

## THE LIBERAL AND CONSTITUTIONAL POLITICS OF MUHAMMAD ALI JINNAH: A CONTEXTUAL ANALYSIS OF HIS ADVOCACY FOR FUNDAMENTAL HUMAN RIGHTS

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### ABSTRACT

*Quaid-i-Azam Muhammad Ali Jinnah was a great liberal constitutionalist and an unyielding champion of fundamental human rights like freedom of expression, assembly, association, religion etc. This paper mainly explores his efforts and unwavering advocacy in favour of fundamental human rights based on his constitutional approach and unprejudiced concept of his political philosophy. The study highlights the role of some British and Indian liberal political leadership on Jinnah's political outlook predominantly his strong devotion to constitutional struggle, democratic principles, freedom of expression and equality of all before law. Throughout his political life, Jinnah opposed racial discrimination, exploitation of human resource, violation of human rights and maintained that no law or political framework would be acceptable if it usurped fundamental rights of the people. Based on thematic and content analysis methods supported by both primary and secondary sources, the research, through a careful examination of significant historical events, explores Jinnah's democratic and constitutional politics with special emphasis on his commitment to constitutional rights as reflected in his speeches and statements as well as his legal arguments in the courts in this regard.*

**Key Words:** Fundamental Rights, Freedom of Speech, Freedom of Press, Minority Rights, Individual Liberties, Right to Fair Trial and Peaceful Protest.

### INTRODUCTION

Throughout his entire political career the creator of Pakistan and the father of the nation, Quaid-i-Azam Muhammad Ali Jinnah (1876-1948) strongly adhered to the true principles of human prestige and constitutional way of politics. He was a staunch advocate of peace and human rights. In his broadcast address on October 30, 1947, Jinnah claimed that Pakistan was achieved through moral conviction and intellectual endeavour rather than through the use of hard power and a sanguinary war and practically in a peaceful manner with the power of pen which is no less mighty than the sword and so our legitimate cause has been victorious (Ahmad, 1976: 426-27). Unlike the founders of other nations like Washington, Cavour and Bismarck, Jinnah achieved his political aim without military support (Bolitho, 1954: 200). It connotes peaceful, moral and constitutional leadership of Jinnah and shows to the world that foundation of Pakistan was laid not on barbarity and anarchy but on rule of law and peaceful ideological principles of Islam.

Human rights are those rights which are legally and universally protected and to which every human being is equally entitled irrespective of his faith, religion, creed, language, colour and sex. Religion Islam gives great importance and high prestige to humanity. In Islamic jurisprudence human rights mean those rights granted by Allah and explicitly mentioned in His Holy Book. These rights are divine, universal, eternal, absolute and are safeguarded through the *Shariah*. They are neither man-made nor prepared by a parliament and are not subjected to any amendment. Allah declares human beings as the highest of all creatures (Surah *Bani-Israeel*: verse 70) and He says that 'we have certainly created human being in very exquisite manner (Surah *Al-Tin*: verse 4). Islam forbids illegal killing of human beings (Surah *Al-Inaam*: verse 151). It strictly forbids such acts which hurt human feelings. Islam has defined the rights of all human beings- men, women; parents, offspring, spouse, orphans, non-Muslims, neighbours, guests and travellers. The Holy Quran has clearly mentioned basic human rights:

like right to life, right to property, freedom of religion, the right to privacy and insists that no one will suffer for the wrongs of another (Surah *Faatir*: verse 18) .

Islam has fully instructed to its believers to fulfil these rights. If people do not respect each other's rights, then there will be chaos in the world. History bears witness to the violation of human rights. Before the advent of Islam, women were treated harshly and daughters were buried alive. The people of Arabia quarrelled with one another over trivial issues. But when Islam emerged as an influential power, it brought a spiritual revolution in their lives. In this regard the last ceremony of the Holy Prophet (PBUH), was a comprehensive document.

We have some historical and written documents recognizing human rights like Magna Carta (1215), Declarations of human rights of England (1689), France (1789) and USA (1791). All these documents were made for protection of human rights. Similarly international organizations like the League of Nations (1920) and the United Nations Organization (1945) were made to promote respect for human rights, international peace and prevent conflicts. But these organizations failed to achieve their goals. However, on December 10, 1948, the Universal Declaration of Human Rights was formally adopted and proclaimed as a milestone in human rights history by the UN General Assembly. This declaration was followed by so many treaties and documents to further elaborate the human rights like protection of children and women rights and eliminate all forms of discrimination against them. In addition to official international organizations, some other organizations working on a voluntary basis, have played and are playing a cardinal role in focussing the attention of the international community to the human rights issue (History of Human Rights).

The History of Indo-Pak subcontinent is also replete with heart-wrenching events of Hindu-Muslim riots and violation of human rights. On the political landscape of India there were leaders who devoted themselves wholeheartedly to fight for the rights of the people of India. Most of these leaders who championed the cause of the Indian rights possessed liberal and democratic attitude in politics and they influenced Jinnah to such an extent that he too emerged as a liberal nationalist who struggled for political, democratic, social, educational and economic rights of the Indians in general and the Muslims in particular.

Jinnah never supported any oppressive law and coercive policy which squashed human rights. Whether it was the ILC (Imperial Legislative Council), the INC (Indian National Congress) and the AIML (All-India Muslim League), he consistently raised his voice against any encroachment upon fundamental rights or their violation. As a legislator, Jinnah strongly criticised any law that curtailed civil liberties or discriminated against individuals on the basis of religion, race or creed. His speeches in the ILC reveal his unflinching stance on fundamental rights such as freedom of speech, freedom of press, protection of minorities' rights, right to fair trial and education and safeguard to unlawful detentions. Throughout his political career, he adhered to these ideals. To him, these were not simply political goals but the very spirit of civilized governance where justice, liberty and respect for human rights were considered as the core principles.

### **Anti-Racialist**

The most important thing in fundamental rights is equality of all human beings. The concept of inferiority or superiority is racialism. When this concept increases, it suppresses fundamental rights, leading to social injustice, discrimination and violence in society. From the very outset when he was a law student in London, Jinnah emphatically opposed the principle of racial discrimination. This can be seen in his dynamic role in Dadabhai Naoroji's election campaign in England. Dadabhai who later became the member of the British Parliament confronted a great racial prejudice. Being an Indian, he was openly criticized by Salisbury (a conservative opposition leader 1892-95 & Premier of England 1895-1902) and questioned the legitimacy of an Indian to an English constituency. Jinnah's legal education trained him that everyone is

equal before law and therefore any racial discrimination is sheer injustice. His support to Naoroji demonstrated his early commitment to the principles of equality, justice, and anti-racialism. Jinnah's remark by declaring himself even blacker exposed the unreasonable statement of Salisbury (Wolpert, 2004: 10).

### **Protection of Right to Property**

The right to property was one of the most constitutional rights which were debated in the ILC of British India. It refers to a person's legal right to own, enjoy and transfer property. Not only Islam grants due and fixed share to every person in his ancestral property but also most of the world's constitutions do not deny this right to their citizens. The constitutionalist Jinnah was aware of such right. Being an advocate, he looked upon this right not just as an economic issue, but as a basic legitimate right. A *Waqf* refers to a permanent dedication of a Muslim's property. Muslim law permits a Muslim to dedicate his property to his offspring. This system prevailed during Muslim rule in India. But in 1894, the London's Privy Council had invalidated *Waqf-al-Aulad* (Muslim family endowments) preventing the Muslims from making permanent property settlements for their descendants. Jinnah for the first time introduced a bill on *Waqf alal-Aulad* ((Muslim *Waqf* Validating Bill) in the ILC on March 17, 1911. He argued that the decision of the Privy Council was opposed to the fundamental principles of Islamic law and therefore urged the government to withdraw its decision (Afzal, 1966: 4-5). It was the first private bill of its nature moved by an Indian and passed on March 5, 1913 (Mujahid, 1981: 516).

### **Laws Infringing Upon Fundamental Rights**

Jinnah did not favour any legislation which took away, curtailed or contravened the fundamental rights. The Rowlatt Bill or Act (1919) was one of such laws. In his comments on the bill on February 6, 1919, he considered it an inappropriate solution to the existing problem. He asserted that individual's liberty could not be taken away even for a single moment without formal judicial investigation. He further remarked that a believer in the principles of fair play, justice and liberty, would never approve such law (Iqbal, 1967: 46-47). He resigned from the Council on March 28, 1919 against the passage of the Rowlatt Bill, (Khan, 1976: 34). During his strong speech on the bill Jinnah declared it against the fundamental principles of law and justice and asserted that it has confiscated the constitutional rights of the people (Afzal, 1966: 141). He termed it an attack on the liberty of the citizens (Pirzada, 1969: 542-44).

In order to curb criminal outbreaks occurred in the aftermath of the partition of Bengal (1905), Lord Minto, the Viceroy of India (1905-10), adopted repressive measures. Political agitators were banished without any legal procedure under the 1818 Act, and new acts like the Explosive Act, the Prevention of Seditious Meetings Act and Criminal Law Amendment Act were implemented. During the Viceroyalty of Lord Reading (1921-26), the applications of the last two acts were extended to other parts of India (Gense, 1955: 387). Some of the Hindu and Muslim leaders and common people were arrested, tried and convicted. In January 1922, an All-Parties Conference was called at Bombay. Jinnah was one of its three Secretaries. The conference unanimously condemned the repressive policy of the government and adopted a resolution declaring such policy as an encroachment upon the fundamental rights of citizens, freedom of press, speech and association (Pirzada, 1987: 40-43). On September 16, 1924, Jinnah opposed Indian Criminal Law Amendment Bill, because it clamped down the freedom of association. On January 28, 1925, he opposed the Bengal Criminal Law (Amendment) Ordinance 1924, on the ground that it had taken away their liberty without a judicial trial in a proper court where they have all rights to defend themselves (Iqbal, 1967: 48). While defending the life and liberty of the innocent population, Jinnah on March 23, 1925, once again criticized the Bengal Criminal Law Amendment Act (Supplementary Bill). He argued that depriving entire nation of its liberty for the sake of saving a few officials was both unjust and inhumane

(Iqbal, 1967: 47). In his speech on this bill on August 23, 1938, he asserted that any person who was in support of this bill will be selling his country's freedom and committing a betrayal of the liberty of the nation (Ahmad, 1968: 48-63).

### **Liberty and Self-Government**

The idea of self-government is not exclusively a political dream but also a constitutional right and the essential element of democracy. It is the right of a nation to shape its own political, social and economic future by making their unanimous decisions. Without self-rule the fundamental rights cannot be truly accomplished. Jinnah as a supporter of this right conceived that self-government was identical with the sacred essence of liberty, equality and moral right of every citizen. Jinnah was deeply influenced by the liberal philosophy of some brilliant leaders of England. Among them was William Ewart Gladstone (1809-98), the leader of the Liberal Party and who had the honour of being Prime Minister of U.K. several times, was foremost. The emergence of India's political awakening can be linked to the rise of the Liberal Party assuming power in England several times. John Morley, a Lincoln's bench and the British Secretary of State for India (1906-10), became a favourite personality of Jinnah. Another liberal personality from whom Jinnah was impressed was Alfred Webb, an Irish member of the British Parliament. His speech in favour of Irish Home Rule (a burning issue at that time), was a great lesson for Jinnah. It taught him how to demand rights for India (Wolpert: 2004: 13).

The liberal nationalist leaders of the Congress from whom Jinnah was influenced and who struggled for self-rule of India and shaped Jinnah's political future were Dadabhai Naoroji (1825-1917), the second President of the Congress (1886), and the author of *Poverty and Un-British Rule in India*, had played a crucial role in divulging the economic exploitation of India under the British rule. In his first speech in the House of Commons in 1893, Dadabhai spoke in favour of freedom of expression and demanded justice for his Indian subjects. This was a motivational speech for Jinnah (Wolpert: 2004: 11). Jinnah worked as Secretary of Dadabhai, who presided over the Congress session in 1906. In his speech the President stressed on self-government, fair share in job opportunities and free and compulsory primary education. The demand of these fundamental rights fascinated Jinnah towards the Congress. The other liberal Indian politicians who shaped Jinnah's liberal attitude were Badruddin Tayyibji (1844-1906), Pherozeshah Mehta (1845-1915) and G. K. Gokhale (1866-1915), who struggled for the rights of all Indian communities equally (Sitaramayya: 1935). The democratic and Indian nationalistic ideology of these leaders attracted Jinnah towards the Congress politics. Before formally joining the Congress, Jinnah went to London in September 1905 with his political mentor Gokhale, as member of the Congress delegation, to speak in favour of self-government for India in the upcoming British elections (Mujahid, 1981: 513). It signified Jinnah's first effort to promote the cause of Indian political right. In 1905, the Liberal government of Prime Minister Campbell Bannerman with its progressive ideology, announced the introduction of constitutional and political reforms in India (Rajput, 1948: 18). This announcement brought a significant change in the political outlook of India. It led to a new political consciousness and the politics of loyalty towards the British government gradually transformed into a struggle focussed on achieving self-government. That year the Congress politics took a new turn. Gokhale, the President of the Congress session, declared that India should be ruled by the Indians themselves. The same demand was also made in the next Congress session of December 1906 by its President Dadabhai (Satyapal, 1946: 156-65). Such progressive political strategies of the Congress and its initiative for achieving self-rule profoundly influenced Jinnah who began his political career under the liberal nationalist leadership of the Congress. From that time onward he struggled for political rights of the India. He made efforts to bring the League's constitution at par with that of the Congress in terms of its self-rule strategy.

Consequently the League modified its constitution and formally adopted the strategy of self-government as an integral part of its constitution in March 1913. Jinnah openly extended his support to every resolution moved by Congress leaders like Diwan Bahadur T. Rangacharia and Bepin Chandra Pal concerning self-government (Mujahid, 1981: 528).

### **Slavery and Forced Labour**

Jinnah was strongly opposed to forced labour and slavery. His commitment to human sanctity and freedom was obvious from his strong support to Gokhale's resolution on Indentured Labour for Natal (South Africa) placed before the ILC. The aim of the bill was to prohibit export of indenture labour to Natal and to abolish this system completely because it was a form of slavery. During debate on the resolution on February 25, 1910, Jinnah had his first clash with Lord Minto, the Viceroy of India and the President of the ILC (Saiyid, 1970: 28-29). Being a staunch advocate of human rights, self-respect and civil liberty, Jinnah considered this system as the worst form of slavery and exploitation of human resource. He considered the British reforms meaningless if such exploitation of human resource continued. He raised his voice against any system that degraded human liberty and equality. In August 1910, he contributed 100 rupees to fund for Indians in Transval (South Africa) (Mujahid, 1981: 515).

### **Equality in the Services of the State**

Jinnah advocated the Indianization of the British Indian army and regarded it as a crucial step towards achieving administrative equality and restoring national prestige. He continuously insisted that opportunities should be extended to the Indian young men as were granted to the Europeans. Jinnah's mission was realized when a bill on Indian Defence Force was introduced in the ILC in February 1917. Jinnah welcomed this bill and demanded that Indians should be appointed officers in armed forces (Mujahid, 1981: 519-20). Finally an act to constitute an Indian Defence Force was passed by ILC on February 28, 1917 (Indian Defence Force Act, 1917). Similarly he always exhorted upon equality between the Europeans and Indians in the ranks and files of His Majesty's forces and adequate representation of the Indians in the ILC (Saiyid, 1970: 51). Jinnah insisted on merit not on race. Therefore he demanded that both Europeans and Indians should be appointed equally on the high ranks of the Indian army. For this purpose he asked for the establishment of a Military College in India to expedite the training of the Indian army for the commissioned ranks and demanded to nominate a committee to examine the feasibility of setting up a military college in India. Consequently a committee popularly known as the Indian Sandhurst Committee under the Chairmanship of Lieut-General Sir Andrew Skeen (Chief of the General Staff in India) was appointed in June 1925. The Committee recommended the establishment of Indian Military College on the model of Sandhurst. The Committee also recommended that half of all officer ranks in the Indian army should be allocated to the Indians by 1952 (Sandhurst Committee Report: 1927 1-64). Jinnah also served on this Committee as a member. Jinnah's supporters like Dr. Moonji and Srinivasa Iyengar moved resolution in the Council in August 1927 in favour of Indianization of army. Jinnah's Fourteen-Point Agenda (1929) also included a provision that the Muslims and other Indians should be granted an adequate share in all the government services (Sayeed, 1968: 73). Jinnah also spoke on the occasion of the first RTC (Round Table Conference), in January 1931 on the matter of Indianization of the army and equal status of the Indians in the Indian forces (Jafar et al, 1977: 239-77).

### **Freedom of Speech and Press**

Freedom of speech and press are the essence of democracy. Jinnah argued that no constitutional liberty could survive without the right to speak, right to criticize and right to publish freely. His speeches in the ILC showed that he always stood for liberty, freedom of speech and freedom of press. He strongly criticized the restrictive laws of the colonial period. For instance, he criticized the Press Act (1910) for its irrational provisions that granted the discretionary powers

to arrest the press which disseminate anti-British literature. On February 8, 1910, he backed Gokhale's amendment in the Press Bill (Mujahid, 1981: 515). He urged the INC and the AIML to jointly discuss the national issues including the Press Act (Ahmad, 1986: 110). On September 19, 1918, he criticized the Act for being administered by the executive in a most arbitrary manner for punishing erring papers without any judicial review. He stressed the government to modify the Act. He appealed for the protection of innocent journalists who were performing their duties and were serving both the public and the government by criticising the government freely and honestly which was an education for any government (Jafar et al., 1977: 103-4). He in 1936 once again stressed on the freedom of press and speech (Jafar et al., 1977: 279-91).

### **Proponent of Peace**

Peace and fundamental human rights have very deep relations with each other. A society where basic human rights are guaranteed, peace automatically prevails. This relationship is based on the principles of mutual confidence, justice and equality which are the essence of a civilized society. Violation of these rights affects not only collective harmony but creates hurdles in the way of peace. In the political and legal philosophy of Jinnah peace and human rights were interconnected. He knew that protection of rights was the essence of real peace. He desired peace in India and believed that the progress and stability of any society rested upon the principles of justice, equality, and protection of fundamental rights. Being a strong advocate of peace and law, Jinnah in his speech in March 1913, on the Indian Criminal Law Amendment Bill said, that those who challenged the writ of the government and sabotage law and order were the great adversaries of the country and deserved the highest punishment (Saiyid, 1970: 32-33). Jinnah's peaceful resolution of the sectarian conflict between the Sikhs and the Muslims over the ownership of Shahidganj Mosque at Lahore in 1936 demonstrates another proof of his adherence to peaceful and conciliatory principles and his unwavering commitment to communal harmony. He was praised for his peace efforts (Saiyid, 1970: 167-169). In order to avert any kind of unpleasant situation, Jinnah in his message on June 3, 1947, regarding the partition plan earnestly appealed to all communities of India to remain calm and peaceful under all circumstances (Speeches and Statements, 1989: 13). Jinnah's vision for the creation of Pakistan was based on peace, justice and protection of human rights. On the very first day of the creation of Pakistan he affirmed that we desire peaceful coexistence and cordial relations with our neighbours and the international community (Speeches and Statements, 1989: 55).

### **Freedom of Peaceful Agitation**

Every citizen shall have the right to assemble peacefully. When the Rowlatt Act was passed in March 1919, the meetings were held and resolutions were passed against it. On April 13, 1919, the government had to take harsh action and General Dyer ordered to open fire on innocent people at Jallianwala Bagh (Amritsar). Consequently, the Hunter Committee was appointed, which submitted a biased and partial report. Jinnah, who was the champion of the constitutional rights and peaceful protest, strongly criticized the Rowlatt Act, the Punjab atrocities and the Hunter Committee Report at the meetings of Home Rule League (June 27, 1920) and the League (September 7, 1920). He requested the British authorities to punish the offenders to stop the occurrence of such events in future (Pirzada, 1984: 383-85 & 388-90). He believed that constitutional and peaceful protest was right of the citizens and such killings and violence in Punjab will led the Indians to lose faith in constitutional methods of protest. The Punjab atrocities were characterised by Jinnah as onslaughts on individual liberty (Wolpert, 2004, 66-67)

### **Independence of Judiciary**

An Independent judiciary is the essence of any democratic and constitutional system, ensuring that justice is dispensed impartially without any political pressure or administrative interference. It upholds the rule of law and protects liberties of the citizens against despotic actions of the state. Jinnah during his legislative career strongly advocated an independent and powerful judicial system. He believed that judiciary was indispensable for protection and enforcement of human rights. In his speech in the ILC on Criminal Law Emergence Power Bill in February 1919, Jinnah vehemently criticised the bill and asserted that no person should be denied his liberty without a legal procedure. The judicial powers which were going to be transferred to the executive were likely to be exploited. He stressed on separation of these two elements (executive and judiciary) of the government from each other and warned that if such authority were vested in the executive it would undermine the very foundation of freedom and justice (Merchant, 2007: 67-68). During the second session of the RTC in November 1931, Jinnah advocated the notion of independence of judiciary (Pirzada, 2007). He believed that the law courts alone should be freely authorized to decide the question of citizens' rights (Iqbal, 1967: 45).

### **Right to Fair Trial**

The Right to fair trial is one of the fundamental rights ensuring that every individual is given an equal opportunity to defend himself before an impartial court. This principle guarantees transparency, equality before law and protection against arbitrary punishment. Jinnah had unflinching faith in this right and frequently censored the British government for violating it. The unfair trial of Baghat Singh (1907-31) and his associates was a striking example where the British authority denied the accused their fundamental right to fair hearing. Baghat Singh and his two associates were labelled as terrorists and were sentenced to death by the British authority under the Lahore Conspiracy Case (1929). The case was conducted under a special law by which the proceedings of the case were allowed even if the accused were not present in court. During debate on the bill in the Council in September 1929, Jinnah spoke in favour of the accused. He strongly opposed such legislation as it was against the basic principles of justice. He asserted that in the trial the accused were not given a chance to defend themselves. He argued that a conscientious judge would never participate in such one-sided trial (Pirzada, 2007: 3-4). It demonstrated that Jinnah believed in justice, rule of law and human rights.

Mr. B. G. Horniman, a British journalist and editor of the 'Bombay Chronicle' was exiled to England. He and his newspaper supported Jinnah in his constitutional protest against the farewell ceremony arranged at Bombay in December 1918, in honour of Willingdon, Governor of Bombay. Jinnah was admired for Horniman's services and was hailed as embodiment of public will and the guardian of civil liberties (Saiyid, 1970: 68-73). Jinnah at that time was the Chairman of the Board of Directors of the newspaper and he strongly opposed Horniman's deportation. He said that false allegations were made against Horniman and he was not given a fair trial. He stressed on legal procedure against him if any and asserted that personal liberty was the most sacred right in any constitution and it could not be taken away in an unjust manner (Jafar et al 1977: 124).

### **Legal Safeguards against Unjustified Arrest and Detention**

Being the President of the Bombay branch of the Home Rule League, Jinnah in July 1917, presided over its three consecutive important meetings in Bombay. On July 28, during a joint meeting of the League's Council and the Congress Committee, he demanded the release of the Home Rule internees. On the next two days he demanded Home Rule for India and recorded a protest against the repressive policies of the government (Mujahid, 1981: 520). Jinnah said that if they accepted such policy of the government all constitutional and legal agitations, freedom of speech, and the press would stop (Pirzada, 1984: 210-11). Jinnah struggled for the release

of Hindu, Sikh and Muslim leaders, like Ali Brothers and Annie Besant, when they were detained by the British authority after the First World War.

The Criminal Law (Emergency Powers) Bill, passed in the Council of Viceroy Chelmsford (1916-21), gave immense emergency powers to the British authority to arrest a person, detain him and punish him without any legal procedure. Jinnah at time was an elected member of the ILC and was an expert lawyer. He spoke several days (6<sup>th</sup>, 7<sup>th</sup> February and 12-14 March 1919) against this law in the Legislative Council (Mujahid, 1981: 524). He said that this bill violated the civil liberties, rule of law and asserted that it will sabotage the constitutional politics of India (Khan, 1976: 30-32).

Bal Ganga Tilak (1856-1920) was a leader of an extremist group in the Congress. He was arrested in 1908 after the Surat split of the Congress (1907) in sedition case and accused that his newspaper *Kesari* published seditious materials against the British government. The trial was brought under the Bombay High Court. Jinnah who served his defence counsel presented strong and cogent arguments. He asserted that Tilak's writings contained patriotism not on provocative and seditious substances. He argued that freedom of expression is indispensable for stable government. Instead of these convincing and logical arguments, the Judge gave his verdict declaring Tilak as an offender. However the defensive arguments of Jinnah as a brilliant barrister were appreciated throughout India. He also defended Tilak against another seditious charge in 1916 (Wolpert, 2004: 29). Similarly on July 11, 1947, he strongly condemned the unjustified detention of the leaders of Jammu and Kashmir Muslim Conference (Speeches and Statements, 1989: 23).

### **Right to Education**

Getting of education is the basic right of every individual and Jinnah in his speech on Gokhale's bill on Elementary Education moved on March 16, 1911, strongly supported and said that it should be made free and compulsory all over India. He said that achievement of self-government was only possible when 99 percent of our masses were educated (Pirzada, 1984: 21 & 266). Jinnah believed that consistent and continuous efforts were indispensable for progress. The true path to national salvation rested in the intellectual development of individuals and society as a whole (Saiyid, 1970: 25). He stressed on the British authority to take expeditious measures in this regard (Naidu, 1989: 142-48). In his Presidential address to the Bombay Provincial Conference held at Ahmadabad on October 21, 1916 and later in February 1917 in his speech in the ILC, Jinnah stressed on and supported a resolution regarding the need for free and compulsory education (Mujahid, 1981: 519-20).

### **Right to Religion and Culture**

In his 14-Point agenda (1929) Jinnah strongly stressed upon complete religious liberty encompassing the liberty of belief, worship, and propaganda. He exhorted that freedom of association and education shall be ensured for all communities without discrimination. He advocated constitutional protection for Muslim religion, culture, education, language and personal laws (Sayeed, 1968: 72-73). In his message to the first Constitution Assembly of Pakistan on August 11, 1947, Jinnah gave a lesson of equal citizenship irrespective of religion (Speeches and Statements, 1989: 47).

### **Jinnah and Protection of Minorities**

The main pillar of Jinnah's political struggle was based on equal citizenship for all regardless of faith, colour and race. He desired that both the Muslims and non-Muslims should enjoy equal opportunities. Before and after the establishment of Pakistan he assured the non-Muslims that they would get due respect. In his address in November 1941, at Muslim University Aligarh, he asserted that Islam gives us a lesson of equality, justice, tolerance and kindness to non-Muslims. The Hindus and other communities are our fellow citizens and will enjoy equal

status within the state (Ahmad, 1968: 326, 377). In his speech to the Muslim Students Federation Jullunder in November 1942, he once assured the non-Muslims that they would be treated justly and fairly as instructed by Islam (Ahmad, 1968: 466-70). The resolution adopted by the League to safeguard the rights of minorities was endorsed by the Quaid in his Presidential speech to the session in April 1943. He asserted that fair and just treatment towards non-Muslims was deeply rooted in our history and in the conducts of our Prophet (PBUH) (Pirzada, 1970: 425). He time and again stressed on the protection of religion, faith, life and culture of minorities and hoped that they will be loyal to the state and will perform their responsibilities and play their role in the affairs of the country. He declared that they all are Pakistanis (Afzal, 1966: 420-21 & 448). Being the champion of the peace he emphasized that the government would ensure peaceful conditions and rule of law throughout the country and will provide equal protection and rights to every Pakistani without any discrimination (Afzal, 1966, 486). On another occasion he said that there will be no interference in the religious obligations, culture and faith of the non-Muslims (Speeches and Statement, 1989: 26).

### **Jinnah's Views on Right to Self-Determination**

Right to self-determination means that every nation, group and people of every region have power to take its political, economic and social decisions as they consider best in their interests and bright future and no nation has universal authority to dominate the other. The principles of self-determination had a significant place in the political philosophy of Jinnah. As soon as he took part in the Indian political activities, he demanded self-government. But when this theory failed due to uncompromised attitude of the INC and the British government, he came to the conclusion that the Indian Muslims were a separate nation and they have right to decide their own future. In the political concept of Jinnah, the basic aim of fundamental rights was freedom and protection of human dignity. He characterised the spoliation of Ottoman Empire as an attack on the Muslims' faith (Wolpert, 2004: 67). Similarly the AIML under Jinnah's dynamic leadership passed many resolutions in support of Palestine cause (Ahmad, 1992). As far as the issue of Kashmir and other Princely States was concerned Jinnah's stance was clear. He stressed on the right of their self-determination whether to join Pakistan or India. He reiterated that the Indian States were free to join either India or Pakistan. There will be no pressure or coercion on their choice (Speeches and Statements, 1989: 16-17 & 24, 36-37). He supported the cause of Indonesia against the Dutch government (Speeches and Statements, 1989: 32-33)

### **Conclusion**

Jinnah, profoundly inspired by the liberal views of Gladstone, Morley and some Indian leaders was an unwavering constitutionalist and a protagonist of fundamental human rights. He believed in rule of law rather than the rule of individuals. He was aware of the human rights mentioned in Islam and in the world constitutions. Therefore he stressed on social Justice, individual liberty, freedom of speech and press and fought for rights to education, property, religion, culture and fair trial. His vision for Pakistan was based on these principles (Speeches and Statements, 1989: 204-05). As philanthropist Jinnah had devoted his life, talents and services to the cause of humanity. He as a lawyer, politician and parliamentarian fought for the fundamental rights of the people of India. For this purpose he used the platforms of the ILC, the INC and the AIML. Throughout his political career, Jinnah always stressed on the British government in India to make and modify the colonial constitution to be based on justice and basic human rights. For such constitutional ideal he never took care of his office or post. When he saw that some British acts, laws or measures were violation of fundamental rights, he strongly protested against them. He stood against every form of injustice, oppression and inequality. He never hesitated to advocate the cause of justice even when it meant pleading for inalienable rights of his opponents. The Tilak trial which he confronted with his intellectual arguments became a unique example of Hindu-Muslim unity. A Muslim barrister defended a

Hindu nationalist was a remarkable expression of national unity. This case enhanced Jinnah's reputation as a distinguished lawyer and an advocate of democratic principles.

Jinnah's political doctrine was based on universal human honour and justice. He rejected every form of discrimination and racial prejudice and believed that the honour and constitutional rights of every human being should be protected, not just in one region, but throughout the world. That was the reason that he supported the right of free choice of the people of Turkey, Kashmir, Palestine and other Arab countries.

The true spirit of Jinnah's ideology was establishment of a democratic state where the rights and religious freedom of its citizens are imperative. Jinnah's Pakistan was modern democratic state founded on the principles of religious harmony and fundamental human rights. He did not consider the protection of minorities as a mere moral issue but rather declared it a constitutional responsibility of the state. To sum up the study deduces that Jinnah was a liberal constitutionalist and his political ideology was strongly established on the principles of equality, democracy, sanctity of fundamental human rights and rule of law, which made him not only the most important man of Asia but also a significant voice in the global debates on human constitutional rights.

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