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News and Notes

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Members of the Missionaries to Muslims League.

Series XXVI.

December

1938.

December 1st = 9th Shawal (10th mo.) 1357 A.H.

The Henry Martyn School of Islamic Studies, 1939.

WITH its head-quarters now at Landour, Mussoorie, the School is about to enter upon its tenth year of service in the cause of the evangelization of the Muslims of India.

During the hot weather, from 1st May to 31st August, 1939, courses of lectures will be delivered at the centre, Lal Tiba—a special feature being a full set of lectures by the Principal on the status of woman in Islam. While the latter should prove specially attractive to women missionaries, it is expected that men also will take the opportunity to supplement in this way their knowledge of the background of Muslim thought and practice.

There will also be an elementary course of lectures for Landour Language School Students; and, quite possibly, an extra course for those residing in Mussoorie, at The Deodars.

The Committee again offer three scholarships to Indian Christian workers, women as well as men, to enable them to participate in these lectures. Applications for these must be made, not later than 1st April, to the Principal.

Limited accommodation for Indian and European students will be available. All enquiries should be addressed to :

REV. L. BEVAN JONES,
Principal.

*Lal Tiba, Landour,
Mussoorie, U.P.,
1-11-38.*

Conference of Missionaries to Muslims at Delhi.

Acting on the suggestion of the Near East delegation to the Tambaram Assembly an informal two-day Conference for workers among Muslims is to be held (D.V.) on Tuesday and Wednesday, 6th and 7th December, at the Y.M.C.A. in New Delhi.

The *General Subject* will be—The Christian Enterprise and its Influence on Islam.

and the *Chairman* is to be DR. M. T. TITUS.

The following programme has been drawn up :—

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|------|---|-------------------------------------|
| | | Discussion opened by |
| I. | Success in Netherland Indies ... | Rev. E. Van Kekem,
Kediri, Java. |
| II. | Lack of results—reasons and remedies | |
| | (a) Methods and Approach ... | Near East Delegation. |
| | (b) The Theological Approach ... | Rev. Jens Christenson,
(Mardan). |
| III. | Closer co-ordination of our efforts : | |
| | (a) re. Literature—in general ... | Miss Padwick,
(Jerusalem). |
| | ,, ,, —in India ... | Dr. M. T. Titus,
(Budaun). |
| | Newspaper evangelism ... | Rev. W. A. Zoerner,
(Ludhiana). |
| | (b) re. The Church's Witness ... | |
| | Co-ordination of our work ... | S. A. Morrison, (Cairo). |
| | " " " ... | L. Bevan Jones. |

Your prayers are asked that this gathering may be attended with much blessing. Any who think they might be able to come should write to the undersigned for particulars.

REV. L. BEVAN JONES, (*Secy.*),
Lal Tiba, Landour,
Mussoorie, U.P.

Muslim Dissolution of Marriage Bill (India).

PRIVATE BILL BY M. A. KAZMI, M.L.A.

(*In the Central Assembly*)

The clause in this Bill which may in the future affect the Christian Community is Clause v: "The conversion of a Muslim married woman shall not by itself operate to dissolve the marriage." In view of the implications of this clause, the following Islamic laws and Court rulings should be borne in mind:—

1. **Female Apostates from Islam and punishments for such women**—"In the Fikh there is unanimity that the male apostate must be put to death. . . . A woman on the other hand is imprisoned according to Hanifi and Shi'a teaching, until she again adopts Islam, while according to (al-Awaza Ibn Hanbal, Tirmidhi, Hudud, bab 25) the Malikis and Shafi'is (cf. Umm, 1, 131.....) she also is put to death. Ency. Islam, Vol III, p. 737.

"If a Mussalman woman become an apostate, she is not to be put to death, but is imprisoned, until she return to the faith. Shafi'i maintains that she is to be put to death as men are put to death for apostacy solely for this reason, that it is a crime of great magnitude, and therefore requires that its punishment be proportionately severe, (namely, death) for the apostacy of a woman being likewise (like that of man) a crime of great magnitude, it follows that her punishment should be the same as that of man" "A female apostate is to be compelled to return to the faith, whether she be free or a slave. . . . It is elsewhere mentioned that a female apostate must be daily beaten with severity until she return to the faith." Hedaya—Vol. ii. p. 227-228. the translation by Charles Hamilton, 1790.

"In the case of an apostate woman, Imam Abu Hanifa rules that she should be imprisoned and beaten every day. The three other Imams, Malik, Shafi'i, Hanbal, said that she should be put to death in accordance with the Tradition which says, He who changes his religion, "kill". The Arabic word "man" usually translated "he who" is of common gender, and so these Imams include women in the list of those who, after apostacy, are to be killed. "The Faith of Islam" Sell, p. 342, taken from Journal Asiatique, 4 me Serie, Tome 17. p. 582.

2. **Apostacy as it affects Marriage**—"Apostacy from the Mahammedan religion of either party to a marriage operates as a complete and immediate dissolution of the marriage. The marriage is in such a case dissolved without a divorce. Hedaya p. 66. (abridged by Brady) Muhammedan Law, p. 170. para 203.

"It seems that the effect of either or both of the parties to a Muhammedan marriage renouncing the Muhammed religion is to dissolve the marriage *ipso facto*, so far as the British Courts are concerned." Wilson's Anglo-Muhammedan Law. p. 159.

"It is well settled that, according to Muhammedan Law, the apostacy from Islam of either husband or wife dissolves the marriage at once without the interference of the Kazi, which means without the interference of the Courts. This was laid down as long ago as the year 1876 in the full bench ruling of the Chief Court reported in 124 P. R. 1876, and 61 P. R. 1899, 85 P. R. 1908 and 71 I. C. 830. It was held by Mr. Justice Reid and Mr Justice Chatterji in 85 P. R. 1906 (Imam versus Hasan Bibi) after discussion of the Muhammedan authorities on the subject that apostacy causes dissolution of marriage according to the authority of eminent Muhammedan jurists and standard works on

Muhammedan law and that the proposition is supported by the authority of Abu Hanif himself, the founder of the School and his distinguished disciple, Abu Yusuf. Mr. Justice Smith laid down in 71 L. C. 830 that a Muhammedan marriage is dissolved by the apostacy of either party to the marriage..... The point came up for decision in 1928...and was decided by Mr. Justice Dalip Singh and reported in A. I. R. 1928 in Lahore 954. The matter came up again before Mr. Justice Beckett in Lahore High Court and was reported by the C. and M. G. 16 August, 1934.

3. **The New Bill, Clause v.**—reads “The conversion of a married Muslim woman shall *not* by itself operate to dissolve the marriage”. Mr. Kazmi in the Statesman of Sept, 10, is reported to have said in the Assembly “that 48 Maulvies had expressed themselves in favour of this clause. In the C. and M. G. July 20, he writes” “I may mention that the Anglo-Muhammedan Law as at present enforced in India is opposed to this principle.” But in support of his Bill he quotes Maulana Ashraf Ali of Thana Bhawan in “Al Marqoomat Lil Muslummat” where he has given the views of learned Ulemas of the Hanifi school in detail, and has in the end summarised them in the following words: “Though all their views differ a little from each other on this point, they are all agreed—that the woman in apostacy has not been given the right of separation from a previous husband and of marrying another man. This view has been subscribed to by the leading Ulemas of the Hanifi School.”

We admit that no mention of this “right of separation from a previous husband and of marrying another man” has been made and *surely for this reason*—the apostate according to most schools ceases to exist—as shewn above she is to be put to death or the least punishment to be given is imprisonment until she return to the faith. Naturally, therefore, there is no mention in Muhammedan Law of her separation and marriage.

4—**We submit that an additional clause to Clause v of the Bill therefore is a necessity**—Though conversion has previously meant divorce *ipso facto* for Muslim women when they apostatize, we realize that they should take no step which means a disregard of moral obligations. Nevertheless, from experience, and better experience, the wife has had often to claim divorce because of the very cruel treatment received from her own relatives and community when she was exercised her right to worship God in the way which for her is right. (They thinking such cruel treatment was ordained by Muslim Law as given above).

For this reason, if Clause V is to remain in the Bill, we suggest that the members of the Legislative Assembly make the following provisoes in some additional clause, making it compulsory that a wife shall, on apostatizing, 1—be allowed to follow the practices of her new religion without molestation 2—that if necessity arises, on demand from

a magistrate, she shall be produced at the request of a regular official of her newly adopted religion.

If Mr. Kazmi wishes to help women, and not merely take away their freedom of conscience, he can have no valid reason for refusing to include these provisos.

5—On what grounds can these provisos be laid down ?

Muslim law, as shown by Sir Abdur Rahim in "Muhammadan Jurisprudence" p. 253, is that "apostacy from Islam to infidelity places the apostate outside the protection of the law." But, the terms of the Queen's proclamation are "We declare it to be our royal will and pleasure that none be in any wise favoured, none molested or disquieted by reason of their religious faith or observances, but that all shall alike enjoy the equal and impartial protection of the law."

This impartial protection of the law is intended for all women, irrespective of caste, or creed, or apostacy, and the Legislative Assembly should not allow them to be deprived of this right by any section of the new Bill.

It may be argued that the other clauses of the Bill give them the right to obtain divorce on grounds of cruelty, and that apostates could benefit from this Bill, if cruelly treated. But how could an apostate—guarded and kept prisoner in a zanana—appeal to the Courts especially when, because she has become an apostate, all her community are against her? (that is why Proviso 3 is so necessary).

This Bill has now been sent by the Legislature to a Select Committee and we ask your prayers for representations now being made to it.

V. R. B. J.

The Lucknow Scandal.

WHEREAS the world at large is passing through a most momentous revolution of the destiny of man and India herself is on the verge of a mighty revolution, the Musalmans are given to this centuries-old idle pastime. Lucknow is just now the battle-ground of these two forces on the issue of what is known as the "Madh-i-Sahāba"—*i.e.*, praise of the Prophet's Companions. The Shias object that public singing of praises of the first three Caliphs injures their religious susceptibilities. The Sunnis insist on their right to sing their praises and have started civil disobedience against the prohibition orders of the Government. Could stupidity go further? Only an ostrich will doubt that a community so utterly devoid of sense is doomed.

The Companions of the Prophet were one and all models of

nobility, purity, manliness and godliness. "My Companions are like stars", so goes a saying of the Prophet, "you get light or guidance from anyone of them from whom you seek light and guidance." But those who know anything of Abu Bakr and Umar are filled with awe at the Himalayan heights of those personalities and it seems as if, put together, the two of them constitute full one-half of Islam. It is a bare statement of fact that the history of mankind has yet to witness two other such personalities.

We put it to our enlightened Shia friends to say in all fairness— Is this the way to honour such heroes of Islam as we are doing at Lucknow?

The Shia brethren of Lucknow are however not prepared to tolerate the praise of a superman like Umar! Nay, it injures their religious susceptibilities if a word in this praise should inadvertently fall into their ears! Ah! What religion!

The Light-Lahore.

Mosque in Edmonton Alberta.

Work has started here on Canada's first mosque. There are said to be about 2,000 Moslems in Canada. Many who live in the West are expected to move their homes to Edmonton in order to be able to worship in the New Home of their religion.

The new mosque will cost about £1,500 and will open in November. Reuter.

Hyderabad Bulletin, 10th October, 1938.

NOTICE.

The following numbers of the *Moslem World Quarterly* are available, and can be had for the postage from

REV. C. B. G. CHAMBERS,
C.M.S. House,
Meerut, U.P.

October,	1915.
January, July, October,	1917.
April, July, October,	1924.
January, April, October,	1925.
January, July,	1926.

Prayer and Praise.

LET US CONTINUE TO PRAY for the Tambaram Conference and for the Conference in Delhi.

LET US PRAY for the representations now being made to the Select Committee which is considering the Muslim Dissolution of Marriage Bill.

Will all members please note that the January number will be sent out by V.P.P.—*The Editor*.

NOTICE.

Any notification of change of address, names of new members or remittance of subscriptions etc., should be sent to the Superintendent, Orissa Mission Press, Cuttack, India, and *not* to the Secretary of the League. The annual subscription to the League is Rs. 2-0-0 (English 3s. od.).

Matters of interest to members of the League, items of news and requests for prayer should be sent (if possible, early in the month) to the Honorary Secretary :—

Miss K. Greenfield,
Methodist Mission,
Medak, Nizam's Dominions.

