

## LEGISLATIVE ADVOCACY OF QUAID-I-AZAM MUHAMMAD ALI JINNAH TOWARD HUMAN RIGHTS IN THE INDIAN SUBCONTINENT: A HISTORICAL REVIEW

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### **Abstract**

*This study provides a historical review of the legislative advocacy of Quaid-i-Azam Muhammad Ali Jinnah toward the advancement of human rights in the Indian Subcontinent. It examines Jinnah's role as a parliamentarian, constitutional advocate, and political leader who consistently emphasized civil liberties, minority safeguards, and equality before law, and democratic rights within colonial legislative institutions. Drawing on extensive primary documents, including proceedings of the Imperial Legislative Council and Central Legislative Assembly, Jinnah's parliamentary speeches, legislative debates, official periodicals, contemporary newspapers, and archival documents, the research reconstructs his rights-based legislative agenda from 1910 to 1947. Supplementary insights are derived from scholarly journals, historical analyses, and secondary literature to contextualize his interventions. The findings show that Jinnah's legislative work ranging from advocacy for rule of law and due process to opposition against repressive colonial acts significantly shaped early human rights discourse in South Asia. This study contributes to a deeper understanding of how his constitutional politics laid the groundwork for rights-oriented principles later embedded in Pakistan's legal and political framework.*

**Keywords:** Muhammad Ali Jinnah, Human Rights, Indian Subcontinent, Parliamentary Debates, Civil Liberties.

### **Introduction**

Muhammad Ali Jinnah's political biography reveals a steady evolution from a constitutionally minded legislator within British India to the principal architect of a rights-based political vision for Muslims and other minorities. After entering the Imperial Legislative Council in 1910 as the Muslim member from Bombay, Jinnah quickly distinguished himself as a fearless advocate of justice and equality before law, openly challenging imperial authority on issues such as the discriminatory treatment of Indians in South Africa. Trained at the English bar, his legislative style reflected a deep faith in constitutionalism, procedural safeguards, and statutory clarity. While remaining an active member of the Indian National Congress, Jinnah simultaneously defended Muslim interests, most notably by piloting the Muslim Wakfs (Trust) Bill in 1913 an early legislative intervention that secured religious and property rights for Muslims through formal legal mechanisms.<sup>1</sup>

The Indian subcontinent's first advocacy for civil rights begins with the work of Quaid-i-Azam Muhammad Ali Jinnah. Jinnah was first and foremost a constitutional lawyer. With great emphasis placed upon the liberal ideologies of the branch of law that he practiced, Jinnah developed the understanding that one of the greatest functions of law was the protection of the individual's dignity and the preservation of their civil rights. This inspiration was clearly present in Jinnah's first engagement with politics, where he was a constitutionalist and advocated for and practiced procedural justice and equitable treatment of all individuals, principles that shaped his politics in all his subsequent interventions in the control of colonial

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<sup>1</sup> Devji, F. (2018). *Jinnah and the Theatre of Politics*.

despotism. Jinnah developed and successfully integrated rights advocacy as the principal element of South Asian political development.<sup>2</sup>

Jinnah's incursion into the Imperial Legislative Council in 1909 marked the beginning of civil rights advocacy from parliament. Differing from many of his peers, he embraced a fundamental constitutional and legalistic standpoint instead of a revolutionary stance. Having argued consistently over the years that political change of a lasting nature would require reforms of a political nature, of the institutional type, and not reforms of a political discretion nature, this conviction influenced his legislative behavior and provided the foundation for his later advocacy for all political communities to have a constitutionally provided right to the be given.<sup>3</sup> The Rowlatt Act of 1919 was to be the next significant milestone in Jinnah's political evolution. Jinnah's resignation in the Imperial Legislative Council was a stance of principle against the enabling of such legislation that provided for the arbitrary and unreviewable detention of persons. Jinnah's comments pointed out that the very essence of such a state was that of a vacuum in the envelope of civilized society to such governance. The absence of a democratic state is, therefore, a state characterized by a complete absence of democratic governance. This episode finally and conclusively situated Jinnah as a supporter of individual freedoms in the domain of colonial legislation.<sup>4</sup>

With the 1920s come his return to parliamentary politics, Jinnah was met with the same colonial legal abuses in the Central Legislative Assembly, and he was still allotted the same criticism. He stated the same criticism aimed at the legislation that strained and restricted the right to speak and to assemble, to be particularly aimed at the emergency legislation that allowed for the circumvention of the court. He stated such legislation as being a disgrace to the legal book, and in doing so, established the principle that the law is designed for the benefit and protection of the society and not to be for the unrestricted discretion of the executive authority over the society.<sup>5</sup>

Jinnah advocated for the civil and the socio-economic the socio-economic rights that encompassed education. His support concerning the education right for primary education opened the door to educational access and awareness centered on civil rights and political. Jinnah responded and countered the elitist view concerning education. His comments found support in modern rights-based development.<sup>6</sup>

Jinnah's tangible achievements include the successful passage of the Mussalman Wakf Validating Act 1913. The Act revised the injustices resulting from the Privy Council's overbroad, restrictive, and uncorrectable rulings, and contained several legal provisions that shielded Muslim charitable bequests and endowed domes and altars. The Act showed Jinnah's ability to address the concerns of minority rights within the context of legislation, while also

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<sup>2</sup> Wolpert, S. (1984). *Jinnah of Pakistan* (Vol. 144). New York: Oxford University Press.

<sup>3</sup> Khan, W. U. (2024). "Muhammad Ali Jinnah: A Congress Nationalist (1906-20)". *MAIRAJ*, 3(1), 109-119.

<sup>4</sup> Shafique, R. (2025). Jinnah's First Political Phase: From Nationalism Idealism to Communal Realism (1906-1920). *Research Consortium Archive*, 3(3), 513-524.

<sup>5</sup> Chohan, D. A (2022). The Role of Jinnah as a Constitutional Expert An Analysis: 1905-1935.

<sup>6</sup> Valdameri, E. (2015). Foundation of Gokhale's Nationalism: Between Nation and Empire.

demonstrating the ability to maintain the foundations of constitutional law and safeguard abuses of the law.<sup>7</sup>

In the interwar period, Jinnah's focus shifted to international law on the rights of the individual and also on the collective rights of the people. His opposition to the Indian Criminal Law Amendment Acts and similar legislation exemplified his opposition to the use of state coercion and repression, particularly when directed against political opposition. Jinnah provided motive for legislation by differentiating between times when the state of law was emergency and ordinary, and so established the principles of law that governed emergency situations would be proportional.<sup>8</sup> The drafting of Jinnah's fourteen points 1929 was a significant mark in the history of South Asian constitutional thought.

These proposals reflected an appreciation of pluralism and an advanced understanding of the rights of different groups in society. Freedom of religion and the right to participate in political discourse, and legally entrenched protection from the arbitrary will of ruling majorities were all Jinnah's understanding of constitutionalism. Social order and equity were Jinnah's baselines of political justice.<sup>9</sup>

Jinnah's participation in the RTC's (Round Table Conferences) also showed his belief in the self-governing and self-controlled constitution. He also argued, far before many democracies did, that there should be constitutional provisions for judicial review in the case of all fundamental rights infringements. His belief that such review should be mandatory in democracies came from his faith in the parliamentary traditions of Great Britain in which he saw, both, the positive and negative sides of rights.<sup>10</sup>

Once Pakistan was created, Jinnah's commitment to human rights received an organizational framework. As President of the newly formed Constituent Assembly, he also chaired the Committee on Fundamental Rights and Minorities which proposed, among others, the rights to equality, religious freedom, and the protection of one's property. His 11 August 1947 speech was the first of its kind in acknowledging the citizens of the state and thereby secularizing governance in South Asia.<sup>11</sup>

The fundamental right of religious freedom is of particular significance because, in Pakistan, there are various sects of Islam and believers of religions other than Islam. The founder of the country, Quaid-e-Azam Muhammad Ali Jinnah, was conscious of the State's pluralistic complexion. In his first speech to the Constituent Assembly he declared:

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<sup>7</sup> Ibid.

<sup>8</sup> Khan, M. A., Adil, M., & Inamullah, M. (2024). Muhammad Ali Jinnah the Greatest Advocate of Women-on the condition of Women in Pakistan: An Empirical Analysis. *Al Manhal Research Journal*, 4(4).

<sup>9</sup> Soomro, S. A., & Phulpoto, W. M. (2025). Leadership, Tenacity and State: A case study of Muhammad Ali Jinnah as a Statesman. *ASSAJ*, 3(02), 815-825.

<sup>10</sup> Mahmood, S., Zubair, M., & Rizwan, M. (2016). Role of Muhammad Ali Jinnah in the Indian Round Table Conference (1930-32). *Asian Journal of Social Sciences & Humanities Vol*, 5, 1.

<sup>11</sup> Mukhtar, S. (2018). Social Transformation of Pakistan under the Speech of Muhammad Ali Jinnah on 11th August 1947. In *Social Transformations in Contemporary Society 2018: International Scientific Conference for Young Researchers: Abstract Book, 7-8 June, 2018, Vilnius-Net/Mykolas Romeris University; Doctoral Candidates' Association*

You are free; you are free to go to your temples, you are free to go to your mosques or to any other place of worship in this State of Pakistan. You may belong to any religion or caste or creed—that has nothing to do with the business of the State.<sup>12</sup>

### **Significance of the Study**

Research is significant as it provides a systematic historical analysis of Quaid-i-Azam Muhammad Ali Jinnah's legislative contributions to the development of human rights in the Indian subcontinent. Jinnah prior advocacy for parliamentary changes, constitutional suggestions, and opposition to arbitrary colonial laws shows which principles were introduced within the South Asian political thought for the first time such and freedom, equality, due process, and safeguards for minorities. This study moves beyond biographical accounts within the extant literature to focus on legislative action as a means to protect rights. Furthermore, the study shows the relevance for South Asia today by explaining how Jinnah's vision of politics which included the rule of law and governance of the people derived from a political vision of democracy which is of utmost importance to the country today.

### **Relevant Literature**

Jinnah's legislative and constitutional thought highlights his broader commitment to human rights, within which women's rights occupy a significant place. Studies examining Jinnah's speeches, political interventions, and advocacy emphasize that his vision of human dignity extended beyond formal legal equality to active participation of women in education, politics, and national development. Author argues that Jinnah thought women's empowerment was very important for the development of society and that a nation could not advance if women were not included along men. Jinnah's advocacy for women's political participation during the Pakistan Movement and his claims of having the same equal rights for all show that he had a constitutional and socially just perspective on human rights before anyone else. That is why they position Jinnah's advocacy for women's rights as a part his defenders of women's rights advocacy within the context of human rights legislative advocacy for the Indian subcontinent. This goes on to show how his ideas paved the way for the region's human rights legislation and policies on equality, participation and empowerment.<sup>13</sup>

Research on the constitutional transfer of power in 1947 highlights Muhammad Ali Jinnah's legislative foresight in rejecting a common Governor-General for India and Pakistan as a crucial act of rights-oriented statecraft. Scholars contend that "Jinnah realized that by Congress inheriting British India's unitary center, Pakistan would always be politically disadvantaged in the partitioning of the assets, jeopardizing the politically-specified autonomy, and hence the civil, political, and administrative rights of the constituents." Focusing on Pakistan having a separate Governor-General, and, a strong central Power for Pakistan, Jinnah was attempting to capture politically autonomous legislative power, politically unbalanced, and, politically unmitigated control of the nation's governance in order to politically protect the minority and politically ensure equality, which he considered necessary for the new state. Most view this

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<sup>12</sup> Muhammad Ali Jinnah, President of Pakistan, Address Before the Constituent Assembly of Pakistan (Aug. 11, 1947), [http://www.pakistani.org/pakistan/legislation/constituent\\_address\\_11aug1947.html](http://www.pakistani.org/pakistan/legislation/constituent_address_11aug1947.html).

<sup>13</sup> Mahmood, S., Zubair, M., & Rizwan, M. (2016). Role of Muhammad Ali Jinnah in the Indian Round Table Conference (1930-32). *Asian Journal of Social Sciences & Humanities Vol, 5, 1*.

episode as to Jinnah's commitment to vision of advanced human rights protection through constitutional independence in the new post-colonial subcontinent.<sup>14</sup>

Jinnah's leadership in Mass nationalism, and in particular, advocacy and constitutionalism, is analyzed while framing him as a statesman who cares about the legal protections and minority rights of people in the Indian subcontinent. Jinnah prioritized constitutional law and constitutional governance as does the majority of legal advocacy within. Jinnah's contemporaries, who were popular mobilizers, were legal and political advocates within the framework of parliamentary systems, procedural law, and diplomatic negotiations indicative of advocating political rights like Jinnah. Recent interdisciplinary and critical scholarship is revising these earlier nationalist accounts in the case of Jinnah as a locator and constitutional actor, defending a minority political and legal ethical redistribution in a federal and democratically governed constructed political formation, which remains the context of today's constitutional debates juxtaposing human rights and governance in pluralistic societies.<sup>15</sup>

Literature examining Jinnah's political leadership from 1937 to 1947 highlights his decisive shift toward organized legislative advocacy for Muslim rights through constitutional and representative means. Because of the realignment of the All-India Muslim League, Jinnah's 1940 Lahore Resolution and subsequent speeches, and his use of the 1945–46 election's strategies, Jinnah legally claimed the right of self-determinacy and the right to protections for Muslims as a unique and separate political community. Jinnah's use of the legislative tools, the restructuring of political parties, and the use of political agitation to fulfill communally-based demands were all in the service of self-determination. Jinnah's framing of legal sovereignty and equality as the tools for protecting the civil, political and cultural rights of the people of the Muslim community in the subcontinent is what earned him, in most people's view, the continued advocacy of a legally recognized political rights framework, and ultimately in his advocacy for the formation of Pakistan.<sup>16</sup>

Hayat uses the literature on charismatic political leadership, primarily influenced by Max Weber, Edward Shils, David Apter, and Ann Ruth Willner, to analyze Muhammad Ali Jinnah's authority during critical social and political turmoil and crises in the Indian subcontinent. These writings maintain that the conditions of systemic collapse, alienation, and collective deprivation give rise to charismatic leadership, conditions which Muslim political experiences of the late colonial periods were expanding. These scholars, in particular, Jinnah, argue that his magnetism was not founded on emotional populism or the possession of some mystical authority, but rather on a rational, disciplined, and self-confident, albeit legal, charisma, who had a mission and purpose. This type of charisma was what made him a target of his populism, most particularly the legislative advocacy of his constitution's minority rights. His followers thought he was the only one skilled enough to talk to the imperialism and the constitution in a way that would give his target the legal protections they were entitled to. Consequently,

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<sup>14</sup> Jalal, A. (1985). Inheriting the Raj: Jinnah and the Governor-Generalship Issue. *Modern Asian Studies*, 19(1), 29-53.

<sup>15</sup> Soomro, S. A., & Phulpoto, W. M. (2025). Leadership, Tenacity and State: A case study of Muhammad Ali Jinnah as a Statesman. *ASSAJ*, 3(02), 815-825

<sup>16</sup> Bibi, A., & Khan, S. (2024). A Decade Of Jinnah Political Life 1937-1947. *The Journal of Research Review*, 1(04), 387-401.

Jinnah's charismatic authority and constitutionalism were able to extract Muslim political support in the defense of a legal and constitutional right, approach, and struggle primarily through advocacy instead of a revolutionary or extralegal advocacy.<sup>17</sup>

Siddiqi discusses that even after leaving the Congress party, Jinnah remained an advocate for the civil liberties and rights of people and described him as a lost political comingled partnership. Scholars point to his 1929 advocacy against child marriage as a rights-based discourse where Jinnah, through rational argumentation, legal discourse, and reinterpretation of the practice marriage, in all its forms, championed the cause of the inhuman practice of child marriage. Moreover, Jinnah's advocacy and articulation of the need for free speech, response to the non-judicial control of the Bhagat Singh's case, and the general framework of the governance and the people's rights also captured the essence of his political philosophy and advocacy of the people's civil rights. Equally, Jinnah's assimilation of Simon's Instructions along with the extreme social order and peaceful protest of the round table discussions was an integration of the social theory of balanced emotion. This literature identifies Jinnah as a rights-based legislator whose advocacy for legal equality, judicial impartiality, civil rights, and judicial advocacy was an expression of unities that focused on the subcontinent.<sup>18</sup>

While discussing partition and constitutional development, Mandal points out an apparent contradiction in Jinnah's rights-based vision and subsequent political behavior in Pakistan. It is noted that, although Jinnah, as the founding father of an Islamic Republic, as opposed to an secular India, and with change of the fundamental rights of the constitution, provided such rights of religion, culture, and citizenship; the constitutional and legal documents of the state of Pakistan, in the initial years, did, in fact, recognize and include such provisions. This literature interprets and contrasts the paradox of Jinnah's rights and constitutionalism with state policy regarding subcontinent and, therefore, the state of Pakistan, and subsequently, the policy incorporated the doctrine of neglect of minorities, which, as Jinnah portrayed, conflicted and deviated from his human rights position in the subcontinent.<sup>19</sup>

Legislative governance in India was both arbitrary and authoritarian during the period of British colonial rule. A number of laws that were intended to maintain social and political order introduced and permitted a number of restrictions. Such laws were, and largely remain, contracts to guarantee in civil liberties. Laws that control the freedom of the press, and the right to meet and assemble for political purposes have for decades been successfully used to candidly control the dominant politic of the country. Jinnah was among the first and most consistent critics of the indolent colonial legislation to control the press, freedom of assembly, and the

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<sup>17</sup> Hayat, S. (2000, January). The charismatic leader: Quaid-i-Azam Jinnah and the achievement of Pakistan. In *Proceedings of the Indian History Congress* (pp. 780-795). Indian History Congress.

<sup>18</sup> Siddiqi, Z. (2013, January). GANDHI—JINNAH EQUATION. In *Proceedings of the Indian History Congress* (Vol. 74, pp. 629-639). Indian History Congress.

<sup>19</sup> Mandal, R. (2022). Rights of minorities in India and Pakistan: A comparative study. *Indian JL & Just.*, 13, 190.

right to meet and work politically. Jinnah's opposition was one of the first and most developed legal articulations of human rights.<sup>20</sup>

### Discussion

The analysis of Quaid-i-Azam Muhammad Ali Jinnah's legislative career demonstrates that his commitment to human rights was consistent, principled, and deeply rooted in constitutionalism. Jinnah was first a member of the Imperial Legislative Council, and later a member of the Central Legislative Assembly, and during all of this time, he very strongly contested the colonial laws that jeopardized such civil liberties as freedom of speech, freedom of association, and personal freedom. His opposition to repressive legislation such as the Rowlatt Act highlighted his insistence on due process and judicial oversight, reinforcing the idea that individual rights must be legally protected rather than subject to executive discretion.

Legislative contributions made by Jinnah demonstrate an appreciation of his social justice understanding of minority rights in the pluralist landscape of the Indian subcontinent. Jinnah, as a member of the legislature, had the first of his thirteen drafts of the Fourteen Points, and followed it by the Mussalman Wakf Validating Act to obtain religious freedom, property rights, and political representation in the Egyptian and other minority groups of the sub-continent. His social justice thoughts and political philosophy formed the basis of the pluralist rights Jinnah advocated. Jinnah understood social rights as the rights of a complete community which enabled the sub-continent to have political and social stability.

In addition, the focus Jinnah placed on the interrelation of the total independence of the executive and the interdependence of the other organs of the state as the structure of his political philosophy and social justice advocate, the independence of the judiciary, and legislative accountability, as the social rights advocate the structure of his political philosophy to the social rights he aimed to advocate. He advocated for parliament to have the right void of intrusion as a legislative body to introduce laws, which foresaw the rights of the oppressed, and formed a social rights framework. When Jinnah integrated democratic freedoms and governance sanctity, it formed a political culture across South Asia which developed the rights to post-colonial governance. His proactive political culture formed the basis of constitutional rights which went beyond the colonial period.

### Conclusion

This study concludes that Quaid-i-Azam Muhammad Ali Jinnah's legislative contributions played a foundational role in shaping human rights discourse in the Indian subcontinent. His consistent opposition to authoritarian laws and his advocacy for civil liberties reflected a deep commitment to justice, equality, and the rule of law. Jinnah's actions within legislative institutions demonstrate that human rights advocacy in South Asia did not emerge solely after independence but was firmly rooted in colonial-era constitutional struggles.

The study also points out that Jinnah's understanding of human rights was all inclusive covering civil, political, social, and rights of minorities. Through the incorporation of these rights, Jinnah was able to negotiate and enter into closed doors debate constitutional proposals. Jinnah believed that rights proposals could be enacted and legislated without having to rely on moral exhaustion. His vision of political order in a multicultural diverse society was stable and focused on the legal mechanisms to be put in place to prevent all forms of discrimination and to give protection to rights of all people, both individual and groups.

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<sup>20</sup> Gul, S., & Neelam, M. (2018). MA Jinnah in the Imperial Legislative Council of India, 1910-13 and 1916-19. *Pakistan Historical Society. Journal of the Pakistan Historical Society*, 66(3/4), 175-187.

In short, Jinnah ought to receive recognition and being a symbol of guidance to South Asian Societies on the issues of constitutionalism, minority rights, and democracy. Jinnah's legacy will always be remembered and Jinnah will always be relevant to the South Asian Societies that have constitutionalism and democracy, as well as the protection of minorities and the rule of law. There are lessons to be learned with respect to democracy and the law that guarantee rights to the people.