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Life is Ever Changing

S. Abul Hasan Ali Nadwi

Islam is the last message of God Almighty; it has been presented in a complete form before the world, which has been told that:

"This day have I perfected your religion for you and completed My favour unto you, and have chosen for you as religion AL-ISLAM"
(Al-Ma'ida:3)

On the one hand God has been well-pleased to favour mankind with a perfect and final religion; on the other, the fact is that life is on the move, ever-changing and evolving as someone has aptly said:

Life is ever youthful,
Continuously on the move, zestful.

The religion bestowed by Omniscient God is grounded in a faith in eternal values and transcendental facts, yet, it is also zestful, perpetually -moving and sufficing for the transformations of life. God has endowed His religion with the capacity to turn over a new leaf with the changes ringing the world and thus provide human beings with an uninterrupted guidance in every phase of their life. It can help humanity to find its way at every turn and pass. It is not a culture of any particular age or the architecture of a particular place preserved in the shape of archaeological remains, but a living faith, a masterpiece of ingenuity and craftsmanship of the omniscient and Wise Creator :

That is the measuring of the Mighty, the Wise.
(Ya Sin : 38)

... the doing of Allah Who perfecteth all things. Lo! He is Informed of what ye do.
(An Namal : 88)

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Wisdom of Qur'an

"They say: 'If we were to follow this guidance with you, we should be snatched away from our land.' Have We not established for them a secure sanctuary to which fruits of all kinds are brought as a provision from Us? But most of them do not know."

(Al Qur'an – 28:57)

This is what the Qurayshite unbelievers used to say as an excuse for not accepting Islam. When we reflect on this, we realise that this was indeed the main reason for their denial. In order to appreciate it fully, we should bear in mind the position of Quraysh in those times, a position which they felt would be undermined if they were to accept Islam. "What initially lent eminence to the Quraysh in Arabia was their descent from Ishmael. When, thanks to the sagacity of Qusayy ibn Kilab, the Quraysh became the custodians of the Ka'bah and settled down in Makkah, their importance grew." "Here is God's first answer to the excuse the Quraysh offered. This response amounted to saying: "Is it not because of God's special favour that it is looked upon with respect and veneration by all, and every year thousands of people come to it as pilgrims? It is thanks to this favour that you have become the leaders of Arabia and the major beneficiaries of the flourishing international trade of your time. Do you think that by rebelling against God Who, in the first place, bestowed this favour on you, you will prosper, and that you will be instantly destroyed if you follow God's Religion?" ■

Pearls From the Prophet Mohammad (PBUH)

"Abu Hurairah relates that the Holy Prophet (peace and blessings of Allah be to him) said: "A person who calls people towards doing good deeds will get the same reward as those who follow him and do good; and nothing will be diminished from the requital of the latter. Similarly, those who call the people towards vice will have the same punishment as those who follow him without any diminution in the punishment of the perpetrators."

(Muslim)

Our deeds are either good or bad as no deed can be both good and evil. And people, in given circumstances, are tempted to do either good or bad deed. This hadith gives good tidings to a person who not only does good deeds but invites others to do so. It also warns a person against inviting his/her fellow beings to vice. Calling people towards doing good deeds is in itself a virtuous act. It wins the pleasure of the Lord Almighty as well as provides an opportunity for the invitee for doing good deeds. Contrary to it, the act of inviting people to commit some evil is in itself a vicious act. It earns the Divine wrath as well as puts the invitee in a position that earns the Divine wrath. "God is All-Powerful. He can give reward and award punishment to whom He wills. He knows perfectly well the deeds done by His servants as well as the intention lurking behind the commission of the deed. Hence His judgement is based on human actions. He however can forgive whomsoever He wills. ■"

Editor's Note 

Unity

There is an old saying that United we stand and Divided we fall. How correct this saying is. We see in our daily life that amity and love always prevail and evil designs lead us to destruction. The Holy Quran and Prophet's traditions warn us to be careful from untruth and live as per Divine's ordains and lessons taught by the Prophet.

In a moving address to the companions one day Allah's Messenger led Salat. Then he turned to them and addressed in a moving way. On listening to his advice their tears flowed and they were shaken in their hearts. Someone submitted: "O Messenger of Allah! Your advice appears to have a ring of farewell. Give some more advice." He said: "I advise to keep on fearing Allah and listen to and obey (your leader), even he be a black slave. Those who outlive me

would observe much difference in matters of religion (the worldly-minded persons and misguided Ulama would cause sectarian and make the commoners follow them). Beware! You must then adhere to Sunnah and the way of the right-guided Caliphs. Hold fast to it (Hadith, Sunnah and the Companions' practice). Avoid heresies in religion. For each invented thing is heresy and each heresy is an error.” (Mishkat)

It is unfortunate that we are not adhering to what have been advised. We are divided in different Sects, Shia, Sunni and further Wahabi, Barelvi and Ahle Hadees etc. Let us eschew this and follow what Prophet has advised. ■

S.A.

We solicit articles for publication in The Fragrance of East. Suitable remuneration will be paid to writers. We prefer receipt of articles on:
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Manifestations of Man's Striving

- S. Abul Hasan Ali Nadwi

Man can have nothing but what he strives for. The fruit of his striving will soon come into sight. Then he will be rewarded with a full recompense.

(al-Najm 53:39-41)

The above verses boost the morale of not only Muslims but of all mankind, provided they have a clear view of life and champion a sound cause. For all committed people the above passage carries an inspiring message. It is specially relevant for institutions engaged in training younger generations, for it contains an elaborate moral code and set of guidelines for the young.

Allah has promised man that he will obtain success in his striving. It is emphasised in the Qur'an that man's efforts will bear fruit. As to the time-scale of gathering the fruit of one's striving, the Qur'an hints that this may take a very long time. Man is thus told not to despair if he does not gain immediate results. Man is to be credited for much in the world - the vast empires, the rise of various civilisations, the spread and advancement of knowledge, and intellectuals appearing on the public scene. All these are manifestations of man's striving. These also stand out as illustrations of the Qur'anic promise that man will be

recompensed for his efforts.

It is the duty of the Muslim community to ensure its identity. The Qur'anic directive on this count is not addressed to individuals. Rather, the entire community is instructed that it will earn what it works for. Man gets his portion in this life and the Next in relation to what he strives for. He is destined to reap the fruits of his work. Allah has preordained this law that man is to be recompensed in equivalent measure for his efforts. Man's success is contingent on his attempt. He is bound to get the fruits of his labour. The outcome of his work will be evident to everyone.

Allah promises man that he will be recompensed in full for his striving. This is to assure that one's efforts do not go to waste. As reward is promised, this acts as an incentive for man. For he knows that his efforts will surely produce results, sooner or later. Furthermore, Allah's promise is that one will be rewarded over and above what one deserves. One may even get much more than what one strove for. This constitutes a major glad tidings for mankind, one which is amply borne out by history and the accounts of religious and reform movements. One notes the same manifestations in the history of literature, joint business ventures,

research studies and other domains of human activity. Often does He reward amply for his efforts. Taken in this sense, the verse constitutes another glad tidings.

Let us then realise this truth that we will be repaid in full for our work and in a measure beyond our expectations. We need not wait for huge resources or favourable conditions for launching our ventures. For example, family connections, advanced educational qualifications, a vast library, etc. are not essential to achieving success. What is, nonetheless, essential is the sincerity of our purpose. We must strive honestly and earnestly. If we do so, we are bound to reap rich dividends.

Hard work combined with good intention and excellent morals is the key to success. Allah being Omnipotent and the Knower of the Unseen declares that one will be recompensed in full. Allah represents absolute truth and He is the Lord of the universe as well. In this capacity this declaration assumes greater significance. In the face of this unmistakable promise, one need not worry about the outcome of one's work.

The above Qur'anic verse is life-sustaining and a source of immense hope and joy for mankind of all time and place. For it assures man of the good result of his deeds. The verse may also be taken as a moral code as well, for it covers all aspects of life. It instructs us on how we should lead life and what we

should do. We learn that faith should govern our lives. We should strive for reform around us and strengthen our faith. We should remain confident and cool about the results of our striving. It is only natural for man to think about the gains which he receives for doing something. Man is curious by nature. He tries to find out for example, the effect of a medicine, constituents of a seed and the prerequisites for doing something.

Accordingly, Allah has in this verse set man's mind at peace, instructing him in an entire code of life. If we grasp fully and clearly the import of this verse and believe sincerely in its import, it will be in our own interests. For it represents the promise of Almighty Allah. The assertion of even the most intelligent human being is suspect. One cannot take his word for granted. It is common knowledge that many people make predictions which do not come true. Rather, history abounds in such examples. However, when Allah promises something it is bound to come true. His Word cannot be wrong. Given this, we must abide by His Word and lead our lives in accordance with His guidance.

This verse contains glad tidings about man's striving, which revives man's spirit. The distinguished Urdu philosopher-poet Dr. Iqbal reiterates the same truth in asserting that man's deeds place him in Paradise or Hell. ■

Movement of Nadwatul Ulama-Importance & Necessity

- S. Bilal Abdul Hai Hasani Nadwi*

The Holy Qur'an says,

"If a contingent from every expedition go forth to devote themselves to studies in religion, and admonish the people when they return to them- that thus they may learn to guard themselves against evil."(S.9.A.122)

It is a matter of great joy and happiness for me that all of you have gathered here for the love of your institution, but I say more than that you have come here for the love of religion. The truth is that institutions like Nadwatul Ulama are not the goal, but they are resources, the goal is religion for all of us, and in fact, all these institutions are servants of this religion, as long as these institutions serve the religion, they have value and recognition and if these institutions will give secondary status to religion and will only engage in their own service, then the fact is that no value will be of theirs.

Allah the Almighty explained the main objectives of the mission of His Prophet.

He said in the Holy Qur'an: "It is He Who has sent amongst the unlettered a messenger from among themselves, to rehearse to them His signs to purify them, and to instruct them in the book and wisdom, - although they had been, before, in manifest error."(D.62.A.2)

In the above verse, Allah Almighty said three things about the duty of prophethood; the recitation of verses, self-purification and learning of the Book and the wisdom of Allah, these three things are the responsibility of the Ummah, and especially of the Islamic scholars.

It is imperative that they keep these three things in mind. To fulfill this responsibility,

* *Rector Nadwatul Ulama, Lucknow.*

numerous institutions were established in the entire fourteen hundred years of Islamic history, whose main objectives were to include all these things.

When and why the Movement of Nadwatul Ulama was introduced?

It started in 1892. The background of this movement was that at that time there was a chaos in the whole country. At that time it was imperative that the then prevailing tension, anarchy, and chaos must be overcome and created a unity in the Ummah.

There was a long distance in Islamic scholars of the Ummah, especially the scholars of the intellectual class, it was necessary to eliminate this distance and bridge the gap so that it is possible to benefit from each other's abilities and use all these abilities for the benefit of religion. The success of this movement can be estimated from the map drawn by the chroniclers of the major meetings of the Nadwatul Ulama movement at that time. In fact, at the time when the movement of Nadwatul Ulama started, there was Darul Uloom Deoband on one side and Aligarh Muslim University was on the other side, and there was such a gulf between them that it was difficult to meet each other, but Nadwatul Ulama tried to bring them closer. Apart from this, Nadwatul Ulama also made successful efforts to resolve disputes of the Islamic scholars to a great extent.

One of the main objectives of Nadwatul Ulama was to produce such clerics who understand the pulse of the times and have the ability to look into people's eyes and talk. So the Movement of Nadwatul Ulama motivated the then prevailing Madrasas and tried to produce such scholars, but no claim or

invitation of any kind would be very effective unless a model was presented instead, so it was probably the fourth or fifth year of its annual meeting it was suggested that one of our own Darul Uloom should be established, where we can produce such scholars, that is why Darul Uloom was founded in 1898 and attempt was made to produce from this Darul Uloom scholars who have profound knowledge and considerable influence in Shari'ah as well as they should also have expertise in contemporary sciences. Needless to add that the necessity of religion is immutable and its principles are also immutable which will never change, but the needs of time keep changing and the sciences adopted for it also keep changing. Therefore, at the time of the establishment of Darul Uloom, the experts in the contemporary sciences also gathered and an effort was made to adopt such a system of education, training and upbringing there, which would produce such scholars who inculcate a deep and insightful knowledge of Islamic Shariah and also get aware of new developments of the time so that they can tackle modern challenges of the world. Besides, they should have the ability and full command to convey their views in every class and circle.

By the grace of Allah this herculean task was accomplished by them and within a short span of time its first batch was prepared, whose leader was Syed Sulaiman Nadwi and besides him there were great scholars like Maulana Abdul Bari Nadwi, Maulana Masood Alam Nadwi, Maulana Abdus Salam Nadwi who proved that the Movement of Nadwatul Ulama and its Darul Uloom are somewhat successful in their objectives. After that, Alhamdulillah, that movement progressed with great success and Darul Uloom grew a lot, then after that, the second generation was formed, the leader of this group was Hazrat Maulana Syed Abul Hasan Ali Nadwi, then after him his

sincere disciples. And there is a large number of his disciples who are spread not only in India but also in the Arabic world and from this source the success of this movement can be realized.

In 1975, Nadwatul Ulama's educational convocation especially proved that the thought which Nadwatul Ulama presented is most needed today. Our Hazrat Maulana Ali Mian Nadwi used to say this in different countries of the world and I myself heard this thing dozens of times from Hazrat Maulana and in several places Maulana has written that in the current direction in which the world is going, the thought of Nadwa much needed than before.

The real purpose of Nadwatul Ulama:

Today, we have new problems and new developments in front of us, we have to face them, but it does not mean that we should follow the direction of the wind and the direction the river is flowing. Accompanying means that we have to take the stream into our own hands, but rather to direct its course in our own order. This was the main purpose of the establishment of Nadwatul Ulama. And by the grace of Allah that such personalities were born through it who did this work.

It is a great pity that many of our students studying in Nadwa and many graduates of it do not want to understand or do not get a chance to understand what is the main purpose of Nadwatul Ulama. He spends his entire time in Nadwah like this, neither studying the history of Nadwatul Ulama, nor the biography of Allama Shibli, nor reading the biography of Maulana Muhammad Ali Mongiri, nor the biographies of Syed Abdul Hai or other founders of Nadwa, from whom history of Nadwatul Ulama and its aims and objectives may appear before us. As a result, many people sometimes think that Nadwatul Ulama is a university just like many other general universities. ■

(To be Continued)

(English Rendering by Obaidur Rahman Nadwi)

Defining Minority Character

- Faizan Mustafa*

Protection of minorities is the hallmark of a civilisation. Franklin Roosevelt rightly reminded us that “no democracy can long survive which does not accept as fundamental to its very existence the recognition of the rights of minorities”. The Supreme Court’s jurisprudence on minority rights, starting from the Kerala Education Bill case (1957), has been one that any constitutional court can be proud of. S. Azeez Basha (1967) was a rare exception that was widely criticised, with India’s greatest constitutional law expert H M Seervai terming it as “productive of great public mischief”. On Friday, a seven-judge bench, by majority of 4:3, overruled a 56-year-old judgment and laid down the indicia to determine the minority character of an institution that had been left unanswered even by the 11-judge bench in TMA Pai Foundation (2002). In Anjuman-e-Rehmania (1981), a two-judge bench noted these criticisms and referred the matter to the Chief Justice of India to constitute a seven-judge bench. In December 1981, Parliament amended the Aligarh Muslim University Act of 1920 and clarified the doubts about the word “establish” in

the long title and preamble of the original Act by deleting it. It explicitly declared in Section 2 (L) that Aligarh Muslim University (AMU) was established by the Muslims of India as an institution of their choice, which had originated as MAO College and was subsequently incorporated.

Chief Justice S R Das in the Kerala Education Bill case had said that minority institutions are primarily for the minority that has established the institution, and there shall be only a “sprinkling of outsiders” in such institutions. However, clarity on this issue came as late as the St Stephen’s (1992) and TMA Pai Foundation judgments. AMU did not have Muslim reservations till 2004-05 — the subject of reservation in aided minority institutions was clarified only in 2005 when the 93rd constitutional amendment inserted clause five in Article 15 and exempted minority institutions from SC, ST and OBC reservations.

In 2005, AMU first sought the approval of the central government on its new reservation policy, which was confined to MD/MS courses. The central government issued a notification on February 25, 2005 accepting AMU as a minority

* *The writer is vice-chancellor of Chanakya National Law University, Patna.*

institution and permitting 50 per cent reservation for Muslims. This was challenged in the Allahabad High Court, which declared a few provisions of the 1981 amendment as unconstitutional due to what the court termed as “brazen overruling” of the Supreme Court’s 1967 judgment.

In 2019, a three-judge bench headed by Chief Justice Ranjan Gogoi referred the matter to the seven-judge bench. It delivered its landmark verdict on the last working day of CJI D Y Chandrachud. The dissenting judges found fault with the 1981 reference, as ordinarily two judges cannot directly refer a matter to a seven-judge bench if the CJI is not on it. The Court rejected the argument that Muslims were not a minority in 1920 or did not think of themselves as a minority. It said the group must be a minority on the commencement of the Constitution and pre-Constitution institutions are also entitled to protection under Article 30, even when founding a university.

The 1967 judgment by then K N Wanchoo took a formalistic and narrow view of the term “establish” in Article 30 and undue importance to the long title, preamble and other provisions of the AMU 1920, to return the finding that the university was neither established nor administered by the Muslim community. This excessive reliance on the 1920 Act did not find favour with the seven-judge

bench, which has observed that courts must pierce the legislative veil to find the genesis — who conceived the original idea, who collected funds and who took necessary steps to get governmental approval. Mere statutory incorporation cannot ipso facto lead to a loss of the minority character of an institution. The courts interpret the statute holistically to find out if AMU relinquished its minority character on incorporation. The Court also held that Basha, after recognising the efforts by the Muslims between 1877 and 1920 to establish the institution, was wrong in ignoring history.

The majority of judges rejected the argument against AMU’s minority character because it was mentioned as an institution of national importance in the Constitution. The Court said Entry 63 of the Union List empowers Parliament to enact regulations in respect of AMU and does not amount to the surrender of its minority character. The CJI observed that the terms “national” and “minority” are not at odds with each other. A minority institution can also be one of national importance. The dissenting judges, on the other hand, considered this an important facet of the university’s non-minority status. Relying on earlier judgments, the CJI held that the admission of non-minority students, financial contribution by non-minorities,

governmental grant of land or aid, degree recognition, and non-minorities' presence in the administration does not change the character of a minority institution.

In the most liberal interpretation of Article 30, the CJI observed that to determine minority character, it is not necessary that the administration must be vested in the minority itself. The right to administer is the consequence of the establishment of the institution. "To do otherwise, would amount to converting a consequence to a pre-condition," the CJI opined. Widening the ambit of Article 30, the Court also refused to attach much to either the provision of religious instruction or the centrality of religious buildings, like the St Stephen's College church or AMU mosque. The

only flip side majority opinion is that like in Basha, it has accepted the possibility of minorities giving up or surrendering their right to administer. Constitutionally, fundamental rights cannot be waived. In Ahmedabad St Xaviers(1975), the Court held that right of future generations cannot be surrendered.

A three-judge bench, which will now determine the minority character of AMU, will no longer be constrained by Basha. It will be bound to apply the indicia laid down by the majority on November 8. Since the Allahabad HCs judgments of 2005 were also based on the apex court's 1967 judgment, they no longer have much significance, though appeals against them are pending with the Supreme Court.

(The Indian Express, 9-11-2024)

President confers award for empowering disabled

President Droupadi Murmu conferred the National Award for Empowerment of Persons with Disabilities on 22 individuals and 11 institutions in recognition of their contributions to the sector, highlighting the "courage and determination of persons with disabilities", and calling them a "source of inspiration" for society. In her address, the President said that these awards have a far-reaching social significance, noting that they not only celebrate the achievements of the awardees in their respective fields but also "serve as motivation for society at large."

(The Hindu)

Why Did SC Uphold U.P. Madrasa Act?

-Aaratrika Bhaumik

The story so far:

The Supreme Court on November 5, 2024, upheld the constitutional validity of the Uttar Pradesh Board of Madarsa Education Act, 2004, with exceptions. The top court set aside the Allahabad High Court's decision, which had deemed the 2004 Act to be in breach of the principles of secularism. However, in its ruling, a three-judge Bench headed by Chief Justice of India D.Y. Chandrachud, contended that provisions allowing the madrasa board to award higher degrees such as Kamil (undergraduate studies) and Fazil (postgraduate studies) contravened the University Grants Commission (UGC) Act, 1956 rendering it unconstitutional.

How do madrasas operate?

The Arabic word "madrasah" denotes an educational institution. The madrasa system has been in existence since the era of the Delhi Sultanate, receiving patronage from the Khilji and Tughlaq dynasties. Over time, it evolved into a distinct education system providing religious and secular learning. Notable figures such as Raja Ram Mohan Roy, Rajendra Prasad, and Premchand are

believed to have gained their foundational knowledge from madrasas and their teachers, known as maulvis.

The bulk of the funding for madrasas comes from the respective State governments. In 1993, the P.V. Narasimha Rao government recognised the necessity of integrating modern education into madrasas, resulting in the 2009 Scheme for Providing Quality Education in Madrasas (SPQEM).

According to data presented by the Union government in Parliament on February 3, 2020, India has 24,010 madrasas, with around 60% — approximately 14,400 — located in Uttar Pradesh. These include 11,621 recognised and 2,907 unrecognised madrasas. The 2004 Act was enacted to regulate these madrasas with respect to curriculum, standard of education, conduct of examinations, and qualifications for teaching. It also established the Uttar Pradesh Board of Madarsa Education, predominantly comprising members from the Muslim community. Under Section 9 of the Act, the Board is responsible for preparing course material, granting degrees, and conducting examinations.

What was the case?

A single judge of the Allahabad High Court on October 23, 2019, while hearing a petition filed by Mohammed Javed, expressed doubt regarding the validity of the 2004 Act.

Mr. Javed was appointed as a part-time assistant teacher in 2011 for the primary section of Madarsa Nisarul Uloom Shahzadpur, Akbarpur Post Office, District Ambedkar Nagar on a fixed salary of Rs. 4,000 per month, subject to an 8% annual increment. He approached the High Court, arguing that he should receive a salary equivalent to that of regular teachers.

He also contended that appointments to madrasas should be regulated by the State government, the Madarsa Shiksha Parishad, and the district minority welfare officer.

While referring the matter to a larger Bench, the judge observed, “With a secular Constitution in India, can persons of a particular religion be appointed or nominated in a board for education purposes or should it be persons belonging to any religion, who are exponent in the fields for the purposes of which the board is constituted...?”.

Meanwhile, lawyer Anshuman Singh Rathore filed a public interest Litigation (PIL) petition in the High Court

challenging the validity of the 2004 Act on the ground that it violated secularism as well as Articles 14 (equality before law), 15 (which forbids discrimination) and 21A (right to education) of the Constitution. The larger Bench accordingly framed the question of law for adjudication as — “Whether the provisions of the Madarsa Act stand the test of secularism, which forms a part of the basic structure of the Constitution of India?” The impugned verdict was jointly pronounced on all such pleas.

Why did the High Court strike down the law?

After examining the curriculum taught in the madrasas, a Bench comprising Justices Subhash Vidyarthi and Vivek Chaudhary observed that the education imparted in these institutions is “neither quality nor universal in nature” and that “the State has no power to create a Board for religious education or to establish a Board for school education only for a particular religion and philosophy associated with it.”

It thus concluded that the 2004 Act violated secularism and that the government could not “discriminate” by imparting education based on religious affiliation.

The judges further noted that while “Islamic studies” is mandatory in all madrasas, essential modern subjects such as English, Mathematics, Science,

and Social Sciences are either excluded or made optional. This, they reasoned, undermines the State's constitutional obligation under Article 21A to ensure "quality" education for all children aged six to fourteen..

Highlighting that "higher education" is a field reserved under Entry 66 of the Union List of the Seventh Schedule of the Constitution, the High Court further asserted that the State government lacks the competence to legislate on such matters. It accordingly ordered that students enrolled in madrasas be promptly accommodated in regular schools recognised by the State government.

What was NCPDR's response?

The National Commission for Protection of Child Rights (NCPDR), the top child rights protection body in the country, told the top court that madrasas are "unsuitable or unfit" places for children to receive "proper education". It also flagged concerns related to the curriculum, teachers' eligibility, opaque funding, and violation of land laws to assert that such institutions fail to provide a "holistic environment" to children.

In June, the child rights body issued a series of directives urging the Chief Secretaries of all States and Union Territories to withdraw recognition of government-aided

madrasas that do not comply with the Right to Education Act, 2005. Subsequently, the Chief Secretary of Uttar Pradesh directed District Collectors to examine madrasas that had enrolled non-Muslim students and ensure their immediate transfer to recognised schools. On August 28, the Tripura government issued a similar directive.

The Jamiat Ulema-e-Hind, an organisation of Muslim clerics, consequently challenged these directives in the Supreme Court contending that such measures encroached upon the rights of religious minorities to establish and manage their educational institutions under Article 30 of the Constitution. Accordingly, the court directed the concerned authorities to refrain from implementing these directives until the matter was conclusively adjudicated.

What did the Supreme Court finally decide?

Dismissing the High Court's finding that the 2004 Act violated secularism, the Chief Justice underscored that any such purported infraction should be traced to an express provision of the Constitution and cannot simply be invalidated by making a blanket statement that it contravened the Basic Structure. "The reason is that concepts such as democracy, federalism, and secularism

are undefined concepts. Allowing courts to strike down legislation for the violation of such concepts will introduce an element of uncertainty in our constitutional adjudication," he reasoned.

The court further opined that the State must strike a delicate balance between maintaining quality education and respecting the autonomy of minority education institutions. It underscored that the 2004 Act ought to be construed to be in consonance with Article 21A "to ensure that religious minority institutions impart secular education of a requisite standard without destroying the minority character". However, the Chief Justice cautioned that in accordance with Article 28(3) of the Constitution, a student attending a minority institution recognised by the State or receiving aid out of public funds should not be compelled to take part in religious instruction or forced to attend religious worship.

The unanimous verdict further noted that while madrasas offer religious instruction, their primary objective is to impart education, thereby bringing them within the fold of Entry 25 of the Concurrent List.

"The mere fact that the education sought to be regulated includes some religious teaching or instruction does not push legislation outside the legislative competence of a State," the judges

asserted.

However, the court invalidated provisions of the 2024 Act that allowed the issuance of higher educational degrees, emphasising that such degrees are exclusively regulated by the UGC Act and thus lie beyond the legislative competence of the State legislature. Nonetheless, it clarified that this does not necessitate the annulment of the entire statute, as doing so would be akin to "throwing the baby out with the bathwater."

What are the implications?

The verdict sets an important precedent for balancing essential state oversight with the protection of minority rights. By affirming the 2024 Act's primary aim of imparting quality education, the court reinforces a nuanced approach to

embraces diversity within India's education system. Iftikhar Ahmed Javed, Chairman of the Uttar Pradesh Board of Madrasa Education, earlier told Reuters that dismantling madrasas would adversely impact 2.7 million students and 10,000 teachers in Uttar Pradesh alone. Additionally, the ruling may prompt the Centre to reconsider its substantial budget cuts for madrasa funding, which dropped from Rs.10 crore in 2023-24 to Rs. 2 crore in 2024-25. ■

(The Hindu 7-11-2024)

Human Rights In Islam

- M. Saud Alam Qasmi

The modern phenomena of intolerance, exploitation, oppression, injustice and subjugation of weaker sections of the society by the strong and powerful all over the world are matters of serious concern today.

Abuse of power by many governments and law enforcing agencies pose grave threat to life, honour and dignity of the people. United States, the most powerful country in the world and self-appointed champion of civil liberties has grievously violated the human rights more notably in Palestine, Vietnam, Afghanistan and Iraq.

Its abuse of the prisoners in Guantanamo and Iraq has put the most dictatorial regimes to shame.

In such a global scenario human rights agencies are raising their voices against the gross violation of human rights. But the Muslim Ummah has failed to prove its existence and play its legitimate role in this crucial area. Muslims largely remained silent spectators, while they should have played a very active role with full determination to defend the human rights as these rights were in real sense conferred by Allah and fully protected by their religion.

Muslims rightly take pride in the

fact that Islam was the first to introduce a code of human rights and Prophet Muhammad (peace be on him) took every possible measure to protect and implement it particularly in his last sermon of Hajj, better known as Khutbah-Hajjatul Wada.

Islam gave an ideal code of human rights to the mankind in an era when the humanity was grooming under the unbearable burden of injustice, oppression and ignorance. The oppressed and the downtrodden were denied all human rights. Women were treated like slaves and slaves were treated like animals.

Mission of the Prophet

Islam emancipated the mankind from every form of oppression and subjugation. The Qur'an introduces the goal and mission of the last Prophet (peace be on him) as: "Those who follow the Messenger, the unlettered Prophet, whom they find mentioned in their own (Scriptures), in the Taurat and the Gospel; for he commands them what is just and forbids from what is evil, he allows them as lawful, what is good and prohibits them from what is bad, he releases them from their heavy burdens and from the yokes that are upon them. So it is those who believe

in him, honour him, help him, and follow the Light which is sent down with him, it is they who will prosper.” (Qur’an, 7:157)

Dignity of the Mankind

Islam greatly elevated the status of humanity and declared its superiority over all the creatures. Almighty Allah has given man special position in the universe, as He says in the Qur’an: “We have indeed created man the best of moulds.” (Qur’an, 95:4)

On another occasion in the Qur’an He further says: “We have honoured the sons of Adam; provided them with transport on land and sea, given them for sustenance things good and pure and conferred on them special favours, above a great part of Our creation.” (Qur’an, 17:70)

Unity of Mankind

Islam gives a powerful impetus to the mankind for unity, equality and brotherhood. Islam asserts that the origin of human beings is one, his Creator is also one, hence, all human beings must be considered and treated one and equal without any discrimination on the basis of caste and colour. Allah says: “O mankind! We created you from a single (pair) of male and female and made you into nations and tribes, that you may know each other (Not that ye may despise each other). Verily the most honoured

of you in the sight of Allah is (he who is) the most righteous of you...” (Qur’an. 49:13)

It is therefore, a gross violation of the teachings of the Qur’an to make any kind of distinction between man and man except on the basis of piety.

Equality of Mankind

Prophet Muhammad (peace be on him) in his last sermon in the valley of Arafah commanded: “No Arab has superiority over a non-Arab, nor is a white any way better than a black. Then only criterion for the superiority and respectability is the one having the element of piety. All human beings are the off-spring of Adam and the very existence of Adam was from clay.”

Demolishing the distinctions on the basis of race, colour and region or one’s origin the last Prophet (peace be on him) ensured the respect of life, honour and property of all human beings. He commanded: “O people! Everybody’s blood, property and prestige have become sacrosanct for others. All these are now of the same significance and sanctity as the sanctity of this day in this holy month and in this city.” (Bukhari)

Right to Live

The right to live is basic and fundamental right of man. No one can deprive him from this right. According to Qur’anic teachings killing of one

innocent person is equal to the killing of the entire mankind. The Qur'an says: "He who killed any person unless it be a person guilty of man slaughter, or of spreading chaos in the land, should be looked upon as though he had slain all mankind and he who saved one life should be regarded as though he had saved the lives of all mankind." (Qur'an. 5:32)

Right to Property

The right of having property is another fundamental right of the mankind and no one can be deprived from having property. The Prophet (peace be on him) in his last sermon specially emphasized this aspect: "It is not lawful for anybody to have anything from his brother without his consent and pleasure."

Taking away money forcefully from anybody is strictly prohibited in Qur'an: "Do not eat up your property among yourselves for vanities, nor use it as bait for the judges, with intent that you may eat up wrongfully and knowing a little of (other) people's property." (Qur'an, 2: 188)

Right to Work

Islam protects one's right to choose any legitimate occupation and pursue it. It lays greatest possible emphasis on the dignity of labour. The Qur'an says: "To men is allotted what they earn, and to women what they earn." (Qur'an, 4:32)

The Prophet (peace be on him) is reported to have said: "No one can earn his livelihood better than the work of his own hand. The Prophet further said: "Give the labourer his due wage before his sweat has dried." (Ibn Majah)

Right to Honour

Respect for the honour of human being is also an unalienable and fundamental right. Therefore, he should be treated with all due respect. Islam has given special attention to the protection of the honour of mankind. Humiliation, intimidation and outraging of the basic human dignity are not acceptable in any circumstances. The Qur'an commands: "O you who believe! Let not some men among you laugh at others: It may be that the (latter) are better than the (former): nor let some women laugh at others: it may be that the (latter) are better than the (former): nor defame nor be sarcastic to each other, nor call each other by (offensive) nicknames: ill-seeming is a name connoting wickedness." (Qur'an, 49:11)

Islam is particularly sensitive regarding safeguarding the women's honour due to her sex. Anybody found guilty of defaming or dishonouring her is bound to harsh punishment. The Qur'an says: "Whoever took any part in it (slander) earned his share of the

sin accordingly and the one who had the greatest share of responsibilities in it shall have terrible punishment...”(Qur’an, 24:11)

Right to Privacy

In addition to safeguarding the honour and dignity of man, Islam firmly believes in the right of people to privacy. Islam strongly disapproves interference in the private life of other people and peeping into the house of any individual. The Prophet (peace be on him) forbade groping after the secrets of people and said: “If you grope the secrets of people you will spoil them.” (Abu Dawood)

The Prophet (peace be on him) especially warned the ruler against looking the secrets of people and said: “If any ruler searches for the defects of people and indulges in doubts, he will spoil them. (Abu Dawood) The Qur’an strictly prohibits from suspicion and interfering into the affairs of others. The Qur’an also prohibits entering to anybody’s house without his permission so that his privacy is not disturbed. “O Believers enter not houses other than your own, until you have asked permission and saluted those in them; that is best for you in order that you may heed (what is seemly) “ (Qur’an, 24:27)

Right to Marriage

According to Islam every person is entitled to marry in order to

establish his family and bring up children in accordance with his religion and culture. The wife is entitled to live in the house of husband and receive the maintenance. The Qur’an says: “Wives have the same rights as the husbands have on them in accordance with the generally known principles...” (Qur’an, 2:228)

Right to Education

From the very first day of its dawn, Islam gave due importance to education. Islam not only considers it as a basic right of everybody but goes much beyond it and makes it obligatory on every Believer to acquire knowledge. The Prophet (peace be on him) said: “Seeking knowledge is compulsory on every Believer, man and woman.” (Ibn Majah)

The significance of this Hadith lies in the fact that while a man is entitled to forgo his right but he cannot skip from his obligation and if he does so, he will be held answerable. According to Islam it is the responsibility of the parents to impart proper education to their children. The Prophet said: “No parent gives better gift to their ward than good education.” (Tirmizi)

Islam also holds the state responsible for the education of its people. Once the Prophet (peace be on him) warned the Ashary’s tribe: “If you will not educate your neighbours

you will deserve punishment.”

Right to Justice

Islam is very sensitive about the dispensation of justice. Everyone is entitled to get justice. This is his/her natural right. Nobody in any circumstances can be denied justice. It does not matter at all whether he or she is friend or foe. All persons are equal before justice and everybody will be treated strictly in accordance with the law. The Qur'an commands: "O Believers, be steadfast and righteous and just in giving witnesses for the sake of Allah, the enmity of any people should not so provoke you as to turn away from justice. Do justice for it is akin to piety." (Qur'an, 5:8) Islam maintains that the mission of all prophets was to establish justice in the society. Allah says: "We sent a foretime Our messengers with clear signs aid sent down with the Book and Balance, that men may stand forth in justice. (Qur'an, 57:25)

Right to Fair Trial

In the light of above mentioned Qur'anic verses jurists say that no person shall be adjudged guilty except after a fair trial and only after reasonable opportunity for defence has been provided to him.

Right to Habitation

Islam has recognized the right of residence and habitation. No one can

be deprived from this right and nobody can be deported from his homeland without due process of law. The Qur'an criticizing Jewish practice of driving people out from their homes said: "Remember also what We made another solemn covenant with you. You shall not shed blood among yourselves nor expel one another from your homes. And you confirmed it and you are witness to it. But in spite of this, you are killing your brothers and driving them from their homes whereas their expulsion itself was unlawful for you." (Qur'an, 2:84-85)

Right to Protest against Harassment

Moreover, Islam has granted to the mankind the right to protest against the harassment and misuse of power. The Qur'an says: "Allah does not like that a person should utter evil words except when one has been wronged." (Qur'an, 5:148)

This divine command also confers the right in peace times it also recognizes rights of the mankind in the war. Islam established the principles of war for the first time. Islam made distinction between combatants and non-combatants. Regarding non-combatants the Prophet (peace be on him) instructed the Believers: "Don't kill an old person, or any woman or child- don't kill the monks in monastery and don't kill the people

who are sitting in places of worship.” (Abu Dawood, Musnad Ahmad)

As far as combatants are concerned the Qur’an says: ‘When you have routed them, hold them fast, then either you show them favour or accept ransom until the war lays down its arms.’ (Qur’an, 47:4)

The Western world has formulated the right of prisoners of war only after Geneva Convention in 1949. The so-called protectors violated these rights in almost every war and adopted double standard. The recent happening in Iraq is the burning example.

Islam teaches to treat the prisoners of war humanely. One of the examples is the appointment of prisoners of battle of Badr as teachers of Muslim children.

Right to Freedom

Islam considers the right of freedom as fundamental. According to Islam the person who was born free cannot be enslaved. The second Caliph Omar Farooq cautioned his governor, Omar Ibn Al-Aas: “Their mothers gave them birth as free men, when did you enslave them?”

At a time when slavery was prevalent in the world wanted the Believers to set free slaves as much as possible and declared this action as one of the noblest virtues. It is true

that Islam) did not abolish slavery because of the peculiar socio political conditions of the time. But this fact cannot be denied that Islam gave the slaves a measure of dignity that could not be even imagined in other civilizations. Slaves were treated before Islam and even till modern time like animals, but Islam considered them as brothers and at par in honour with their masters. The Prophet (peace be on him) in the sermon of Hajjtu- Wada commanded Muslims: “Take care of your slaves. Feed and clothe them as you feed and clothe yourself.”

If the teachings of the Qur’an and Sunnah regarding slavery are kept in mind, it would clearly emerge that Islam wanted slavery to gradually fade out from the society.

It was the impact of Islam’s human behaviour that slaves have played important role in the history of Islam in almost all the fields of human activity and have made great contribution.

Right to Belief

Islam has granted the mankind freedom of belief and conscience and worship in accordance with their beliefs. No person shall be compelled to give up his belief or to embrace any other creed against his will. The Qur’an granted this freedom by clearly declaring: “There is no compulsion in

religion.” (Qur’an, 2:256)

The Qur’an says very emphatically: “Had your Lord willed (that all the people of the world should be Believers). All the dwellers of the earth would have believed in Him. Will you then, force the people to become Believers.”(Qur’an.10:99)

Right to Express Views

Islam has also granted the freedom to express thoughts and views as long as the individual remains within the limits.

The Second Caliph Omar was delivering a sermon, a villager stood and said I will not listen to you unless you explain how did you get such a long coat, while the cloth distributed among Muslims was short hence could not provide for such a long coat. The Caliph listened to the villager with full patience, explained the position and

satisfied him. Describing the attributes of Muslims, the Qur’an says: “You are the best community; you enjoin what is right and forbid what is wrong.” (Al-Imran)

This responsibility cannot be fully discharged unless people are given complete freedom of speech and conscience. The Prophet (peace be on him) has said: “These rights are fundamental and unalienable. They are not meant for lip service, they are meant to be fully implemented in letter and spirit.” In the light of the teachings of the Qur’an and Sunnah it is incumbent upon all the Muslims to try to establish a society which enshrines these basic human rights granted by Islam. It is also their bounden duty to work for its restoration if any section of society deprived from these rights.■

(MWL)

Acceptance of Gift by The Holy Prophet (PBUH)

- S. Sulaiman Nadwi

Whenever the Messenger of Allah (peace and blessings of Allah be upon him) was presented a gift, he accepted it, considering it as the best way of increasing love and affection. He said: Exchange gifts with one another. It will increase mutual love. Therefore, the companions often sent something to his house specially when he stayed in 'Aisha's (may Allah be pleased with her) apartment. We have already mentioned I that whenever anything was presented to him, he asked about it. If he was told that it was a gift, he accepted it, otherwise, he refrained from it. Once a women presented a mantle. He took it. Just at that time a person made a demand for it. He gave it to him.

The kings and rulers of the neighbouring countries also sent gifts to him. A chief of Syria gave him a white mule. The Aziz of Egypt sent him a mule from Egypt. A ruler sent him socks. Once the emperor of Rome sent to him a fur garment with silver brocade. He wore it for a short time and then sent it to Hadrat Ja'far (brother of Hadrat 'Ali) who put it on and came to the Holy Prophet (peace and blessings of Allah be upon him). He said: I did not send this garment that you should wear it. He replied: Then what should I do with it? He (the Holy Prophet) said: Send it to your brother Negus. Hadrat Ja'far stayed in Abyssinia for long till the conquest of Khaibar and taught Islam to Negus. •

SC Upholds Validity of U.P. Madrasa Act 2004

- Obaidur Rahman Nadwi

India is the largest democracy in the world. Article 29 of the Constitution of India protects the cultural and educational rights of minorities in the country. Similarly, Article 30 the Constitution of India vividly guarantees that all minorities whether based on religion or language shall have the right to establish and administer educational institutions of their choice.

The Constitution of India also allows religious denominations to establish and maintain institutions for religious and charitable purposes. Besides right to freedom of religion is well described in the Articles 25, 26, 27, and 28 of the Indian Constitution. Citizens are free to practice, preach and propagate any religion of their choice.

It should be noted that Madrasas were set up in the entire Mughal period. And they were open to all without any discrimination of caste, creed, region and colour. They played a key role in the field of education and upbringing.

After the Battle of Plassey in 1757 the East India Company captured most parts of India. Warren Hastings, the first Governor General of the East India Company set up the first Madrasa named the Calcutta Madrasa in the year 1781. It was the earliest of the state-managed educational institution under the British rule in India.

After the mutiny of 1857 the British wrested the power from the hands of Muslims in India. It was feared that the future of Muslim generation would be lost and their faith would also be at stake. Hence, some courageous and far-sighted Ulama thought to establish an institution to impart religious education to safeguard their religion and identity.

Accordingly, after the Revolt of 1857 the first Madrasa Darul Uloom Deoband was established on May 31, 1866 in Deoband. Similarly, Madarasa Mazahirul Uloom was also set up on November 9, 1866 in Saharanpur, U.P. and Nadwatul Ulama (The Religious Scholars' Forum) was established in 1892 at Kanpur. It was shifted to Lucknow on September 2, 1898. The same year, Darul Uloom, Nadwatul Ulama's academic institution got started in Lucknow. Thereafter various Madrasas came into existence in several parts of the country.

Truly speaking, all the seminaries had played significant role in in the field of education and in the National Struggle for Freedom. A host of Ulama laid their lives for the sake of the country. In true sense they had been in the forefront of the struggle for freedom. Indian history can never ignore their selfless contributions and unprecedented services for the cause of the country.

Besides, these Madrasas

produced scores of freedom fighters, scholars, thinkers, writers and the like. Prominent figures such as Raja Ram Mohan Roy, Dr. Rajendra Prasad, and Premchand gained their basic education from Madrasas.

Despite this genuine fact, Madrasas are often dubbed as the hub of terrorism and anti-national activities. The RSS and other Hindutva outfits are spearheading malicious campaign against these institutions. The main focus is to degenerate Islam and its ideology. They are also blamed for not imparting secular education to their children.

In fact, Madrasas have always been the source of emitting message of love, amity, fraternity and brotherhood along with imparting Islamic as well as secular education and oriental languages and literature.

There are around 25,000 Madrasas in the state out of which around 16,500 are affiliated to the Uttar Pradesh Board of Madrasa Education.

On March 22, 2024, the Lucknow Bench of the Allahabad High Court declared the Uttar Pradesh Board of Madrasa Education Act 2004 unconstitutional, on the grounds that it violates the principles of secularism.

No doubt, these allegations are baseless and untrue. While the truth is that standard of education is enhancing in Madrasas day by day. Muslims are approaching holistic education and upbringing in their educational institutions.

The Supreme Court on November 5 upheld the constitutional validity of the Uttar Pradesh Madrasa Education Act of 2004 while confirming that the state can regulate madrasa education to ensure standards of excellence.

Muslim bodies have welcomed Court's judgment. They hailed it as a landmark judgment and a "much needed light at the end of the tunnel" which will help around 17 lakh madrasa students of Uttar Pradesh attain empowerment through education. Applauding the verdict, Jamiat Ulama-i-Hind president Maulana Mohammad Arshad Madani called it a "Victory of justice".

"The Supreme Court judgment marks a significant step forward in upholding the educational rights of minority communities in Uttar Pradesh. The Apex Court's decision not only safeguards the right of Madrasa students to pursue education but also affirms the constitutional principles that protect religious minorities and their educational institutions. The verdict reinforces the state's positive obligation to enable these institutions to impart both religious and secular education without compromising their identity".

No doubt, Supreme Court's verdict sends a powerful message of justice across the nation at a time when Muslims are feeling increasingly marginalized and isolated. The judgment is a victory of the principle of secularism and defeat of evil communal designs. ■

Prophet's Mission and Message

-S.M. Rabey Hasani Nadwi*

All the Prophets who were raised, right from Hazrat Adam (AS) up to Hazrat Mohammad (SAW), strictly enjoined the renunciation of *Shirk* and adoption of *Tauheed*, because, it is Allah Almighty who is the Creator of the entire universe. It is He who has furnished the universe with all kinds of goods that might be needed. It is He who has made these goods fully usable by, and easily available to, man as a result of which every one draws mamum benefits from them throughout all his or her life and fulfils his/her needs. In fact the life of man itself is sustained by these very goods and their usability and availability. How is it, then, if the man forgets His Magnanimity and, abandoning Him, adopts some odd objects lying hither thither which he fancies can benefit him or pose a threat of causing some harm to him and starts saying: we are helped by so-and-so, our needs are fulfilled by so-and-so and such and such object is inagnuminous to us? How is it then that the man attributes the Magnanimity conferred exclusively by his Creator and Master, Allah Almighty, on him to others and asks them for fulfillment of his requirements and, abandoning his real Benefactor who is the greatest of all the benefactors and grants all kinds of beneficence, calls other petty objects his benefactor and master? How will, quite obviously, Allah Almighty, who has created each and everything and bestowed man with each and everything and continues to do so incessantly, allow all that to be perpetrated and be not angry? Hence it is the *Shirk* which Allah Almighty gets extremely displeased with. And that is something absolutely realistic, sensible and

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just.

That is why all the Prophets and reformers interdicted, first of all and most of all, the *Shirk*. Thereafter and along with it, they kept calling for the removal of the rot, whatever and wherever it could have got generated in the human character and morals. For example, if there was in some populace, along with the *Shirk*, some sexual depravity, as was the case with the people of Lut (AS), or some other kind of malpractices were there in vogue amidst the peoples, their Prophets prohibited them from them. In some populace, along with the *Shirk*, the practice of making pilferage while measuring and weighing was rampant as was the case with the people of Madiyan. Their Prophet prohibited his people from doing that. In some populace, along with the *Shirk*, the hauteur and the habit of harrowing the weaker sections was in vogue as was the case with Firaun's folks of Egypt. There Hazrat Musa (AS) was made the Prophet. He tried hard to make Firaun see the reason and put the fright of retribution from Allah in him and forbade him to indulge in *Shirk* and tyranny. In some habitations, a fondness, along with *Shirk*, for persecuting the weak and usurping the rights of others had taken root. The Prophet there prevented them from doing that, too. Likewise, whatever other vices, along with the *Shirk*, were there in the peoples, their respective Prophets restrained them from all these vices, too, along-with giving the call to adopt *Tauheed* (the Faith in Unity and Oneness of Allah) in its unassimilated form: that is to worship Allah Almighty alone who is sole Sustainer of the entire universe and all the creatures therein. ■

Muhammad Shibli Nomani

- Javed Ali Khan

In 1892 Shibli took leave for six months from the college and left for different countries of the Middle East in order to collect source materials for his proposed biography of Hazrat Umar Faruq, the second Khalifa of Islam. T.W. Arnold, his Aligarh friend and mentor, who was also on way to Europe, accompanied Shibli upto Port Sa'id. This educational trip was the first of its kind by a Professor of Aligarh College. In course of his trip he visited Aden, Syria, Cyprus, Istanbul, Jerusalem, Beirut and Cairo. He met Sayyid Tahir, Mawlana Ali Pasha (1824-1893), Sheikh Muhammad Abduh (1848-1905), Sheikh Hamzah Fathullah (1849-1918), and Sayyid Reza Misri (1865-1925) and others during his visit to Cairo, Istanbul and Damascus. It was during his stay at Istanbul that he was awarded tamgha-i-Majidi by the Sultan of Turkey.

The experience that Shibli gained from this journey was worth more than a thousand books. It provided him with an opportunity to see from close quarters the working conditions of the madarsahs and their mode of teaching in the Islamic countries, the mentality and living conditions of the students and the teachers, and the changes that were taking place in the growth of modern

Turkish and Arabic language and literature. On his return, inspired by the living pattern of boys of Turkish Colleges, Shibli tried to introduce common boarding, uniform dress, and common mess for the students of Anglo Mohammedan Oriental College so that students may develop a feeling of brotherhood and their mind may be free from pretension of rich and poor.

Award of the title of Shams-al-Ulama

On his return to India, Shibli was looked upon rather suspiciously by the British government as they took him to be an agent of Turkey in disguise. The government did not allow him to use the medal (tamgha-i-Majidi), and which unfortunately was stolen by somebody. However, Sir Sayyid Ahmad Khan worked to allay the suspicion of the government, and convinced Sir Auckland Calonne, the Lieutenant Governor, of Shibli's innocence and caliber. Consequently, in an attempt to win the confidence of Shibli the British government awarded him the title of Shams-al-Ulama the first such given to a Professor of Anglo-Mohammedan Oriental College.

Other Honours and Membership

Other organizations and institutions were quick to honour Shibli.

He was appointed Fellow of Allahabad University and a member of its Board of Studies in 1895, and also a member of the Bombay Branch of the Royal Asiatic Society of Great and India. He was invited to attend the Congress of Orientalist in its Rome session in 1899. He, however, could not go because of certain preoccupations. In 1908 he was made the President of Edinburgh Muslim society. In the same year he was invited by Hyderabad State authorities for the preliminary management of Oriental University. In 1910 he attended the Oriental Conference held at Simla. In 1911 on the occasion of the coronation darbar held in Delhi he was introduced to King George V. In 1912 he was appointed a member of the Allahabad Government Vernacular Scheme Committee, and the government accepted many of the suggestions put forward by Shibli. In 1913 the Sultan of Turkey selected him among other members to compile textbooks for the proposed University of Madina.

Dejection and Ultimate resignation from Anglo-Mohammedan Oriental College

By the mid 1890's Shibli became disheartened and dejected by the situation at Aligarh. He had accepted the modernity of Aligarh but with certain reservations. He could not reconcile himself to the growth of over-anglicized

trends at Aligarh, in the face of which, Sir Sayyid Ahmad Khan also seem to be helpless. There were also certain differences with Sir Sayyid Ahmad Khan. It ranged from pure religious approach to political and Pan-Islamic thought. In 1896 Shibli expressed his desire to leave Aligarh, and preferred to serve Nadwat-al-Ulama, Lucknow. But Theodore Beck, the Principal of Anglo-Mohammedan Oriental College, Aligarh, did not like that Shibli should leave Aligarh. He placed a proposal before Shibli that every year he would be granted six months leave with full pay so that during that period he may devote his time to Nadwa, and for the rest six months he was to teach at Aligarh. Shibli accepted the proposal and it was also approved by Sir Sayyid Ahmad Khan. However, the settlement could not be carried out owing to Shibli's restless mind as also because of other developments. Shibli applied for leave and came back to Azamgarh. He settled down at his bungalow which he called Shibli Manzil and spent his time in working for the development of his school at Azamgarh and Bindwa.

Declining Health and Indecisive Attitude

It was about this time that the death of his brother Mahdi Hasan in 1897 came as a great shock to him. In 1898 Sir Sayyid Ahmad Khan died and in 1899 Theodore Beck also died. All this

finally led to Shibli's resignation from Aligarh in 1899. During this period Shibli's health declined rapidly because of frequent high fever. This compelled him to travel to Lucknow, Aligarh, Allahabad and Kashmir in the hope of improving his health. At one stage in May 1899 his condition grew so serious that he wrote his will-deed. At this juncture the death of his father (November 12, 1900) further increased his mental agony.

Meanwhile other developments took place. In 1899, following his resignation from Aligarh, Shibli turned down an offer of service from the Begum of Bhopal. About the same time the Amir of Kabul, Abdul Rahman Khan, wanted to set-up a translation bureau in India for the translation of Arabic works into Persian. The ambassador of Kabul approached Shibli for the translation of Ibn Khaldun's work with the offer of ten thousand rupees. But Shibli turned down the offer on health ground. On the other hand, following his father's death the creditors were consistently pressing upon Shibli. This added to his financial difficulties. Under duress, Shibli approached the ambassador of Kabul in order to undertake the hitherto proposed offer. But when the assignment was given to him on the condition that he should also assume the charge of the Secretary of the translation bureau, Shibli refused it. He also did not respond to Professor

Arnold's call inviting him probably to join the Oriental College, Lahore.

Shibli's second marriage

An important event of the year 1900 was the second marriage of Shibli. His first wife, Begum Majeedan, had died in 1897. Upon the insistence of Dr. Mustafa Khan, Assistant Civil Surgeon, Azamgarh, Shibli decided to wed a second time. In making such a decision, he had to incur the displeasure of many of his family members, particularly of his son, Hamid Hasan, who, on hearing his father's decision to marry, left home for Darbhanga. From there he went to Biharsharif where he took to an ascetic life and became a disciple of Shah Amin Ahmad. This incident greatly grieved Shibli, and consequently, his marriage had to be postponed for some time. When the whereabouts of Hamid Hasan were known, he was brought back to Azamgarh, and Shibli's marriage was also solemnised in June 1900. Unfortunately, Shibli does not seem to have been happy with the marriage. From the first wife Shibli had three children Hamid Hasan Nomani, Fatimah and Rabiah. The two daughters died in 1904 and 1909 respectively. From the second wife Shibli had two daughters and a son, but all of them died in childhood. The second wife also died in 1905. Afflicted with grief and prolonged illness Shibli was mentally shattered and heart broken. But he did

not let the grim tragedies of life slacken his intellectual vigour.

Service in the State of Hyderabad

Meanwhile on the advice of Nawwab Mohsin-al-Mulk, Shibli left for the State of Hyderabad where he was cordially welcomed and appointed Secretary in the Department of Education and Arts in 1901 by the efforts of Mawli Sayyid Ali Bilgrami. The salary given to him was rupees two hundred which was later increased to rupees five hundred. As the Secretary he completed many works such as *Al-Ghazali* (1902), *Ibn-al-Kalam*, *Al-Kalam* (1903) and *Sawanih-Mawlana Rum* (1904). It was also here that he began of *Sher-al-Ajam* and *Muwaznah-Anis-o- Dabir*.

However, soon at Hyderabad, Shibli felt uneasy and agitated because of intense machinations, conspiracies and party-politics at the Hyderabad court. Shibli had proceeded to Hyderabad largely on account of financial stringency and also because of British antipathy towards him. As soon as the debts were paid off he resigned from his service at Hyderabad in 1905. In the meantime Mohsin-al-Mulk prepared the ground for Shibli's reinstatement at Aligarh where an Advance Study for Arabic language had been introduced. But Shibli preferred to join Nadwat-al-Ulama, Lucknow, instead of serving Anglo Mohammedan Oriental College or Bhopal State.

Service at Nadwa Lucknow

Muhammad Shibli's interest in Nadwa had been growing ever since he was getting disheartened at Aligarh. The rapid drift of the Aligarh College towards Westernization disillusioned Shibli. Hence onward he turned his attention towards Nadwa Movement that had started gaining ground. On being appointed as its Secretary in 1905 he strove to make Nadwa the voice of the whole Muslim community. He introduced the study of new subjects and founded new educational societies in order to make education more meaningful and purposeful. The journal *Al-Nadwa* that he edited was instrumental in revolutionizing the thought of the Indian Ulama and in broadening their outlook. At Nadwa Mawlana Sayyid Sulaiman Nadwi, Mawlana Abdus Salam Nadwi, Mawlana Abdul Majid Daryabadi and Mawlana Masud Nadwi were among his cherished pupils. These men were later to become the moving spirit of intellectual activities at Dar-al-Musannefin, Azamgarh.

Travel to Varanasi, Bombay:

Writing, Lecturing, Other Activities

In 1906 Shibli went to Varanasi to attend the conference of Nadwa. He stayed there for a while and devoted his time to the writing of the history of Persian poetry, *Sher-al-Ajam*. In the same year in September when he went to Bombay to collect funds for Nadwa,

he was so much charmed by the oceanic beauty of Bombay that he composed Dast-i-Gul, a powerful outburst of his poetic emotions. He next visited Baroda at the Invitation of Muhammad Ali, the renowned journalist and freedom fighter. He was a former student of Shibli. It was he who requested Shibli to write a biography of Prophet Muhammad (PBH) and articles refuting the false charges levied on Mughal emperor Aurangzeb by some European and Indian writers. Towards the end of December he went to Dacca to attend the Educational Conference and lectured on Tarikh Aur Islam (History and Islam). At the Nadwa Conference in March 1907 he lectured on Islam and Tolerance. On May 1907 a mishap took place in his house at Azamgarh when Shibli was handling a gun- it triggered and broke his ankle which had to be consequently amputated.

Shibli and Atiyah Begum

It was at Janjirah near Bombay where started what is often describes as the romantic escapade of Shibli. At Janjirah lived the distinguished Faizi family that was closely related to Badruddin Tyabji, the famous Congress leader and freedom fighter. To this family belonged the three sisters- Nazli Rafiah Begum, Zohrah Begum and Atiyah Begum. The first was the wife of the Nawab of Janjirah, the second was a widow, and the third was unmarried. All these ladies were highly educated. Of

them, Atiyah Begum was the most fanciful lady because of having received her education and upbringing in European countries. Shibli would often visit the Faizi family and corresponded with both Zohrah and Atiyah. The latter had developed profound interest in Urdu, Persian, English and French languages, and fully appreciated the cultural values of both East and West- a thing quite uncommon to the Indian Muslim women in those days. It was during her stay In Europe that she came in touch with Muhammad Iqbal. On her return to India she developed close acquaintance with accomplished writers and scholars such as Muhammad Shibli, Muhammad Iqbal and Mawlana Abul Kalam Azad. She was also in close contact with the sister of Muhammad Ali Jinnah. Sheikh Muhammad Ikram, Wahid Qureshi and Abdul Haque have tried to give a romantic colour to Atiyah's relation with Shibli and Iqbal. However, the relationship should not be misconstrued; Shibli was a widower and was well over fifty years of age. Moreover, Shibli would not keep the letters strictly secret but would often read them to his friends and relatives and even to his daughter. Atiyah was finally married to Faizi Rahmin, a Jew, who accepted Islam and was named Muhammad Anwar Rehami in 1912. In all probability the affinity between the two appears to have been based upon

admiration of each other's higher intellect. Perhaps, Shibli saw in Atiyah an ideal woman who could play an important role in the emancipation of Muslim women of India, and also a partner who shared his political views in respect to the role of Muslim Educational Conference and Muslim League.

Meeting with Abul Kalam Azad

It was in Bombay Mawlana Abul Kalam Azad, the renowned writer and freedom fighter, first met Shibli. When Azad was introduced to Shibli as the editor of *Lisan-al-sidq*, Shibli did not believe his eyes because Azad had an innocent teenage look. It was like a fun blooming flower meeting a budding flower. The meeting left an abiding effect upon each other. Shibli took Azad to Nadwa with him, where despite his short stay he benefited much in the company of Shibli. Both held common views on many aspects of Indian politics, Muslim problems, Anglo Mohammedan Oriental College, and politics at Nadwa. When Shibli was criticized and allegations were insinuated against him for instigating strike at Nadwa, Mawlana Azad openly came out in support of Shibli through his writings. Shibli confided great trust in Azad and would write freely to him, something which is not to be seen in his letters written to many of his other associates and friends. Both wrote stinging poems targeting the British government on the

occasion of Balkan Wars of 1912. Whenever Shibli visited Calcutta he would often stay with Azad. He had very well gauged Azad's ability and wanted his participation in the writing of his *Sirat-al-Nabi*, a desire that could not be fulfilled because of Shibli's death. Azad held Shibli and his mission in life with great esteem. It is worth mentioning here that after the foundation of Shibli Academy (*Dar-al-Musannefin*) when Sayyid Sulaiman Nadwi, its Secretary, asked Mawlana Azad if he would like to serve the institution as an honorary fellow, Azad replied that "he would willingly serve even as a porter". These words are expressive of his profound regard for Shibli.

Visit to Patna and other Activities

By this time Shibli had become a well-known educationist who would receive calls from different Universities and Institutions for consultation and preparation of their syllabi and curriculum. During one of his visits to Patna (4th February 1912) he was so enthusiastically welcomed by the people of Patna that the students removed the horses of his carriage and pulled it themselves. At Patna he would often be the guest of the celebrated personality, Khuda Bakhsh, the founder of the world famed Khuda Bakhsh Oriental Public Library, Vincent Clarence Scott O'Connor who hitherto chanced to see Shibli with Khuda Bakhsh recounts his memory in such words: The best of

Khuda Bakhsh's treasures in the form of ancient books and manuscripts lay there displayed for the inspection of Shibli Nomani, who was a great authority. I sat there spellbound as each exhibit was taken up and examined. The pride of the Collector, the enthusiasm of the connoisseur, the love of antiquity beamed in Khuda Bakhsh's face, and deemed to play upon the countenance of Nomani, which at the moment looked to me the very embodiment of Mohammedan erudition and Islamic Culture.

It was Shibli who spoke that Hyderabad state should have an independent University of its own and envisaged his idea in an article entitled Hyderabad Ki Mashriqui University. As events were to show that this was the first step towards the later formation of Osmania University. In 1913 some Muslim educationist and philanthropists such as Dr. Mukhtar Ahmad Ansari and Mawlana Zafar Ali Khan were keen to establish a University at Madina as proposed by the Turkish government. Shibli admitted the necessity of such a University, but exclaimed his spirits had fallen low because of his age and declining health, and therefore, he was unable to undertake any specific responsibility.

Shibli's understanding of Indian Politics and participation in it

Shibli was a widely travelled man

who had the opportunity of meeting eminent persons from different walks of life. He had spent sixteen years in the august company of sayyid Ahmad Khan, but in politics he held view of his own. This was quite disliked by many of his co-religionists. His views were at times sufficiently venomous and alarming to the British as well. In his youth he had a zeal for Pan-Islamism. He would get elated at the success of the Turks, and relentlessly devoted himself to the collection of funds to be sent to the Turkish government during the Russo-Turkish War of 1875-76. Later, during the Balkan Crisis of 1895-96 he rebutted the British blame of holding Turkey responsible for the War by an impressive article. When the Balkan Wars of 1911-12 started Shibli wrote a soul-stirring poem Shahr-i-Ashob-Islam and recited the poem in a gathering at Lucknow in a choked voice, which brought tears in the eyes of many. Such was his love for the brethren of Turkey that he kissed the feet of Dr. Mukhtar Ahmad Ansari when he left for Turkey with a medical team. In politics Shibli emphasized the need of Hindu-Muslim unity as well as that of a united India. Unlike many of his contemporaries he did not subscribe to the view that Muslims would lose their identity if they joined the Congress. ■

(To be Continued)

The Journey of Salman Al-Farisi (From Isfahan to Al-Madinah)

Salman Al-Farisi said: I was a Persian man from the people of Isfahan, from a village called Jayy, My father was the merchant of his village, and I was the dearest of Allah's creation to him. His love for me was so great that he kept me at home like a girl. I was so devoted to Zoroastrianism that I became the keeper of the fire, the one who tends the fire and does not let it go out. My father had a large estate, and one day he was too busy with some building, so he said to me: "O my son, I am too busy with this building today to go to my estate. Go there and check on it." And he told me of some things that had to be done then he said to me: "Do not stay away from me for too long, for I will be more worried about you than my estate, and that will distract me from everything else."

Salman said: So I set out for the estate that he had told me to go to, and I passed by one of the Christian churches. I heard their voices as they were praying. I did not know much about the ways of other people because my father always kept me home, so when I heard their voices I went inside to see what they were doing. When I saw them, I liked the way they prayed and what they were doing. I said: By Allah, this is better than the religion that we are following. By Allah, I did not leave them until the

sun had set, and I forgot all about my father's estate and did not go there. Then I said to them: "Where did this religion originate?" They said: "In Syria." I went back to my father, who had sent people out to look for me, and he had been distracted from all his work. When I came to him he said: "O my son, where were you? Did I not tell you not to stay out too long?" I said to him: "O my father, I passed by some people who were praying in their church, and I liked what I saw of their religion. By Allah, I stayed with them until the sun set." He said: "O my son, there is nothing good in that religion. Your religion and that of your forefathers is better than that." I said to him: "No, by Allah, it is better than our religion." Then he got worried about me, and he put fetters on my feet and detained me in his house.

Salman flees to Syria

Salman said: I sent word to the Christians and told them: "If any travelers come to you from Syria, tell me about them." Then some travelers came from Syria, Christian merchants, so they told me about them. I said to them: "When they have finished their business and want to go back to their country, tell me," So when they wanted to go back to their country, they told me. I took the irons from

my feet and went out with them to Syria. When we reached there I said: "Who is the most knowledgeable man of this religion?" They said: "The bishop in the church."

Salman stayed with the Christian bishop, who was a bad man. When he died, he went to a righteous bishop. When the latter was on his deathbed, Salman said: "The decree of Allah (death) has come to you. To whom do you advise me to go? What do you command me to do?" He said: "O my son, by Allah I do not know of anyone now who follows the same path as I was following. The people are doomed; they have changed and abandoned most of what they used to follow, except for a man in Mosul, who follows the same path as I was following, so go and join him."

Salman joins the Bishop of Mosul

Salman said: When he died and was buried, I went to the man in Mosul and said to him: "So-and-so told me, as he was dying, to come to you, and he told me that you are following the same path as he followed." He said to me: "Stay with me." So I stayed with him and I found him to be a good man, following the same path as his companion. But soon he died. When he was on his deathbed I said to him: "Your companion told me about you and advised me to join you. Now the Decree of Allah has come to you. To whom do you advise

me to go? What do you command me to do?" He said: "O my son, by Allah I do not know of anyone who follows the same path as us, except for a man in Nasibain, so go and join him."

Salman joins the Bishop of Nasibain

Salman said: When he died and was buried, I went to the man in Nasibain and told him my story, and what my companion had advised me to do. He said: "Stay with me." So I stayed with him and I found him to be follower of the same path as his two companions. I was staying with a good man. But soon death came to him, and when he was dying I said: "To whom do you advise me to go? What do you command me to do?" He said: "O my son, by Allah, I do not know that there is anyone left to whom I can tell you to go, except for a man in 'Ammuriyah in the land of the Byzantines. He follows the same path as us, so if you like you can go to him."

Salman joins the man in 'Ammuriyah

Salman said: When he died and was buried, I went to the man in 'Ammuriyah and told him my story. He said: "Stay with me." When he was dying, I said to him: "To whom do you advise me to go? What do you command me to do?" He said: "O my son, by Allah, I do not know of anyone today who is following the same path as us to whom I can tell you to go. But the

time of a new Prophet is fast approaching. He will be sent with the religion of Ibrahim and will emerge in the land of the Arabs, and will migrate to a land between two lava fields between which are date palms. On him will be signs which cannot be hidden. He will accept gifts but will not accept charity. Between his shoulders will be the Seal of Prophecy. If you can go to that land, then do so.

Salman goes to Wadi Al-Qura

Salman said: Then he died and was buried, and I stayed in 'Ammuriyah for as long as Allah willed I should stay. Then a group of merchants from Kalb passed by me, and I said to them: "Take me to the land of the Arabs, and I will give you these cows of mine and this little sheep of mine." They agreed, so I gave those (animals) to them and they took me with them. But when we reached Wadi Al-Qura, they wronged me and sold me to a Jewish man as a slave. While I was with him I saw some palm trees and I hoped that this was the land that companion had described to me, but I was not sure.

Salman goes to Al-Madinah

Salman said: Whilst I was with him, a cousin of his from Banu Quraizah came to him from Al-Madinah and bought me from him, and took me back with him to Al-Madinah. By Allah, as soon

as I saw it, I recognized it from the description my companion had given. So I stayed there, and the Messenger of Allah was sent and stayed in Makkah for a while, but I did not hear anything about him because I was preoccupied with the work of a slave. Then he migrated to Al-Madinah.

Salman hears of the migration of the Prophet

Salman said: By Allah, I was at the top of my master's palm tree, doing some work for him, and my master was sitting beneath me, when a cousin of his came to him and said: "O so-and-so, may Allah destroy Bani Qailah; by Allah, right now they are gathering in Quba' to meet a man who has come to them from Makkah today, and they claim that he is a Prophet."

Salman said: When I heard that I began to shiver, until I thought that I would fall on top of my master. I climbed down from the tree and starting saying to that cousin of his: "What did you say?" My master got angry and punched me then he said: "What is it to do with you? Go back to your work!" I said, "It is nothing, I just wanted to check what he said."

Salman checks on the authenticity of the Prophet-hood of Muhammad

Salman said: I had been saving something, so when evening came I took

it and went to the Messenger of Allah in Quba'. I entered upon him and said: "I have heard that you are a righteous man, and you have companions who are strangers and in need. This is something that I had, (which I give) in charity, for I see that you are more deserving of it than anyone else," I placed it near him, then the Messenger of Allah said to his Companions: "Eat," but he refrained from eating. I said to myself: This is one. Then I went away and started to save some more, and the Messenger of Allah moved to Al-Madinah. Then I brought it and said to him: "I noticed that you do not eat (what is given in) charity; this is a gift with which I wish to honour you." So the Messenger of Allah ate from it and told his Companions to eat with him. I said to myself: this is two. Then I came to the Messenger of Allah when he was in Baqi' Al-Gharqad, when he had attended the funeral of a man from among his Companions. I was wearing a cloak of mine, and he was sitting amongst his Companions. I greeted him then I tried to look at his back, to see whether I could spot the Seal of Prophet-hood that my companion had described to me. When the Messenger of Allah noticed me trying to look at his back, he realized that I was trying to confirm something that had been described to me, so he let his cloak drop, and I look at the Seal and recognized it. I embraced him and

kissed him, weeping. The Messenger of Allah said to me, "Come here." So I came and sat in front of him, and told him my story.

Salman remained a slave and missed Badr and Uhud with the Messenger of Allah. Then the Messenger of Allah Commanded Salman to free himself from slavery and promised to help him. He drew up a contract of manumission with his master, and the Messenger of Allah told his Companions, "Help your brother." So they helped him, and Salman was freed. Then he was present with the Messenger of Allah at Al-Khandaq as a free man, and he did not miss any major event after that.

Salman Al-Farisi, Abu 'Abdullah, is also known as Salman the Good (Salman Al-Khair). He was one of the best of the Sahabah, one of the most ascetic and virtuous. He was asked about his lineage and he said: "I am Salman ibn Al-Islam (the son of Islam)." The Messenger of Allah established the bond of brotherhood between him and Abud-Darda'. The Muhajirun used to say: Salman is one of us; and the Ansar used to say: Salman is one of us. The Messenger of Allah said:

"Salman is one of us, Ahlul-Bait (the people of his household)."

He died in 35 AH after living a long life. ■

Around the World

Bangladesh's interim government to seek Interpol assistance to repatriate former PM

DHAKA: Bangladesh's interim government on Sunday said it will seek Interpol's assistance in repatriating deposed Prime Minister Sheikh Hasina from India, and other "fugitives", to face trial for alleged crimes against humanity.

Hasina and her party leaders face accusations of ordering brutal suppression of the Anti-Discrimination Students Movement, resulting in several casualties during the July-August protests. The movement later intensified into a large-scale uprising, forcing Hasina to flee to India on August 5.

According to the interim government led by Chief Adviser Muhammad Yunus, at least 753 people were killed and thousands injured during the protests, which it termed crimes against humanity and genocide. Over 60 complaints of crimes against humanity and genocide have been filed against Hasina and her party leaders with the International Crimes Tribunal and the prosecution team till mid-October. ■

Israeli PM says he okayed pager attacks

JERUSALEM: Prime Minister Benjamin Netanyahu said on Sunday he okayed the deadly September attacks on Hezbollah's communications devices which exploded in Lebanon, the first time Israel has admitted involvement.

Hezbollah had previously blamed its arch-foe for the blasts that dealt a major blow to the Iran-backed militant group, and vowed revenge.

"Netanyahu confirmed that he green-lighted the pager operation in Lebanon," his spokesman Omer Dostri told AFP of the attacks.

Hand-held devices used by Hezbollah operatives detonated two days in a row in supermarkets, on streets and at funerals in mid-September.

They killed nearly 40 people and wounded nearly 3,000, and preceded Israel's ongoing military operation in Lebanon.

Strikes have intensified since war broke out in Lebanon in late September, when Israel escalated its air campaign against Hezbollah and later sent ground troops into south Lebanon. ■

SCS dispute: China opposes Philippines' new maritime law

BEIJING: China rejected Philippine maritime claims, saying new legislation "severely infringes on" Beijing's territorial sovereignty and rights in the South China Sea (SCS), and vowing to protect its own interests. Beijing claims sovereignty over nearly all of SCS, including areas claimed by the Philippine, Brunei, Indonesia, Malaysia and Vietnam. China rejects a 2016 ruling by the Permanent Court of Arbitration in the Hague that its sweeping claims were not supported by international law. ■

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