

STRICTURES ON QADIANI SECT

Judge's Remarks Criticised

SIR TEJ BAHADUR SAPRU'S ARGUMENTS

Sir Tej Bahadur Sapru resumed in the Lahore High Court on Tuesday the discussion of certain passages in a judgment of the Gurdaspur Sessions Judge to which exception has been taken by the Qadiani sect of Muslims and which it is being prayed, should be expunged from the records of the Gurdaspur court.

The court-room of Mr. Justice Coldstream who is hearing this prayer was again crowded with lawyers and members of the public.

Sir Tej Bahadur criticised one passage after another on the grounds that they contained comments which were not correct in fact, were not justified by the evidence, and were unnecessary and irrelevant for purposes of deciding the real issue of the case which was heard by the Sessions Judge.

The Qadiani sect, according to counsel, shared the principal tenets of other sects of Muslims—a belief in the unity of God and the Prophethood of Mahomed. While, however, other Muslims believed the Prophet of Arabia to have been the last one in a series of successive Prophets, the Qadianis believed that Mirza Ghulam Ahmad of Qadian, the Prophet of their sect, held through the Prophet of Arabia the status of a Prophet as the promised Messiah.

"NOT NECESSARY"

The way in which the Sessions Judge had explained the religious differences between the Qadianis and other Muslims was incorrect and misleading and, in any case, it was not necessary for the Sessions Judge to make comments on the differences.

The founder of the Qadiani sect did not pass a "fatwa" against the "millions of Muslims" who did not believe in his mission, but only against those who had passed an earlier "fatwa" of "kufr" against him. In this connection the use of the word "new-fangled" as a description of the Qadiani sect was offensive.

Mr. Justice Coldstream agreed that it was "unfortunate."

Counsel continued that the reference by the Sessions Judge to "pride amounting to arrogance on the part of Qadianis" was and could not be a finding on the basis of any evidence. It was a sweeping and baseless remark, irrelevant and offensive.

The Sessions Judge's remark that a volunteer corps was organised "probably with the object of overthrowing the Government" was not supported by any evidence.

Mr. Justice Coldstream: "What is the evidence on your side regarding the objects of the volunteer corps?"

Sir Tej Bahadur submitted that his client could lead no evidence in a case to which he was no party. "This is my whole complaint."

Counsel, however, referred to the evidence of an office-bearer of the Qadiani organisation who was summoned as a defence witness in the case and who said that the volunteer corps was to help in the arrangement of social gatherings.

ARBITRATORS

It was, counsel continued, a gross abuse of the English language on the part of the Sessions Judge to say that judicial functions were assumed by the Qadiani organisation or that courts parallel to British courts had been set up in Qadian. The status of these so-called courts was merely that of private arbitrators who in civil and non-criminal criminal disputes acted with the consent of the parties concerned.

There was no "enforcement of decrees" or "execution of punishment." Referring to the alleged cases of excommunication from Qadian, counsel said that there was no evidence at all to support the Sessions Judge's remark about Ismail and whatever evidence—by letter or otherwise—presented head of the Qadiani community—there was about the alleged excommunication of Habib-ur-Rehman only showed that the head of the community exercised a kind of parental jurisdiction on members of his community.

The so-called stamp paper which was used for certain purposes in Qadian never purported to be a substitute for regular judicial stamp and its use was, counsel contended, no offence.

Mr. Justice Coldstream: "It came very near being an imitation."

Referring to the murderous attack on Abdul Karim and the murder of Mahomed Hussain, counsel contended that the burial of the murderer could not be described to have taken place "in grand style." It was a decent burial, because the man had repented and the head of the community had absolved him of the religious sin of murder. The "Khutba"

(address) of the head of the community implied no praise of the murderer. Counsel read out a part of the translation of the address.

NO BASIS

There was no basis, counsel continued, for the intimation that the death of Mahomed Hussain or Mahomed Amin or the murderous attack on Abdul Karim were brought about by the head of the Qadiani community.

Mr. Justice Coldstream observed that the entire tone of the judgment was unfortunate, but he wanted to know what could and what could not furnish a justification for expunging a passage from the judgment.

There was, his Lordship, said no appeal or revision petition before him. Could he be asked to expunge a portion of the judgment merely because it involved an error of law or an error of fact or was unfortunate in tone?

As for relevancy the Judge put a question to Sir Tej Bahadur. Suppose the head of the Qadiani community, when summoned as a defence witness, had supported the allegations of the accused about murders, arson and general lawlessness in Qadian, would this evidence not be relevant to the accused's plea that provoking circumstances existed to extenuate his offence?

Sir Tej Bahadur submitted that under Section 561-A of the Criminal Procedure Code the High Court has absolute, unfettered and inherent powers to set right an abuse of judicial process. If his Lordship would this evidence not be relevant to the accused's plea that provoking circumstances existed to extenuate his offence?

Sir Tej Bahadur submitted that under Section 561-A of the Criminal Procedure Code the High Court has absolute, unfettered and inherent powers to set right an abuse of judicial process. If his Lordship would this evidence not be relevant to the accused's plea that provoking circumstances existed to extenuate his offence?

"Otherwise, what is the legal remedy open to me when I am aggrieved by the remarks of a Sessions Judge, but not being a party to the case, am unable to come to your Lordship with an appeal or a revision petition?"

RULINGS QUOTED

Sir Tej Bahadur quoted rulings of the Lahore High Court in support of this view.

As for the relevancy of evidence for the purpose of proving the existence of provocation, counsel argued that the offence under Section 153-A of the Indian Penal Code (creating hatred between classes) was an offence against the State. It was not open to a person accused of an offence of sedition to urge the existence of provocation as an extenuating circumstance. In any case, there ought to be reasonable proximity between the provocation and the offence to which it is said to have led. In the present case old history had been raked up in search of a provocation which might serve as a mitigating circumstance. This was, according to counsel, perfectly irrelevant evidence.

THE OTHER SIDE

Mr. Mahomed Sharif, Advocate, next argued the case against expungement of the passages to which the Qadiani sect of Muslims had taken exception. He appeared on behalf of Ata Ullah Shah Bukhari, the Ahrar leader, in the judgment of whose trial the alleged strictures were passed, and who has been made a party on an application to oppose the Qadiani contention.

Mr. Sharif referred to the general trend of affairs in Qadian. He said that the feelings of the followers of the Qadiani sect were not only against non-Qadiani Muslims but also against followers of other religions. No doubt, he admitted, strained feelings were acute in the case of non-Qadianis. No inter-marriages were allowed.

Taking the different passages which it is sought to expunge, he argued that it appeared from various articles in the official organ of Qadianis and other writings of the leaders of the faith that they intended to extend the Qadiani religion throughout the world, including European countries and America. Various writings were referred to in Court to the above effect. The counsel pointed out that Qadianis considered the whole world as enemies, and least of all they could tolerate non-Qadianis in Qadian itself.

Referring to the propaganda work, boycott and excommunication, the volunteer corps and the judicial functions assumed by the Qadiani sect, the counsel said that the head of the community was trying to set up a State within British India. Counsel considered the volunteer corps militant, as he pointed out that the use of spears and swords in cases, licence for arms were advocated. Social boycott and various threats were used to inflict punishments on defaulters.

PARALLEL ADMINISTRATION

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(Continued in Col. 3)

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PUNJAB UNIVERSITY EXAMINATION

M.B.B.S. Results

The following candidates have passed the Final Professional Examination for the Degree of M.B.B.S., held in October, 1935:

King Edward Medical College, Lahore: Evelyn Peters, Lella Dharmavir, A. H. Vatsyana, Kazi Abdul Jabbar, Baij Nath Saigal, Balbir Krishna Kapur, Banarsi Das, Bishamber Nath Bhagwan, Charles John Samra, Chait Lal Bhabha, Dev Farshad Mengi, Gulshan Haidar Khan, Syed Ghulam Haqani, Malik A. H. Hamid Musa, Harbans Lal, Hassan Din, Indira Jit, Madho Svarup San Din, Mohan Singh, Man Mohan Gupta, Mahomed Ali Shah, Man Mohan Singh, Ahluwalia, Marjan Ali, Mir Safiullah, Muhammad Abdul Qayyum Mulla, Nandak Choudhary, Nazir Hussain, his name, Dayal Mathur, Ram Labhya, Ramchand Ram Prakash Mahotra, Sham-bhu Dayal Mahalia, Tajvir Singh Pathania, Uday Singh and Z. A. Zafar Ghaury.

Lady Hardinge Medical College, Delhi: Esther Devadhar, Sheila Ghosh, Usha Halder, Harjari Kaur, Zohra Begum, Khazi, Latif Begum, Subul Nayyar, Florence Umar, Khish, Ghanshyam Rani, M. Shanta Bai, Kumari Jandaran Sule, M. Shanta Bai. The result of Roll No. 24 will be declared later.

The following candidates are eligible to re-appear in the subject noted against his name in the Final Professional Examination for the Degree of M.B.B.S. (Ull April, 1937):

King Edward Medical College, Lahore: Arjan Dev Chadah, Midwifery; and Gynaecology.

TO RE-APPEAR

The following candidate must appear in the whole examination next time: King Edward Medical College, Lahore: Ghauri Mohd. Sheikh.

The following candidates are eligible to re-appear in Part (A), or in Part (B) noted against their names (Ull October, 1936) in the Final Professional Examination for the Degree of M.B.B.S.:

King Edward Medical College, Lahore: Binapani Devi, (B); Jawant Bhat, (B); Izzatullah Khan, (B); Mohomed Janilur Rahman, (A). The following candidates are eligible to re-appear in Part (A) or in Part (B) noted against their names (Ull April, 1937) in the Final Professional Examination for the Degree of M.B.B.S.:

King Edward Medical College, Lahore: Binapani Devi, (B); Jawant Bhat, (B); Izzatullah Khan, (B); Mohomed Janilur Rahman, (A). The following candidates are eligible to re-appear in Part (A) or in Part (B) noted against their names (Ull April, 1937) in the Final Professional Examination for the Degree of M.B.B.S.:

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A DARK DIWALI

Sind's Sympathy With Quetta Victims

KARACHI, Oct. 22. In striking contrast to scenes of illuminated splendour during the past, this year's Diwali will be a dark one all over Sind. Several villages and towns in Sind have decided not to celebrate the festival with the usual grandeur in sympathy with the victims of the Quetta Earthquake disaster.

Shikarpur has already passed a resolution to this effect and attempts are now being made in Karachi to persuade Hindu leaders not to celebrate Diwali on the lavish scale of former years.—A.P.

QUETTA COMMITTEE OF NINE

To Meet on October 23

KARACHI, Oct. 22. The Committee of Nine, appointed by the Government of India to assist the local authorities in a consultative and advisory capacity in connection with the salvage of property in Quetta, will assemble there on October 28 and subsequent dates.

Haji Abdullah Haroon, M.L.A., who is one of the members, will leave Karachi on October 26 for Quetta. After deliberations with the local authorities, he will return to Karachi on October 30 and leave the following day for Porebunder to preside over the All-India Memon Conference commencing on November 2.—A.P.

QUETTA SALVAGE COMMITTEE

Mr. K. A. Marker, Honorary Magistrate and Vice-Chairman, Quetta Municipality, is a member of the Quetta Salvage Committee. The name was inadvertently printed as Mr. Kamarker in a previous issue of the "Civil and Military Gazette."

(Continued in Col. 2.)

Counsel took special notice of the judicial functions. He said that civil and criminal courts were established in parallel to Government courts. Even cognisable offences were being tried by those courts. Court fees and stamp duties were being charged. Decrees were being enforced and, in short, the prerogatives of the Crown were being exercised.

Counsel had not concluded his argument when the court rose. Sir Tej Bahadur Sapru left Lahore on Tuesday evening.

THE WEATHER IN INDIA

Depression in the Arabian Sea

POONA, Oct. 22.

The following is a summary of meteorological observations up to 8 a.m. to-day: Depression in the Arabian Sea persists off the Konkan and has caused local rain in Malabar and Hyderabad and a few falls in the Konkan and the Bombay Deccan. The depression in the Bay of Bengal is deep and is centred in the morning within one degree of latitude 19 degrees north and longitude 89 degrees east. It caused widespread rain in Burma and Orissa and on the Bengal coast.

A few light showers are also reported from Assam, the east of the Central Provinces, the north Madras coast and the south-east of Madras.

The chief amounts of rainfall were: Akayab and the Sandheads, four inches; Arakan, three; Port Blair, Rangoon, Bhamo and Cox's Bazar, two; Saugor Island, Calicut and Hanamkonda, one and a half; Yamethia and Dinajpur, one.

Forecast for the 24 hours ending at 8 a.m. to-morrow: Rainfall will increase in the north and south of Bengal, extend to the north of Bengal and Assam, continue to be fairly widespread in Upper Burma and occur locally in Pegu, Tenasserim, the Deccan and along the west coast of the Peninsula.

Locally heavy rain will occur along the Arakan and Chittagong coast during the next 24 hours.

The following table is compiled from observations made up to 8 a.m. on October 22:

Tem. in shade. Rainfall.

STATIONS.

	Max. of past 24 hours.	Min. of past 24 hours.	Past 24 hours.	Since June 1.	Departure from Normal.
Agra	92	57	21.5	-2.9	
Ahmedabad	92	63	22.3	-5.4	
Ahmednagar	84	71	21.8	-2.5	
Ajmer	89	69	24.9	+0.9	
Alwar	89	69	37.4	+9.1	
Allahabad	89	62	39.5	+3.5	
Amalga	90	55	22.9	-1.1	
Anwaroti	87	71	24.5	+1.3	
Bahawalpur	98	68	1.5	-2.3	
Bangalore	80	63	36.4	+12.2	
Bareilly	83	63	32.6	-6.8	
Baroda	93	64	32.5	-1.9	
Bombay	77	62	22.9	-2.9	
Benares	91	62	32.2	-5.0	
Bhopal	87	64	34.4	-	
Bombay	95	80	30.4	+11.8	
Calcutta	82	61	32.0	-2.0	
Calicut	87	75	17.5	+0.6	
Cawnpore	97	62	20.1	-13.0	
Chittagong	87	72	0.8	-67.9	
Colombo	85	79	45.8	+14.0	
Comeor	72	62	12.9	-	
Cuttack	11	7	0.1	-3.3	
Darjeeling	62	41	95.3	-9.4	
Dehra	100	61	16.1	-5.8	
Dehra Dun	81	54	66.8	-7.8	
Dibrugarh	78	58	23.7	+0.8	
D. I. Khan	94	57	7.7	+2.2	
F. Sandeman	78	51	7.4	-2.1	
Gorakhpur	12	63	45.3	+3.1	
H. I. Khan	87	75	2.1	-2.9	
H. I. Khan	97	64	2.6	-3.4	
Indore	87	63	33.3	+2.3	
Jacobabad	98	67	2.4	+0.1	
Jalpaiguri	91	59	24.3	+2.4	
Jhansi	91	61	39.5	+5.8	
Jubbulpore	85	64	5.1	+4.2	
Karachi	88	72	0.5	-5.4	
Karwar	74	75	0.2	-3.4	
Khandwa	82	69	3.4	+3.4	
Kodakanal	64	51	36.6	+3.7	
LAHORE	92	68	5.7	-9.3	
Lucknow	90	59	19.6	-13.4	
Ludhiana	94	67	1.4	-4.0	
Lypur	83	60	6.1	-5.1	
Madras	89	75	0.2	-27.9	
M. I. Khan	67	62	0.1	191.3	
Malgaon	89	72	16.4	-1.5	
Mamgarh	87	70	0.1	70.1	
Maymoy	70	64	2.1	-4.8	
Mount Abu	96	61	0.9	-4.2	
Multan	64	67	6.2	-6.5	
Musorie	64	67	6.2	-6.5	
Muktesar	64	67	6.2	-6.5	
Murree	64	67	6.2	-6.5	
Myore	81	67	2.7	+8.3	
Nagpur	85	68	43.1	-1.1	
Nashik	77	62	2.0	-9.7	
Pachamshi	83	73	34.2	-10.0	
Pahar	88	67	6.3	+1.5	
Poonah	87	72	0.3	-3.7	
Quetta	91	71	31.4	+6.2	
Rajkot	82	69	3.4	+3.4	
Ranchi	81	67	3.4	-14.2	
Rangoon	90	75	2.3	-6.1	
Ratnagiri	63	73	9.1	+1.3	
Rawalpindi	87	69	2.5	-2.7	
Shillong	72	59	57.0	-4.0	
Sholapur	82	71	23.1	-0.9	
Sikot	90	62	2.9	+4.0	
Srinagar	82	61	36.7	-1.8	
Srinagar	70	34	1.5	-0.8	

T indicates rainfall from .01" to .04"

LAHORE WEATHER TABLE

Recorded at Lahore on October 21 and 22, 1935:

Maximum temperature in shade

Minimum temperature in shade

Minimum temperature on grass

Mean temperature of October 21

Normal temperature of same day

Rainfall during past 24 hours

Normal total rain from October

1 to 22

Actual total rainfall from October

ber 1 to 22

Hours of bright sunshine for the

October 21

RECORD CROWDS AT MOTOR SHOW

Dealers Report Good Business

MANY IMPROVEMENTS IN NEW MODELS

LONDON, Oct. 22.

Attendances at the Motor Show at Olympia, which will continue open until the end of this week, are making new records. Dealers report most encouraging inquiries from foreign and colonial buyers, as well as an increased demand from retailers at home.

The public, as well as expert representatives of buyers, are appreciative of recent developments, such as the provision of easy "crash-proof" gear changing. Practically every make has adopted either pre-selector automatic gearboxes or the synchromesh principle. Possibly as a result of the reintroduction of a speed limit in built-up areas, new models are designed to give greater acceleration, while considerations of safety have impelled improvements in braking systems and in steering, and increased visibility from driving position.

Equipment is once more generous, and on several moderate-priced models now includes a permanent built-in jacking system. Independent front-wheel suspension is another feature growing in popularity.—British Official Wireless.

ALLEGED MURDER OF WIFE

Lahore Village Incident

A Muslim woman, Fatima, was fatally wounded with a "latih," with which she is alleged to have been struck by her husband.

It is stated that the married life of Fatima and her husband, a villager in Lahore District, was not happy. On Saturday night they fell to bickering as usual and the husband, it is alleged, struck the woman with a "latih" on the head and Fatima died shortly afterwards.

Fateh Mahomed is the son of the village Lambardar, who himself lodged the report with the police at Gendia, a police station, who arrested Fateh Mahomed.

AUSTRALIAN FLIER IN KARACHI

KARACHI, Oct. 21.

Another flier, Mr. Thomas, has arrived here from Australia. He is flying a Langley Puss-Moth plane, belonging to the Royal Aero Club of New South Wales. Mr. Thomas is on a pleasure flight from Hillston to London. He arrived here at 10.15 a.m. to-day and will continue his journey to-morrow.

AIR MAIL 'PLANE HELD UP

CALCUTTA, Oct. 22.

Imperial Airways "Aethusa," which left morning for Rangoon, had to return to Dum Dum, due to bad weather. The time of its departure is not certain.

Help Kidneys

If Kidney Trouble or Bladder Weakness makes you suffer from Getting Up Nights, Nervousness, Dizziness, Rheumatism, Stiffness, Burning, Smarting, Itching or Acidity try the new discovery Cystex (Siss-tex). Guaranteed to end your troubles in 9 days or money back. At all chemists, or Muller Maclean and Co., Inc., Karachi.



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