

THE TRIAL
THE SUPREME COURT, SINGAPORE.

Tuesday, 26th January, 1926.

Judge:

THE HONOURABLE MR. JUSTICE GEORGE CAMPBELL DEANE.

Counsel for the Plaintiffs:

MR. JOHN G. CAMPBELL.

Counsel for the 1st Defendant:

MR. H. D. MUNDELL.

Judges-Court of Appeal:

THE CHIEF JUSTICE (SIR JAMES WILLIAM MURISON).
THE HONOURABLE MR. JUSTICE ALFRED VANHOUSE BROWN.
THE HONOURABLE MR. JUSTICE JAMES McCABE REAY.

First day Tuesday, 26th January, 1926.

Opening Statement for the Plaintiffs.

Soon after the Deputy Registrar, Mr. Tan Hock Ann, called the case for trial, Mr. J. G. Campbell, counsel for the Plaintiffs rose and opened his case.

“May it please Your Lordship—

This is a case in which the plaintiffs claim damages from the defendants for the alleged libel published by the 1st defendant and printed by the 2nd defendants and which was circulated among Tamil Mohamedans in Singapore and elsewhere. The 2nd defendants have not entered appearance and if I will be successful in the case I shall apply to Your Lordship for judgment against them.” Then Mr. Campbell read the following Statement of Claim:—

1. The 1st plaintiff is Meeran Lebbaik Muallim, and is the Immigration Fund Inspector in Singapore, in the Department of the Controller of Labour. The 2nd plaintiff, K. C. Marican, is a merchant. Both are Mohammedan Tamils and both reside at No. 29, Perak Road, Singapore.

2. The 1st Defendant, J. Mohamed Ismail Marican, is a Tamil Mohammedan merchant, residing at 18-2, Wilkie Road, Singapore; the 2nd Defendants, the Straits Printing Works, are a Tamil Firm of Printers carrying on business at No. 46, Selegie Road, Singapore.

3. The first defendant falsely and maliciously caused to be and the second Defendants falsely and maliciously printed and published in Tamil language of the Plaintiffs, the words following, that is to say: *

4. The said words were by persons unknown to the Plaintiffs widely distributed among Tamil Mohammedans in Singapore and elsewhere in the form of handbills.

5. The said words mean in English and were understood by those to whom they were published to mean:—
“A Good Counsel to Mr. B. Daudshah Sahib (Quadiani) of the Natchiarkovil, to Mr. M. Meeran Lebbaik Maulim and etc. of Nagapatam.”

* (Here a reprint of the original handbill in the Tamil language is omitted but its translation by the Court interpreter appears in paragraph 5 below).

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He, who calls any Mussulman a Kafir (unbeliever) without any reasonable signs of unbelief, becomes a Kafir (unbeliever) himself. He who does not call a real Kafir (unbeliever) as unbeliever and he who is passively conniving at a man who does not believe in the articles of Islam and discards them with contempt, becomes an unbeliever himself. The action of those who behave contrary to Islamic religion should be stamped out. If they do not listen to us, they should be treated with contempt though they are our relatives. Hence, in order to fulfil the spirit of the decree passed by the world of Sunnat Jam-maat that the Quadiani followers are unbelievers, we came forward to explain, rectify the points of unbelief which are unwillingly got by Daudshah Sahib, and his comrades in Singapore, viz, Meeran Lebbaik Maullim bin Magdum Namer Maullim, K. C. Marican and Bashir Ahmad Mallal who to suit their own convenience call themselves Ahma-dees at one time and who prattle with falsehood at other times that they are Sunnis and Hanifis. He who knowingly or unknowingly uses the signs of unbelief resulting from foolishness, stubbornness, joke, or laughter, and he who objects to the points relating to the articles of faith established by the Koran and the Traditions and the majority becomes an unbeliever himself. He who does not mind whether he becomes an unbeliever, and duping the ignorant makes them follow his wrong principle and publishes that principle in the garb of truth becomes a (Zindik) worst unbeliever (Atheist). Except those who become unbelievers by denying the truth of prophets, all other unbelievers will have pardon from sin: but the exceptional class would be put to death without their prayer for pardon being accepted. He who doubts the state of unbelief of such people and has no belief in the punishment becomes an unbeliever himself. He who slights those who act up their Arabic knowledge obtained in proper way and who are the heirs of Mohamed (on whom be peace) the last of all the prophets, becomes an unbeliever himself.

“Of all the languages that are prevalent in the world Arabic is the only best language, and so God does not like all other languages except Arabic. Arabic is the language of the Angels and only in this language all the scriptures were sent down. Except those Ulemas (learned) who learn Arabic thoroughly in accordance with its grammatical rules, etc., none else is entitled in our righteous religion to the respectable title Maulvi (learned) however learned he may be in other languages. When a Jahil (illiterate person) is

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called a wise man, he becomes glad and would get angry when called a fool, the illiterate gets jealous over the Alims (learned) and treats them with indifference. If a Mussulman assumes the appearance of an unbeliever he becomes an unbeliever himself. If an illiterate put on the appearance of meek Ulemas (learned) and if any one writes our pure and true scripture the Holy Koran in any other script save Arabic character, their action becomes rejected or forbidden. It is incumbent upon every Muslim to seek knowledge. It should be noted that the various Governments of the world follow and stick to their respective languages and that those who are Tamils with Tamil script could not slight our religion when our commentary happens to be in Arabic-Tamil (Romanized Tamil). When your teacher is like this, how are you going to attain salvation? This is supported by the Books of Thalvih, Sharni, Hindiyya, Thamaviyyah, Raziyya, Quariyya, Iyyana, etc.

“ My followers would not join by wholesale in transgression; to those who bring to action the things that were rejected by my followers who joined together and followed the same path and such of those followers who were good are the worst people. That which was calculated beautiful by Mummins (those who live and act in conformity with the injunctions of the Koran) will appear beautiful before God. There is Daleel (authority) to support this. All the 73 sects in Islam behave in general amicably in their individual tenets of faith and they have all condemned on proper authority the Quadiani followers as unbelievers. In addition to the said decree the aforesaid authorities decide that Daud Shah Sahib, M. Meeran Lebbaik Maullim, Basheer Ahmad Mallal, K. C. Marican, etc. come by their words deeds and their misguided faith, publications, etc. under the Quadiani sect which is outside the pale of Sunnat Jama'at and all other sects of Islam. The Quadiani followers who are indifferent to the destruction of their Iman (faith) threaten the ignorant mass and rob them of their money with their prattling and publish their mischievous tenets. If the wise who understand these things challenge them for explanation, the Quadianis would reply them with false excuse: when called upon to prove their case, they pretend to put up with patience without debate. They put forth lame excuse through their clever language and deceive the public: they would put on the appearance of dull-headedness and it is natural with one who knows something of English. With this little English knowledge they would write in clever glossy language through science. Their style is

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gloss, their gift is bad reproach, their show is pretension to Justice and their behaviour is tale-bearing to the benign British Government, their action is lame and false fabrication and their conduct is hypocrisy. Before you are called in the aforesaid manner by the people from all sides you better appear with good behaviour before the assembly of Ulemas (learned) and reclaim your faith in Islam and renew your repentance from sin. In spite of my drawback I am seeking salvation from sin.

Yours

MOHAMED ISMAIL MARICAN,
18-2, Wilkie Road."

Singapore, 20-5-26.

6. The Mr. M. Meeran Lebaik Maullim and K. C. Marican mentioned in the said words are the plaintiffs.

7. The said words are intended to and represent the plaintiffs to be disseminators of false doctrines, deceivers, misguided illiterate fools, hypocrites, liars and unbelievers, behind whom it is unlawful in Mohammedan Law for any Muslim to pray, to whom no Muslim woman should be joined in marriage, from whom any Muslim woman married to them is *de facto* divorced and whose bodies should not be interred in any Muslim burial ground.

8. By reason of the premises, the plaintiffs are held up to the hatred, contempt and ridicule of their fellow Mohammedans and have suffered in their credit and reputation.

The Plaintiffs claim (1) damages and
(2) an injunction.

Delivered the 23rd day of July, 1925, by

JOHN G. CAMPBELL & Co.,

Solicitors for the Plaintiffs.

Mr. Mundell at this stage tendered a translation made by another interpreter of the Court:

His Lordship: What have you to say to this, Mr. Campbell?

Mr. Campbell: My Lord, when a document has been translated, the Court will look only at the translation of the Court Interpreter. This document has been translated by another interpreter. I do not admit that it is a better translation, but I do not object to its being looked at and compared with our translation.

His Lordship: It seems more readable and understandable.

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The translation was as follows:—

“An exhortation to the Qadiani, Mr. B. Daudshah Sahib of Nachiarkovil, Mr. Meeran Lebbaik Maullim of Nagai, Nagapatam, and others—He shall become a Kafir (infidel) who without proof of any characteristic features of Kufr (infidelity) regards any Muslim as a Kafir. He shall become a Kafir who does not regard as a Kafir but is in harmony with one who without conviction in the Islamic creed keeps on confuting and distorting it. The action of those whose practice is contrary to our Islamic faith should be shunned and if they do not hearken they should be abhorred even though they may be our own kith and kin. Hence, in accordance with the decision of the Sunnat Jama'at world that the Qadiani sects are Kafir we have come forward to explain and correct the heretical tendencies which are being imbibed unwittingly by Daudshah Sahib and the Qadiani sect, which for the sake of achieving its purpose raves and roams about falsely calling itself Ahmadiyya, Sunniya and Hanafiyya as may suit the occasion, and by his associates in Singapore, viz, Meeran Lebbaik Mu'Allim Ibn Magdoom Naina Mu'Allim, K. C. Marraikkan and Bashir Ahmad Mallal. He who adopts willingly or unwillingly what constitutes infidelity or the symbols thereof, arising out of stupidity, obstinacy, jest or fun, and he who objects to the creed and other laws ratified by the Quran, Traditions and the majority of the Ulamas shall become Kafir. He who unmindful of himself becomes a Kafir imposes on ignorant people who are unconsciously drawn to him and makes them follow his creed and promulgates that creed in the guise of truth becomes (Zindik) an inveterate Kafir denying the Almighty Allah. To all those who have fallen into (Kufr) infidelity are penitence and absolution from sin available save to him who has become a Kafir by slighting the Prophets. His penitence will not be accepted and he will be put to death. He who doubts the fact of such a person becoming a Kafir and his suffering shall become a Kafir, and he also shall become a Kafir who slights the Ulamas who having studied Arabic lore according to the recognised system, function as heirs of all the prophets and of Muhammad Sallallahu alaihis-salam (on whom be peace), who is the seal (closing the line) of such prophets.

“Of all the languages prevalent in the world it is Arabic which is far the best language and the Almighty Allah would not approve of non-Arabic languages. It is

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indeed the language of the angels and the language in which all the scriptures came down. It is certain that excepting the Ulamas who have acquired a thorough knowledge of Arabic, in accordance with the rules of Arabic grammar, etc., no other, however proficient they may be in their own languages, would be decorated by our righteous faith with the title of Moulvi. A jahil (illiterate man) would rejoice when called a learned man and would be enraged when called an idiot. A jahil would be jealous of the rank of the learned and would despise them. A Muslim if he puts on the guise of Kafir shall become a Kafir. The assumption of airs by a Kafir in imitation of pious Ulamas and the transcription of our sacred and true scripture Holy Quran in non-Arabic script are forbidden. It is a duty incumbent on every Muslim to seek ilm (*knowledge*.) It should be observed that the Governments of this world are tenaciously attached to their respective languages and stand persistently by them, and that the fact of the existence of our commentaries in the Arabicised Tamil serves to obviate the possibility of the Tamils with Tamil script slighting our religion. When your teacher is of this sort how will you be saved? Thus say the books of Talvih, Shamee, Hindiyya, etc. 'My followers shall not combine together in a wrong course. The combination of the followers and those who are of it are good. What was forbidden by our followers combined and those who commit what was so forbidden are shockingly wicked. What the believers regarded as beautiful would be beautiful in the presence of God.' To the effect there is dalil (authority) Talvih.

"The 73 sects of Islam while generally holding to their respective religious opinions without discord, have all of them regarded on proper grounds the Qadiani sects as Kafir. Apart from that finding the aforesaid authorities regard Daudshah Sahib, Meeran Lebbaik Muallim, Bashir Ahmad Mallal, K. C. Maraikkan, etc., as judged from their words, beliefs and perverse publications as belonging to the Qadiani party, which is outside the pale of the Sunnat Jama'at communion and of all the Islamic sects. The Qadiani sectaries who are unmindful of the Faith being brought to nought, frighten the public and publish vicious creeds with a view to rob them of their money by their ravings. When challenged by intelligent people who understand these things they meet such challenge with false slander and when invited to adduce proof they excuse themselves by saying that they would bear up without entering into debate. Under such pretexts, couched in clever

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language it is natural for them to dupe and pretend to be dull-witted. With science of words, that is to say, having acquired a smattering of English, they can wield a scientific clever and glossy prose style. What they give is vile calumny and what they make a show of is an attitude of justice. What they stir up is the act of tale-bearing to our benign and righteous Government. Their occupation is the invention of stories, of lies and tricks and indulgence in derision is the part they play Before people on all sides pass such remarks it behoves you to come before the assembly of ulmas (learned) confess the Islamic Aqida (creed) and renew your Tauba (penitence) and (prayer for) absolution from sin. In case there be any kind of error I seek by Tauba (penitence) absolution from sin and remain,

Yours,

J. MOHAMAD ISMAIL MARICAN,
18-2 Wilkie Road."

NOTE.

"I feel it necessary to say a few words in regard to the language of the document and my translation thereof. The original is written in a mixed style of Arabic and Tamil, vitiated by glaring spelling mistakes, bad grammar and loose construction. Solecisms, barbarisms, and abrupt introduction of words without regard to sequence obscure the meaning of the writer in several places. Instances of the use of words or phrases suggestive of vague, general concepts where clear, particular ideas are intended, of the negative in place of the positive, and of the simple instead of the causal forms are not wanting. While endeavouring my best to translate such a document as faithfully and literally as is possible under the circumstances, I have not found it feasible or desirable to reproduce the ungrammatical peculiarities of the original except in one instance, the last but one paragraph beginning with "my followers," where the composition in consequence of confusion of thought is bad beyond remedy—I have throughout retained the Arabic words, giving their equivalents within brackets as ascertained from an Arabic Scholar introduced by the author of the document and Craven's English-Urdu and Urdu-English Dictionary. I have also enclosed within

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brackets link-words to clarify and logically express crude and elliptical forms in the original.

(Sd.) M. KUPPUSWAMI AYYER,
Indian Interpreter."

14th January, 1926.

Before the Statement of Defence was read by Mr. Campbell, Mr. Mundell, counsel for the 1st defendant, asked leave to amend the defence by adding to paragraph 1 to the Statement of Defence "but as to the allegation in paragraph 1 of the Statement of Claim that the Plaintiffs are Quadianis or Ahmadies they are not orthodox Muslims."

His Lordship:—Mr. Campbell, have you any objection to the amendment?

Mr. Campbell:—No, My Lord,—as this is one of the issues to be tried.

Mr. Campbell then proceeded with the reading of the Statement of Defence, as amended.

DEFENCE OF THE 1st DEFENDANT.

1. This Defendant admits paragraphs 1 and 2 of the Statement of Claim, but as to the allegation in paragraph 1 of the Statement of Claim that the Plaintiffs are Quadianis or Ahmadiyahs they are not orthodox Moslems.

2. This Defendant admits the printing and publication of the Article referred to in paragraph 3 of the Statement of Claim but denies that such Article was written printed or published falsely or maliciously.

3. This Defendant admits that the Article referred to in paragraph 3 of the Statement of Claim was distributed among Tamil Mohamedans in Singapore.

4. As to paragraph 5 of the Statement of Claim this Defendant says that the English translation therein set out of the said Tamil document the subject matter of this action is not a correct translation thereof.

5. This Defendant admits paragraph 6 of the Statement of Claim.

6. As to paragraph 7 of the Statement of Claim this Defendant denies that the words set out in paragraph 3 of the Statement of Claim mean what the Plaintiffs allege them to mean.

The said words are incapable of the said meanings attributed to them by the Plaintiffs and are no libel.

7. The said Pamphlet was written and published by this Defendant without malice towards the Plaintiffs and was a fair and honest comment on the matters therein

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contained and was written and published for the benefit of the public.

8. In the alternative, if and in so far as the words complained of were not fair and honest comment on matters of public interest written printed and published as pleaded above but were allegations of fact, this Defendant says that the said words complained of were in fact true.

9. This defendant denies the facts alleged in paragraph 8 of the Statement of Claim.

Dated this 22nd day of August 1925.

SISSON AND DELAY

Solicitors for the 1st Defendant.

His Lordship:—Does this document hold the persons named in it up to hatred and contempt?

Mr. Campbell:—Yes, My Lord, it accuses the Plaintiffs in the terms of being Quadianis and infidels and says that they should be abhorred. It states that Daudshah Sahib and the Plaintiff's, his associates, belong to the Quadiani sect and are infidels, and, even though they might be kith and kin, they should be abhorred. It accuses them of having heretical tendencies and proceed later to hold them up to hatred and contempt.

The last paragraph of the alleged libel alleges that the 73 sects of Islam have declared that the Quadianis are Kaffirs or infidels. Then it goes on to state "that, apart from that finding, the aforesaid authorities viz the books of Talvih—etc., regard the Plaintiffs as belonging to the Quadiani sect:"

My Lord, the Defendant actually petitioned to the Government that the Plaintiffs should not be allowed to be buried in any Mohamedan burial ground. The article charged plaintiffs with being something that was outside the pale of Mohamedanism. I submit, My Lord, that this publication is libellous and that it is for the defendants to justify it on the ground that it is true or that there is legal excuse.

ONUS UPON THE DEFENDANTS TO JUSTIFY.

Mr. Mundell:—My Lord, if the defendant's translation of the alleged libel is accepted in place of the Plaintiffs' translation, then I say that the Plaintiffs must proceed unless my learned friend wishes to discard the innuendo alleged in paragraph 7 of the Statement of Claim.

Mr. Campbell then proceeded to read from the Mohamedan Law by Rt. Hon'ble Syed Amir Ali, Volume 2—4th Edition page 3, and explained at length.

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He said that when Plaintiffs were charged with being Kaffirs they were charged with being persons who denied the unity of God and the messengership of the Prophet Mohammaḡ, and cited the case of *Narantakath Avellah—v—Parakkal Mammu and others—re Divorce on becoming an infidel* reported in *Madras Weekly Notes* page 662.

Mr. Campbell then dealt with the law at length as to the dissolution of marriage and prayers and quoted in support of his arguments several authorities including the cases of *Queen Empress—v—Ranyam and others*, *Indian Law Reports* (1885) 7 Allahabad page 461 and *Atta Ullah v Azim Ullah* 12 Allahabad, pages 465 and 494.

Mr. Mundell accepted the onus of proof and proceeded with his case.

Mr. Mundell: May it please Your Lordship:—I admit the publication of the alleged libel and I submit that the words set out in paragraph 6 of the alleged libel do not mean what the Plaintiffs say they mean and I say they are no libel.

I do not deny that the article would not be libellous if the words were not based on facts. I submit that they were fair comment. I shall proceed to place before Your Lordship facts which will be proved in evidence. Mirza Ghulam Ahmed, the founder of the Ahmediyya sects, was born in Punjab in 1845 and died in 1908. He first studied Arabic and Persian and afterwards Law. From 1878 and afterwards he posed as the Promised Messiah of the Christians, Mahdi of the Moslems and Raja Krishna of the Hindus. His followers were first called Quadiani after the village near Amritsar where Mirza was born. They were later called Ahmadiyyas, after a name adopted by Mirza himself, and which was another name of the Prophet Mohamed. On his death he was succeeded as head of his sect by Hakim Noordin, who soon died. Later his son Mirza **Bashier-ud-Din Mahmood Ahmad**, succeeded him. These successors were known as first Khalifatul Messiah and 2nd Khalifatul Messiah.

At the present time, I am instructed, there are five sects, who are followers of Mirza, and the two principal ones are the Quadianis and the Ahmediyyas. The Ahmediyyas have as their head Moulvi Mohamed Ali who has recently published the Quran translated into English. The Headquarters of the Ahmediyyas are in Lahore.

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Some years ago a man named Khwaja Kamaluddin, a missionary from the Lahore headquarters of the Ahmediyyas, started a mission in England, having headquarters at Woking which was very successful. In the year 1921 Khwaja Kamal-ud-Din came to Singapore, and other countries in the East and shortly after he left Singapore, a society called the Anjuman-i-Islam was founded in Singapore. The rules of this society will be put in.

The Anjuman-i-Islam at the date of its inception really was an Ahmedian movement. Both of the Plaintiffs are members or supporters of the Anjuman-i-Islam. My instructions are that since that time they are active members. The Anjuman issues a periodical "The Muslim." In the January number of the year 1922 the names of the Plaintiffs appear as members on page 22.

In 1925 a man called Daudshah came to the Straits Settlements. He is a native of South India where he had held an official position which he gave up to become a missionary. I will adduce evidence to prove him to be an Ahmediyya.

I am instructed that Quadianis and Ahmediyyas are practically the same. Daud Shah first visited Penang, where there was already much dissension as to the position of the Quadianis or Ahmediyyas, and Daudshah's advent did not help matters. On the 25th April 1925, a letter was written by Mr. Bashir A. Mallal published in the Malaya Tribune of Singapore.

It reads as follows:—

"PHARISEES OF ISLAM."

"Sir,—I was astonished to hear one of my friends express his surprise at my being so ardent an admirer of the work of Mr. Daud Shah, who has recently visited this island, for he said that he saw no reason why I should have any interest in one who claims himself to be a Rasool or Prophet. I then asked him several questions to ascertain the source of his information, but ultimately I found it to be mere hearsay.

"This incident led me to think upon the devastating work done by gross misrepresentation of a character who has, at his own sacrifice, furthered the cause of Islam. It will not do to feign ignorance of this fact. The world must know that men like Mr. Daud Shah have travelled hither and thither to preach the word of God and not to seek for self-glory.

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“Mr. Daud Shah is a Muslim missionary and a native of Madras Presidency. The inward urge to serve God forced him to relinquish his magisterial seat with its wordly honours for the sake of his religion. He has been preaching Islam not only in his own country but also in the West. Considering that for two and a half million of Tamil-speaking Muslims a Tamil translation of the Holy Quran had been wanting and that no attempt had been made to supply one, he has taken upon himself the task of enlightening so many of his co-religionists in the Southern India by his Translation. This work is a monument of labour and purely a manifestation of Love. For the last two years he has published only two issues which will cover about one-thirtieth part of the Holy Book.

“It has been the sole aim of the reverend gentleman to place his religion upon a rational basis, to remove the many misconceptions that have surrounded Islam, and to frustrate the efforts of the Maulvis in exploiting the ignorant and the ill-educated and in keeping them from the path of progress. The evils wrought by these Maulvis have continued for many generations and, to a considerable extent, account for the gradual degeneration of the Muslim Races.

“How do these Maulvis stay the progress of Islam? They publish and circulate the most acrimonious and scandalous leaflets, which are maliciously false comments upon the personal character of those whose ambition is to preach Islam in the light of reason. They will lead the ignorant people into the belief that the principles of these preachers of Islam are adverse to those inculcated in the Holy Quran.

“I have confidence that the educated Muslims will look upon such propaganda with contempt: but there is a large section of people, who place implicit faith in the Maulvis, and who will be amenable to these erroneous beliefs.

“By their unhealthy conservatism, the Maulvis have intentionally mis-interpreted the well-meaning motives of preachers as Mr. Daud Shah, thus keeping us from the path of salvation and lowering our position both in the material and the spiritual worlds. In a word they have brought about our degeneration.

“It appears from the comments of the Maulvis that the tenets of faith of Mr. Daud Shah are not identical with those generally held by Muslims. If this is so, I do not

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think that the worthy would believe that Muhammad (May peace be upon him) was the last prophet, that the door of prophethood was closed after him, that the Quran is the last book of God, that anyone who claims to be a Nabi or Rasool (prophet) after Muhammad is a kafir and is out of the pale of Islam and that one who accepts any such persons as Nabi after our Prophet is also a kafir. That Mr. Daud Shah claims himself to be a Nabi is surely incongruous.

“Now I appeal to the good sense of my co-religionists not to form any hasty judgment against one whom they have not heard. It is against any sense of justice to pass a judgment against a man whom we give no chance of stating his defence. One, who for the sake of his religion has renounced everything and is travelling round the world to propagate Islam, deserves better consideration from his co-religionists.

“Now Mr. Daud Shah is in our midst and it is for every Muslim to give him every encouragement to prosecute the noble mission which he has undertaken. I understand that arrangements are being made for inviting all learned men of the sister religions, who have never heard anything of Islam except that it is a religion full of vices of humanity, to clear their doubts. Mr. Daud Shah will gladly reply to any relevant questions that may be put on him.

“I must apologise. Sir, that I have taken more space than I am entitled to, but considering the necessity of an explanation, you will show your courtesy by publishing this and allow me to thank you for the same.

Yours etc.,

BASHIR A. MALLAL.”

Now Your Lordship will observe that this letter was clearly written in connection with a matter of public interest i.e. the visit of Daud Shah and a person who writes such a letter invites comment. I produce a document issued by the 1st Plaintiff. This document is marked 2 and the translation 2a. The document was issued in the form of a hand-bill.

It reads as follows:—

Tamil Translation No. 122 of 1925.

(ARABIC CHARACTERS).

All praises are due to Almighty God who created all the worlds (visible and invisible) and nourishes them.

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Let Him pour His blessings on His prophet Mohamed Mustapha Rasul Sallahu Alai Vasallam (May peace be on him) and his comrades.

Sections 101 and 102 of the 3rd Sura (Chapter) of the Holy Koran Sheriff of God quoted above teach Muslims unity. I draw the attention of my dear Muslim brethren to the other sections regarding religious propaganda that are to be done by Muslims: and the evils that will result from factions and controversies.

Oh my Muslim Brethren!—

I trust that most of the Muslim brethren and the Hindu friends of South India, know well Mr. Janab Dawood Sahib and similarly people who support Syful Islam the newspaper know it (Syful Islam) too.

It is surprising to see that since February of this year the said paper Syful Islam solely publishes matters about Mr. Janab Dawood Sahib. It confuses the minds of Muslims.

The article published on the 11th of March on page 4 under the heading "Dawood Sahib and Ourselves" spuriously states that there is no misunderstanding or hatred between M. Dawood Sahib and himself and he always treats him with respect as his brother because he is a fellow Muslim and contemporary editor; he always supported or advocated his preachings while he (Dawood Sahib) was in the Government service and the book he published under name "Faith."

But the very next page is entirely devoted against Dawood Sahib. It will undoubtedly prejudice or bewilder the minds of Muslims.

In my humble opinion it appears that there is a bitter feeling between them or the editor of Syful Islam wants to do more business by launching attacks on Dawood Sahib. Apart from the above when Dawood Sahib was in Singapore a man representing Syful Islam came forward and waged a bitter campaign in many ways against Mr. Dawood Sahib's preachings by telling falsehood and spreading false reports. Will not this wound the feelings of true Muslims? What astonishment!

Oh my dear Muslim Brethren! May God Almighty help our Muslims not to be cheated by his (Syful Islam) writings which are emanated out of his mad prejudice.

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Oh my dear Muslim Brethren! I ask you to pardon me for pointing these things to you. Let us see what "Syful Islam" is doing now.—What does it do to people who are against Islamic religion? A paper under the name "Muslim World" edited by the Rev. Zwemer attacks the religion of Islam. Samuel Ramalingam writes that Koran is not a holy scripture and in addition the Arya Samaji (a religious Society) leads a relentless campaign against Islamic religion with a view to refute it. The missionaries spend millions by erecting big churches, hospitals and schools and propagate their religion nicely.

I presume that "Syful Islam" does not know this. It appears that "Syful" was responsible for Islam. The word "Syful" in the Arabic means sword. What surprise! A Muslim according to his means builds a mosque and exhorts people to worship God in it, another man who sees it instead of building a similar mosque or if not a bigger one and exhorting people to worship, comes forward to point out the defects in the original mosque saying that it has no wall, no tiles, no mats etc., and by raising disputes and creating controversies stops people from worshipping God at all.

This man (Syful Islam's Editor) and his contributors according to the aforesaid example falsely find fault with the learned discourses given by Mr. Janab Dawood Sahib. Hasadzus scientifically counted 72 Viz H, E, 8; S, U, 60; D2.4; total 72. All those people who come under the number the said 72 according to our traditions are outside the pale of Islam. May God prevent our Muslim brethren from following the preachings and writings of such jealous people. Amen.

Oh my dear Muslim brethren! In my humble opinion Syful Islam paper does not belong to an individual; it is a business concern under a limited company, shares are sold for it. Unless the business of his paper is increased, there is no profit for the share-holders, I think by creating antagonism and disputes between persons it is hoped to sell more papers with a view to increase business. We see in our daily life that children and uneducated people take delight in strifes and disputes. An actor challenges another actor. Similarly this paper takes up controversy to secure more subscribers. Perhaps they are caught in the nets of the enemies of Islam and oppose people who really stand for Islam. May God Almighty pardon them and help them

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even though if they are caught in such nets to walk according to the Koran and the traditions of our prophet Mohamed. Amen.

It appears in my humble opinion that the supporters of this paper have to share the merits and demerits of it. God Almighty alone is able to know the minds of men and He is able to pardon sins. It is the duty of every Muslim to get out of it especially when jealousy is at the back of it. Think over this. Don't be bewildered by persons who appear in false garb and whose object is to earn their livelihood. The fact that Mr. Dawood Sahib gave up his position in the Government is itself a proof that he has sincerely taken up the work of propagating the religion of Islam. So it behoves every Muslim to co-operate with him but it is very strange that people are coming forward to obstruct him. Whose work will it be? Who were those who impeded the progress of the early Islamic propagandists? Think over.

May God Almighty spare them from such work and help them to oppose the enemies of Islam and spread the truth of Islamic religion.

Oh my dear Muslim brethren! What a surprise? Don't be misled by seeing pamphlets published by hypocrites and Jahils (illiterate persons) who have no boldness to issue them (pamphlets) in their own names but they issue them under a general term 'Sympathisers of Islam' and quote passages from the books of Qadian Mirza Sahib as if they are well versed in them. The heading of it is "786 Dharul Islam Editor P. Dawood Sahib and Qadian Mirza Sahib." Don't follow the persons who try to make the Islam a religion of unbelief instead of proselytising unbelievers of Islam. May God save the Muslims. I fail to understand the connection between the books published by Mirza Sahib and Mr. Dawood Sahib; the wise will not fail to understand. Mr. Dawood Sahib has published the following books.

- Viz. "Translation of the Koran,"
"Dharul Islam paper."
"Prophet Mohamed and his four comrades."
"The words of The Prophet, 1st & 2nd volumes."
"Faith."
"Islam."

"Elevation of Muslim," "Thamjahal." "Joopaytha" and many others. Have they detected error in those books? He is translating into Tamil many other books like the

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above ones, let us see how many such publications have these people done? None. Don't be misled by the utterings of these people.

Oh my Islamic brethren! The religion of Islam teaches us unity. To whom shall I compare those who try to undo that unity? May God save our Muslims from such a fate. The ignorant men who oppose Mr. Dawood Sahib who has come forward to propagate the Islamic religion, I presume, have not come across the men who abuse the Islamic religion saying it is a false one.

May God save those who are really spreading Islam from those unbelievers who are really opposing Islam under the garb of Islam.

Oh my dear Islamic brethren! A notice under the heading "Challenge" was issued by three Moulvis.

If they had **bona fide** intentions they would not have invited Mr. Dawood Sahib to a useless dispute but would have written a good explanation in decent language or would have published a book pointing out the mistakes in the publications of Mr. Dawood Sahib.

I am unable to understand how a dispute could be decided by plaintiff alone. If they really intend to do good they will not waste time but publish useful books. If they really have any doubts let them call at No. 19, Campbell Lane, Singapore and meet Mr. Dawood Sahib and clear their doubts. What good does it do by issuing pamphlets to confuse the illiterate. The wise will not fail to understand them.

May God Almighty help Mr. Dawood Sahib to go on with his work undaunted and not to waste his time in replying to these useless pamphlets and to go on enlightening the ignorant with the Grace of God. Amen.

Let many like him come up. If milk is poured into a vessel through a filter, the filter retains all the dirt and allows the pure milk to go into the vessel. So let us see whether we are the vessel or the filter. I trust Muslims will come forward to spread the Islamic religion brushing aside the unprofitable controversies.

Yours,

Meeran Lebbaik Muallim bin
Magdum Naina Mallim.

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This pamphlet, Your Lordship will note, states that the object of attack on Daud Shah is to make money and warns people not to be misled by pamphlets published by illiterate persons. Also the translation of the Koran by Daud Shah is practically a copy of that issued by Mohamed Ali, head of the Ahmadia sect in Lahore.

The three Moulvis had challenged Daud Shah as to his beliefs and doctrines. The whole tendency of this notice was to support Daud Shah and to oppose the Moulvis who challenged him and it was issued to Tamils in Singapore. His action, I submit, made the first plaintiff a public man and he was, therefore, subject to fair comment on anything which he did in a public sense.

The second Plaintiff, My Lord, also issued a notice in a similar manner, written in Tamil. Here is a copy with translation.

This document is marked 3 and its translation 3A. It reads as follows:—

Tamil Translation No. 64 of 1925.

Janab Pavana Daudshah Sahib and the three Maulvis.

(Abdul Rahman Sahib, Thenkasi, Muhamad Osman, Yenankudi, Muhamad Sharfuddin, Vellore.)

Oh My Dear Muslim Brethren,

Peace be upon you and by the Grace of God Prosperity.

Your attention would have been drawn, I believe, to the pamphlets published often regarding Mr. Janab Pavana Daudshah Sahib who has just sojourned in Singapore. Of them some, you would have observed, have come out published anonymous. The appeal of Mr. Meeran Lebbaik Maulim published on 5-5-25 condemning them would, I believe, have come to your notice.

My attention was drawn to the I. and II. parts of the Tamil translation of Koran called, "Jaushirulhurkan" published by Mr. Daudshah Sahib. I have read carefully the preface to the I. part. Oh my dear Muslim brethren! what perversity! It looks as if this preface never came to the notice of the abovenamed Maulvis. I pray that my dear Muslim brethren would read that closely. I make bold to say that every man that has read it would never come forward with complaints against him. It is also clear from the preface, that if any mistakes in spelling, sentences, and translation are to be found in his translation of Koran by Maulvis very learned in Arabic language and by Pandits well

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versed in Northern and Southern languages, such mistakes, if pointed out by any respectable gentleman with good intentions, would be accepted by him most thankfully and cordially; he also says that he is ever waiting to collaborate with every respectable man who wishes to embellish the explanations he has given and that he has come to the forefront only with the sole object of seeing the Tamils profited in all manner of ways and not to advertise himself as the All Knowing God (Jupiter.) I verily believe that these Maulvis have seen this preface that contains these expressions. If every other work of his is observed by these Maulvis with the same good intentions, I truly believe that they would come forward to work with him for the good of everybody as real Muslims. On the other hand by confusing the ignorant by their unprofitable arguments and fanaticisms and by publishing controversial and false pamphlets, what do they hope that our Tamil people would gain? That, you can infer for yourselves. I am for every Muslim to read the preface written by Mr. Daud Shah Sahib.

I remain,

Yours ever affectionately,

K. C. MARAICAN.

This is also written in support of Daud Shah and makes the second plaintiff, I submit, also a public man, whose actions are subject to fair comment.

The only question is whether the comment is fair and is not a mis-statement of facts.

It is necessary in considering the words of the alleged libel to bear in mind the fact that Daud Shah was a person who is reputed to be a Qadiani and that at the time of the alleged libel he had lectured in the Town Hall in Singapore and had not accepted the challenge of the three Maulvis. In particular, it is necessary to remember that he had published a Tamil translation of the Quran.

His Lordship:—Is it supposed to be a sin to translate the Koran into any other language but Arabic?

Mr. Mundell:—My instructions are that it is forbidden to do so.

The alleged libel has been typed into paragraphs for facilities of reference and I am putting in this document, marked 4, as part of my argument. I submit in regard to

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certain parts of it that they are religious quotations and fair comment; some of them apply only to Daud Shah.

His Lordship:—Does it make it any the less a libel that it is a quotation?

Mr. Mundell:—It is still a libel unless there is truth in this statement.

His Lordship:—Whether these are quotations or not does not make any difference.

Counsel for the defence then proceeded with the various paragraphs of this document No. 4, which reads as follows:—

TRANSLATION.

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An Exhortation

To the Qadiani

Mr. B. Daudshah Sahib of Nachiarkovil,

Mr. M. Meeran Lebbaik Mu'allim of Nagai (Negapatam),
and others.

1. He shall become a **Kafir** (infidel) who, without (proof of) any characteristic features of Kufr (infidelity), regards any Muslim as a **Kafir**.

2. He shall become a **Kafir** who does not regard as a **Kafir** but is in harmony with one who, without conviction in the Islamic **aqida** (creed), keeps on confuting and distorting it.

3. The action of those whose practice is contrary to our Islamic faith should be shunned, and if they do not hearken, they should be abhorred, even though they may be (our) kith and kin.

4. (a) Hence, in accordance with the decision of the Sunnat Jama'at world that the **Qadiani sects are Kafir**

(b) We have come forward to explain and correct the **Kufristic** (heretical) tendencies which are being imbibed unwittingly by **Daudshah Sahib**

(c) Of the **Qadiani sect**, which, for the sake of achieving its purpose, raves and roams about falsely calling itself **Ahmadiyya**, **Sunniya** or **Hanafiyya** as may suit the occasion.

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(d) **And** by his associates in Singapore, viz, Meeran Lebbaik Mu'allim Ibn Magdoom Naina Mu'allim, K. C. Maraikkan and Bashir Ahmad Malial.

5. He who adopts willingly or unwillingly what constitutes Kufr (infidelity) or the symbols thereof, arising out of stupidity, obstinacy, jest or fun.

6. And he who objects to the aqida (creed) and other Masalas (laws) ratified by the Quran, Hadis (traditions) and Ijma' (the majority of Ulama) shall become Kafir.

7. He who, unmindful of himself becoming a Kafir, imposes on the ignorant people who are unconsciously drawn (to him) and makes them follow his corrupt aqida (creed) and promulgates that aqida in the guise of truth becomes (Zindik) an inveterate Kafir denying the Almighty Allah.

8. To all those who have fallen into Kufr (infidelity) are tauba (penitence) and absolution from sin available save to him who has become a Kafir by slighting the prophets. His (the latter's) tauba (penitence) will not be accepted and he will be put to death.

9. He who doubts the fact of such a person becoming a Kafir and of his azab (suffering) shall himself become a Kafir.

10. And he also shall become a Kafir who slights the "Ulamas" (the learned) who, having studied Arabic lore according to the recognised system, function as heirs of all the prophets and of Muhammad, Sallallahu alaihisalam (on whom be peace), who is the seal (closing the line) of such prophets.

11. Of all the languages prevalent in this world, it is Arabic that is by far the best language, and the Almighty Allah would not approve of non-Arabic languages. It is indeed the language of the Angels and the only language in which all the scriptures came down.

12. It is certain that except the "Ulamas" who have acquired a thorough knowledge of Arabic in accordance with the rules of Arabic grammar &c. no others however proficient they may be in other languages, would be decorated by our righteous faith with the title of Moulvi.

13. A jahil (illiterate man) would rejoice when called a learned man and would be enraged when called

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an idiot. A jahil would be jealous of the rank of the learned (Alim) and would despise them.

14. A Muslim, if he puts on the guise of Kafir, shall become a Kafir.

15. (a) The assumption of airs by a Kafir in imitation of "salih" (pious) "Ulamas,"

(b) And the transcription of our sacred and true Scripture, the Holy Quran in non-Arabic script are haram (forbidden).

16. It is a duty incumbent on every Muslim to seek "ilm" (knowledge).

17. (a) It should be observed that the (various) Governments of this world are tenaciously attached to their respective languages and stand persistently by them.

(b) And that the fact of the existence of (our) tafsir (commentaries) in Arabicised Tamil serves to obviate the possibility of the Tamils with Tamil script slighting our religion.

18. When your (guru) Ustad, teacher, is of this sort, how will you be saved? Thus say the books of Talvih, Shamee, Hindiyya, Tamaviyya, Raziyya, Qariyya, Iyyana &c.

19. "My ummats (followers) shall not combine together in (the pursuit of) a wrong course; the combination of the ummats and those who are of it are good; what was forbidden by the ummats combined and those who committed what was so forbidden are shockingly wicked.

20. "What the Mumins (believers) regarded as beautiful would be beautiful in the presence of God." To that effect there is a Dahlil (authority)—Talvih.

21. The 73 sects of Islam, while generally holding to their respective religious opinions without discord, have all of them regarded on proper grounds the Qadiani sects Kafir.

22. Apart from that finding, the aforesaid authorities regard Daudshah Sahib, Meeran Lebbaik Muallim, Bashir Ahmad Mallal, K. C. Maraikkan &c. as judged from their words, acts, ihtika (beliefs) and perverse publications as belonging to the Qadiani party, which is outside the pale of the Sunnat Jama'at communion and of all (the rest of) the Islamic sects.

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23. (a) The Qadiani sectaries who are unmindful of the iman (Faith) being brought to naught
- (b) Frighten (the public) and publish **fasad** (vicious) creeds, with a view to rob them of their money by their ravings.
24. When challenged (for discussion) by intelligent people who understand these things, they meet such challenge with **false slander**, and when invited to adduce proof, they excuse themselves by saying that they would bear up without entering into debate.
25. Under such false pretexts couched in clever language, it is **natural for them to dupe (people) and pretend to be dull-witted.**
26. (a) With the science of words, (Illmul-kalam), that is to say, having acquired a smattering of English, they could wield a scientific, clever and glossy prose style.
- (b) What they give is vile calumny.
- (c) And what they make a show of is an attitude of justice.
- (d) What they stir up is the act of tale-bearing to our benign and righteous Government.
- (e) Their occupation is the **invention of stories of lies and tricks.**
- (f) And indulgence in **derision is the part they play.**
27. **Before people on all sides** pass such remarks, it behoves you to come formally before the **assembly of 'Ulamas** (the learned) confess the Islamic **aqida** (creed) and renew your **tauba** (penitence) and prayer for absolution from sin.

In case there be any kind of error, I seek by tauba (penitence) absolution from sin (and remain)

Yours,

J. Muhammad Ismail Maraikkan,

18-2, Wilkie Road.

Paragraph 1. This Paragraph can scarcely be alleged in respect of the Plaintiffs. It is condemning him who judges the Plaintiffs wrongly and is merely a quotation.

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Paragraph 2 may well apply to the Plaintiffs but they are referred to later as associates of Daud Shah, who is addressed as a Qadiani. This also is a quotation from a religious work.

Paragraph 3. There is no suggestion that the Plaintiffs are kith and kin of the defendant. This again is a quotation.

Paragraph 4a. Here is a statement of fact that there is a decision that the Qadiani sects are Kafir.

4c. This is a comment on Daud Shah alone, and does not refer to the Plaintiffs. Therefore it is not my duty to prove that the Plaintiffs falsely rave and roam about calling themselves, etc.

Paragraphs 5 and 6 really are one. They are separate quotations from religious books. They might refer both to the plaintiffs. Paragraph 5 does, but paragraph 6 refers only to Daud Shah. Both paragraphs are generally statements and comment only.

Paragraph 7 cannot apply to the Plaintiffs but only to Daud Shah. This again is a religious quotation and is a fair comment.

It is true that the Ahmadiyyas and the Qadianis are held by the Moslem world to be infidels. We say that by their acts and deeds the plaintiffs have acted in such a manner that we are entitled to comment on their acts and deeds and say that, according to them, they are infidels. Supposing I prove, and I am bringing evidence to shew, that the Qadianis and the Ahmadiyyas are Kafirs, then I say there is no libel, but is only comment. If I fail to establish that, of course, there is no question about the libellous nature of the notice, just as the first plaintiff in his notice was libellous. The first plaintiff was more careful as to the selection of the persons whom he libelled.

Paragraph 8 is a religious quotation, and a fair comment.

Paragraph 9 is also a religious quotation and is a fair comment.

Paragraph 10 obviously only refers to Daud Shah. The Plaintiffs have not slighted the Ulamas.

Paragraph 13 does not refer to the Plaintiffs. Anyhow it is a comment.

If the Qadiani sect is without the pale of Is'am then to suggest that they are in the pale is 'to frighten people by vicious creeds and rob them of their money.'