

Muslim Libel Case.

M. H. Dawood

Mirza Ghulam Ahmad. (The Saturday Post was put in). A few days after that I saw Mr. Sarwar. He came in an excited manner to my house asking me where was that Moulvi who was staying with me and who was creating the trouble with regard to the Qadianis etc. The Maulvi was at my house and I pointed him out. Then they had an angry discussion. I sent for the photo and asked him what is this? He said "where did you get it?" I said, "The Saturday Post." He told me that when he was in America, he advised the Qadianis and he also advised them when in England that they were going on the wrong path, that they would not pray behind us. Then I said "why did you pray behind them?" I said, "His Holiness Mirza ought to be Kaffir." He admitted it, his voice dropped and he left saying there was something in it.

A few days after, a tea-party was given in his honour by the Anjuman-i-Islam. He wrote to me a letter. (The letter was put in).

Witness read as follows:—

Dear Brother,

With your help and God willing I wish to announce at the Tea-party at Anjuman-i-Islam tomorrow that we have nothing to do with either Qadian people or Khwaja Kamaluddin and I propose to stop the sale of the books published by the Lahore Anjuman of which Maulvi Mohd. Ali is the head.

I beg you to come and bring as many friends as possible so that we may clear this Anjuman of all future trouble. Please also telephone to Ahmad Angullia and inform other friends. If you wish me to see again I will come and do so. Hoping you will kindly help.

Yours

Sd. H. G. SARWAR.

I filed in the date as it was undated. I asked people to go to the party.

Did you attend the party?—Yes.

Who was in the chair?—Mr. Sarwar.

What happened at the party?—When I got there Mr. Sarwar and a few others went into the back room and conferred. Then they came out. Mr. Sarwar took

Evidence for Defence.

M. H. Dawood

the chair, and began to tell the story of his voyage and then said, we have nothing to do with the Qadiani people and do not intend to sell the books of any kind sent from the Anjuman of Lahore.

Did he give any reason for this announcement?—No. Afterwards a friend of mine who had gone with me asked if he could say a few words as to the Qadiani movement. Mr. Sarwar said no, but ultimately agreed to let him speak for 5 minutes. My friend commenced to explain the belief of the Qadianis; when he got to Khwaja Kamal-ud-Din, Mr. Sarwar tried to stop him by asking who invited him. My friend said I had. There was some talk but the matter dropped and we all left. There was some excitement.

I was invited by Mr. Namazie to come to tea one afternoon on 18th January 1925. I refused on ground of previous engagement. Then he wrote again on 19th January 1925. I went about 6 o'clock. When I got there I saw Mr. Namazie. We went on to the lawn and after a few minutes Mr. Sarwar came and then Mr. Syed Abdulrahman Akaff. Before Mr. Akaff arrived Mr. Namazie said "Do you remember you first introduced Mr. Sarwar to me." I said yes. Then Mr. Akaff came in and Mr. Namazie said, "something is happening between Mr. Sarwar and yourself which we don't like to hear; come to some settlement and put all these old feelings away." I said that was good but in view of the acts of Mr. Sarwar about our religion unless he came forward and disclaimed I could not. At last it was agreed that Mr. Sarwar should call a meeting and dissociate himself from the Qadianis. When it was however urged that he should say "Beware of Qadiani evil," he refused. In the result he promised to reform the Anjuman-i-Islam.

Was the course proposed jotted down at Namazie's house?—Yes, it was jotted down on a piece of paper. Here it is, (document put in).

What was agreed?—It was agreed that Mr. Sarwar should call a meeting of the Anjuman and declare that, as there was a rumour that the Anjuman was a branch of the Woking Mission, the old rules should be abolished and a real Muslim Anjuman should be formed of all Muslims in Singapore.

Was the meeting suggested ever held?—Never.

Muslim Libel Case.

M. H. Dawood

Why not?—I can't say why.

Has Mr. Sarwar been friendly with you since that day?—No.

Did the meeting at Mr. Namazie's house take place before Daud Shah's visit to Singapore?—Yes.

Did you attend the public meeting of the Muslims held in the Town Hall?—Yes, I did.

Was this meeting subsequent to the meeting held at Mr. Namazie's house?—Yes.

Mr. Mundell produced another letter to the witness:—

When did you receive this letter from Mr. Sarwar?—I received this letter from Mr. Sarwar in connection with a wedding invitation which I sent him, and which he refused to attend.

When was the public meeting held?—It was on the 13th of July.

Were you there?—I was there from first to last.

Have you the report of the meeting, published in the Singapore Free Press on the 14th of July?—Yes, I have.

Is it a fair report of what took place at the meeting?—Yes, it is.

PUBLIC MEETING LIKE FLOCKS OF SHEEP.

Mr. Mundell:—My Lord, I put in this newspaper report of the public meeting held in the Memorial Hall here as opinion of the meeting as to the tenets held by Qadianis.

Mr. Campbell:—I object to this, My Lord, for two reasons:—

1. That the meeting was held after the publication of the alleged libel.

2. What the defendant and his friends resolved in a public meeting is not proof that the plaintiffs are heretical. If Mr. Mundell is relying upon the concensus of opinion of leaders of the Sunni School as to what is and what is not atheism, he has to prove it by persons who are learned in the concensus of opinion of that school.

His Lordship:—It very often happens that at a public meeting one man speaks and the others follow like flocks of sheep.

Mr. Campbell:—My Lord, it has been alleged against public meetings in Singapore.

His Lordship did not allow the report to go in.

Mr. Mundell:—I shall be obliged if Your Lordship will note down that I have offered the evidence.

Cross-Examined by Mr. Campbell.

Where were you born?—I was born in Singapore.

Where were you educated?—I went to Raffles School.

What languages do you speak?—I speak English, Malay, Gujeratie and Hindustani.

Can you read or write Urdu, or Persian or Arabic?—No, I can't read or write Urdu, or Persian or Arabic. I can recite the Quran in Arabic.

Have you read any books of Mirza Ghulam Ahmad?—Yes, I have read a few of the works of Mirza in English translation and have attended the meetings in India.

Held by his opponents?—Yes.

At the present time you are frankly on bad terms with Mr. Sarwar?—There is no ill-feeling between us other than his supporting Qadiani peoples.

Didn't you have a quarrel with Mr. Sarwar about the Sultan Mosque Fund?—I had a quarrel with him about the yearly account of the Sultan Mosque.

Isn't it true that Mr. Sarwar and you were at loggerheads because he said you had not rendered account for eight years?—No, it is not true.

But you have not rendered account for a long period?—Yes, that is true.

Did not Mr. Sarwar resign from the Committee?—I saw in the paper that he had resigned from the Committee.

Do you know why he resigned?—Because I and others have not paid our promised subscriptions to the building fund.

Isn't it true that you have not given the subscription which you have promised namely, \$11,111.?—Yes, I have not paid it nor have my co-trustees, and I am not going to pay that.

Isn't it true that the meeting at Mr. Namazie's house was after these proceedings had started?—I don't think so.

Muslim Libel Case.

M. H. Dawood

You take it from me that that invitation is dated 18th June and the writ was issued on the 15th of June.

Isn't it true that, had the negotiations ended as you wanted them to, the Anjuman would practically have to admit that, being according to the rules connected with the Woking Mission, they were Kaffirs?—Yes, we ask that the Anjuman should admit that they were Kaffirs by being connected with the Woking Mission and should alter their rules.

Are you sufficiently learned in Mohammedan theology?—Yes.

What are the essentials of faith?—The first thing is, that there is one God and Mohamed is His Prophet, prayer, fasting, giving 2½ per cent to the poor and Haj if you can afford it, Resurrection and Day of Judgment.

What is Kalima?—The Kalima is the profession of faith. "I believe in Allah and the Angels and the prophets and in the last day and that what cometh on one good or bad is from God."

Have you performed the Haj?—I went on the Haj when very young; as a Hanafi I have to go again.

Do you know Khwaja Kamal-ud-Din?—Yes, I know him personally.

Were you not among those who met him when he came to Singapore?—Yes.

When was that?—I think in 1920.

At that time did you believe him to be a true Mohammedan?—No, I did not believe him to be a true Mohammedan. I believed he was a follower of the Qadiani sect but I was not sure about his being a Kafir. I put him the question about Christ's death and he kept quiet.

Did you not associate with him?—Yes, I did. I was not quite sure of his being a Qadiani.

Aren't you a member of the Moslem Association?—Yes, I am.

Is not Mr. Ismail the Solicitor a member of the Moslem Association?—Yes.

Is he not also a member of the Anjuman-i-Islam?—Yes, he is.

Evidence for Defence.

M. H. Dawood

Was he not the President of both associations?
—He was.

Is it not true that the Moslem Association has invited the Anjuman to amalgamate with them?—It is true.

Do you consider that being a member of the Anjuman made a man Kafir?—It is very difficult to answer if the membership of the Anjuman makes one Kafir. It would, if he believe in the teachings of Mirza Ghulam Ahmad. I think the teachings of Mirza Ghulam Ahmad and those of his son are the same.

Mr. Dawood, will you look at the initiation declaration of the Ahmadiyya Movement in the "Call of Islam"? One who would like to be initiated into the Movement must pledge as follows:—

"Firstly, that until he is laid in his grave, he will shun all forms and shades of polytheism." Is this right?—Yes.

"Secondly, that he will guard against falsehood, dishonesty, disorder and rebellion; and that in moments of passion, he will on no account give in, however boisterous that passion may be." Is this right?—Yes.

"Thirdly, that without fail, he will say his prayers five times a day as enjoined by God and His Apostle and that, to the best of his power, he will say his mid-night prayer, will invoke Divine blessing on the Holy Prophet, will ask forgiveness for his sins and will, with a truly loving heart, recall God's favours and glorify Him." Is this right?—Yes.

"Fourthly, that he will do nothing in any way to injure his fellow human beings in general and the Mussalmans in particular—neither with the tongue, nor with the hand, nor in any other way." Is this right?—Yes.

"Fifthly, that he will show fidelity to God under all circumstances—alike in prosperity, and adversity, in pleasure and pain, in time of bliss and affliction; that he will resign himself to God under all conditions and will cheerfully bear all hardship and humiliation in His way; that in the hour of calamity he will not turn his back but will step yet onward." Is this right?—Yes.

"Sixthly, that he will eschew observance of evil customs or following the promptings of his lower nature;

Muslim Libel Case.

M. H. Dawood

that he will thoroughly submit to the yoke of the Holy Quran; and that in every walk of life, he will hold the Word of God and of His Apostle as his guiding principle." Is this right?—Yes.

"Seventhly, that he will totally abstain from naughtiness and will live in humility, meekness and mildness." Is this right?—Yes.

"Eighthly, that he will hold the honour of religion, and sympathy for Islam dearer than everything else—dearer than his life, his wealth, his honour, his children, his kith and his kin." Is this right?—Yes.

"Ninthly, that he will make it a rule of his life to show sympathy towards all human beings, out of love for God and that, to the best of his power, he will use all his God-given faculties and blessings in the benefit of humanity." Is this right?—Yes.

"Tenthly, that binding himself with me in a fraternal bond in the way of Allah, he will obey me in everything good and will live up to this pledge till his death; that in this fraternal bond he will show so much of sincerity as is not met with in cases of blood relations or other worldly connections." Is this right?—I do not agree to this.

So, you find no fault in the the first nine paragraphs?—No.

Is it not according to the traditions of Islam that a "mujadid" or leader is promised one in every century?—No, it is not according to the traditions of Islam that a "mujadid" is promised one in every century.

Can you judge whether a man is a Kafir or not?—I am not sufficiently learned to say.

Do you know the distinction between Ahmadiyyas and Qadianis?—No.

Do Mauvis lecture on the Mohammedan religion?—Yes.

Do you follow any one Maulvi?—Before I follow any one I must first find out from another Maulvi if he is right.

What about Imams?—Imams and priests are the same.

They do lead a prayer?—Yes, I also can lead a prayer.

Evidence for Defence.

M. H. Dawood

You are a Hanafi, do Hanafis believe in private judgment?—Yes.

What are the points in which you can exercise this right?—I do not know.

You say that you are learned in Mohammedan theology and do not know these points?

Mr. Dawood:—What is theology, I never say so.

Mr. Campbell:—Theology is the science which treats of God.

Now, what is God?—God is the Almighty that rules the world.

Can you say where the line should be drawn between the subjects on which private judgment is exercised and those on which traditions must be followed?—No, I can't say.

Can you say that one who associates with a Kafir is a Kafir?—No, I am not sufficiently learned to say that; I leave it to the Alims to say if anyone who associates with Kafirs becomes Kafir himself.

Re-Examined.

Are there not two funds with regard to the Sultan Mosque?—Yes, there are two funds, (a) The Sultan Mosque Fund.

Are you one of the trustees?—Yes, I am one of the 12 trustees.

Do you keep the accounts and keep the money?—Yes.

How long have you done this?—For about 10 years.

Have you not some trouble with Mr. Sarwar as to these accounts?—Yes, I have had trouble with Mr. Sarwar about the accounts of the year 1343 A.H., which ended on 25th April 1925.

How did the trouble arise?—The trouble arose recently because Mr. Sarwar asked me where was the money. I said I had it; then he said where are the other trustees. I said here we are, three of us.

When was that?—That was at a meeting called to pass the accounts.

What did he say?—He said that wont do. Where are the others, the biggest and wealthiest.

What did you reply?—I said they hadn't come.

Muslim Libel Case.

M. H. Dawood

Then what did he say?—He said then the accounts should not be passed. I said there was a quorum and we would go on, a quorum of worshippers under the trust deed.

How many were present?—50 were present, and by deed 10 formed a quorum.

Were the accounts passed?—Yes, Mr. Sarwar alone objecting. He several times asked for the money and said I should have produced it in cash. I said it is in my pocket and I have used it. I was angry. I did not mean what I said. As a matter of fact it was mixed up with my own money in my bank account. All the trustees knew about it.

I would pay at any time I should be called to pay. Mr. Sarwar said all persons were beggars and children. They were not the persons who would pass the accounts. He found fault with mats and the dirtiness of the mosque. Then Mr. Alkaff came and Mr. Sarwar explained the matter to him. He still persisted that the accounts should not be passed, but they were passed, he alone objecting, saying that I had eaten the money, did not whitewash the mosque etc.

When was this meeting to pass accounts held?—In January this year to consider the accounts for the year 1343 Hajira.

What is the other fund?—The Sultan Mosque Building Fund.

Are you also a Trustee?—Yes.

Is there a separate Committee?—Yes, and Mr. Sarwar being appointed chairman of the Building Fund.

When was the Fund started?—In 1924, to enlarge and rebuild the Sultan Mosque.

How are these funds managed?—The Committee collected funds. They were all handed over to me and I put them in the Mercantile Bank of India in a separate account—The Sultan Mosque Fund.

Have you paid your subscription to the fund?—Not yet.

What is your reason for that?—We have to collect \$250,000/- for the fund before we can commence the work and I see no reason to pay my money immediately.

Up to this time, how much has been collected?—About \$73,000/-. I promised to pay in November last

Evidence for Defence.

M. H. Dawood

year, then I saw all kinds of articles appearing in the papers about the use to which the funds should be put and I thought it better to wait and see what was going to happen before I paid and I have decided not to pay until the money is collected.

Did you not promise to pay \$11,111/-?—Yes, and I signed the book.

Was Mr. Sarwar's resignation after Daud Shah's visit?—I think it was before May 1925 but I am not quite sure. (Thinks again and says after Daud Shah's visit). I am quite sure after Daud Shah's visit.

Did Mr. Sarwar speak to you personally about paying your money before he resigned?—Never.

Did you see his letter in the newspaper?—Yes. He used to say all of us who are giving should pay up at once and let us get on with the work.

Was a suggestion made for a meeting between yourself and Mr. Sarwar at the Anjuman?—Yes, and one section supported Mr. Sarwar and one section supported me.

Are you the leader of any section?—No, I did not pose as one.

What is the idea of this meeting?—To settle the differences. It was thought by the people that if we settled our differences all the trouble between Moham-medans would cease.

Was this difference before or after Daud Shah's visit?—Long before Daud Shah's visit.

When you associated with Khwaja Kamal-ud-Din did you find him a Kafir?—I was not then sure if he was a Kaffir, that was why I asked him if Jesus was dead. When he refused to answer I ceased to associate with him.

Was there any suggestion as to the amalgamation of the Anjuman and the Moslem Association?—Yes, 2 or 3 months ago.

The Court adjourned.

Sixth Day—Tuesday, 23rd February, 1926.

At this stage of the proceedings, Mr. Mundell read the Patna Case reported in Vol. II of Patna Law Journal at page 108 and continued his re-examination of M. H. Dawood.

Muslim Libel Case.

L. M. Ghouse Maricar

When was that suggestion first brought to your notice?—In January this year.

Is the president of the Moslem Association the president of the Anjuman?—Yes.

How many members has the Moslem Association?—More than 100 members.

Out of the ten points in the Ahmediyas' pledge you agree to nine, don't you?—Yes.

Why do you object to the tenth?—I object to the tenth in respect of the word "me." I cannot bind myself with fraternal bond to Muhammad Ali.

Do the Ahmedies and Qadianis differ in any points?—They may differ in one or two points, but they are all one. They are all known as Qadianis.

L. Mohamed Ghouse Maricar:—

Where do you live and what are you?—I live at No. 7 Chancery Lane. I am a Cattle Trader.

Do you remember the visit of Daud Shah to Singapore?—Yes.

Did you cause any notice to be inserted in the newspaper?—I did.

Mr. Mundell then read out the following translation of the article:—

"Support for Janab Dawood Sahib in Singapore.

We understand that some people abuse and also write against Janab P. Dawood Sahib who has come from Madras, scandalising him as Ahmadia and Qadiani and also say that I am wrong in allowing him to reside in my mansion. We and other notables such as Moulana Moulvi Haji Hafiz Gulam Sarwar M. A. District Judge of this place have heard him both in private and public and have come to the conclusion that there is no room for any complaint against him.

It appears that people accuse him out of jealousy and not from any other reason.

God is the witness for the purity of his heart.

L. Mohamed Ghouse Marican.

Asiatic Cattle Trading Co.
Singapore, 9.5.25.

Evidence for Defence.

L. M. Ghouse Marican

Mr. Mundell: Have you examined Daud Shah as to his belief?—Yes, I did.

How did you examine him?—He told me that he was neither a Qadiani nor an Ahmadi, but belonged to the Sunnat Jama'at.

Did you ask him any questions?—I did ask him certain questions. He went with me to the mosque to worship and he worshipped according to the rules of Sunnat Jama'at. He observed all the rules which a good Moham-medan observes. He was fasting when he came here and praying.

Do you remember what questions you put to him?—I don't remember the particular questions I put to him.

Do you know the difference between orthodox Sunnis and Ahmedies?—I don't.

Do you know what are Qadianis?—So far as I know, Qadian is a village where a man named Mirza Ghulam Ahmad was born. People have different opinions about him.

Did you ask Daud Shah whether he followed the teachings of Mirza Ghulam Ahmad?—I did not ask him whether he follows the teachings of Mirza Ghulam Ahmad but I have heard him say he is not a follower of Mirza Ghulam Ahmad.

You are a member of the Anjuman, are you not?—Yes, I am a member of the Anjuman in Singapore.

Does the Anjuman support the Ahmediyya Movement?—No, the Anjuman does not support the Ahmediya Movement but belongs to the Sunnat Jama'at.

Is the Anjuman Singapore a branch of the Woking Mission?—No.

Since when have you been a member of the Anjuman?—I have been a member of the Anjuman since its foundation and am at present its Vice-President.

Do you understand the rules of Anjuman?—I know some of the rules.

Mr. Mundell at this stage read some of the rules from the Anjuman's rule book, as follows:—

“The Society shall be called Anjuman-i-Islam Singapore branch of the Muslim Mission Woking England.”

Witness—I don't speak English and do not understand its English rules. I did not know that it is a branch

Muslim Libel Case.

L. M. Ghouse Marican

of the Woking Mission. Since you have read out the rules, I know it.

Do they help one another?—They do not help each other.

Do you know the Woking Mission is an Ahmediyya Mission?—I don't know that.

Do you know Khwaja Kamal-ud-Din?—Yes, I know. He is a Mohammedan.

Did he stay with you in Singapore?—Yes, he stayed with me for six weeks.

Did you find him a good Mohammedan?—Yes.

Did you find out that he was a follower of the Ahmediyyas?—I did not find out that, but found him to be a true Mohammedan.

Is not your son studying in England?—Yes, he is.

Is he not staying with Khwaja Kamal-ud-Din?—No, he went there before I knew Khwaja Kamal-ud-Din. He is at Cambridge.

Do you know the paper "The Muslim" published by the Anjuman?—Yes.

Do you remember an Editor Mohamed Hussain who came to Singapore from Punjab?—Yes.

What do you think of him, did not he belong to the Ahmediyya sect?—He appeared to me to belong to the Sunnat Jama'at and, as people did not seem to have a good opinion of him, he was sent back.

Do you know the Qadianis' beliefs?—No.

Why not?—Because I don't associate with any but Mohammedans.

Do you know there were pamphlets issued by Daud Shah?—Yes, there were three or four.

Do you also know that there were pamphlets written against the Plaintiffs?—Yes, two or three.

Is not the defendant related to you?—Yes, he is my brother-in-law.

Did you see the pamphlet he issued, the alleged libel?—Yes, I have.

Isn't it more or less written in the same language as the other pamphlets?—No, it is more intemperate in its language than the other pamphlets I have seen.

Evidence for Defence.

L. M. Ghouse Marican

Are you in speaking terms with the defendant?
—No, we have not been on speaking terms for some time.

Cross-examined by Mr. Campbell:—

Where were you born?—I was born in Porto Novo, in British India.

Did you attend any school?—Yes, I attended a native (Government) school.

Where did you study your religion?—I studied my religion in Singapore, to which I came when I was young.

What are the fundamentals of the Mohammedan religion?—The fundamentals are that there is no God but One, and Muhammad is His Prophet, then you must believe in prayer, fasting, alms, and pilgrimage if you have means and generally follow the teachings of the Quran.

Did Khwaja Kamal-ud-Din do all these things?—So far as I know, Khwaja Kamal-ud-Din did all these things.

Did Daud Shah do all these things?—I saw Daud Shah do everything except giving alms and performing the pilgrimage.

You said in your article to the Press that people accused Daud Shah out of jealousy, what do you mean by that?—Because it is usual for learned men to be jealous of one another and I thought it was such a case.

Where was the defendant educated?—He was educated in Singapore.

Does he know Mohammedan law?—A little.

Does he know Tamil?—A little.

Does he know Arabic?—A little.

Could the defendant write the alleged libel unaided?
—No.

Do you know who helped him?—No, I don't know.

Can you read and write English?—I can read and write English addresses on letters.

Can you read the Quran?—I know how to read the Quran in Arabic but don't know the meaning.

Do you know the plaintiffs?—I know the plaintiffs well.

For how long have you known the plaintiffs?—I have known them for a long time.

Muslim Libel Case.

L. M. Ghouse Marican

For how many years?—K. C. Marican for 35 years and the 1st plaintiff for 5 or 6 years.

Did you observe their daily conduct?—Yes, I have observed their conduct and seen them in the mosque.

Are they good Mohammedans?—They are true Mohammedans.

Have they ever denied the belief in the existence of God or His apostles?—I have not known them denying.

Have you ever heard them saying that Muhammad or any other of the apostles was an impostor?—Never.

Have you ever heard them say that what was forbidden by the Sunnat Jama'at was lawful?—Never.

Have you ever heard them say that they intended to change their religion?—Never.

Have they ever, to your knowledge, expressed any doubt as to the truth of Islam?—Never.

In these circumstances, do you think that the plaintiffs are Mohammedans or infidels?—The plaintiffs are Mohammedans and not infidels.

Do you know the family of the 1st plaintiff?—Yes, I am well acquainted with his family.

Are they good Mohammedans?—Yes, they are true Mohammedans.

Are they well-known people?—Yes, they are well-known and of good reputation.

Re-examined by Mr. Mundell:—

Do you personally know the differences between the teachings of the Qadianis and those of the orthodox Sunnis?—Personally I do not know. I have not studied the Qadiani question and I do not know their beliefs.

Do you know that they are called Kaffirs?—I only hear some say that they are.

How do you form your opinion of the plaintiffs?—I form my opinion of the plaintiffs from what I see of them in their daily lives.

Can a Mohammedan hold any belief he likes?—A Mohammedan can hold any belief which is not contrary to the fundamental beliefs of his faith.

Evidence for Defence.

H. G. Sarwar

Hafiz Ghulam Sarwar was the next witness sworn.

Mr. Mundell:—Mr. Sarwar, you are the District Judge of Singapore?—Yes, I am.

Have you made a study of the Quran?—Yes, I have made a study of the Holy Quran.

Do you understand Arabic?—Yes, I understand Classical Arabic. I have studied Arabic in Government College, Lahore, for four years and in Indian Civil Service, and got a prize of £200 at the Imperial Institute for Arabic.

Do you know the Quran by heart?—Yes, I learnt the Quran by heart before I went to school: my name is Hafiz. My brother is also an Hafiz and there are many Hafiz in my family.

Do you know Mirza Ghulam Ahmad?—I knew Mirza personally, saw him when he came to Lahore, have heard him and read his books and from 1884 to 1894, was in the innermost circle of his supporters in Lahore before. I know the history of the whole sect from the beginning better than Muhammad Ali or Mirza's son and more than anybody in Singapore.

What is the distinction between Ahmadies and Qadianis?—All followers of Mirza Ghulam Ahmad call themselves Ahmadies but there is a distinction between Ahmadies and Qadianis. Maulvi Muhammad Ali does not believe that Mirza was a prophet in any sense. Mirza's son believes that Mirza was a minor prophet. I left India in 1894 and since then have only been there for about 20 months. I don't know about the later generation.

Is there any other difference between them?—That is what they have told me themselves. Personally I know of no other divisions.

What is the meaning of Qadiani?—Qadiani is a vulgar term used in India for followers of Mirza Ghulam Ahmad. All followers of Mirza Ghulam Ahmad are lumped together as Qadianis.

Do you know Khwaja Kamal-ud-Din?—I know him personally. I was born in the same town with him. I know Maulvi Muhammad Ali. I was with him in the same college and we belonged to the same place.

Do you remember when Khwaja Kamal-ud-Din came to Singapore?—I was in England on leave when he came to Singapore.

Muslim Libel Case.

H. G. Sarwar

Do you know when the Anjuman-i-Islam was formed?—I was not here when the Anjuman was formed. I was asked to join it later. I was not its patron from its inception.

When did you first hear of the trouble between Ahmadies and other Mohammedans in Singapore?—I heard rumours of trouble when I returned from leave. The trouble became acute after I returned from leave in December 1924 and has gone on ever since.

Are there any Ahmadies in Singapore?—I have never met anyone in the Straits who came publicly forward and said he was an Ahmadi. When I came back I found that two or three persons, one from Egypt, one from North Western frontier of India and a Maulvi from Madras, had come here and begun to stir up feelings against any-one who had anything to do with or supported the Ahmadies and called them Kaffirs. It was a fanatical movement. The man from Egypt was a political offender who had been expelled from Egypt.

Can you say whether it was a repetition of what occurred in India?—I can't say. I have not been there, but I know that numerous leaflets had been issued in India denouncing Qadianis as Kaffirs.

What is a "fatwah"?—A Fatwah is a legal decision supposed to be given by a competent tribunal but now-a-days any two Maulvis issue what they call a "fatwah" and I may issue one myself.

Were you a Mufti of Penang?—I was a Mufti of Penang under the Mohammedan Marriages' Ordinance.

Did you issue "fatwahs"?—I used to issue "fatwahs." Those "fatwahs" were concerned with the legality of divorce or marriage under the Mohammedan Marriages' Ordinance.

Can you name anybody who is entitled to issue a "fatwah" that would carry any weight on matters of religion?—I do not know anybody now. Formerly the head of Islam, under the Caliph could give one. After the Caliphate came to an end, I know of nobody.

Meaning of Sunnat Jama'at.

What is the meaning of Sunnat Jama'at?—There was no such thing as Sunnat Jama'at till the 3rd or 4th century. Before that all were Mussalmans and nothing

else. From the 3rd or 4th century there arose the Hanafis, Shafis, Malakis and Humbalis and they are called Sunnat Jama'at. It was not a sect but a general body of Muslims. The Sunnat Jama'at meant the whole body of Mussalmans who followed the teachings of the Prophet and his followers. All the others were sectarians. Between the four schools there was very little difference,—such things for example, as to how the hands should be held in prayer, how the Amin should be sounded.

His Lordship:—Do they differ in their interpretation of the Quran?—Not very much.

Mr. Mundell:—What are the 73 sects?—These 73 sects are founded on traditions of the Prophet.

Are they also in Sunnat Jama'at?—If they have really seceded and said that they have seceded, they are not. The people who are called Wahabis say that they are good Muslims. They follow the Prophet more than anyone and are exceedingly strict; yet the people who differ from them say they are Kafirs. As to the 73 sects, they are the names given by some Mohamedans to others. They say they are founded on the traditions of the Prophet and most of those traditions on which the sects are founded, according to some authorities, are unreliable; some are forged, really the two sects are the Sunnis and the Shias.

Does the Sunnat Jama'at used in the alleged libel include the Shias?—It never does. Shia means party and are followers of Ali, who do not recognise the Caliphate who opposed Ali. The present-day Shias say that Abu Bakar and Omar were not rightful Caliphs. They did not say that at the time.

Does it include the 73 sects?—I cannot say, because one side says "You are out of it" and the other says "We are not." That is the great trouble! It is a very difficult question for anybody to decide.

How the alleged libel would be understood?

You know that in this alleged libel it says that the Sunnat Jama'at have declared the Qadianis Kaffirs on proper grounds, how would that be understood in the ordinary way by an ordinary reader in Singapore?—The ordinary reader would understand that the Hanafis, Shafis, Malakis and Humbalis had declared these people Kaffirs.

Muslim Libel Case.

H. G. Sarwar

What would be the meaning of Sunnat Jama'at world?—That would mean the whole body of Islam and something like the Caliphate itself.

Would it include the Shias?—It would not include the Shias, but large numbers of people in Turkey and Egypt, Morocco, Algiers, Tunis, Mongolia, Turkestan, and three-quarters of India would be included.

Mr. Mundell read out paragraph 21 of the alleged libel to Mr. Sarwar:—"The 73 sects of Islam while generally holding to their respective religious opinion, without discord, have all of them regarded on proper grounds the Qadiani sects as Kaffirs." What do you say to that?—Paragraph 21 is mere verbiage. Nobody can even give the names of the 73 sects and I challenge anyone who can give the names of the 73 sects. Sects are being formed daily and run to hundreds.

Have you seen fatwahs issued against Mirza?—I have seen leaflets issued against Mirza. I do not call them fatwahs. Since this case started, every fortnight I get leaflets which are supposed to come from India and Rangoon and are posted from Kampong Glam Post Office in Singapore.

Do you know of the Deoband University in India?—I have heard of it.

Is it a recognised University?—There are good learned people in it, who also quarrel amongst each other.

Would a fatwah of that university have any effect?—It would have great effect on the fanatical populace but has no legal authority binding on anyone's conscience. It is a school, I understand, where Arabic is taught.

How are "fatwahs" framed?—"Fatwahs" are framed in this way. Someone asks what is your opinion of this or that and an opinion is given by someone who thinks he is a jurist. No such decision can have a binding effect. There are books which contain collections of opinions, for example, Fatwah Alimgiri. That would be recognised in India as worthy of respect, but no one ever heard of it in Malaya or Arabia or Turkey.

Mr. Mundell handed Mr. Sarwar the Indian Law Reports Vol. XLV (Madras Series 122) and referred him to page 1000.

Have you seen this case?—I have seen the case quoted in Madras Weekly Notes.

Evidence for Defence.

H. G. Sarwar

Is that one of the differences between Ahmadies and Non-Ahmadies as stated in paragraph 1:—"While both parties believe that God had been speaking to his Prophets in the past the non-Ahmadies hold that Mohamed was the last prophet with whom God spoke and since then He has not spoken to and will not speak to any one till the end of time. The Ahmadies on the other hand believe that God continues to hold communion with His holy servants now as in the past?"—The differences between the Ahmadies and Non-Ahmadies are not stated as I understand them to-day. I do not agree that other Mohamedans do not believe that God does no longer communicate with His people. Mohamedans believe that He holds communion in dreams, in prayer and by other means.

What do you say to paragraph 2.—"While both sides accept that Muhammad was the last of the Prophets, they differ as to its interpretation. Ahmadies say that it means that no new prophets can arise except as a follower of Muhammad and bearing his seal and not that no new prophet can arise at all, as the Non-Ahmadies hold. Muhammedans believe that Muhammad was the last person to whom the divine law was given. New signs and visions may be given but no new law or new Book."?—No. 2 statement is correct so far as Mirza's son is concerned but it is not correct as applied to Maulvi Muhammad Ali.

Do you see the 4th difference as stated in the Law Reports—"Ahmadies believe that Jesus Christ was actually crucified but he did not die on the cross. He came out alive and went to Kashmire and died and was buried there, whereas the Non-Ahmadies believe that Jesus was bodily carried away to heaven by God before crucifixion. The Ahmadies think that the prophecy of the second advent of Jesus is to be fulfilled not by Jesus coming back in person but by his spirit entering another man and they believe this has been fulfilled by the advent of Ahmad himself."?—Muhammad Ali believes that Mirza was a reformer of the 14th Century and the Promised Messiah whatever that may mean. The general body of Mohamedans has not agreed that Mirza was the Promised Messiah, whatever that may mean. As to his being Reformer all were agreed on that until he claimed to be a Messiah.

Would the Shias believe in him as Promised Messiah?—The Shias would not believe in him as the

Muslim Libel Case.

H. G. Sarwar

Promised Messiah or Madi. If he was not one, he could not be the other.

At this stage Mr. Mundell referred the witness to the pamphlet known as "The Ahmadiyya Movement—What it stands for—Misunderstandings removed," by Moulana Muhammad Ali and read from page 4.

Mr. Mundell:—Does Muhammad Ali believe that Mirza was a Prophet?—Muhammad Ali believes in Mirza as the Promised Messiah but does not believe in him as the Prophet.

Do you see the 2nd charge:—"Another point on the basis of which we are declared to be Kaffirs is that we believe in divine revelation being granted to righteous men among the followers of the Holy Prophet——"—?—Mirza's son's followers believe in revelation to prophets after Mohamed, but not Muhammad Ali's followers.

What is your opinion on the 3rd charge which reads as follows: "A still more flimsy of ground of Kufir against us is that we believe that Jesus Christ died a natural death——"—?—Hundreds of Muhammedans, before Mirza was heard of, believed that Jesus Christ did die a natural death. Mirza's son naturally shewed that as a part of his propaganda as supporting the theory that his father was the Messiah.

Do you think that Mohammedans believe that Christ's tomb has been discovered at Srinigar?—I do not believe that the general body of Mohammedans believe that Christ's tomb was discovered at Srinigar.

Do not the Ahmadees hold that Jesus had a father?—Others besides the Ahmadies have held that Jesus had a father just as others have. The general body of Mohammedans believe he was born of the Virgin Mary and there is a strong inference therefore that he had no father.

What do you say of charge No. 4:—"Another ground of declaring us Kaffirs is that we believe that the Miraj of the Holy Prophet was not his bodily ascent to Heaven but his spiritual ascent.——"—?—The general body of Mohammedans believes that the image of the Holy Prophet was not bodily but only a vision. This has been the belief of the best authority among Mohammedans from the time of the Prophet.

Do you see the 5th charge:—"Another ground is that we believe that there have been prophets among the

Evidence for Defence.

H. G. Sarwar

Hindus. But read the Holy Quran and there you will find it stated in the clearest words, 'And there is not a people but a warner has gone among them,' Ch. 35 V. 25, 'And certainly we raised in every nation an apostle,' Ch. XVI, v. 36. It also tells us that there have been prophets whose names are not mentioned in the Holy Quran, 'and we send apostles we have mentioned to thee before and apostles we have not mentioned to thee, Ch. IV, v. 164—————' ? —It may be a ground of difference if Ahmadies say a particular person as a prophet, but not as to the general statement. A person would be a prophet if he is mentioned as such in the books before the Quran. Mussalmans have to believe in God and the Books, e.g. the Old Testament, so that a Mohammedan has to believe in the prophets mentioned in the Old Testament. Mussalmans have to believe in the Holy books of the Hindus, they have to believe that every nation has its prophet. Who is a prophet may be a matter of controversy. There is no ground of real difference between Non-Ahmadies and Ahmadies.

Is charge No. 6 the difference between Ahmadies and Non-Ahmadies:—"Another ground for declaring us Kaffirs is that we believe that Hell is not everlasting" ?—As to the Hell fire being everlasting, the point was debated centuries ago. I have once delivered a lecture against the Ahmadies on this subject. I had to study specially for this subject and found out to my surprise that Imam Raiza in his commentaries on the Quran in seven volumes laid it down with many arguments that Hell fire was not everlasting even for unbelievers and I had to revise my opinion.

Is point 7 on page 5 an essential difference:—"Another charge against us is that we believe that there is no Jihad. That is not true. What we say is only this that killing unbelievers because they do not accept Islam is not Jihad—————." ?—We all believe in Jihad, but about what is Jihad there are differences of opinion. The correct meaning of Jihad is strife or struggle. The word has never meant fighting in the sense of killing. It may be applied to mere fighting. A Muslim life is but one series of Jihads from beginning to end. As Your Lordship and all of us know that the word "cunning" originally meant "knowing to use" to give it the meaning "wily" would be distorting the language. In a special sense Jihad may mean "fighting." The word itself never means

Muslim Libel Case.

H. G. Sarwar

"fight" but it may be applied to "fight." All Muslims do not agree that Islam is to be spread by the sword. It can be applied physically speaking and spiritually speaking. It means "strife" and nothing more. The proper word for "fight" is **Katel**. Jihad is always translated "strife." The whole truth is that classical Arabic has been distorted into later or commercial Arabic and it may be made a point of difference. My study of the Quran does not lead me to say that all Mohammedans believe in Jihad as a physical war. The only difference between Ahmadies and Non-Ahmadies is that some Ahmadies believe that Mirza was the Promised Messiah, others that he was a prophet. Non-Ahmadies believe neither. 99 per cent of Mohammedans believe that Muhammad was the last of the prophets. That is the interpretation of the statement that he is the seal of the prophets.

Did not Mirza claim to be a prophet?—I doubt very much. If Mirza ever claimed himself to be a prophet although he claimed to be the Messiah, he was very nebulous on the question whether he was a prophet. I have it from Maulvi Muhammad Ali that when asked at Lahore just before his death if he was, he said, "I am not a prophet and I have not brought a Book."

Did you read all the books by Mirza?—I read all the writings of Mirza between 1884 and 1894 just out from the press.

Is it not true that the Mirzai denounce non-Mirzai as Kaffirs?—It is not true. When I was in London I asked Mirza's son whether I was a kafir because I did not believe in his father, he said no. We dined together and we were like brothers.

Do you call him a kafir?—No.

His Lordship. He did not call you a kafir although you did not believe that his father was a prophet?—No. If he had called me kafir he would not have asked me to come to the mosque or to dine with him.

Mr. Mundell:—Then what is the test of a Muhammedan?—It is laid down in the book called *Khilafat* by Weir on page 17 that the test of a Muhammedan was the Azan or call to the prayer. "He who says prayers and gives alms is not to be touched" and if there was a call to prayer and people did not come to prayer, then they were taken to be apostates. If the Muslim said his prayers and gave alms he was not an apostate,—Quran Chapter 5

Evidence for Defence.

H. G. Sarwar

verses 33 and 34 and Chapter 9 verse 5. The word 'Kafir' in the Quran means a man who denies the prophet, denies the Quran, Allah, His Apostles and Angels. The word 'Kafir' cannot be applied to him. If a person who is a Muhammedan says he does not believe in God he becomes a Murtad or "apostate."

The Court Adjourned.

7th day—Wednesday, 24th February, 1926.

Mr. Sarwar continues:

Mr. Mundell:—Are the promised Messiah and Mahdi two different persons?—No. The promised Messiah and Mahdi is the same person not two different persons.

Did Mirza claim to be both?—He did.

What about the other differences which exist between the Ahmadies and non-Ahmadies?—The other differences which exist are not the differences between the Ahmadies and Non-Ahmadies, but differences among Muhammadan theologians.

Do you claim that Mirza was a great Reformer?—I do not claim that; the Ahmadies claim that he was, they say that at the beginning of each century of the Mohammadan era there is to be regenerator of the religion and that Mirza was the regenerator of the 14th century.

Are you one of his supporters?—No. I am not one of his supporters, nor am I one of his calumniators; he claimed not to be a reformer but a person who stirred up new zeal, put fresh light into the religion.

Do you know if he had any influence over the people?—He certainly from my own knowledge had most wonderful magnetic influence; people would go abusing him and return full of admiration for him; his son and Moulvi Muhammad Ali are also remarkable men.

Do you know that about 500 people have signed and have denounced him as a Kaffir?—Perhaps 500 people who can read and write have denounced him; the vast majority of Mohammadans in India have never heard of him. There is no certified or systematised opinion or authoritative pronouncement in India, so far as I know, that Mirza or his followers are Kafirs. He has his opponents who call him that, but no calm and considered pronouncement to that effect by any authorised body in India has been made.

Muslim Libel Case.

H. G. Sarwar

Do you know what opinion the Egyptians and Turks held of the Qadianis?—I know nothing about the opinion of the Mohammadans of Egypt. The Egyptians are mostly Shafis, Turkey is Hanfi. I know nothing about Chinese Muhammadans.

Do you remember when the Anjuman was founded in Singapore?—I was not in Singapore when the Anjuman was founded. I believe I was present at the opening ceremony of the Anjuman in 1923.

Does not the Anjuman in its rules say that this Anjuman is the branch of the Muslim Mission Working?—It does say that; but so far as I know it did nothing except that, before I joined it, it had sold some books worth about \$200/-.

Were you present when it was proposed that 10% of the income of the Anjuman should go to the Working Mission?—Yes, I was present at that meeting. I was against that; it was resolved that if we had savings we send, otherwise the resolution will be a dead letter, and it has remained a dead letter.

Did you write a letter to Mr. Abidin asking for the neologies in the translation of Muhammad Ali?—Yes.

Is this the letter you wrote?—Yes.

His Lordship:—I cannot be burdening my notes with irrelevant evidence.

The evidence was not allowed to go in.

Mr. Mundell showing Mr. Sarwar his photograph which appeared in the "Saturday Post," asked, Do you see the photograph of yours in which you were praying behind Mirza's son?—Yes. This was taken while I was in England.

Did not Mr. Dawood ask you to explain?—There was some explanation but there was no trouble then. The real trouble started in 1925.

How did this trouble start?—How this trouble started is absolutely irrelevant.

Why then did you write that letter to Mr. Dawood that you intended to stop the sale of Ahmadies' books?—When I wrote that my idea was to prevent dissension among Singapore Muslims and to get all people together to some common basis.