehave.[931]

As part of this policy of beginning "afresh" he himself. was ready to forgive those workers and politicians who in the earlier year like Mrs. Annie Besant, Jamnadas Dwarkadas, Kanji Dwarkadas, had broken from him and founded their own Home Rule League called "National Home Rule League" (in February 1919) due to official maneuverings Jinnah was interested in bringing them again to the fold of his Home Rule League. Such a request was even made to Kanji Dwarkadas in February 1920.[932] For this purpose Jinnah also had a long discussion with Mrs. Annie Besant, who was especially invited from Madras to Bombay.[933] Though Mrs. Besant continued to maintain her "National Home Rule League", she agreed with Jinnah to cooperate in jointly arranging the meetings for building a suitable political opinion for the earning elections.[934] Thus Jinnah wanted to attract other Moderates to his line of action on the basis of such a cooperation for holding elections. This was despite his realization that the attitude of the Moderates was a "greater drag" on the work in Britain in 1919 than the attitude of the Congress delegates.[935] In the same spirit "Jinnah asked Gandhiji to become the President of the All-India Home Rule League", a move opposed by Jayakar.[936] This offer was made in March 1920. Gandhi accepted this offer in the next month after consulting Srinivasa Sastri, an opponent of Jinnah, and others.[937] Despite the danger of making different kinds of personalities to meet, Jinnah's accommodating spirit continued to prevail in the hope of making all of them to go through the process of elections, a principle to which he stuck to the last. This approach he considered necessary "for the common cause of freedom", a headline given by the newspaper.[938]

At a function organized by the Social Service League, a social body of the Khojas, also termed as "Young Khoja Brotherhood", on the conclusion of a daylong activities of sports, etc., Jinnah presided over the function to distribute prizes amongst the

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[931] *Ibid.*

[932] Kenji Dwarkadas, *India's Fight for Freedom 1913-1937: An Eyewitness Story*, Bombay, 1966, p.142.

[933] *Ibid*.

[934] *Ibid*.; and also see Jayakar, I, *op. cit*., pp. 317-318.

[935] *BC*, editorial, 14 January 1920.

[936] Kanji Dwarkadas, *India's Fight for Freedom*..., p. 143.

[937] *Ibid.* p. 144: and *BC*, 2,8 April 1920.

[938] *BC*, 26 January 1920.

winners.[939] Even at this social function Jinnah emphasized that "amongst the various questions such as social, commercial, industrial, etc. which faced India, the great importance of the political question must not be forgotten".[940] He desired that when the Government of India Act has been passed and the rules and regulations were being framed and by the end of the current year in the city of Bombay they would come into, force, he wanted them to take their proper share in the new reformed constitution.[941] Particularly touching the Muslim viewpoint he said: "As there would be separate Mahomedan electorate, they would have to see that they sent proper representatives to the Legislative Council."[942] As the Khoja community was considered "a leading community" amongst the Muslims of Bombay he desired them "to take a leading part in what was coming hereafter" and to organize themselves "along with other communities".[943] This organized activity was considered to be of highest importance. For him politics was the most important aspect of human behavior affecting all the social and religious aspects of human life. As he said,

> Politics, to my mind, is the keynote of every kind of progress in the country because without power, however, great the wish may be, you cannot put anything into execution.[944]

He was interested to get power in order to solve the educational, social, legislative and other problems faced by the Indians. This was because he had realized that the Government was, interested to go very slow. He had also realized that "if Government went on at the rate it was going, it would take perhaps another two hundred years to make elementary education universal." But he was happy to note that "in India at the present moment politics was nothing else but the daily food for the people. Thus he called upon the Muslim community to send "competent and talented representatives to the new Councils.[945]

It was in these hopeful moments that Lala Lajpat Rai returned to India in February 1920 after his six years self-exile in which he toured different countries of the world. His experiences in Japan, Europe and United States of America were most revealing. When

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[939] *BC*, 20 February 1920.

[940] *Ibid*.

[941] *Ibid*.

[942] *Ibid*.

[943] *Ibid*.

[944] *Ibid*.

[945] *Ibid*.

he reached Bombay, a grand welcome was arranged in his honor by the citizens of Bombay in which leaders like Tilak, Swami Satyadev participated.[946] Jinnah, who considered himself as "personal friend of Lala Lajpat Rai", presided over this function.[947] This meeting was termed by Jinnah "not only of the city of Bombay, not only of the Presidency of Bombay, but of the whole of India", the remarks duly welcomed by the audience.[948] Lajpat Rai who was given most of the time to address the big gathering for the cause of coming political situation called upon the people for developing self-reliance because of his belief that "freedom must come from within", rather than outside, the remarks duly hailed by Jinnah. It was due to Jinnah's efforts that this function was jointly organized by "different Home Rule League Branches".[949]

As the Indian States were given substantial representation in the new Reforms, Jinnah desired to strengthen political activity in the States. For this purpose he had regularly travelled to Hyderabad State in order to address public meetings, but as a result of his public address on 13 April 1919 in Hyderabad his entry in the State was banned.[950] After the introduction of new reforms he was more determined to pursue this policy. A public meeting of Kathiawadis and citizens of Bombay was held on 4 March 1920 in which he expressed his hope that the Princes of Kathiawad would not mete out the same treatment to him as he received from Nizam of Hyderabad because he "sympathized with the people of Kathiawad in their constitutional fight for reforms".[951] He pleaded:

> In British India they were going on with their political reforms, and responsible Government had been granted to British Indians. And they had, in the shape of a definite Act of Parliament, those Reforms which would be put in force soon. But while they were making these strides in Reforms which, according to the Proclamation of His Majesty the King-Emperor, would lead to their attaining the fullest political freedom, when they had got these Reforms which were the aim and object of their goal for some time past - the question naturally arose why Indians in native States should not make simultaneous progress. There could be

[946] *Ibid*.

[947] *Ibid*.

[948] *Ibid*.

[949] *Ibid*.

[950] Nizam Jung to Jinnah, 18 April 1919, *Chelmsford Papers*, E. 264/22.

[951] *BC*, 5 March 1920.

no difference of opinion that it was essential that Indian States should make a simultaneous advance, to keep up with the times, with British India.[952]

This was because of his realization that "a large number of States" were "very backward yet". Like Mysore there were very few states who were really "most advanced."[953] Gandhi, G. K. Parekh and others who followed to address the gathering agreed with Jinnah's leading remarks.[954]

Jinnah, whose name came to be considered "a household name in India" as termed by Ratilal M. Gandhi, presided over a prize distribution ceremony of the Kapole Students Union on 14 March 1920 at Bombay.[955] In his presidential remarks while Jinnah considered it "their misfortune that they" were conducting their proceedings in English, he expressed his gladness. "to speak in Urdu or any other national language, instead of a foreign one".[956] But under the "present circumstances" when they had to face the Englishmen, it was necessary to "speak as good English as an Englishman might speak".[957] He asked them not to forget their goal which was to be a self-governing people in their own country.[958]

The Government, on her part, was secretly working to enlist support from some politicians and non-Official members of Imperial Legislative Council.[959] As a result of these manipulations it could win the support of a number of politicians, as their pro-Government speeches reflect, like Srinivasa Sastri, Zulfikar Ali Khan, Mian Muhammad Shafi, Surendranath Banerjea, Dr. Tej Bahadur Sapru, Bhupendranath Basu, D. E. Wacha, Fazulbhoy Currimbhoy, Rai Sitanath Ray, Sir Ibrahim Rahimtoola and a number of others.[960] Secret promises of support from Mrs. Annie Besant, Jamnadas Dwarkadas, and some others, who were in the Home Rule League previously with

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[952] *Ibid*.

[953] *Ibid*.

[954] *Ibid*.

[955] *BC*, 17 March 1920.

[956] *Ibid.*

[957] *Ibid.*

[958] *Ibid.*

[959] Rowlatt Commission headed by Sir Sidney Rowlatt, Pujsne Judge from England was appointed in October 1917 to study and report on ways and means to handle "any future anarchical or revolutionary movement". See Chlemsford to H. M. the King-Emperor, 21 May 1919, *Chelmsford Papers*, E. 264/1.

[960] *Proceedings of the Indian Legislative Council from April 1918 to March 1919*, pp. 29-309.

Jinnah, were also secured by Sir George Lloyd.[961] Eminent Parsi leaders like S. R. Bomanji and Wacha who had contributed thousands of rupees for the cause of Home Rule under Jinnah's leadership in difficult times of War, had also been won over to the official side.[962] By all this the Government was able to revive the Moderate Conference as a separate political group in November 1918 working independently of the Congress or the Muslim League.[963] When the Government saw signs of winning some non-official support in the Imperial Legislative Council as well as in the Indian political circles it tried to adopt harsh line on "irreconcilable" politicians like Jinnah. The Government felt strengthened in its belief when it learnt that Jinnah and nineteen other "leading members of the all India Home Rule League resigned in a body from the League in consequence of Gandhi's successful attempt to capture its organization and to alter its aim".[964] In addition, George Lloyd termed it; "All this is to be good".[965] It felt further encouraged to boost up the "Moderates."[966] The moderate leaders toured different parts of the country after Jinnah's resignation from the Home Rule League and became "busy with propaganda against Gandhi".[967] Thus with secret official support they launched anti-Non-cooperation movement in the country. For this purpose an Anti-Non cooperation Committee was formed headed by Sir Chandarvarkar. Its Bombay branch was, however, headed by Sir Dinshaw Wacha which functioned as the key Committee issuing a number of pamphlets to counter Gandhi's propaganda for Non-Cooperation.[968] Through these methods the Government chose to deal with Gandhi's Nan-Cooperation considering it an "open violence" which was preferred against "hatred bottled up by fear of the consequences".[969] The latter was reference to the "hatred"

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[961] Lloyd to Montagu, 23 May 1919, *Montagu Papers*, D. 523/24.

[962] BC, 10 July, 10-12 December 1918; and Bolitho, op. cit., p. 88.

[963] *BC*, 18 November 1918. Viceroy to S of S (telegram), 23 November 1918, *Chelmsford Papers*, E. 264/9. This Conference of Moderates attended by 500 delegates was addressed by D. E. Wacha, a great Parsi leader and formerly close political associate of Jinnah. This Conference decided "to form a permanent Moderate Organization throughout India". See *ibid.* Also see Meston to Chelmsford, 19 December 1918, *Chelmsford Papers*, E. 264/21.

[964] Lloyd to Montagu, 15 October 1920, *Montagu Papers*, D. 523/25.

[965] *Ibid.*

[966] *Ibid*.; and Lloyd to Montagu, 5 November 1920, *Montagu Papers*, D. 523/25.

[967] *Ibid.*

[968] For instance see its pamphlet, reproduced in *BC*, 22 October 1920.

[969] Josiah C. Wedgwood to Montagu, 1 November 1920, Montagu Papers, D. 523/25 Wedgwood was M. P. from the Labour Party who despite his ostensive sympathy to the cause of Muslims, came to India to attend the Nagpur Congress. In order to better assess the situation he came some two months earlier than the Nagpur Congress. Despite his belonging to the British Labour Party, he was very much interested to advise on the continuity of British Raj in India.

against the British created by the Home Rule movement during the War in the garb of constitutional struggle led by Jinnah Tilak and others. With such maneuverings, the Government in the coming year, was hopeful of weaning away public support to Gandhi's Non-Cooperation movement. By the end of 1921 Lloyd was more confirmed than before in his hope to drive out Gandhi "as a leader" from "public opinion".[970] In this year Government was successful enough to sow seeds of rift between the Hindus and Muslims by various methods, particularly when it convicted Ali brothers and other Muslim leaders, and acquitted the Hindus largely.[971] It was after the rise of anti-Gandhi sentiment that the Government chose to arrest him in March 1922.[972] Thus the Government at last succeeded in showing the "foolish" nature of Gandhi's strategy of boycotting Councils, schools, colleges, services, etc.[973] The leaders like C. R. Das, Lajpat Rai, B. C. Pal and many others, who had supported Gandhi, came to see the failure of Gandhi's tactics to procure *swaraj*. Within one year they realized the importance of Council entry in order to save whatever had remained.[974]

While the Reforms were being hotly discussed, two international developments affected the political dealings in the country. The first which was of immediate concern related to the new situation in Afghanistan after the First World War, the end of which made the Defence of India Act hardly applicable. The new administrative, maneuvers led to Jallianwalla Bagh tragedy in the Punjab as seen before. The second was of great significance to the Muslims and it related to the Khilafat cause directly and to the Sultan of Turkey indirectly. While the British who emerged as a victorious nation were bent upon treating Turkey harshly, the religious feelings of the Indian Muslims were aroused.[975] Jinnah, who was already going to England for the Joint Parliamentary Committee meeting, was fully aware of Muslims' attachment to Khalifa. When he was asked to represent the case of Khilafat he agreed to be a leader of the delegation and to plead for the preservation of Khilafat and holy places of Islam in Arabia. Even in the Joint Parliamentary Committee, which primarily dealt with the issues on the Reforms Bill; Jinnah could find a moment of pressing his position on the Khilafat issue as "not a question of foreign policy" but as an issue where "spiritually the Sultan or the Khalifa is

[970] Lloyd to Montagu, 23 September 1921, *Montagu Papers*, D. 523/26.

[971] Lloyd to Montagu, 5 November 1921, *ibid.*

[972] Lloyd to Montagu, 3, 23 December 1921, 13, 20 January, 2, 17 February, 3 March 1922. *Montagu Papers*, D523/26.

[973] Ibid.

[974] Brown, *op. cit.,* pp. 337-343.

[975] Butler, Lt. Governor of U. P, to Chelmsford, 20, 22 April, Chelmsford to Meston, 7 May 1919, *Chelmsford Papers*, E. 264/22; and M. Naeem Qureshi, "*The Khilafat Movement in India 1919-1924*", Ph. D. thesis, University of London, 1973, pp. 64-65.

their head."[976] When Major Ormsby-Gaore, a member of the Committee, tried to term it as an issue "of one community", Jinnah bluntly said:

> Of the Sunni sect but that is the largest it is in an overwhelming majority all over India The Khalifa is the only rightful custodian of the Holy Places according to our view, and nobody else has a right. What the Moslem felt very keenly is this, that the Holy Places should not be severed from the Ottoman Empire that they should remain with the Ottoman Empire under the Sultan.[977]

In a separate representation, entitled "Memorial to Premier by Muslim League Deputation",[978] he interlinked the restoration of "peace" with the solution of "Muslim Turkey" problem.[979] Explaining the reasons why the Indian Muslims were feeling so strongly against the British despite the peril of painful consequences, Jinnah, Hassan Imam, G. M. Bhurgri and Yakub Hassan, jointly warned:

> The disappointment is. felt greater because the Muslims of India are fully convinced that Great Britain was not only the chief factor in securing the Victory against Turkey, but has also, otherwise, a paramount influence in settling the question of the Ottoman Empire. We need not add that if Great Britain becomes a party in reducing H.I.M. the Sultan of Turkey and the Khalifa of the Muslim world to the status of a petty sovereign, the reaction in India will be colossal and abiding.
>
> We conclude by submitting that statesmanship can find means of securing permanently "the life and an absolutely unmolested opportunity of autonomous development" of the subject nationalities of the Empire without taking recourse to its dismemberment, without giving the military victory a religious character or making it a sign of triumph of one religion over the other and without inflicting humiliation and dishonor on Islam.[980]

For this cause Jinnah also met the Secretary of State for India. At the time of presenting this Memorial on 27 August, it was very difficult to guess that the British would act obdurately. However, when Jinnah returned home, he had realized that "the British

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[976] *Jinnah's Evidence before the Joint Parliamentary Committee*.

[977] *Ibid*.

[978] *BC*, 23 September 1919.

[979] It was, perhaps, because of Jinnah's so much dedication to the cause of Muslims that a news item appeared on 6 August: "Mr. Jinnah has now decided not to remain member of the All-India Home Rule League, but to restrict his energies to the work of the Moslem League, in conjunction with his colleagues,...". See *BC*, 6 August 1919.

[980] *BC*, 23 September 1919.

policy is so persistent in striking a blow at the integrity of the Ottoman empire" that "unless it is changed" it is "bound to end in the greater possible disaster".[981] Chelmsford took serious note of this interview of Jinnah given to the "special representative" of the *Bombay Chronicle* and its copy was sent to Montagu.[982]

Still later in January 1920, Jinnah met the Viceroy in the company of a Khilafat deputation to press for the preservation of Turkey and the Holy Places of Islam.[983] The Viceroy, who ostensibly sympathized with the Muslim feelings, was clear enough to suggest that the fate of Turkey was almost "sealed", a belief already developed in Jinnah's mind. Despite this realization, Jinnah continued to raise voice for this cause to the possible extent; Jinnah's stand was supported in *BC* editorial entitled "The Future of Turkey".[984] For this purpose Jinnah also attended Third All-India Khilafat Conference held in Bombay on 15 February 1920.[985] It was in the background of such endeavors that the *Bombay Chronicle* in its issue of 28 April 1920 carried the headline "Turkey Dismembered". This resulted from an agreement which came to be known as the Treaty of Sevres, signed in August 1920. This shocking announcement was further to rouse the Indian sentiment especially that of the Muslims when they learnt that Britain was to be entrusted with the responsibility of enforcing mandates on Mesopotamia (Iraq) and Palestine, while France was given a mandate for Syria and Lebanon. Turkey was reduced to a small size by stripping some more areas from it. The control of straits went to the two allied Powers to be arranged by a Military Commission.[986]

Although Khilafat issue agitated the Muslim mind with tremendous religious emotion, its solution lay outside their control.[987] As it will be seen below, the issue led to an unprecedented emotional demonstration .mainly with a view to building up public pressure on the Government to do justice to the Turks and to save the position of the Khalifa.[988] While the Indian Muslims were wholly in deep sympathy with Turkey, the

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[981] Jinnah's press interview on arrival at Bombay, in *BC*, 17 November 1919. Cutting of this paper was sent to Montagu by Chelmsford with the remarks: 'The enclosed cutting from the Bombay Chronicle will show how Jinnah trumpeted his return to India. Please note his remarks on Khilafat". See Chelmsford to Montagu, 26 November 1919, *Chelmsford Papers*, E.264/5.

[982] *Ibid*.

[983] *BC*, 20 January 1920.

[984] *BC*, 22 January 1920.

[985] *BC*, 16 February 1920.

[986] *BC*, 28 April 1920.

[987] Qureshi, *op. cit.*

[988] *Ibid.*

way to realize the aim lay beyond their power. Hence there were doubts about the effectiveness of the agitational movement which resulted out of the Khilafat cause. The issue dragged on without any fruitful result until the Turks themselves solved it by establishing their Turkish national state and abolishing the Khilafat.[989] The tone behind the Khilafat movement gradually weakened although it did arouse mass consciousness among the Muslims.[990]

The credit for arousing such mass uprisings should no less go to Mahatma Gandhi who had earlier successfully experimented with a peaceful resistance movement in South Africa against the White ruling authority.[991] In case of Africa it was a new political movement against the human injustices of the White ruling minority. Here in India the political movement had taken a different turn for a long time. Gandhi took advantage of the emotional atmosphere and breathed into it his method of non-violent struggle so as to coerce the British Government to right the political and administrative wrongs done to the Indians and yield ultimately the right of "Self-Government".[992] This was a great historic development. Three characters emerged finally on the scene: the British who were bent upon prolonging the Raj; Jinnah who was leading a moderate but determined opinion to force the British to yield home-rule in India and refrain from dismembering Turkey; and Gandhi who saw a tremendous opportunity to promote his own leadership.

The political issue had become complicated by now. For its proper understanding it would be better to look at it first from the angle of the Indian aspirations which had culminated in the consensus reached in the Lucknow Pact of which Jinnah was the architect. Such a consensus had not only brought together, under a working pact, the Indian political organizations but also presented a workable constitutional scheme in line with the British system of democracy. The British, on their part, would not go to that extent and accept the whole demand and concede to the building up of an enlightened opposition in India - a country which was huge in size and resources and which could at any time over-ride the British bureaucratic authority if given full powers. It was against this Indian consensus and against the solidarity shown by the Indian leaders that the British moved to grant their own pattern of constitutional reforms as contained in the Act of 1919,[993] and moved forward, with the authority that they commanded, to force their will and win support for their own scheme from as

[989] *Ibid.*

[990] *Ibid.*

[991] Brown, *op. cit.*

[992] *Ibid.*

[993] For text of Government of India Act 1919 see *Constitutional Documents (Pakistan), 1600-1933*, 1, Government of Pakistan (Ministry of Law and Parliamentary Affairs), Karachi, 1964. pp. 513-576.

many Indian politicians as they could possibly obtain.[994] The move was a political game to maintain the British authority as long as it was possible to do so by breaking the solidarity of the Indian politicians.[995] Was India capable of keeping intact its own unity arrived at in Lucknow? It was this battle of nerves that was to follow in the coming years. The battle became more and more complicated with the new political and administrative issues during and after the close of the Great War which created emotional atmosphere in the country. Could India be reunited by channelizing the emotions? Could such emotions be preserved and made to pressurize the British for meeting the Indian demands? In what way these emotions could be politically expressed and how long could they stand the test of future change of events? It was here that Gandhi came forward with his *Satyagraha* movement, hoping to build a new pattern of political struggle and take with him the masses towards the goal of freedom. He, perhaps, believed in emotional unity on the plea of national freedom. But, while Jinnah's solidarity broke on the opposition of the British political strategists, Gandhi's emotional unity exploded in due course owing to its own inner strains, although Gandhi himself shot up to limelight and his Hindu saintly demeanor attracted to his magic personality all those who were moved by his way of living.[996] It was a moment of great decision - a decision that was to affect the future unfolding of history in the country - the history that had been built up by years of hard labor to bring about a workable unity among the Indian people and a new ideal of Gandhi, the meaning of which was hardly then understood. Its degree of acceptance by the people could also be hardly seen in the future political development.[997] Being a very important point this needs I he clearly perceived.

Although the new constitutional reforms did not fully meet the Indian demands, yet Jinnah pleaded for their acceptance in order to mobilize the strength of the five million voters,[998] as given under the Reforms, and to build up a solid Indian opposition against the dilatory tactics of the British Indian Government. To project favorable public opinion in England in face of wrong impressions created in the minds of the British voters by persons like Sydenham. Jinnah desired to create a permanent Indian lobby in London.[999] With this line of thinking, Jinnah went to Amritsar to attend the session of

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[994] *Report of the Joint Parliamentary committee*.

[995] Maffey to Wacha, 23 July 1918, Chelmsford to Butler, 1 August 1918. Ps to Viceroy. to Lt. Governor of U. P.(telegram). 11 August 1919, Chelmsford to Governors and Lt. Governors, 18 August 1918, *Chelmsford Papers*, E. 264/21; *and India Legislative Proceedings*, IOR. P/9010.

[996] Brown, op. cit., pp. 240-267; and Stanley A. Wolpert , *'Congess Leadershipship in transition: Jinnah to Gandhi. 1914-1920*' in B .N. Pandey (ed.) Leadership in South Asia, New Delhi. 1977, pp. 653-666.

[997] Jinnah's speech, 28 December 1920, in *BC*, 30 December 1920.

[998] As pleaded by Jinnah. See *BC*, 26 January 1920.

[999] Jinnah's Press interview, in *BC*, 17 Nov. 1919.

both the Congress and the Muslim League.[1000] As is attested by his powerful support to Gandhi's resolution to work the new Reforms and the way he helped to bring together majority of politicians, Jinnah succeeded in his scheme of getting favorable response from INC and AIML. Both the organizations thus decided to work the Reforms according to Jinnah's designs.[1001]

The Amritsar session was a great success for Jinnah's ideals to work the Reforms. A threat however, came from C. R. Das' resolution declaring the Reforms Act as "inadequate, unsatisfactory and disappointing and calling upon Parliament to take early steps to establish full responsible Government in India in accordance with the principle of self-determination."[1002] This resolution which required Indians not to accept the Reforms Act was backed by Tilak, who delivered his speech in seconding this motion.[1003] This Das Tilak position challenged Gandhi-Jinnah stand. Immediately after Tilak's speech, Gandhi rose to speak in Hindi ,against the position of Tilak and Das. Gandhi refused to accept the Reforms Act as "disappointing".[1004] He moved his amendment calling upon the Government and the people to "cooperate so to work the reforms as to secure the early establishment of full responsible Government". Jinnah, who seemed to agree with Gandhi in moving this motion, seconded the amendment in his speech, delivered immediately after Gandhi. Jinnah declared this motion of Gandhi of "vital importance" and appealed to the Congress to accept it.[1005] After Jinnah's speech, Mrs. Besant moved another amendment in Das's resolution, which declared the "Reforms Act as opening the gateway of freedom to the Indian nation". Thus while Tilak-Das attitude was a clear confrontation with the Government, Mrs. Besant chose to follow the most loyalist approach towards the Government. Jinnah-Gandhi stand, which was substantially helped by Pandit Malaviya's mediatory efforts, was a middle course for working the Reforms despite its weaknesses. B. C. Pal presented a third amendment which was not much different from that of Gandhi's.[1006] A hectic debate followed which was resolved through the efforts of Jinnah, Gandhi and Malaviya. Their viewpoint was ultimately accepted by Tilak and Das.[1007] Pandit Malaviya eventually

[1000] *Ibid*.

[1001] *BC*, 29-31. December 1919, 1 January 1920.

[1002] *BC*, 3 January 1920.

[1003] *Ibid*.

[1004] *Ibid*.

[1005] *Ibid*.

[1006] *Ibid*.

[1007] *Ibid*.; and Arthur H. Nethercot, *The Last Four Lives of Annie Besent*, London, 1963, pp. 297-298.

read the resolution as "decided upon by compromise" which added a new clause to Das's motion. This clause was framed as follow:

> (d) pending such introduction this Congress trusts that so far as may be possible they will so work the reforms as to secure early establishment of full responsible government and this Congress offers its thanks to the Right Hon. Mr. E. S. Montagu for his labors in connection with reforms.[1008]

In this Congress, Jinnah had the satisfaction to say:

> I have no hesitation in saying at this platform, that there is school in this country, whose intention is to obstruct, not to work the Reforms. I am very pleased indeed then that you have agreed with me that you want to cooperate.[1009]

The Muslim League, too, took this position. The way Hakim Ajmal Khan delivered his presidential address and the resolutions that were passed at the League session showed Jinnah's powerful hold over the League deliberations. It was in recognition of his services to the cause of his country and the community that Jinnah was elected permanent president of the AIML by a resolution moved by Barkat Ali (Punjab) which was unanimously adopted after the speeches of Barkat Ali and Dr M. A. Ansari.[1010] When Hakim Ajmal Khan, as president of the session, put the revised draft constitution and rules of the party before the members of the League for their consideration, Mumtaz Hussain, a Barrister from Lucknow, proposed a new clause: "To maintain among Musalmans of India feelings of loyalty towards the. British".[1011] This was vehemently opposed by Jinnah. This amendment was lost in the voting because the majority backed Jinnah's views. However, in order to accommodate the Muslim feelings as a result f the Khilafat issue, Jinnah proposed that the word "religious" be added after the word "political" in clause (b) of Section 2. The amended clause ran thus: "To protect and advance the political, religious, and other rights and interests of Indian Musalmans".[1012] In this way, Jinnah explained, the Muslims will not be confining

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[1008] *BC*, 3 January 1920.

[1009] *BC*, 5 January 1920. This has not been reported in the *Report of the Indian National congress held at Amritsar on the 28th, 29th, 30th, 31st December 1919 and 1st January 1920*, pp. 124-128. As explained in the foreword by Satyapal, this report was published in edited form in 1922.

[1010] FMA, Karachi University, *AIML Records*, Vol. II, 1919, F. No. 86; and Pirzada, Foundations... ,I, p. 540.

[1011] *BC*, 1 January 1920.

[1012] *Ibid*.; and FMA, Karachi University, *AIML Records* Vol. II, 1919, F. No. 86.

"themselves to Musalmans only".[1013] In a policy statement, as president of Bombay Citizen's public meeting on 24 January 1920, Jinnah called upon the people to follow the lead of the Congress and the Muslim League in preparing themselves for working the Reforms.[1014]

Two events that followed this decision proved to be of great crucial significance. One was the publication of the Hunter Committee Report on the Punjab tragedy a Report that roused public emotions against the self-justification by the British bureaucracy. The second was the announcement of the terms of San. Remo Conferences, later known as "Treaty of Sevres", which was not only humiliating to the Turks but which sealed the fate of the Khalifa. In several meetings presided over by Jinnah at Bombay a great resentment was expressed over the British highhandedness.

At this time, the *Bombay Chronicle* carried the text of a letter from Gandhi, as President of the All-India Home Rule League, addressed to members of the League. In this letter Gandhi made it clear before the members of the All-India Home Rule League that he joined the party "after careful deliberation and consultation with friends". Otherwise, his "tenour" of life does not belong to "an organization". It was, however, for "the advancement of causes in which" he had "specialized" in South Africa that he wanted to "utilize" this organization. In the fulfillment of these purposes he could not succeed, as Gandhi himself revealed, in his period of "splendid isolation" from early 1915 to the end of 1919 when he did not bind himself to any organization before joining the Home Rule League. Through this association, he hoped, he would be able to produce "quicker and better results." He came to this conclusion after ascertaining the opinion both in and outside Bombay Presidency. The purposes for which he joined this party were "Swadeshi, Hindu-Moslem Unity with special reference to Khilafat, the acceptance of Hindustani as the lingua franca and linguistic redistribution of the provinces". For attaining these ideals he wanted to use the League as a party organization "to help the Congress" in order to make the latter "a national organization".[1015] These new purposes were to guide the working of the Home Rule League as Gandhi conceived. In reality, it was, as he himself added, to bring himself to his "methods" of "civil disobedience" and "to make truth and non-violence accepted in all our national activities".[1016] Thus Gandhi intended to start a new line of action in Indian politics. Before making any "bold

[1013] *Ibid*.

[1014] *BC*, 26 January 1920.

[1015] Gandhi's letter to all the members of All-India Home Rule League in *BC*, 28 April 1920. For other manifestations of these ideals of Gandhi see *BC*, 4 and 18 May 1920.

[1016] *Ibid*.

statement" in this respect what Gandhi desired was "not to demonstrate the propriety" of his action but "to take the members of the League into" his confidence.[1017]

The policy of winning "confidence" of the Muslims with particular clearance to the Khilafat issue was already being pursued by him. His attendance of all the three, so far held, Khilafat Conferences do prove this contention.[1018] This was followed by Gandhi's press statement, a day after the publication of terms of San Remo Conference, in which he called upon the Muslims not to be "disheartened" because he would lead them to a right path.[1019] Some days afterwards Gandhi was to term the conditions of the San Remo Conference on Turkey as "a crime against humanity".[1020] In order to redress their grievances Gandhi proposed the adoption of *Satyagaraha* which was accepted by the Central Khilafat Committee in its meeting on 28 May.[1021]

With the backing of the Central Khilafat Committee, Gandhi became instrumental in holding meeting of the All-India Congress Committee at Benares on 31 May, which, while agreeing to Gandhi's proposal to call special Congress, could not arrive at a decision though it debated the issue of Non-Cooperation for more than eight hours. This adjourned meeting was held at Allahabad on 1 June 1920 where a decision was taken in favor of adoption of Non-Cooperation on the lines suggested by Gandhi. It was decided to send a notice of one month to the Viceroy to redress the Khilafat and the Punjab "wrongs". Accordingly, the special session of the INC was called in early September 1920 at Calcutta.[1022]

Before the special session was held, an "ultimatum to Viceroy" for Non-Cooperation signed by about ninety Muslim leaders was sent which expressed its refusal "to cooperate with" such a Government which "accepts the peace terms and advises acceptance thereof by us".[1023] This was followed by announcement of "Gandhi's agreement with Lala Lajpat Rai" for "boycotting the Reformed Councils", as a first step in the Non-Cooperation policy.[1024] In his press statement, Gandhi considered that "it is a

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[1017] *Ibid*.

[1018] *BC*, 16 February, 16 November, 29-31 December 1920.

[1019] *BC*, 29 April 1920.

[1020] *BC*, 24 May 1920.

[1021] BC, 29-30 May 1920; and Qureshi, *op. cit*., pp. 105-107.

[1022] *BC*, 5 June 1920.

[1023] *BC*, 25 June 1920.

[1024] *BC*, 30 June 1920.

mistake to go through the election's which he termed a "farce" because of his new belief. that "Indian opinion counts for little in the Councils of the Empire".[1025] He undertook extensive tour of the country along with the Ali brothers, speaking in sympathy with the Indian feelings on the Khilafat and the Punjab wrongs. In this mass preparedness also the Khilafat Committee extended full support to Gandhi.[1026] With the backing of the Khilafat leaders, he could effectively mobilize mass support required for his future action.[1027] This new move of Gandhi thus threw overboard the cooperation for the ensuing election and implied open rejection of the Councils as provided in the Reforms. He extended political activity to the mass level by rejecting election and the Councils, and thus take advantage of the emotional spirit of the people.[1028]

The week-long political activities at Calcutta from 3 to 9 September 1920 aroused "great debate" on the issue of Gandhi's resolution on Non-Cooperation. The Issue was discussed hotly at the AIML and INC meetings. First of all Jinnah expressed his opinion in his presidential address at the Muslim League session on the morning of 7 September:

> We have met here principally to consider the situation that has arisen owing to the studied and persistent policy of the Government. Since the signing of the armistice first came Rowlatt Bills accompanied by the Punjab atrocities and then came the spoliation of the Ottoman Empire and the Khilafat. The one attacks our liberty, the other our faith....
>
> One must have one's own administration in one's hands to carry it into one's own satisfaction. As we stand in international matters, India's voice is represented through His Majesty, the King of England's Government. ... The result was that notwithstanding the unanimous opinion of the Musalmans and in breach of the Prime Minister's solemn pledges, unchivalrous and outrageous terms have been imposed upon Turkey and the Ottoman Empire has been served for plunder and broken up by the Allies under the guise of mandates. ...
>
> Now let I us turn to the Punjab. That star chamber legislation named after the notorious chairman of the Rowlatt Committee was launched by the Government of Lord Chelmsford and it resulted in those celebrated crimes which neither words of men nor tears of women can wash away. ...

[1025] *Ibid*.

[1026] Brown, *op. cit.,* pp. 245-262.

[1027] Gordon*, op. cit.*, pp. 123-153.

[1028] *BC*, 14-15, June 1920.

> One thing there is, which is indisputable and that is that the Government must go and give place to a complete responsible Government. Meetings of the Congress and the Moslem League will not effect this. We shall have to think out some course more effective than passing resolutions of disapproval to be forwarded to the Secretary of State for India. ...
>
> Mr. Gandhi has placed his programme of Non-Cooperation supported by the authority of the Khilafat Conference before the country. ...
>
> Once you have decided to march let there be no retreat under any circumstance ... The solution is not easy and the difficulties are great. But I cannot allow the people to submit to the wrong; yet I would still ask the Government not to drive the people of India to desperation or else there is no other course left open to the people except to inaugurate the policy of *Non-Cooperation though not necessarily the programme of Mr. Gandhi*.[1029] I do not wish to detain you anymore but before I sit down I will only say this: Remember that united we stand, divided we fall and throughout your discussion, I beg of you not to lose sight of that. I am certain that every member of the Moslem League will rise to that *high sense of duty which he owes to his community and his country*.[1030]

The same issue of Non-Cooperation was also placed before the Congress session but before this session amendments were moved in the constitution of the Home Rule League and of the Congress, to which Jinnah and many others made serious objections. Amongst the various items of Non-Cooperation debated both in the Subjects Committee and at the open session of Calcutta Congress, it was the issue of elections and the Council entry which was lively debated. This issue required the highest consideration on the resolution moved by Gandhi and the amendments mooted by B. C. Pal. Jinnah's speech was reported in the *Bombay Chronicle* of 15 September 1920 as follows:

> Mr. Jinnah who was received with cheers said that he had already spoken in the Moslem League. It was a great national problem that they were considering that day. One wrong after another wrong had been loaded on the camel's back. The question they, had to consider was what should they do now. The difference between Mr. Mahatma Gandhi and Mr. Bepin Chandra Pal was when to begin Non-Cooperation. The audience was there surcharged with excitement. Would they tell him when he should give up practice. (Today, tomorrow). A voice says Today, another says tomorrow. (Cheers). (President rings the bell as warning not to argue with the members of the Congress).

[1029] Author's italics to emphasize Jinnah's thinking pattern.

[1030] *Ibid*. See *BC*, 9 September 1920.

Mr. Bannerji spoke in jocular view of deputation, mission, etc. Did not Mahatma Gandhi send his ultimatum to the Viceroy?

A Voice. - It is done.

Mr. Jinnah. - Not from the Indian National Congress (Cheers). Why did not Mahatma Gandhi put into practice the whole programme at once. It was a policy of Non-Cooperation and there was no principle in it. The policy of Non-Cooperation was excellent and effective but there was a great "if". It was said that they should not fail to stand by the Mussalmans. He was a Moslem himself and he had worked for unity long. They must not be misled. Mr. Winston Churchill had three "ifs" when speaking of the Indians.[1031]

However, the viewpoint of Jinnah is made more clear in his letter to Gandhi, dated 31 October1920, on the issue of the change of the Constitution of the Home Rule League:

I thank you for your kind suggestion offering me "to take my share in the new life that has opened up before the country". If by "new life" you mean your methods and your programme, I am afraid I cannot accept them, for, I am fully convinced that it must lead to disaster. But the actual New Life that has opened up before the country is that we are faced with a Government that pays no heed to the grievances, feelings and sentiments of the people; that our own countrymen are divided; the Moderate party is still going wrong; that your methods have already caused split and division in almost every institution that you have approached hitherto, and in the public life of the country not only amongst Hindus and Mahomedans, but between Hindus and Hindus, and Mahomedans. and Mahomedans and even between fathers and Sons; the people generally are desperate all over the country and your extreme programme has for the moment struck the imagination mostly of the inexperienced youth and the ignorant and the illiterate. All this means complete disorganization and chaos. What the consequences of this may, be, I shudder to contemplate; but I, for one, am convinced that the present policy of the Government is the primary cause of it all and unless that cause is removed, the effects must continue. I have no voice or power to remove the cause; but at the same time I do not wish my countrymen to be shattered. The only way for the Nationalist is to unite and work for a programme which is universally acceptable for the early attainment of complete responsible government. Such a programme cannot be dictated by any single individual; but must have the approval and support of all the prominent Nationalist leaders in the country; and to achieve this end I am sure my colleagues and myself shall continue to work.[1032]

[1031] *BC*, 15 September 1920.

[1032] Jinnah to Gandhi, 31 October 1920, in *BC*, 1 November 1920.

The protest against the change in the constitution was also expressed by others. In a joint letter, sent on 5 October 1920 to the President (Gandhi) of the Swarajya Sabha, Jinnah and nineteen others submitted their resignations:

> We the undersigned members of the [Home Rule] League are of opinion that the constitution adopted by the League in its general meeting held in the Morarji Goculdas Hall on the 3rd instant constitutes a fundamental departure from the aims, objects and methods of work hitherto pursued by the League. The new constitution deliberately omits any reference to the British connection in clause 2(1) which lays down the goal of the League and clause 2(2) thereof is clearly permissive of unconstitutional and illegal activities provided they are peaceful and effective. We are further of opinion that these changes in the constitution were made by adopting a procedure contrary to the rules and regulations of the League. We venture to say that your ruling aiming at validating the said procedure was both incorrect and arbitrary. We hold to the ideals and methods embodied in the Congress constitution and we further believe that body like the League affiliated as it is to the Indian National Congress must restrict itself to methods of work which are considered by the Indian National Congress as constitutional.
>
> Anxious as we are to assist the League in its mission of strengthening and furthering the cause of the Indian National Congress we regret that owing to the radical alterations recently made in its constitution we are unable to remain any longer members of the League.
>
> We, therefore, with great sorrow, tender our resignation of our membership of the League, and of such offices thereof as may be held at present by any of us.
>
> We remain,
>
> Yours faithfully,
>
> [M. A. Jinnah, M. R. Jayakar, N. T. Master, Gulabchand Devchand, Jamnadas M. Mehta, Chhotubhai A. Vakil, Hansraj Pragji Thakersey, Mangaldas M. Pakvasa, Chandrashanker N. Pandya, N. B. Vibhakar, Manilal D. Nanavaty, V. M. Pakvasa, K. M. Munshi, H. V. Divatia, Jamnadas Dwarkadas, Kanji Dwarkadas, R. G. Munsif, Hiralal D. Nanavati, M. K. Azad, Morarji M. Kamdar.][1033]

The viewpoint of Jinnah is further brought out in his speech of December 1920 at the Nagpur Congress that needs to be studied here again He said:

[1033] *BC*, 26 October l920.

The resolution which has been placed before you by Gandhi is divided into two parts. The first part of the Resolution aims at the attainment of Swaraj by India. ..., in my opinion the first part of the Resolution declares complete independence for India. Does it mean that we retain British connection? I venture to say that it does not. But Mahatma Gandhi and Lala Lajpat Ras explained that it means with or without British connection ... I entirely agree with Lala Lajpat Rai in most part of the indictment.

The question before you is this, as Lalaji put it, that in 1907, we who adopted the present Creed of the Indian National Congress felt that there was neither the will nor the means of making that declaration. Today we have accomplished one thing, and that is the majority have the will to make this declaration and I entirely agree that the majority have the will to make this declaration. But the second proposition is, have we got the means of making this declaration? I say the means which are placed before you by Mr. Gandhi are legitimate and peaceful, not 'legitimate or peaceful' but 'legitimate and peaceful'. ... With very, great respect for Mahatma Gandhi and those who think with him I make bold to say in this Assembly that you will never get your Independence without bloodshed. If you think that you are going to get your Independence without bloodshed I say that you are making the greatest blunder. Therefore, I say that at this moment you are making a declaration which you have not the means to carry out. On the other hand, you are exposing your hand to your enemies.

I know you say that. I wish I could think like that. My only reason, and I hope you will really believe me when I say that my only reason today to stand on this platform and to speak before you against this proposition is that I honestly believe, I am convinced in my mind, that this step that you are taking is not the right step to take at this moment.

Lala Lajpat Rai has said that this is intended to give notice to the British Government. With very great respect I really fail to understand that argument. No organization, much less a National organization, adopts for its object and creed which can be considered a notice. If that is your intention, if that is your object, you should pass a Resolution and not change the creed. By all means pass a Resolution. Say to the world, to the British Government that it is *a sine qua non* that unless you redress our chief grievances we give you notice that we shall sever from you altogether. That is a very different story. But what we are undertaking today is the replacing of this Article I, as the creed of the Indian National Congress. But it is said that it is open to you. You can take it any way you like and tell the people that I want to keep the British connection. It is open for us to say that we do not want to keep the British connection. Gentlemen, I appeal to your reason. What is the good of this camouflage. It is possible for any

man after this creed is passed to stand on the same platform - one saying that he does not want to keep the British connection and the other saying that he does, I am saying it now because you have not adopted it as yet. When you do adopt it I say it is futile to tell anybody that you are at liberty to say that you want to keep British connection. Therefore do not blind ourselves do not in our temper, do not in our desperation take step in haste for which we may have to regret Mahatma Gandhi says that, if the British Government are willing to give us which we want, then we shall have the connection; if not we shall not have the connection. Therefore, it is quite clear according to Mahatma Gandhi's speech that he has not as yet made up his mind notwithstanding what Lala Lajpat Rai described the British Government and the British Statesman to be namely that, there is no one whose word can be considered any better than that of a grocer, that no British statesman is to be trusted that the British Government is absolutely a wicked Government.

Then may I know whether you still say, that you will keep the connection if possible?

Give them a chance and when they mend ... I say if you want to give notice to the British Government I have no objection at all. I say by all means give a notice, but you are not doing that. You are going to tell your people the moment this resolution is passed that the Indian National Congress had made a bid for complete Independence, that our Indian National Congress, as Mr. Gandhi (cries of Mahatma Gandhi) - as Mahatma Gandhi said that you want to destroy the British Empire. Then you have that feeling, you may have that wish. But I ask you, n the name of reason, have you considered how you are going to destroy the British Empire? If I am right in my opinion that for the moment today it is a mere dream to say that you will destroy the British Empire notwithstanding the fact that we are thirty crores and more, if I am right then I say you are making a declaration and you are committing the Indian National Congress to a programme which you will not be able to carry out. What is the reasoning? The only reason that I have been able to get beyond mere sentimental feeling, and expression of anger and desperation, - and I assure you, I don't feel anything but desperate myself but I may be able to control myself more than others. But what is the reason that is given to us? The only reason that I have been able to get from the speakers on the Creed was given to me in the Subjects Committee by Mohammad Ali ... that there are some people who find it impossible to sign the Congress Creed and therefore the Congress Creed must be changed.

(Mr. Mohammad Ali - That was not the only reason I gave). That is the only reason that I gathered; that is the only reason which I understood. I do not say that Mr. Mohammad Ali did not give other reasons but the only reason I understood after he had made a long speech was this that in order to enable

certain people who are not willing to sign, the present Congress Creed it is necessary to change the Creed. Do you think that is a sufficient reason? (A voice—No). You will hear from Mr. Mohammad Ali when he comes here what his reasons are beyond mere sentimental talk. I do not say that we should not believe in sentiments nor do I say that sentiments does not play an important part. But remember that you are changing your constitution. Remember this constitution which you change is going to take place in the books of your constitution as a firm, permanent thing which it is not easy to change. You cannot pass a constitution this year and change it next year. This constitution must be sacred to us. The constitution if it is changed, must be changed at least with this object in view that you see at least quarter of a century. Is the constitution of the Indian National Congress to be changed because there are some people who say, "we will not sign the Creed"? (A voice - All, all). Then I have nothing more to say.

Therefore my objection is this. To summarize it in a few words - first of all I object to this creed because as I read it, it means nothing else but a declaration for Complete Independence. The word 'Swarajya' is not qualified and the word means nothing else but own Complete Independence. It does not at all provide for any kind of connection which may or may not be retained. You find that only in the speeches. Therefore, that is my objection. I say if that is your intention why don't you make it clear.

My second objection is that Non-Cooperation on peaceful methods, may be an, excellent weapon for the purpose of bringing pressure upon the Government. But let me tell you once more that the weapon will not succeed in destroying the British Empire. (A voice - will succeed). I, therefore, object to the methods, because. If you want complete independence let us not be limited to methods? Who is to decide as we go on what will be the effective methods to achieve the complete Swarajya which you are asking for? I say, therefore, I really feel I am unable to agree with it for this reason that it is neither logical nor is it politically sound or wise, nor practically capable of being put in execution.

I have said what have to say. In conclusion to quote the words of our President who is sitting here, he said at the moment the destinies of the country are in the hands of two men and among those two he mentioned Mahatma Gandhi. Therefore, standing on this platform, knowing as I do know that he commands the majority in this Assembly. I appeal to him to pause, to cry halt before it is too late.[1034]

[1034] *Report of the Thirty-fifth session of the Indian National Congress held at Nagpur on the 26th, 28th, 30th and 31st December 1920*, pp. 54-57. This speech of Jinnah was delivered on 28 December. It has not been reproduced in any of the collections of Jinnah's speeches. Also see *BC*, 29-31 December 1920; and *The Times*, 30 December 1920.

Jinnah's arguments and fears about the non feasibility of Gandhi's programme were proved true soon during 1921-1922 with the failure of Non Cooperation movement. In 1922, after Gandhi was compelled to call off the Non-Cooperation due to rise of unfortunate circumstances, as already forecast by Jinnah, the British Government arrested Gandhi. The movement failed in its objective of "undermining the foundations of the raj" and winning freedom for the country. It also reduced the Indians to the position of laying in ruins leaving the British as the "masters of the field" in the long future to come.[1035] But at this time nothing could be done despite Gandhi's realization of having committed a Himalayan blunder of starting such a movement at an immature moment. With these realizations he sat in the prison house. But the politicians outside the prison like Motilal Nehru, C. R. Das, Lajpat Rai and other top most leaders were to differ from Gandhi because they had realized their mistake of having not entered the Councils in 1920. They, however, decided to contest the ensuing elections in 1923 as a result of their meetings and conferences mostly held in Jinnah's bungalow in Bombay.[1036]

Although Jinnah's prediction came true, yet Gandhi introduced a new political programme which made him hit a still higher water-mark of popularity. But this popularity could not be sustained long among the Muslims. They had followed Gandhi for righting the Khilafat wrong but when that issue was resolved by the Turks themselves, their attraction to Gandhi was lessened. In fact they were dismayed and the increasing number of riots created rupture among the two communities. The old concept of unity foundered on the ground. It was at this time that Jinnah who was still the President of the Muslim League, came forward to reorganize them under the banner of All-India Muslim League and infuse into them a new sense of freedom.

Historians have passed judgments that Jinnah was afraid of mass struggle as he was a constitutionalist.[1037] But historical events as traced here show that the differences were deeper and more fundamental as they looked at the surface. Even the struggle was being viewed from opposing angles: Jinnah had been convinced of the reality of the historic communities in the country. In no case did e wish to sacrifice one at the altar of the other. When Non-Cooperation forecast such a disunity according to his analysis he waited till the emotions subsided in order to give his weight to the cause of justice and freedom. It is this realization that brought Jinnah nearer and nearer to the aspirations of the All-India Muslim League; namely, the welding together of the bewildered Muslims

[1035] Brown, *op. cit.,* p. 309.

[1036] *TI*, 4 January 1923; and *BC*, 1-2, 20 January, 20 February 1923.

[1037] For instance see David Page, 'The Development of Jinnah's Constitutional Ideas', in Prof. A. H. Dani (ed.), *World Scholars on Quaid-i-Azam Mohammad Ali Jinnah*, Islamabad, 1979, pp. 271-279; and Prof. Sharif al Mujahid, *Quaid-i-Azam Jinnah: Studies in Interpretation,* Karachi, 1981.

to achieve the common goal of freedom. From now onwards, his talent and energies were wholly devoted to this cause. The 'ambassador of unity' travelling hitherto along the path bedecked with flowers and laurels found to his utter dismay the horizon beyond Nagpur lonely and barren. Created to shape history, he now chose for himself another role - more decisive, more natural and more fruitful.

CONCLUSION

Quaid-i-Azam Mohammad Ali Jinnah emerged on the South Asian political scene when the environment was passing from the nineteenth century into the dawn of the twentieth In England the liberal ideas had come to play a leading role in the political field.[1038] Their influence was no less felt by the politically conscious intellectuals in the subcontinent - a mental build among them that had been nurtured in the nationalistic conceptual frame of Europe, which had already created a particular type of intellectual circle towards the latter half of the nineteenth century.[1039] The Quaid belonged to this circle. However, the meaning of nationalism was to be understood in the historical, context of South Asia where several religions and cultural communities had played independent political roles in the past. Sir Syed Ahmad Khan was an exponent of the Muslim national role.[1040] On the other hand certain British officers were determined to create a new political environment, in which their system of Government would perpetuate in the subcontinent under their hegemony.[1041] In the back ground of this new environment the Indian National Congress came into existence in 1885 with the tacit blessings of the then Viceroy, Lord Dufferin. The real efforts were however, made by Allan Octavian Hume.[1042] The creation of such an organization was received with a mixed reaction. While Sir Syed Ahmad stuck to his earlier role and kept not only himself but also most other Muslims away from it,[1043] it was only a handful of Muslims like Badruddin Tyabji who joined the organization.[1044] There were of course groups of non-Muslim intellectuals who not only actively participated but dominated the organization.[1045] Later, Jinnah came under the influence of Tyabji, and with his brilliant start as a lawyer in Bombay, he quickly shot to prominence in the Bombay political

[1038] G. M. Travelyan, *English Social History*, London, 1942, pp. 547-586.

[1039] John R. McLane, *Indian Nationalism and the Early Congress*, Princeton, 1977, pp. 29-49.

[1040] Hafeez Malik, *Sir Sayyid Ahmad Khan and Muslim Modernization in India and Pakistan*, New York, 1980, pp. 59-64; and G. Allana (ed.), *Pakistan Movement: Historic Documents*, Lahore, 1977, pp. 1-3.

[1041] Stanley A. Wolpert, *A New History of India*, New York, 1977, pp. 263-268.

[1042] Wedderburn, *Allan Octavian Hume*, London, 1913, pp. 47-60; S.R. Mehrotra, *Towards India's Freedom and Partition*, New Delhi 1979 pp 44-65; and M.N. Sharif, *A History of Muslim Philosophy*, II, Wiesbaden 1966, p. 1596.

[1043] Khalid bin Sayeed, *Pakistan: the Formative Phase: 1857-1948*, Karachi, 1960, pp. 17-18.

[1044] *Ibid*., pp. 18-19.

[1045] *Ibid*.

circles.[1046] His active participation in the political activity of Bombay was deeply marked with liberal ideas.[1047] He had already established himself as a well-known figure in political circles When he attended the All India National Congress session at Calcutta in 1906.[1048]

At the beginning of the twentieth century when the British administrative system was realigned and reformed in the time of Lord Curzon the new arrangement affected different sections of the population differently.[1049] The Muslims of Eastern India suddenly discovered the benefits of the partition of Bengal that took place in 1905.[1050] The partition on the other hand seriously affected the vested interests of all those who were settled and well-entrenched in the capital city of Calcutta - a commercial port city of Hindu Banias commission agents and their hanger-on Babus that had the whole of Eastern India as its hinterland.[1051] Discovering in the partition the rum of their future prosperity,[1052] they launched an agitation against it from the platform of the only political organization then in existence that is the All India National Congress.[1053] This agitation created a chain of reactions including boycott of English goods, *swadeshi* movement, etc. and finally a terrorist movement.[1054]

It was against this background that constitutional rights of the Muslims began to be discussed and it was in order to give expression to their historical role in political terms that the All-India Muslim League came into existence in 1906.[1055] Although it came to serve the interests of the Muslim community, it would be wrong to call it a communal organization in the sense in which the word "communal" was used in later years. The Muslims sought to define their political status in the new terminology of the British

[1046] See, Chapter II.

[1047] M. H. Saiyid, *Mohammad Ali Jinnah (A Political Study),* Lahore, 1962, p. 306.

[1048] *Report of the Proceedings of the Twenty-Second Indian National Congress held at Calcutta on the 26th, 27th and 29th of December 1906*, pp. 113, 120; *BG*, 1 January 1907; and *Statesman*, 1 January 1907.

[1049] McLane, *op. cit*., pp. 362-364; and S. Razi Wasti, *Lord Minto and the Indian Nationalist Movement 1905-1910,* London, 1964, pp. 1-3.

[1050] Mohammad Noman, *Muslim India*, Allahabad, 1942, pp. 69-78.

[1051] B. Pattabhj Sitaramayya, *The History of the Indian National Congress (1885-1935),* Madras, 1935.

[1052] *Ibid*.

[1053] *Ibid*.

[1054] H. H. Dodwell (ed.), *The Cambridge History of India*, VI, Delhi, 1958, pp. 551-552; and Percival Spear, *The Oxford History of Modern India*, 2nd ed., Delhi, 1978. pp. 314-316.

[1055] Noman, *op. cit*., pp. 69-78.

frame, in which the Muslims came to be regarded as a minority community, which had been left behind in the march of new political and economic participation within the British empire. In the eyes of the British they were a "backward community" and hence stood in need of special, constitutional safeguards for their own self-preservation and future progress.[1056] Jinnah, being a Muslim, could not have been unaffected by these ideas. Although he was deeply interested in the welfare and cultural freedom of the Muslims, as is clear from his attendance of the meetings of the Anjuman-i-Islam at Bombay,[1057] yet his political alignment swerved towards the liberal intellectuals of Bombay.[1058] The result was his increasing association with the Congress activities, leading to his participation at the Calcutta Congress of 1906.[1059] It is in this Congress that we clearly perceive the political framework within which his mind operated. He refused to believe in the notion of "backward community" and advocated equality for the Muslims.[1060] He pleaded for equal status for the Muslims from the platform of the Congress because he believed that it was only from a feeling of equality that a closer. cooperation and harmony could be created among the different sections of the population. Hence Jinnah's future action moved in two directions: firstly, to carry out the sense of equality to its full realization, and secondly, to seek cooperation among the different communities.[1061]

When Jinnah entered the political field cooperation among the different communities was lacking. The Muslims had gone ahead to lay the foundation of their own organization and hence their outlook was different from that of the Congress. However, Jinnah got the opportunity to serve the cause of the Muslims even when he remained a member of the Congress. The issue of *Waqf ala'l Aulad* bill was a God sent opportunity to Jinnah who clenched it to its finale and thus won the gratitude of the Muslims from all over the country.[1062] He thus became an all-India figure among the Muslim community as well as in the Congress circles.[1063] This also resulted in creation of harmonious relations between members of two major political organizations.

[1056] Sayeed, *op. cit*., pp. 28-30.

[1057] *BG*, 9 July, 31 December 1897, 6, 16 April 1898.

[1058] *Jinnah's Evidence before the Islington Commission: Minutes of Evidences*, IOR. *Parliamentary Papers*, 1914, Vol. 22. Col. 7294.

[1059] *BG*, 15 November 1904.

[1060] *Ibid*.

[1061] See chapter III.

[1062] See chapter III; and Government of India Acts, Bills, etc., IOR, L/P&J/6.

[1063] *Ibid*.

Having attained this position, the disunity within the Congress circles, between the Moderates and the Extremists, was also resolved by the hectic efforts of Jinnah.[1064] His arduous task of unity was to culminate in the birth of united India by the end of 1915 when the two main political organizations came to hold their sessions in Bombay in the same month of December.[1065]

Although Jinnah was elected from the Muslim seat, he was equally vocal on the bills which exclusively affected the Hindus such as the adoption of Hindu Marriages Validity Bill in September 1918.[1066] Other matters like education, police, civil services, etc., equally affecting all the communities also received full attention from Jinnah in his legislative career.[1067]

By the entry of Jinnah in the All-India Muslim League in 1913 the organization gained in stature. He could now play a role in both the organizations to adopt a policy of common goal. For-the purpose of initiating common deliberations on the issue of the India Council Reform, Jinnah moved his resolution in the 1913 sessions of the All-India Muslim League and Indian National Congress.[1068] Henceforth, other matters of common interest equally affecting the Hindus and Muslims were debated both in the Congress and Muslim League meetings. Such endeavors, in which Jinnah played a key role, finally resulted in the adoption of Lucknow Pact as the joint scheme of reforms in December 1916. This joint agreement determined the essentials of the Self-Government (*Swaraj*) and constitutional relationship between the Muslims and the Hindus.[1069]

Jinnah was the man who brought about this unity for the first and the last time in the history of the subcontinent.[1070] Never before or after such a unity had prevailed in the political circles for a common demand.[1071]

[1064] See chapter IV.

[1065] *Ibid*.

[1066] For instance see Jinnah's legislative speech, 5 September 1918, in *Proceedings of the Indian Legislative Council, from April 1918 to March 1919*, LVII, Calcutta, pp. 69-70.

[1067] For instance see Jinnah's legislative speeches in *Proceedings of the Council of the Governor-General of India, from April 1909 to March 1910*, XLVIII, Calcutta, pp. 591-593; *Proceedings of the Council of the Governor-General of India, from April 1910 to March 1911*, XLIX, Calcutta, pp. 462-463, 572; *Proceedings of the Council of the Governor-General of India from April 1911 to March 1912*, L, Calcutta, pp. 599-603; *Proceedings of the Council of the Governor-General of India, from April 1912 to March 1913*, LI, Delhi, pp. 313-317; *Proceedings of the Indian Legislative Council, from April 1916 to March 1917*, LV, Calcutta, pp. 402, 456-458; *Proceedings of the Indian Legislative Council, from April 1917 to March 1918*, LVI, Calcutta, pp. 214-215, 305, 341-342, 358, 384-385.

[1068] *BC*, 26-31 December 1913.

[1069] *BC*, 27-31 December 1916, 1 January 1917.

[1070] See chapter V.

The way in which he manipulated the passage of the resolution by both the Organizations reflected a complete sense of cordiality not only between the Hindus and the Muslims, but also other communities inhabiting the South Asian subcontinent. All the major political forces of the country thus joined hands for the attainment of *Swaraj* or Home Rule within shortest possible time. For carrying on the propaganda activities at the mass level two Home Rule Leagues as subsidiary parties of the Indian National Congress and All-India Muslim League came to be established and Jinnah emerged as a central figure in all these activities.

It, however, remained to convince the British to accede to this united demand of the people. It was by no means an easy task because the British had their own interests to protect. The matter became more complicated because of the First World War and its aftermath.[1072] One issue which followed the termination of hostilities was that of the Khilafat. It directly affected the Muslims. It was not only a religious issue but also a political cause. While the Muslims were united on the issue of Khilafat, the line of action to achieve the goal of Khilafat was not very clear.[1073]

After the War there were other developments too in the country like the Rowlatt Bill and the Jallianwala Bagh incident.[1074] The atmosphere was charged with great emotion as the Indian grievances had not been redressed. Despite all this, the Indians expected substantial concession from the British. As a consequence when the majority Hunter Committee Report was announced in April 1920, it caused widespread resentment,[1075] which was further heightened when the fate of Ottoman Empire was sealed in the Treaty of Severes.[1076] Thus both the Muslims and the Hindus felt hurt and frustrated.

It was at this time that the British announced the Reforms Act of 1919 which hardly met the aspirations of the leaders who were expecting Self-Government after the close of the War.[1077] The way in which the British proceeded to carry forward their scheme of reforms and to implement it in the country, was received with mixed political reaction. The British desired to have their own way so that their hegemony remained

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[1071] See Sarojini Naidu, *Mohomed Ali Jinnah: An Ambassador of Unity*, Madras, 1918.

[1072] See chapter V.

[1073] *Ibid*.

[1074] *Ibid.*

[1075] *BC*, 30 April 1920.

[1076] *BC*, 26-28 May 1920.

[1077] The reforms were announced in the middle of December 1919. It was towards the end of 1920 that the Council elections were held under these reforms.

unchallenged. The emotions of most of the people on the other hand were such that a piecemeal reform could hardly assuage their feelings.

At this time Gandhi came forward to represent the hurt feeling of the people.[1078] Taking advantage of the popular feelings he introduced his programme of non-cooperation which he had successfully experimented earlier in South Africa.[1079] In this programme he had the support of the Congressites as well as of the Khilafatists.[1080]

Jinnah stood calm though in no way unconcerned or unmoved by the events. He understood the gravity of the situation but did not allow himself to be swayed by emotions. While he was in favor of advocating the cause of freedom and worked for the Khilafat, he was eager to take advantage of the Reforms given by the British and also to create a constitutional situation that would compel the British to concede Self-Government. That could be achieved only if political unity was preserved in the country. For this purpose he desired the Indians to send their best representatives to the Councils. To facilitate this, Jinnah had succeeded in persuading the Amritsar Congress as well as the Muslim League sessions (1919) to contest the elections due to be held in the following year. The electorate of five million, so far the largest in the constitutional history of India, was desired to be mobilized. This spirit of political unity against the British Government was required to strengthen the legislatures with strong men. Jinnah was planning to resort to agitation after strengthening the Councils. This he considered necessary for maintaining the unity both amongst the masses and the politicians of the country. He appears to have believed that any other course to start agitation would lead to creation of differences and eventual chaos.[1081] That was the reason which made him stand alone on the platform of the Nagpur Congress and predict the failure of the movement initiated by Gandhi and Ali brothers without strengthening the Councils.

Gandhi's programme which. won support of a large majority was carried out. It did create mass consciousness but ultimately it failed. The mass agitation without legislative leadership created mass problems and could not maintain the unity which Jinnah had worked in building during the last several years. With the end of *Satyagraha* the unity was shattered forever.

Towards the end of Non-cooperation movement the country entered into a new political environment. The British had succeeded in destroying the unity of political

[1078] Gandhi's circular letter to all the members of the All-India Home Rule League, in *BC*, 30 April 1920.

[1079] *BC*, 27 May 1920.

[1080] *Ibid*.; and *BC*, 1-4 June 1920.

[1081] *BC*, 28-31 December 1919, 26 January 1920, 20 Oct., 30-31 December 1920.

thought in the subcontinent.[1082] The mass agitation had left its own wounds. Jinnah, the harbinger of unity, had been left only with the All-India Muslim League Gandhi's role had a great appeal for the Hindus and his programme of Satyagraha soon became a world attraction.[1083]

When Jinnah entered the political arena there was disunity all around It was due to his efforts that he, with hard work and constant care, was able to bring about the much needed inter communal unity.[1084] Thus at the time of Gandhi's phenomenal rise to a position of influence there was complete unity, between the Hindus and the Muslims He succeeded in mobilizing the mass sentiments and galvanizing them towards the goal of Swaraj.[1085] But he failed to maintain unity created by Jinnah and his allies Gandhi emerged as a saint of India but his movement led to disunity and division of the subcontinent Jinnah remained a lone furrower to pick up the broken threads of unity, and try once again to build up the string of cordiality from the platform of the League. What steps he took to find a new constitutional solution to the whole problem belongs to a second phase of the life of Jinnah that must be understood in the new developments that took place after 1920.

[1082] Ronaldshay to Montagu, 18 May, 16 July, 25 August, 20 September 1921, *Montagu Papers*, D. 523/32; Lloyd to Montagu, 19 May, 1 July,23 September, 5 November, 3 December, 1921, *Montagu Papers*, D.523/26.

[1083] Stanley A. Wolpert, "*Congress Leadership in Transition: Jinnah to Gandhi, 1914-1920*", in B. N. Panday (ed.), *Leadership in South Asia*, New Delhi, 1977, pp. 653-665.

[1084] See chapter IV.

[1085] See chapter V.

APPENDICES

A.

JINNAH'S SPEECH ON THE MUSSALMAN *WAKF* VALIDATING BILL, 17 MARCH 1911[1086]

Sir, I beg to move for leave to introduce a Bill to define the rights of the Mussalman subjects of His Majesty to make settlements of property by way of *wakf* in favor of their families and descendants. Before I proceed with the merits of this Bill, I have to express my grateful thanks, not only on my own behalf, but on behalf of the Mussalman community, to His Excellency the Viceroy for having accorded the sanction which was thought by the advisers of Government necessary under section 19 of the Councils Act of 1861. Before I deal with the merits of this Bill, I want one point to be made clear, and that is this. Ever since the well-known decision of the Privy Council in 1894 which is known as the case of *Abdul Fata Mohamed Ishak v. Russomory*, (reported in L.R. 22 Indian Appeals, page 76) there has been a very strong feeling and agitation amongst the Mussalmans against the decision. That feeling has been expressed in various ways, by sending memorials to Government, by passing resolutions in different associations and conferences and gatherings, and it has been going on for more than 15 years now all over the country. That being the state of the feeling of the Mussalman community on the subject, last year I put, certain questions to Government and replies were given to me by the Government of India. These questions I shall trouble the Council with because they show that the Government at that time recognized that very strong objections were entertained against the decision of the Privy Council. The questions that I put and the answers are as follows:

> Are the Government aware that there is a strong feeling prevailing amongst the Muhammadans against the present state of *wakf* law as expounded by the recent decision in Privy Council?
>
> Does the Government propose to take steps to bring the law on the subject into conformity with the text and the wishes of the Mussalmans? If so, how soon?

The answer was:

[1086] *Proceedings of the Council of the Governor-General of India, from April 1910 to March 1911, XLIX, Calcutta, 1911*, pp. 479-484.

> The Government are aware that objections are entertained to the exposition of the law on the subject of *wakf* contained in various decisions of the Judicial Committee of the Privy Council. As at present advised the Government are not prepared to undertake legislation with the express object of upsetting judicial decisions to which exception is taken. They are, however, ready at any time to accord their fullest consideration to any specific proposals for legislation directed with the object of securing family settlements of a limited nature, provided that such proposals are generally approved by the Muhammadan community.

After this answer was given by Government I had the opportunity of consulting leading Mussalmans in this country, and it was after a great deal of consideration I decided that the only way in which this question, which is of paramount importance to the Mussalman community, can be solved was to bring a Bill in this Council. I mentioned that there has been agitation going on for many years. Recently the Muslim League, which represents a great volume of Mussalman opinion in this country, at its last session passed a resolution to the effect that Government should undertake this legislation. A society known as Nadva-tul-Ulama, which is composed of learned Maulvis and men learned in the law, I believe, has sent in a memorial to Government. I do not know whether it has actually been received by Government, but I know this, that the memorial was sent round for signature, and thousands of signatures have been obtained all over the country from the Mussalmans, and I believe it has been sent to Government. If it has not, it is on its way to Government. A copy of that memorial was sent to me by that great and learned Maulvi, who is known as Maulvi Shibli, and who exercises a great influence over the Mussalman community, and whose opinion is of the greatest value to, the country, so far as the Mussalman community is concerned. In, that memorial he quotes authorities on the subject and points out what, the feeling of the community is, and I will just read a passage from it:

> During the last few years the feeling amongst Muhammadans upon the subject has been growing strong, and it has found, expression in various ways. At the meeting of the Muslim League and other Mohammadan Conferences, Sunni and Shia, associations of a social and religious character, resolutions have been passed inviting the Government of India to undertake legislation upon the subject. Khan Bahadur Maulvi Muhammad Yusuf; a leading Vakil of the Calcutta High Court, a great Muhammadan lawyer, submitted an elaborate pamphlet to the Government of India sometime ago. The Right Hon'ble Mr. Syed Amir Ali has written strongly and clearly upon the subject, and Syed Hussain Bilgrami, who was recently a member of the India Council of the Secretary of State, also approached Lord Morley on the subject.

Therefore, you will see that the feeling in the country on this point is very very strong. The question now before the Council is, what is this question that has been agitating the Mussalman community? As I said it is the decision of the Privy Council in 1894 that has,

to our mind, paralyzed the Mussalman law, so far as the power of a Mussalman is concerned, to make trusts for his family, his children and his descendants. The legal history of this question goes as far back as half a century and more. The first decision that I am aware of was pronounced in 1838, and several other decisions followed that decision, but not directly touching this question until 1873 when the decision of the Bombay High Court was given on this point which ruling definitely marked the era of adverse current of decisions. Since then several pronouncements have been made all over the country by different High Courts more or less- conflicting until 1894, when the decision of the Privy Council the highest tribunal in the empire gave the severest blow to the Law of *Wakf-alal-aulad*. The subject I may tell you is this. There are two things known to Mussalman law - one is *hibba* and the other is *wakf* - two institutions *Hibba* in other words means out-and-out gift. The Muhammadan law permits a Mussalman to make a gift of his property out-and-out. That is to say he gives delivery of possession and is done with it - what an English lawyer would call conveyance out-and-out. He cannot under the law of gift create different estates, such as life estates remainder, vested remainder, and continued remainder. He cannot therefore make any provision of any future character for his family or his children; he has got to give away the property straight off. Then comes the other branch of the Mussalman law which is known as *wakf*. *Wakf*, as I understand, is analogous - somewhat analogous - to the law of trusts in the English law, and that again is divided into two parts: it may be private trusts with ultimate reversion to charity, or it may be charitable trusts, pure and simple, or, in other words, private trusts with ultimate reversion to charity or pure and simple charitable or religious trusts. Now, the question that we are concerned with in this Bill is the question of private trusts with ultimate reversion to charity, because even today, according to the Mussalman law as well as the law's of all other countries well-known to all the jurisprudence of different countries, you may, dedicate property to charity in perpetuity and the rules that offend against the law of perpetuity do not apply. However, we are only concerned with the trust which I would call private trust with ultimate reversion to charity. Here I may remind the Council that the testamentary power of a Mussalman is limited. He can only dispose of one-third of his property by will. That again is subject to the same rules as *hibba* or gift that is to say, he cannot create life estates or various other estates known to the English or any other law of trust, and what is more, the testamentary disposition cannot be made in favor of heirs, or any particular heir unless all the heirs consent to it after the death of the testator. Now, as I said, in the Bombay High Court the decision was laid down against the Mussalman law in 1873. After that, in 1882 and in 1884, other decisions came and in a way overruled the previous decision, and this sort of conflicting decisions were given and various pronouncements were made in different High Courts in India until in 1894 we came to meet the decision of the Privy Council which lays down in substance as follows:

It says that *wakf* of this kind, namely, the *wakf-ul-aulad*, is governed by Muhammadan law. No doubt, therefore, we cannot go beyond the pale of that law but, they say that there must be a substantial dedication to charity. What is substantial dedication to

charity? This is not defined in any way at all. They further go on and say that that substantial dedication to charity must be at some period of time or other presumably not too remote. They do not fix any limit upon the time or period. Therefore, it has introduced the greatest uncertainty in our law. A Mussalman who wants to make a *wakf* of this character - *wakf-ul-aulad* - does not know at what period of time the charity should come in under the deed. He does not know what be considered substantial dedication to charity by any Court of Law. One Court may hold that the charity should come in after the first life because the words are 'some period of time or other'; another Court may hold that 'the charity should come in after two lives; and so on and so forth.

Again what is substantial dedication to charity? One Court may hold that one-sixth is enough; another Court may hold that there should be at least half; and so on. Therefore, these two propositions laid down by the Privy Council have introduced the greatest uncertainty in our law. But the main point, the principal point, we are concerned with, is the proposition of the Privy Council that, unless there is substantial dedication to charity, the *wakf* is illusory and therefore bad. We say, with the greatest deference and utmost respect for the Lords of the Privy Council, that that decision is not in accordance with the true principles of Mussalman law, and their exposition of our law is opposed to the fundamental principles of Islamic jurisprudence. If a man cannot make *a wakf-alal-aulad*, as it is laid down in our law, then it comes to this, that he cannot make any provision for his family and children at all, and the consequences are that it has been breaking up Mussalman families. Of course, the result of this decision has been, first of all, that *wakfs* have been hunted down. Ancient *wakfs* that have been in existence and operation for years have been hunted down in all parts of India and have been declared invalid. That is one effect of the decision. The other effect of the decision is that it prevents you from making any settlement in favor of your family and children. Therefore, Sir, that being the state of our law at the present moment, the Mussalman community feels that the only way in which it can possibly put this state of things right is by an appeal to legislation. I do not wish to cite the authorities here or the law here. I do not wish to take up the time of the Council unnecessarily, but I hope that I have made my points quite clear.

The opinions of the greatest lawyers, such as the Right Hon'ble Mr. Amir Ali who is well known, are fully set out in his book, which is the text-book on Muhammadan law; the opinion of Sir Rowland Wilson, who is another eminent Muhammadan lawyer and an author of a very well-known book on Mussalman law, is also to the same effect. I only propose to quote a passage from his book which collects all the translations of all the text-books on this subject, and, after giving all those translations; the conclusion that he comes to is this:-

> Mr. Justice Amir Ali, both in his book and in two memorable judgments, has accumulated a mass of testimony to the same effect from other untranslated Arabic works. But the above extracts from a standard work accessible to all

> students in its English dress are surely as conclusive (in the absence of contrary evidence) as any affirmative testimony can be. as to the practice of Indian Muhammadans of the Hanafi persuasion at the date of that compilation (17th century) and also of the practice in Central Asia at the date of the principal text-books relied on by the compilers (12th and 13th centuries). It may be added that the Turkish practice as described by D'Ohsson a century ago was substantially the same and that the Shia and Shafeite authorities are quite at one with the Hanifites as to the validity of settlements on descendants as has been shown under sections 460 and 484. (See Wilson's *Muhammadan Law*, 3rd Edition, page 478).

Therefore, he came to the conclusion that the decision of the Privy Council is not in accordance with Mussalman law.

Then there is one more passage I will trouble the Council with which comes also from a very great authority, Sir W. C. Petheram, once the Chief Justice of Bengal. After the decision of the Privy Council he happened to take an opportunity of writing an article in the *Law Quarterly Review* of 1897 in which he devotes a great deal of his attention to the original authorities and comes to a conclusion to which I will draw the attention of the Council. In an article headed 'The Muhammadan Law of Wakf', he goes into the history of the various judicial pronouncements, and he sums up thus:-

> The judgment of the Judicial Committee as delivered by Lord Hobhouse contains a passage for which I am sure the inhabitants of India as well Hindus as Mussalmans will be grateful. It is as follows: 'Amongst the very elaborate arguments and judgments reported in *Bikani Meah's* case some doubts are expressed whether cases of this kind are governed by the Muhammadan law, and it is suggested that the decision in *Ashanulla Chowdhri's* case displaces Muhammadan law in favor of English law, Clearly the Muhammadan law ought to govern a purely Muhammadan disposition of property. After the judgment of the Full Bench had appeared, the subject was a good deal discussed by Muhammadans in India, and I was struck by the fact that every Muhammadan who spoke to me on the subject agreed with Mr. Justice Amir Ali; and they all, both lawyers and laymen, asserted that there was no doubt that a *wakf* as understood by Muhammadans was such as he had described it in his judgment. At about the same time I had a conversation on the subject with a gentleman who then occupied a very important position in the Government of India but who had spent many years in official positions in Muhammadan countries. He assured me that the law as laid down in the majority of the Full Bench was not in accordance with Muhammadan law and that it was within his own knowledge that a very larger portion of land both in Turkey and Egypt was held under family settlements created by way of *wakf* constituted and conditioned in the way which Mr. Amir Ali asserts is lawful according to Muhammadan law. As the matter

> appeared to be of considerable importance I have thought it worthwhile to endeavor to ascertain how the law on the subject is understood and administered at the present time by Muhammadan Judges in Muhammadan countries and have quite easily obtained two French translations of books which appear to deal with the whole subject and to indicate how the institution is regarded in Turkey, Arabia and Egypt.

Here I may pause for a moment and point out that at one time it was thought that the Mussalman law did not apply to *wakf-ul-aulad* and that the English rule of law offending against perpetuity should be made applicable to it. That view hinted at by the previous decisions was absolutely displaced by Lord Hobhouse in that well known case 22 Indian Appeals, page 76, in the clearest terms:

> Clearly the Muhammadan law ought to govern purely Muhammadan dispositions of property.

Then he gives those translations. Therefore, you will see, Sir, that at the present moment, while the position of the Mussalmans under the Privy Council decision is, so to say, an impasse, in other countries such as Turkey, Arabia, Egypt, and I believe, although I am not quite sure, but I believe that even in Native States in India, such as the Nizam's dominions and others, the true Mussalman law is administered in matters of this kind. Then, if that is so, and so far if we are right that the exposition of the Privy Council of our law is not correct the question which then arises, Sir, is this are we to be left, in this position which I have described? Is the Muhammadan to be deprived of his power, of his right which is given to everyone under any system of jurisprudence, to make an adequate provision for his family and children? You have on the one hand by this decision taken away that power. On the other hand, there is no corresponding power under the Mussalman law which enables him to get over it. Therefore, if I may put it in this way, you have cut off an important limb of the body jurisprudence of Islamic law and it has not been replaced by anything at all. Therefore Sir, as I said the question is are the Mussalmans to be left in this position? If yes we all know that the institution of *wakf* is entirely interwoven with the religious life the social life and the basic principles of economy of the community, and the result would be—and is—disruption of Muhammadan families, the result is a revolution in the law of property under Muhammadan law. Here again I will quote from the memorial referred to above In that memorial it is said:-

> It has long been felt by the Muhammadan community that the result of certain decisions of the Judicial Committee of the Privy Council in cases of Muhammadan family settlements which have gone up before them on appeal from Indian Courts has been the breaking up of an institution which rests upon the highest religious and social sanctions and which in the past has saved a large number of Muhammadan families from destitution while it has at the same time

enabled pious Muhammadans to practice what they look upon as an act of great religious merit.

On this point, I may here draw the attention of the Council to the words of a great Russian professor who approves of this system, which may appear to an English lawyer trained up in principles of English law as bad for various reasons looked at from the point of view of English jurisprudence. But we have to take each system of jurisprudence by itself, The Russian professor, who has studied this question, it seems with very great care, is of this opinion:-

> It is a most rational and happy solution of economic problems which must have often troubled parents solicitous about the future of their descendants.

Therefore, on economic principles he seems to think that it is the best solution that you can possibly have. Well, Sir, that being the position, we feel that the only way open to us is to appeal to our Government; and here today I appeal to our Government, and I ask you, Sir, that the Government of India should give every support to this Bill. This Bill is not intended in any way to lay down any new law or new principle. This Bill is only intended to reproduce the Mussalman law which has been disturbed by the decisions of the Privy Council. It is not intended to define the general law of *wakf* which must be governed by the Muhammadan law.

Now, coming to the provisions of the Bill, you will see that the first portion of the Bill, clauses 1 and 2, are nothing but preamble and definitions, etc., Section 3, which is the most important part of the Bill, says this:-

> Power to create *wakfs*
>
> Subject to the provisions of this Act, it shall be lawful for any person professing the Mussalman faith, not being a minor or of unsound mind, to create a *wakf* for, among others, the following purposes. -
>
> (a) for the maintenance and support, wholly or partially, of his family, his children and descendants; and
>
> (b) where the wakif is a Hanafi Mussalman, for his own support and maintenance during his lifetime or for the payment of his debts out of the rents and profits of the property dedicated:
>
> Provided always that the ultimate reversion is, in such cases, expressly or impliedly reserved for the poor, or for some other religious, pious or charitable purpose of a permanent character.

Now, that we submit is nothing but a reproduction of Mussalman law.

Then section 4 is a section by which is intended that there should be a writing, and that writing should be signed and attested by two or, more witnesses and registered. That section, which is only a matter of detail and not a matter of principle is simply to secure the authenticity of a document and the following sections along with section 4, viz., sections 5 and 6, - all these provisions of registration are intended to prevent fraud upon creditors, because that was one of the points which was emphasized not only by the decisions in the High Courts in India, but by the Privy Council also, that the present state of things opened up a wide door to and facilitated frauds upon the creditors.

It would depreciate title of property generally and therefore, it is just as much in the interest of the owner as the owner that all safeguards should be provided for to maintain clear, good and marketable title to immovable property.

In this complaint there is great force having regard to the altered circumstances due to progress and advance of civilization.[1087] For example, a man makes a *wakf* in favor of his children and their children, and so on, and ultimate reversion is given to charity. Well, the *wakf* may not be registered; it may be a will, it may be a testamentary document. The document may remain in the drawers of the descendants and they may think it necessary to alienate this property by way of mortgage. Well, so far as they are concerned, perhaps it is in their own interest to keep the document in one, of the secret drawers. The next generation may come up and object to it and say that the previous generation only had a life interest, they were only entitled to the income, and the mortgage was bad. The creditor who happened to advance money then would be in a great fix, and it is in order to prevent that sort of fraud upon creditors that I have thought it necessary that the document should be registered. Then the whole world would know, because registration is notice, and if any person, takes that title he takes it at his own risk. Clause 10, which only deals with testamentary *wakfs,* does not in any way alter the Mussalman law. It only says that if you choose to make a *wakf* by a testamentary document or will it should be registered, that is again to prevent fraud upon the creditors. Clause. 11 is intended to give power to the persons mentioned therein to get the will registered within a certain period.

Therefore, Sir, the Council will see that this Bill does not in any way intend, to codify or, define the law of property or *wakf* generally which must be governed by the Muhammadan law. It does not in any way go against the Mussalman law, but on the contrary the main object, the sole purpose, of the Bill is to reproduce the Mussalman law in conformity with the texts in accordance with the wishes and very strong feeling of the Mussalman community, which feeling is well justified, having regard to the enormous consequences that have followed upon the decision of the Privy Council.

[1087] Author's italics.

Therefore, I ask the Council to give me leave to introduce this Bill. This Bill will be before, the country and we shall then be in a position to see if any objection is entertained against it and I dare say there may be several suggestions that may be made with regard to the details of the Bill. All those, no doubt, will be fully considered at other stages when we reach those stages. Therefore, I ask the Council, and I ask the Government, to support this Bill, and to allow me to introduce this Bill.

B

SAROJINI NAIDU'S SPEECH AT ALLAHABAD, JANUARY 1917[1088]

[Mrs. Sarojini Naidu delivered a public address in third week of January 1917 at Allahabad at a function presided over by Pandit Motilal Nehru (1861-1931). This was attended "by a very large gathering. of ladies and gentlemen"; She expressed her sense of patriotism. As to how far she was influenced in this connection by Jinnah's ideas was explained to the audience. Relevant extract is reproduced as follows:]

If I speak to you tonight it will not be as a politician, since, I say it over and over again, my woman's intelligence cannot grapple with the transcendent details of politics I only understand the great abiding principles of patriotism which impelled each generation to give its own contribution of living service to the great Motherland, in upholding the honor of the Motherland and in adding to the pleasure of the Motherland In spring time when the blossoms break open, when the Bulbuls sing, oh! what is that comes to a poet as it comes to the heart of you all? It is the vision of a life different. Memory does not belong to the spring time, but to the autumnal days. Springtime brings back to the heart the vision of a new awakening of hope, a new vision of tomorrow, because the blossoms of the spring hold the pledges of harvest; and so the message of the spring that comes to the heart of a nation must hold prophecy of a harvest of great deeds which are the only logical outcome of the spring to me of great dreams. It is to one of the recognized leaders whom no. one suspects of poetry that I owe the inspiration of the phrase that I will use today as the text and burden of my. address to you. Two years ago it was my friend, and Jam proud to say in one sense my comrade and leader, Mr. Mohamed Ali Jinnah, who in addressing students in Bombay, said that there were three visions that come to every man in his lifetime and it was in the following and fulfillment of these visions that every soul found its harmonious development - the vision of Love, the vision of Religion, and the vision of Patriotism. I will speak to you on these three great visions that have come to most of the passing generations, as they must come to you who belong to the generation that stands upon the threshold of destiny. The vision of love the vision of religion and the vision of patriotism are the three visions that make a brute a man and of a man God.

[1088] *Bombay Chronicle*, 26 January 1917.

C

JINNAH 'S SPEECH AT THE BOMBAY WAR CONFERENCE, 10 JUNE 1918[1089]

His Excellency the Governor (Lord Willingdon): I now call upon the Honorable Mr. M.A. Jinnah to address the Conference.

The Honorable Mr. M. A. Jinnah:— Your Excellency, Your Highnesses, Ladies and Gentlemen, - There is not the slightest doubt that I am voicing the feelings of the large body of people outside this hall when I say that our response to the message from the King Emperor, namely, the assurance of the determination of the Presidency to continue to do our duty to our utmost capacity in this great crisis through which the Empire is passing has the support of the entire educated community of India. There are also no two opinions that at this crisis it is imperative that India should go forward and develop the manpower and utilize the resources of our country to the fullest possible extent. But, my Lord, before I proceed further, I must say that I was pained, very much pained, that Your Excellency should have thought fit to cast doubts on the sincerity and loyalty of the Home Rule party. I am very sorry, my Lord but with the utmost respect I must enter my emphatic protest against that view. The Home Rule party, is as sincere and as anxious to help the defence of our motherland and the Empire as anyone else. I do not wish to take up the time of this august body at this late hour. But. the difference between us and Government is only regarding methods. You want to develop the man-power of this country. You have schemes directed to get recruits, but we say that that is not enough, and that that will not save us from the German menace which is staring us in the face on the frontiers. We say there must be a national army, a citizen army, and not a purely mercenary army. That is the difference.

His Highness the Maharaja of Jamnagar said that we should not bargain, that we should not be moved by a huckstering spirit; that we should wait for what we want today till tomorrow and if we do what we are required to do we shall surely get our desire. My friend, Mr. Munmohundass Ramji says we should do all we can now and we shall get the benefit and what we want afterwards. But is this not bargaining in a way? Mr. Munmohundass is a shrewd businessman, but our young men are not and our recruiting field is our young men. What we want Government clearly to understand is this:- If you want us to raise an army to stand this menace, then make the people feel, make our young men feel that they are the, citizens of Empire. Do this by your deeds,

[1089] 'Report of the Proceedings of the Bombay Provincial War Conference held in the town hall on Monday, the 10th June 1918' in *Government of India Confidential Proceedings*. IOR. P/36. This speech was not fully reproduced either in the contemporary newspapers or in the various documents compiled in later years.

not words. I do riot agree that we should do all we can on the understanding that we are going to be rewarded for it afterwards, neither do I say that we should bargain and make conditions before we help the Empire. But I say that if you wish to enable us to help you, to facilitate and stimulate the recruiting, you must make the people feel that they are the citizens of the Empire and the King's equal subjects. But you do not do so. You say that we shall be trusted and made real partners in the Empire. When? *We don't want words; we want action and deeds, immediate deeds*.[1090] I will only give one instance. At the Delhi Conference we unanimously passed a resolution recommending that a substantial number of King's Commissions should be granted to the people of India; but nothing has been done yet.

His Excellency the Governor:- I really must suggest to the Honorable Mr. Jinnah that he had better go to the Government at Delhi or Simla and say these things there. I have no power in this particular matter.

Mr. Jinnah:- I am simply saying this, that I understand that this Government is directed to carry out the proposals approved by the Government of India and I say that if Government want us to cooperate with them and carry out their wishes in this province then let them trust us My Lord I do not wish to detain the Conference longer. But I would say one thing, and that is this. I cannot agree with the method laid I down in this resolution. I agree with the first part of the resolution, namely, "This Conference is of opinion that the man-power and resources of this Presidency should be utilized and developed to the fullest possible extent". But I do not agree with the latter part, namely, the personnel of the Board. I do not agree with it because I have not had given me an opportunity to exercise my judgment upon it. I want to move an amendment but I cannot move an amendment as it has been ruled by Your Excellency that no amendments will be allowed. This is a procedure which is unheard of not known to any constitution, but since the ruling is given I must bow to it.

His Excellency the Governor:- But the Honorable Gentleman might send any suggestions he wants to be adopted.

The Honorable Mr. Jinnah:- My Lord, the procedure has already been laid down and I do not wish to challenge anything but I only wish to say that I do not approve of the personnel of the boards. My next point is that I do not approve of the memorandum annexed to the resolution. I have had no opportunity given to me of exercising my judgment upon it and how can I approve of it? I refuse to be a party to the adoption of this memorandum which I have had no opportunity to consider. I hope this Conference would agree and Your Excellency would believe me that to doubt our sincerity, that to doubt our loyalty is an insult to our party, and we will not have it.

[1090] Author's italics.

[Towards the end of this Conference the Governor took exception to the remarks of Jinnah who again spoke as follows]:

> The Honorable Mr. Jinnah:- I would only request Your Excellency to refer to Your Excellency's speech where Your Excellency has doubted the sincerity of the home rule leaguer to help the Government, and if I am wrong, I would withdraw my protest.

D

JINNAH'S PRESS INTERVIEW, 16 NOVEMBER 1919[1091]

[As head of Muslim League deputation to London, Jinnah pleaded, for preservation of Khilafat and holy places of Islam before the Secretary of State for India and the British Prime Minister during July—October 1919. In this period he also pressed for new Reforms in his evidence before the Joint Select Committee of the Parliament. On his home return in November, he was interviewed by a representative of the Bombay Chronicle which is reproduced here:]

Press Representative: Is it true Mr. Jinnah that the sympathetic attitude of the Joint Committee was prejudiced by the conduct of the Congress Deputation, as alleged by the Moderates?

Jinnah: In my opinion the attitude of the Moderates has done us more harm than the attitude of the Congress Deputation. One has gone to one extreme, and the other has gone to the other extreme. In my opinion India has got to keep her head cool at this most critical moment. Unless at the next sessions of the Congress in December a thoughtful programme is laid down by our leaders and accepted by the people, an incalculable amount of harm would be done to our cause. Above all the most important thing necessary for success is Unity, not only between the Hindus and the Mahomedans, which I see is daily growing much to my happiness, but throughout our rank and file.

Press Representative: What are your impressions Mr. Jinnah of the Joint Committee?

Jinnah: My impression with regard to the attitude of the Joint Committee towards the Reform Bill is that the majority of them are very sympathetic and I think that the Bill will be improved. If the Bill is going to be improved - as I have been made to understand, although I cannot say, that I shall be satisfied with it, at the same time I would not be justified in saying that I am dissatisfied with it - it will mark undoubtedly a real step forward.

Attitude of Parties in England

Press Representative: Do you think the Indian National Congress is justified in identifying itself with the advanced parties in England for instance, the Labourites?

[1091] *Bombay Chronicle*, 17 November 1919.

Jinnah. In my opinion no party in England thinks primarily of India. Each party thinks, in the first instance, of its own programme and each party that wants to "down" the Government may make India its catspaw, if you join any party; so any spasmodic effort on the part of India to make alliance with one party or the other is not likely to help our cause much. But, if India were to send her real representatives, say half-a-dozen, who will carry on propaganda work there backed up by substantial financial help and public opinion, a great deal can be done. But it must be a continual and permanently established institution carried on by men, not only who go there for a few months, but permanently, settled or to be succeeded or replaced by others if necessary. But, I may add that so far as the Labour Party is concerned; they are more sympathetic towards India because they feel themselves oppressed and their heart goes out more readily to anybody else who, they think, is also oppressed.

Mr. Montagu and Punjab Atrocities

Press Representative: What are your impressions of the attitude of Mr. Montagu with regard to the Punjab atrocities, and do you think there is any chance of the wrongs to the Punjab being ever righted?

Jinnah: From what little I know, no man is more anxious to right the wrongs of our country than Mr. Montagu; although the personnel of the Committee appointed does not command the confidence of the people of India; there is one man in that Committee who has a very great reputation and if the committee is put in possession of the true state of affairs, and if the report. by one or two on the Committee will place the real truth before the Secretary of State for India; I feel' confident that Mr. Montagu will not fail us.

Recall of Lord Chelmsford

Press Representative: What is your opinion about the recall of, Lord Chelmsford who, the people think has failed so egregiously in his administration of this country.

Jinnah: I have no hesitation in saying that Lord Chelmsford's administration has been a failure and the sooner he is recalled the better for all concerned.

The Khilafat

Press Representative: May I know, Mr. Jinnah, your views with regard to Turkey and the Khilafat, questions?

Jinnah: I am afraid that the fate of poor Turkey is almost sealed. At the head of the Mussalman Deputation in England we made the strongest representation both to the

Secretary of State for India and the Prime Minister, but I am afraid no good will come of it. I cannot understand why the British policy is so persistent in striking a blow at the integrity of the Ottoman Empire. The Prime Minister in his speech on the 5th January 1918 gave us this assurance: "Nor are we fighting to deprive Turkey of its capital or of the rich and, renowned lands of Asia Minor and Thrace which are predominantly Turkish in race. We do not challenge the maintenance of the Turkish Empire and the homelands of the Turkish race with its capital at Constantinople". These were the solemn words pledged to the Mussalmans who shed their blood for the Empire no less readily than any other community. It remains to be seen whether this promise is going to be treated as "scrap of paper".

Press Representative: Do you think, Mr. Jinnah, the anxiety of England and her Allies for conceding the privilege of self-determination and independence to the Arabs is a real one?

Jinnah: I don't believe it.

England's Attitude Towards Eastern Races

Press Representative: What is your opinion about the attitude of England towards the Eastern Races?

Jinnah: I think this policy towards the Mussalman States is bound to end in the greatest possible disaster, unless it is changed.

Message to People

Press Representative: Can you give a message to the people after your experiences in England - of the people and the country?

Jinnah: The renaissance of India depends principally on three things: Firstly, Education; secondly, commercial, industrial and technical progress; and last but not least, military policy. With regard to the first two by the advent of constitutional reforms, which will soon be an accomplished fact, great opportunities will be placed in the hands of the people themselves, and it is up to them to grasp these opportunities at this critical moment in the history of the world. With regard to the military policy, I for one cannot take the announcement of 20th August by itself. Side by si1e with constitutional reforms, people of India must be made fit to defend their homes. and hearths, both from internal and external dangers, because I do not believe that any nation can govern by ballot box only, it must have- the requisite strength behind to carry out its will. In other words, there can be no -.Home Rule without the power to defend homes and at present we have no military or naval strength. We are mainly dependent upon Englishmen and their Navy to defend us externally and internally in case of crises.

Indo-British Agitation

Press Representative: What about the Indo-British agitation in England and do you think it will materially affect the reforms?

Jinnah: Well, so far as I know, Lord Sydenham is an extinct-volcano; but he has done us some harm and might do some harm still.

Press Representative: Now that the Congress is approaching, can you give any message to the people?

Jinnah: No, not at present. The attitude of the Congress will have to depend upon the Reform Bill which I think will be passed before the middle of December. But I would ask the people of India now to concentrate their attention more on the naval and military questions concerning India, which are far more important-than anything else at present.