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The Star of Islam

(A CULTURAL WEEKLY)
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 Star of Islam"
 A PAPER
 Of the Muslims
 For the Muslims
 By the Muslims
 of
 CEYLON

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Muslims Of A Pensioner—LIV.

Muslim Marriages - And Divorces

GROWTH OF CUSTOM AROUND A CONTRACT

Unwholesome Atmosphere Of Public Courts

BY M. T. AKBAR, K.C., B.A., LL.B. (Cantab).
 Formerly Senior Puisne Justice of Ceylon

AS THERE seems to be some misunderstanding amongst a majority of the Muslims in Ceylon as to the *raison d'être* for the passing of the Muslim Marriages and Divorces Registration Ordinance, let me endeavour to enlighten my readers. The Muslim Law relating to ordinary marriages and divorces was of the simplest kind.

A legal marriage could take place when an adult Muslim man and an adult Muslim woman agreed to marry and to live as husband and wife, and the *mahr* or money payment to the wife by the husband was also fixed. This agreement had to be arrived at in the presence of witnesses two at least.

Marriage—A Simple Civil Contract

As the Holy Quran recommends that every contract or agreement should be in writing and witnessed for purposes of better proof, it became customary for a writing to be entered into, known as the *Kaduttham*, which also included any other monetary or other property transactions entered into at the same time between the parties. Further to give a religious flavour to this ceremony—which after all was nothing more than an ordinary civil contract—it became customary for the *Kaduttham* to be drawn up by the Khateeb of the Jumma Mosque of the district in which the bride and bridegroom lived. For the validity of the marriage in law, however, the only requirements were—

- (a) an agreement between,
- (b) a competent Muslim man and woman to marry,
- (c) for a certain *mahr*,
- (d) in the presence of witnesses.

The Khateeb, the *Kaduttham*, and the public ceremony were later developments which in practice were found to be necessary to supplement the bare contract which alone the law required. So long as a husband and wife lived happily, there was no difficulty;

but suppose there was disagreement? Suppose a husband denies that he ever married the woman or that he promised to pay anything more than $\frac{1}{2}$ or $\frac{1}{3}$ or $\frac{1}{10}$ *mahr* claimed by the wife, or that he had already paid the *mahr*? When such a disagreement arose State interference becomes necessary and law courts would have to decide the issues.

Necessity of A Record

Sometimes the question whether there was ever a legal marriage between certain parties may arise long years after the marriage or even long after the death of the parties; for instance I remember a case in which I was counsel where a marriage which took place over 100 years ago had to be proved on a question of intestate succession affecting immovable property of great value in the Pettah and the Fort of Colombo. Thus the simple Muslim Law of Marriages has to be supplemented by further laws relating to the proof of marriages and the preservation of the *Kadutthams* and records of the marriage. If the *Kaduttham* was recorded in a private book belonging to the Khateeb, what is going to happen to this private register when the priest dies or leaves the Island? What if the priest is a dishonest person who for a consideration destroys a particular *Kaduttham* or falsifies it with regard to the *mahr* or other monetary transactions agreed to at the time of the marriage or even

(Continued on page 6)

FATE OF WESTERN HEMISPHERE

AMERICA'S GRAVE SITUATION

HELP FOR BRITAIN IMPERATIVE

(By WALTER DEFFORD)

THE UNITED STATES this is the beginning of the most critical period in 70 years. Our security is gravely jeopardised. The nation is in a state of confusion, in material for defence, in training, in discipline, in organisation, in spirit and in its mind and heart—to protect adequately and swiftly its vital interests. Our cities may not be bombed; but if Hitler's offensive succeeds, we shall have no peace in our life time.

If it succeeds we shall soon be confronted with immediate choices of the greatest magnitude. We shall be compelled to choose again and again—in the Pacific, in the Atlantic, in the Caribbean, in South America—between retreat and resistance. The choices will not be a simple choice between war and peace. They will be choices between giving up the protection behind which we have lived for more than a century in individual freedom and of acting henceforth with full energy to maintain that protection.

For if the Allied power falls there will fall with it all the outer defences of the Western Hemisphere, and we shall be left isolated in a world dominated by the most formidable alliance of conquerors ever formed in the history of man.

Threat From Japan

If the Allied power falls in Europe, we must then resign ourselves to the fact that Japan will be master of the Pacific, and capable of subjecting us to very serious pressure upon essential materials of our economic life. If the Allied power falls in Europe, our neighbours in the Atlantic will then be not the easy going British but the Rome-Berlin Axis, intoxicated with victory and drunk with power. If the Allied power falls in Europe, there will appear in some, perhaps in many of the countries of this hemisphere subversive movements led by native adventures, financed and organised by the totalitarian powers. They will be

hard to deal with. They will jeopardise most gravely the inner defences of the United States.

All this will not destroy us. But it will mean that we and our children will have to live wholly different lives. Isolated in a world which despises and envies us we too shall have to become a nation in arms. We too shall have to have conscription; we too shall have to regiment capital and labour in order to build the ships, the airplanes, the guns and tanks, without which we shall be harassed and intimidated, threatened and blackmailed by the coalition on both sides of us. We have a duty, each and every one of us, which must be done. Our duty is to prepare for the worst, to begin acting at once.

Plan Of American Defence

The American people must open their eyes to the fact that the whole fundamental plan of American defence upon which we have relied may collapse altogether. The people must not be misled into thinking that something has really been done for the national defence if Congress excitedly votes another big appropriation.

Our system of national defence is based on the assumption that our security will never be threatened in more than one ocean at a time.

It assumes that if we had to fight in the Pacific, we could count in the Atlantic upon the benevolent neu-

(Continued on page 5)

NOTICE

In response to the request of numerous readers the management announces that as from 21st September, the *Star of Islam* will be issued in English and in Tamil separately, 6 pages of English and 4 of Tamil priced at 5 Cents each, complete copies 10 Cents.

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The Star of Islam

A CULTURAL WEEKLY

COLOMBO: SEPTEMBER 14, 1940.



Moderation

AT the back of all virtues is moderation. Moderation is desirable in all things and a principal feature of the Islamic rule of life is the avoidance of extremes. The Qur'an stresses the wholesome limits of Allah, and those who observe that rule are "they that are successful." What with the mad gamble of the August festivities and the insane ordering of life, the chief purpose of which is to squeeze every grain of excitement that life could possibly afford there is little time and less desire to think of the serious aspect of life. To the majority life is just a series of twilight journeyings from one pleasure to another, resembling the mad gambolling of so many monkeys from one tree to another, chasing each other and when that mad chase palls chasing their own tails.

But there are those who take life very seriously indeed, so much so that life ceases to have beauty of its own but becomes a grim struggle between the baser and the higher selves of a person. He is a Crusader who considers life so paramountly important, as he well may, that he forgets that the life of Religion is not divorced from the ordinary pursuits of life. There is a burning fire he must avoid and avoid it he must at all cost. His eyes being fixed on that severe trial he fails to appreciate the manifold beauties of this life that give dignity and value to this very life itself. Islam frowns on these whose pride in

the value of their own sweet souls is so great that they fail to realise their duty to their fellow beings but must flee from the world and take refuge in the inaccessible regions of the desert and mountains and there meditate and cleanse their minds of all sin.

Quite often those who consider their lives as being very important and their activities of paramount value in the formation of states and good fellowship between states lead themselves into most amusing situations. In this consideration notice must be taken of MR. JENNY, late of the Y.M.C.A. of Istanbul. He had a rather trying time in Turkey and has genuine regard for individual Turks, but the action of the Government in closing down the Y.M.C.A. and other foreign associations has left him cold. In a speech at the Central Y.M.C.A. characterised by moderation at the outset he showed the remarkable achievement of KEMAL ATATURK and of the Turks themselves but as the topic of governmental interference in the lives of the Turks necessitated by the exigencies of the situation came up for discussion the wrongs that he imagined he suffered from coloured his purely objective analysis of Turkey and the Government leaves much to be desired from the relatively stable societies of Britain and the U.S.A. But judged from the angle of relative values the safety of the very country depended upon the exercise of authority lest foreign powers "split the melon" for themselves.

Nearing the conclusion of his speech he described the secret police of Turkey. It was an instrument, he said, composed of the filthiest elements possible. It was both judge, jury, accuser and executioner, and from their hands none was safe. Contrasting that with the system prevalent in the West he said that there was no name for it that he knew of and suggested in the language of people of the East a suitable equivalent could be found.

Of the two one wonders which is more harmful to society—levity or extreme puritanism. Certainly nothing is more calculating to wear a people down more quickly than excessive puritanism and narrowmindedness. One never knows just where one is placed for Mr. JENNY who hails from America has failed to realise that no other language has just a specific word to describe the mad bestiality that surges over a people when they constitute themselves judge, jury, accuser and executioner, and torture and horribly mangle the lives of innocent Negroes. Only Americans have the word in their language and it is styled—"lynching".

WAKF ORDINANCE-VI

TRUSTEES AND FUNDS

PART IV.

Muslim Charitable Trusts.

Application of Part IV.

39 Subject as hereinafter provided, the provisions of this part shall apply in the case of every trust or wakf for any one or more of the following purposes:—

- the relief of poverty among Muslims or the members of any section of the Muslim public;
- the advancement of the education of Muslims or the members of any section of the Muslim public;
- the advancement of the Muslim religion generally;
- the benefit of any mosque or the performance of religious rites or practices at any mosque;

Provided, however, that notwithstanding anything in paragraph (d), nothing in this Part shall apply in the case of any trust or wakf exclusively—

- for the benefit of any registered

NOTICE

The Management regret the irregularities in the issue and postage of the *Star* to the regular subscribers. Attention of the Readers is drawn to the notice appearing elsewhere compliance with which will save both our kind readers and ourselves considerable trouble.

The Management request the numerous readers of the *Star* to report irregularity of any kind in the event of non-delivery or late delivery of the *Star of Islam*.

THE MANAGEMENT.

mosque of religious rites and practices at any registered mosque; or

- for the benefit of the Maradana Mosque or the performance of religious rites and practices at the Maradana Mosque.

Duty of Trustees of Charitable Trusts to Furnish Statements

40 (1) It shall be the duty of every person who is, at the appointed date, the trustee of a Muslim charitable trust to furnish to the Public Trustee, before the expiry of a period of six months from that date, a statement setting out the particulars statements specified in section 41 in respect of the charitable trust.

(2) It shall be the duty of every person who, on or after appointed date, accepts any Muslim charitable trust, to furnish to the Public Trustee, before the expiry of six months from the date of such acceptance a statement setting

out the particulars specified in section 41 in respect of the charitable trust.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), it shall be lawful for the Public Trustee to extend the period before the expiry of which a statement is required in any case to be furnished under any of those sub-sections, if he is satisfied that, having regard to all the circumstances of the case, there is reasonable ground for so extending the period.

Particulars In Statements Concerning Charitable Trusts.

41 (1) Every statement required to be furnished under section 40 by any person in respect of any Muslim charitable trust shall contain the following particulars:—

- the name of every person who is a trustee of that charitable trust, and the title upon which each such person is entitled to be a trustee;
- a description of all the property subject to the trust;
- the average annual income the property subject to the trust;
- the gross amount of the income from such property for the period of five years ending on the date on which the statement is furnished, or, where the trust was created within that period, the gross amount of the income from such property after the creation of the trust;
- the amount of all rates and taxes payable to the Crown or to any local authority in respect of the property subject to the trust;
- an estimate of the average annual expenditure necessary for the realization of the income from the property subject to the trust;
- the amount of amounts, if any, set apart under the trust for each of the following purposes:—
 - the salary of the trustee or trustees and the payment of allowances to any other persons;
 - religious purposes;
 - charitable purposes;
 - other purposes;
 - such other particulars as may be prescribed.

(2) Every statement of particulars required to be furnished under section 40, in respect of any Muslim charitable trust shall be accompanied by a certified copy of the deed or other instrument by which the trust was created.

Provided, however, that where no such deed or instrument has been executed or where no such copy can be procured, the statement of particulars shall contain all such information as may be within the knowledge of the trustee, relating to the origin, nature and objects of the trust.

(3) Every such statement of particulars shall be signed by the person or persons by whom the statement is furnished and shall contain a declaration that the particulars contained therein are true and accurate.

Duty of Trustees to Furnish Statements of Accounts.

42 (1) It shall be the duty of every trustee of a Muslim charitable trust to furnish to the Public Trustee before the first day of June in each year a statement of accounts in such form as may be prescribed containing the prescribed particulars relating to all moneys received and expended in respect of the trust during the period of twelve months ending on the thirty-first day of March in that year.

(To be continued)

Children Corner

FASTING AND AMUSEMENTS

My Dear Children.

The month of Fasting will soon be upon us, and I am sure that most of you are watching its approach, but I wonder with what feelings. I am certain that most of you do fast, even the very young among you, for if you fail to observe the Fast when you are quite young, you will find that fasting is a very severe strain on you, if you begin to fast in later years.

Self-Control

Fasting is very necessary for all of us, not only from a religious or spiritual point of view, but also from the view point of our physical system. Fasting helps us to practise self-control. This is a quality which very few of us possess. Many men fall into difficult situations through their inability to control themselves. One man sees a delicious fruit hanging in another's garden and being unable to control himself he steals it and then falls into trouble. Another loses his temper over trifling affair, and there ensues a serious quarrel which may end in death. Many parallel cases may be quoted, to prove how very necessary the control of our selves is.

Fasting also makes us feel the pangs of hunger. Thus every one of us is made to feel compassion for the poor whose lot it may be to taste the bitterness of hunger quite often. It teaches us to be kind-hearted which is one of the greatest virtues that any of us can possess. Shakespeare says:

"In nature there is no blemish but the mind,

None may be called deformed but the unkind."

The kind nature of Our Prophet is proverbial, and it is the duty of every one of us to cultivate this virtue and practise it.

Ramazan A Month Of Devotions

Fasting is essentially not a month of festivity nor is it a month of lamentations, but it is a month devoted to abstinence, prayer and thoughts of God. And it is very sorrowful to note that the Muslim ranks number several who convert this sacred month to one of pleasure. I remember an incident some years ago, when a young Muslim flew into righteous indignation when a non-Muslim sarcastically suggested that fasting with the Muslims was a case of feasting, that the Muslims only change the night into day and the day into night, that they feast through the night and sleep through the day. This insinuation roused the Muslim to anger and a heated discussion followed.

Malpractices

After several years I met that young man and he was thoroughly disillusioned. He told me that the non-Muslim had spoken the truth.

After some years in Colombo he had seen for himself the conditions prevailing here. There are numbers of Muslims some of them quite young, who keep awake throughout the night with friends, and they sleep through the next day.

This is a very unhappy state of affairs. But worse malpractices occur. There are some who go on picnics during the moonlight nights. They carry hampers laden with rich and savoury viands to the Galle Face Green, or to some such resort and there while the hours away in songs and amusements. Do you not consider such practices scandalous? I believe they are sacrilegious. They violate all the principles ruling this sacred month.

Past And Present

Just cast your eyes, a few centuries back. Picture to yourself a lonely cave and seated there the solitary figure of Our Holy Prophet, alone in lonely vigil, meditating on God, awaiting illumination and the Revelation of the Holy Quran. That is one picture, but what is the other? Roistering muslims in motor-cars, or gay Muslims holding hilarious picnics. Let those who are inclined to follow such pursuits, call to mind the first picture, and out of respect for our Holy Prophet refrain from acts that impair the dignity of Islam.

Yours Sincerely
THE EDITOR.

KARBALA

Is a rare work in the History of Islam. It is the Martyrdom of Imam Hussain (may Allah be pleased with him!) in the Muharram Days in English verse
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A TASTY BURIYANI FEED
BUHARI HOTEL MARADANA OF COURSE!

Unique Distinction

Muslim Doctor Awarded Nobel Prize.

The 'Rahbar-e-Deccan', Hyderabad, learns that Dr. Razi-ud-Din, Professor of Physics, Osmania University, has been awarded the Nobel Prize for Physics, this year.

Dr. Razi-ud-Din is the fourth Indian and first Muslim in the whole world to receive the prize. He has published a number of papers in European Journals on the subject. He is a brilliant student of the Osmania University and was sent to England for higher studies by Maulvi Abdur Rehman Khan, late Principal of the University, at Government expense.

Other Indians to receive the Nobel Prize are: Sir Jagdish Chandra Bose, Dr. Rabindra Nath Tagore and Sir V. C. Raman. The prize is worth £10,000.

ZAVIATHUL KHAIRIYA BUILDING EXTENSION FUND

A conference of representatives from various Zaviyas, was held at the Zaviathul Khairiya Hall, De Mal St., Slave Island, on the 8th September, 1940, at 5 p.m. when ways and means for the extension of the existing Zavia Building, over the land donated by Mr. Mohideen A Latif was discussed.

Mr. Y. M. Naina Marikar, J.P., presided.

After the recital of the *Fathiba*, Mr. B. J. Mayon welcomed those present and explained the object of the conference, after which Moulvi M. A. Laif spoke, and described in detail the present position of the Fund.

Khaleefa M. Faasy Ismail Alim dwelt on the necessity of supporting the above Fund, and appealed to those present to assist materially towards it.

It was unanimously resolved that all Muslims should support this cause.

The Chairman, himself a very ardent supporter, of the Fund, exhorted everyone to be righteous and to contribute their mite towards it. He said that those who spent in the right path would reap the reward and those who refused would lose. At the request of the Chairman Moulvi M. Faasy Ismail recited a *Dua*, for the victory of the British Empire in its present struggle.

The meeting terminated with a vote of thanks to the Chair by Mr. A. C. A. Wadood and with the recital of *Fathiba*

YOUNG MEN'S MUSLIM ASSOCIATION

General Meeting

The first general meeting of the above Association was held on Sunday, the 8th September, 1940, at Slave Island, with Dr. M. C. M. Kaleel in the Chair.

The minutes of the inaugural meeting were read and confirmed.

The rules and regulations, which were drafted and submitted by the sub-committee elected for the purpose, were adopted after certain amendments.

Then the election of office-bearers took place and the following were elected subject to their consent:

Patrons—Sir Mohamed Macan Marcar, Kt. and M. T. Abkar, K.C.

Vice-Patrons:—Mr. T. B. Jayah, M.S.C., Dr. M. C. M. Kaleel, Messrs. N. Saravanamuttu, M.M.C., M. L. M. Haniffa, Advocate, C. L. Marikar Bawa, A. R. A. Raek, M.S.C., M.M.C., A. M. A. Azeez, C.C.S., M. M. Ismail.

President:—Mr. E. C. Ahlip, B.A.

Vice-Presidents:—Messrs. M. A. M. Hussain and M. H. Amit, B.A.

Hony. General Secretary—Mr. N. M. Ziard.

Assist. Hony. General Secretary—Mr. A. M. Nazeer.

Hony. Treasurer—Mr. A. M. M. Nazim.

Executive Committee—The above office-bearers and Messrs. T. C. Ahlip, M. R. Aboobucker, M. Seyed Ahamed, B. I. Doole and M. C. M. Razeen.

Hony. Auditor—Mr. B. J. M. Preena.

Chairman's Remarks

At the conclusion of the above proceedings, the Chairman briefly addressed the gathering. He thanked the Association for the honour conferred on him by inviting him to take the chair that afternoon. He went on to say that associations of this type would have to encounter much difficulties, at the outset, but they could be overcome by hard work, perseverance and patience. Patience was a quality, vitally necessary to clear the obstacles and leap hurdles which the Association would encounter ere it arrived at the tape of success. But he was certain that the enthusiasm displayed by those present would brook no obstacle that stood in the way of their goal. He would be watching the progress of the Association with anxious eyes, and it would afford him as much pleasure to see its success, as pain at its failure to work on progressive lines. And he earnestly hoped that the day would not be far removed when this little Association would rise to the heights of similar institutions fostered by the other religious denominations, and render to its community equal service.

The Secretary then offered a vote of thanks to the chair and the meeting terminated.

For The Children

THE PARROT

Dear Boys and Girls,

Today you will hear of a bird with which you are all familiar. It is the Parrot. Many of you may even possess one of these birds as a pet, in which case you will be quite familiar with it. But suppose I ask one of you to describe a parrot, I wonder how many of you will be able to give an accurate description. All that you may know may be that it is green in colour and has a curved back which is red. But if you care to observe one more carefully, you will notice that your description is wanting in several important details.

Characteristics

Parrots belong to the Order Psittaci, and genus Palaeornis. They are found all round the world, but chiefly in the tropics. Their predominating colour is green, their tail, feathers are very long, and their bill short, stout and hooked. Their tongues are thick and fleshy. Their flight is swift and straight. They make a shrill, sharp cry. They live in flocks and live generally round villages where coconut plantations border on the forest or jungle. The eggs are white and without gloss, and are laid in holes excavated in the trunks of trees. Their feet are zygodactylic, i.e. two toes point forward and two backwards.

Food

They live on fruits and grain and do no little damage to the crops of the farmer. They are very bold, and approach very near to the dwellings of farmers in their forays. It taxes the ingenuity of the farmer to devise means to keep these birds off their crops. They are easily tamed and make excellent pets.

Varieties

Four varieties of the parrot are known in Ceylon, and one of them is peculiar to the island. *Psittacus Eupatria*, the large Ceylonese Paroquet or Labu Girawa, S. it is found nearly all over Ceylon and also in several parts of India. It measures about 19 inches. Its predominant colour is green, with a faint dark stripe which runs from nostril to the eye. There is a rose-pink band round the hind neck. This band is met by a broad black stripe which runs from the side of the neck to the lower mandible. The bill is red. In the female, the red band is absent. They breed from November to March.

The Rose-Ringed Paroquet

Psittacus Torquata, the rose-ringed paroquet, or Rana Girawa, S. is similar to the large Ceylonese Paroquet, but smaller in size. Its upper mandible is red, while the lower is blackish. The length of their bodies is about 15 ins. They are found in India and Ceylon, but not in places of great elevation. They breed from December to April.

Western Blossom-Headed Paroquet

Psittacus Cyanocephalus, the Western Blossom-Headed Paroquet or Panu Girawa, S. has a red-head tinged with a purple bloom on the nape of the neck and the lower cheek. The

Letters To The Editor

MUSLIM WAKF ORDINANCE

The Editor
Star Of Islam,
Colombo.

Sir,—It is gratifying to note that at the time the special Muslim Committee is sitting to deliberate on the revision of the above Ordinance the Muslims are awaking once again and actively meeting Members of the Muslim Committee and suggesting important revisions to the Ordinance. The Muslim Committee and the Public Trustee should give due consideration in their deliberation on the 20th inst. at the adjourned meeting, the suggestions made by Muslim writers through the medium of your Paper, and conclude the session; and have the

nuisance and expose themselves in the eyes of the Non-Muslims.

The contributions so made, with the consent of the giver of course, could be made available to the poor, in central places in an orderly manner on a given date and time in keeping with the object, ideals, dignity and honour of the giver and the receiver.

I would commend this system through the medium of your Muslim Paper for the consideration of my rich Muslim brethren to give a lead at once, instead of keeping their gates locked up during this season to prevent the inrush of the poor to their houses for Zakath, a practice which is admittedly disgraceful, humiliating, and against the human Laws of charity.—Yours etc.

B. D. AMIT.

Colombo, 10th Sept. 1940.
The following are the members of the Muslim Committee:—

Sir Mohamed Macan Markar, Messrs M. T. Akbar, K.C., T. B. Jayah, A. R. A. Razik, M. I. M. Haniffa, A. H. M. Ismail and myself representing the All-Ceylon Malay Association.

Yours truly,
B. D. AMIT.

Suicide And Muslim Burial

Sir,—With reference to the questionnaire appearing in the last issue of the "Star of Islam" under the caption "Suicide and Muslim Burial," I should like to make the following observations: Islam teaches that it is obligatory to wash, to put "Kafan" on, to say funeral prayers on, and to bury at a Muslim cemetery, the dead body of a Muslim even though he had committed suicide either by hanging himself or by any other means.

The Holy Prophet has said "It is obligatory to say the funeral prayers on every Muslim whether he has been before his death, a bad or good (Muslim), or even a great sinner." (Hasiyathul Umaira part 1, page 342).

The Holy Prophet has also said: "Over the dead body of a Muslim who has recited the Kalima, *La-ilaha-ill-Allah*, (there is no God worthy of being worshipped except Allah), even if he had committed suicide, conduct the funeral prayers." (Mizanush Sha'rani part 1, page 1-4).

Imams Abu Hanifa and Shafi'i have given the verdict that the dead body of a Muslim who had committed suicide must be washed and due prayers recited on. (Ibid part 1, page 183).

All the four compulsory rites performed on the dead body of a Muslim who died under normal condition—washing, "kafan", prayers, and decent burial—must also be performed on that of the Muslim who had committed suicide. (Mahalli, part 1, page 348).

Even if a Muslim dies of self-inflicted death the above rites should be performed upon his body because he has thereby only publicly rendered himself as one of the Muslims who have committed a mortal sin. This is the correct judgment according to Imam Abu Hanifa and Imam Muhammad. (Kanzudh Dhaqiq, Kithabul Janaiz, Babush-Shahid).

The foregoing shows that the dead body of a Muslim who had committed suicide should be given the four obligatory rites washing, "kafan", prayers, and burial, as in the case of an ordinary Muslim; because suicide is an act of great sin but not "Kufr" (disbelief). So, nothing but "Kufr" can render a Muslim die the death of a "Kafir" (disbeliever). If the body of a Muslim suicide is buried without the above four rites, according to the law of "Fiqh" (Islamic Law of Jurisprudence) it must be exhumed and the rites gone through. If an Imam has given the verdict that a Muslim suicide should not be given a Muslim burial he has erred, and it is only human to err.

With Salaams. . . Yours Etc.,
(Maulvi) S. U. M. HIBATHUL CAREEM.
No. 89, Wilson Street,
Colombo, 13-9-40.

NOTICE TO SUBSCRIBERS AND ADVERTISERS

The attention of numerous subscribers of the "Star of Islam" and the advertisers in the journal is kindly invited to the observance of the procedure set out below both for their convenience and ours:—

(1) No dealings of whatever nature should be entered into with any one purporting to be a representative of the "Star of Islam" unless he produces authority signed by the Manager and the Editor, "Star of Islam."

(2) All money, remittances and business correspondence should be addressed to the Manager, and all literature to the Editor, "Star of Islam," 39 and 41, Glennie Street, Slave Island, Colombo.

(3) Temporary receipts so worded should be received from our canvassers for all payments of whatever nature to the "Star of Islam," for which official receipts duly stamped and signed will be issued by the Management in the course of a week.

(4) In the event of the absence of an official intimation within the stipulated period communication should be immediately entered into with the Manager.

We request the observance of the foregoing rules in the best interests of the public and of ourselves.

THE MANAGEMENT.

female of this species has a slate coloured head with a purple bloom on the crown and lower cheek. The upper mandible is orange and the lower, blackish white or yellowish in both sexes. They are about 13½ ins. They occur in Ceylon, India, and as far as Western China.

Layard's Paroquet

Psittacus Calthropae, Layard's Paroquet or Alr Girawa, S. is peculiar to Ceylon. Its forehead, lores, and patch round the eye is green, while the rest of the head, nape, upper back is bluish gray, the lower back and upper tail coverts are blue. There is a broad emerald collar round the neck. The upper mandible is coral red with a yellowish tip, while the lower is dusky red. The females are of duller green, and their bills are slaty black. Their length is about 12 ins. They are found chiefly round the Kandy District.

Yours sincerely,
GREY WOLF.

amended Ordinance brought up in the form of a Law without further delay. And thereby give at least an opportunity for the present Committee, to make the Muslim Public know, that during the coming Muslim Ramazan which commences on the 3rd proximo the giver of the Zakath or charitable gifts to the poor, could now be made through these gentlemen to the Public Trustee, to start the Central Fund adumbrated under the above Ordinance No. 10 of 1931 and for its proper distribution, as it is widely admitted, that the present system of distribution of this Zakath by rich Muslims, during Ramazan season, is far from satisfactory and not in keeping with the dignity of the Community. If it is considered feasible that such funds should be made available to, some responsible Committee and this is made known to the Muslim Public, it will prevent our poor Muslim sisters, children and others, walking in the streets and visiting houses of the Muslims, for Zakath or gifts during this season; and thus become a public

CHARITY AND LOVE

Resurgence Possible Only Through Love

By MAAS S. MAJID

At a time much like the present when tribal warfare was rampant and grief, suffering, and pain were rife our Holy Prophet taught the virtues of peace, and the goodness of charity. These teachings were not lost upon his followers Omar, Osman, Abu Bakr and Ali, who during their caliphate established the Kingdom of Heaven on earth. Their depth of love was shown by the example they set.

Have love, not alone for one
But man as man thy brother call.
And scatter like the circling sun
Thy charities on all."

Noble Deeds V. Luxury

The teachings of the Holy Prophet were for all times. He has taught us that the wealth of heart is the only real wealth, and if riches fame, and honour were desirable they were insignificant, when compared with rectitude of principle, nobility of character, and the elevation of the soul. The Muslims of the glorious days gone by made it their ambition to excel in these virtues, but modern Muslims sadly lack these noble qualities. It is no wonder that their ambitions should take a turn for the worse, for they follow the customs, ways, and thoughts of other nations, whose one aim is material progress, and whose greatest attraction earthly pleasure and comfort. There is pleasure in winning renown, honour and glory, as there is, in luxury and comfort, but these are transient, for the span of life in this world is brief. Then, what really counts for, in this world and the next, is our actions, whether we have acted according to the precepts of Islam or otherwise. If we have acted according to what Islam has taught us, most certainly we shall be rewarded. Therefore Islam and all that it means are,

"More precious than silver or gold
Or all that this world can afford."

When men have set their hearts upon enriching themselves, when money, means the be-all and end-all of every thing worldly, charity is the most difficult of all obligations. To appeal for charity to the present day Muslim is like Shylock's demanding a pound of flesh. Let them at such moments remember, when the duel is between flesh and soul that the Holy Quran says, "You shall by no means attain to goodness till you spend in the cause of your fellow-beings out of that which you have."

Life is Service

"The whole dignity of man is in thought," says Pascal, "and his whole duty is to think correctly." This is a sweeping statement, yet every word or act of ours is simply the expression of

our thoughts. When our thought is directed towards the means of accumulating wealth only, and not towards the elevation of the soul, we have fallen into the ruts of the lowest human faculty. When heart's wealth meant the only real wealth to Muslims, they were in the van of all other nations. Today when money means the only real wealth, Muslims are in the background. The Muslims have deteriorated from selflessness to self. What stood the onslaughts of the unbelievers, what raised Islam from its lowly position to the eminence that it once enjoyed were the love, unity and brotherhood of Islam. And that which has been the undoing of the Muslims is the love for self. With this love, hatred jealousy, rancour and competition have sprung. Self interest plays an important role, with the natural result of splits among Muslims. Those glorious days of old can be re-established in modern times if Muslims will forget themselves in their duty towards God and their service towards man—Phillip Broke says, "Charity should begin at home but it should not stay there. Life is service. Service is part of life it is the only human life." In conclusion let me quote an extract from one of Mrs Sarojini Naidu's addresses. This is an oft repeated thought of our Holy Prophet urging us, however crowded our lives may be, that service to fellow beings is a part of our daily life.

True Service

"In whatever way, in whatever channel, in whatever opportunity, it gives you to carry the torch to the dark houses, those prisons in which the poor and the suffering dwell, do not take charity but love. Do not take your idleness, but out of the abundance of the crowded hours in which you cannot spare a single moment, create moments, create leisure. It is greater than filling your names in the pages of history. How will a school-master, you ask, serve humanity at 4 o'clock if time has passed ahead. How will a statesman after sitting in the council weary and tired serve his fellow men? How can all these people do social service? I say to you that social service is not a thing separate from your life. It is not like a council where men gather, it is not a mosque where men go on Fridays to pray and not the temple where they gather at the proper time. Social service is that which is always with you, when the opportunities are there, when the will is there, and every moment of your life; for like religion it is that which is within you and not that which is outside you. It is a part of your daily life, it is the enthusiastic dedication of yourself to the service of humanity which alone make you a man."

Fate Of Western Hemisphere

(Continued from page 1)

trality of all the European powers. It assumes that if we were threatened in the Atlantic, we could count upon the neutrality of Japan. These assumptions are true as long as Britain and France retain control of the Atlantic. But if the Allies fall, the whole conception of American defence falls with them. Unless we are prepared to defend ourselves in both oceans at the same time we shall not be prepared at all.

A Nazi victory in Europe is bound to create a coalition of European and Asiatic aggressor powers, who will be the masters of the British, French, Dutch, Belgian and Portuguese empires. So tremendous a victory will not satiate their appetite, but whet it. Their conquests will not exhaust them; the booty to be had by looting the richest lands on earth will more than make up for their material losses in conquering them.

Far-flung Interests

There are some who think that the coalition might attack us. I do not think so. It will be unnecessary for them to go to that much trouble. They would squeeze and blackmail us as they have done so efficiently to the British in the past few years.

That they could do so with no great risk to themselves—given our present weak defences and a collection of obligations and vital interests scattered over the globe from Alaska to the rubber plantations and tin mines of south-western Asia, from Greenland to Patagonia.

This far-flung complex of American interest is in Alaska, within a few miles of Russia, in the Far East it is within a few miles of Japanese Formosa. In South America it is closer to Europe and Africa than it is to the continental United States.

Whether should the victorious coalition make war upon us when we are as vulnerable as that? When they can ask us to give up whatever they covet? If we make ready to resist some demand, let us say, in the Pacific, they need only manufacture storm clouds in the Atlantic, or engineer uprisings in Latin America.

We shall not know whom to resist. When to resist or where to resist. We shall be driven from Munich to Munich, and gradually stripped of possessions and outlying vital interests and of the strategical means to defend ourselves.

This critical position cannot be repaired by the simple device of appropriating more money for warships and military equipment. It will require at least some years to create the facilities for developing adequate air and military armaments. It is impossible for us to build a two-ocean navy except by a gigantic national effort extending over a number of years at a cost of at least \$7,000,000,000.

Only Practical Plan

Only by successful Allied resistance can we gain the precious time we must have to prepare ourselves adequately. We cannot intervene by force of arms in this war. We have nothing to intervene with, and if we had, the

weapons could be more effectively employed by the trained troops of the Allies than by an army that we could raise and train quickly enough to make any difference.

The only practical plan for American defence is to organise at once—with government subsidies if necessary—a vast expansion of our plants and personnel for making instruments for war. What those facilities can produce immediately we should sell to the Allies. With those weapons they may be able to withstand the attack. Their successful defence will provide us with the infinitely precious time needed to develop our capacity to produce adequate armaments. Then if the Allies fall, we shall at least have made start towards preparing ourselves for the emergency which will confront us.

Line Of Adequate Armament

If the resistance of the Allies is broken this summer we shall be never given time to build a second navy or achieve superiority in the air. Long before such a programme could get underway the victorious coalition could take possession of Iceland, Greenland, Ireland, Portugal, Gibraltar, the Azores, the Cape Verde Islands, the Allied colonies in the Western Africa, the Netherlands Indies, Singapore, Hongkong, the Philippines and Guam; we cannot perfect our defences rapidly enough to suppress invaders of the fifth columns which are already prepared in several vitally important countries of this hemisphere. Once those outposts are in the hands of the unfriendly, aggressive powers, we shall not be allowed the time to arm ourselves adequately.

How grave the situation is few of us have realised yet. Let us suppose that Hitler lets loose his air force against England, crippling the industrial plants which supply Britain with arms and making British harbours extremely difficult to us. The British Isles are blockaded and threatened with starvation. What does the British Navy do under these circumstances?

Grave Situation

The usual answer is that the British fleet would go to Canada and to Singapore. But would it abandon the British Isles to starvation and destruction? Is it not plain that if Hitler had the British Isles in his power and France fighting in the last ditch, he would offer the two nations a choice between devastation—such as he inflicted on the Poles—and the surrender of their navies? This would give a readymade navy in an ocean where we have none.

We dare not assume that the Allied navies would be scuttled in a final gesture of desperate defiance, even if they were the naval power of Germany, Italy and Japan would still make us vulnerable in both oceans. We have to assume that if we do not supply the Allies with the means to resist we may find that the Allied fleets which now guard the Atlantic against the Axis will become part of the power of the Axis.

It is not only necessary for us to make sure that the Allies have weapons and food with which to resist but they do not lose the incentive to resist. They must be told that, if they hold on the enormous industrial resources of this country will be organised and the products made available to them as rapidly as possible. With that assurance they should be able to repel the attack.

With this assurance every people in Europe, the conquered peoples the non-belligerent peoples will know that liberation is practicable and that an indomitable resistance is worth the sacrifice,

Musings of A Pensioner—LIV.

(Continued from page 1)

with regard to the identity of the parties?

Thus, it became vital that the book of Kaduttham should be preserved for facility of proof and gradually it became customary for the priest solemnizing marriages to be the Khateeb of a Jumma Mosque and for the register of the Kaduttham to be preserved in the Jumma Mosque in an iron safe in the possession of the Trustee and Congregation of the Mosque.

A Special Conciliatory Court for Muslims

Also it became customary in case of disagreement between husband and wife, instead of either of them rushing to court and thus enlarging the differences between them, for these differences to be enquired into and decided by the congregation as a whole or by an influential committee of it.

These steps were natural evolutionary steps in the development of the simple essentials of law and were in accordance with the democratic spirit of the Islamic law. Further in a country like Ceylon, not under Muslim law, it is the very worst possible thing for a Muslim young woman to have contact with the sordid atmosphere in the vicinity of a Police Court or Court of Requests, and I have heard of very many cases in which young Muslim women have been seduced and ruined in body and soul by non-Muslim tutors, lawyers and even petty judges. But as these later developments mentioned by me above (e.g. the preservation of the register in mosques, the solemnizing priest being the Khateeb of the mosque and the settlement of matrimonial disputes by the congregation) were all due to custom, they could easily be ignored by the choice of the parties. For instance an unscrupulous rich Muslim who wishes to marry a pretty Muslim village girl with the idea of abandoning her after a few months, or with the idea of hiding his marriage from his relatives, or his other older and uglier but more wealthy wife, will not hesitate to get his marriage solemnized and attested by a *hedge* priest, who for a consideration will disappear from the scene. Moreover there can be no guarantee that a rickety almirah or safe will be adequate protection for the registers especially when interested persons are abroad to see that the registers are falsified.

Hence it stands to reason that a system of State registrations of marriages by licensed Khateeb was bound to appear on the scene in the history of the Muslim Law of Ceylon.

Registration—A Necessity

For the purpose of preventing such abuses a group of far-sighted Muslims—notably of the Moorish community—who had the good of the Muslim community at heart pressed on the Government to pass the necessary legislation. On 18th February 1886, an ordinance was passed (Ordinance No. 8 of 1886) providing for a system of compulsory registration of marriages and the licensing of officiating Levvais and Mohammedan Registrars to register marriages. The Ordinance only referred to marriages and not to divorces. As soon as the Ordinance was passed there was the usual opposition from the diehards and those with vested interests who feared that their power for mischief would be seriously affected and curtailed by the new law and the usual excuse was put forward that the principle of the bill was against the Muslim Shariat.

The Ordinance in no way interfered with the right of a Muslim to marry according to the Muslim Law; it only compelled the parties to be married before Muslim priests or registrars who had been duly licensed by the State.

The licensing was necessary to force the licensed priest and registrars to

make proper entries in a prescribed register and to send promptly copies of each entry to the Provincial Registrar for preservation in the archives of the State.

The Ordinance in No Way Violation of the Shariat

This legislation was in no sense a violation of the Shariat but it was an endeavour to administer it more effectively and to prevent any possible kind of evasion, by guilty parties, of the laws of the Shariat. By this system of registration the dates could not be altered, nor the names of the contracting parties or witnesses, the amount of the *mahr* or the dowry. Further the entries could not be destroyed and what is most important the registration entries preserved in the Registrar-General's office provided the best possible evidence of the terms of the marriage contract and were available for inspection and production in Court at any time so long as the British Government lasted. The only objection that could be put forward was that the Ordinance prevented a Muslim making use of an itinerant, hedge-priest, with perhaps a criminal record, to perform the marriage service so that one of the contracting parties may be in a position to bribe this hedge-priest to destroy or alter the marriage entries in his book, if ever he or she felt inclined to adopt such a course. Even this objection had not much weight, for the marriage ceremony could be performed by any priest whether licensed or not, and it was only obligatory on the parties to have in addition a licensed Levvai or Mohammedan Registrar who was obliged to register the marriage after the performance of the marriage ceremonies.

Nature of the Opposition

The opposition was supported by a large body of Muslim priests and those who professed to be learned in the Muslim Law on the ground that it was against the Shariat to restrict the proof of the marriage only to these registration entries and to make the validity of the marriage depend on the registration entries. In a strict interpretation of the law on this point, there was much force in the contention of these die-hards, who looked only to the letter of the law and not to its spirit.

That the objection was more fanciful than real will be apparent to any modern educated Muslim. Let me give an example. Suppose that registration was optional and not compulsory and that it is open to Muslims to be

legally either by a licensed levvai or by an unlicensed errant priest!

The father of a Muslim bride who had the real interest of his daughter at heart would undoubtedly insist on the marriage being registered; so would a Muslim bride-groom who had no other motive than the performance of a legal marriage with all the legal consequences of such a marriage. It is only a Muslim with some bad intention at the bottom of his or her undertaking who will insist on a marriage by an unlicensed priest.

Explanation of Pomp in Marriage Celebration

It is really a choice between a public marriage and a clandestine marriage, and the motive for the preference of the latter will always be found to be some other motive in addition to the performance of the legal marriage. This is one reason why Muslim marriage ceremonies are generally performed with much *eclat* and pomp. The primitive reason was to give public notice of the marriage to all the Muslims interested in the contracting parties; the hidden reason will be found on analysis to be really based on a question of *evidence* of the marriage, should the marriage be subsequently doubted or challenged. The opposition was so strong that the Government, which is always impartial in these matters concerning the personal law of its subjects, allowed the Muslims to decide the question at issue themselves. As was to be expected the opposition was too strong and gained momentum day by day and the Government in 1888 by Ordinance No. 2 of 1888 Section 3, whittled down the whole salutary effect of the bill by making registration optional and not compulsory.

The mischievous section is as follows:

"Proof of the registration of any marriage contracted by persons professing the Mohammedan faith, after this Ordinance shall have come into operation, shall be received in all courts in this colony as the best evidence of such marriage; but nothing herein contained shall be construed to render valid or invalid, merely by reason of its having been registered or not having been registered, any Mohammedan marriage which would otherwise be invalid or valid, or to preclude any legal evidence other than that of registration from being adduced in proof of such marriage."

Drive for Registration— The Reason

It is significant that even in the amending ordinance of 1888, many of

the Muslim advocates for the system of compulsory registration and thus the purity of home life, had in view the gross practice of some few rich Muslims who entered into clandestine marriages, apparently with village girls, which they subsequently repudiated; for Section 2 of Ordinance No. 2 of 1888 is as follows—

"If both the parties to a marriage shall knowingly and wilfully intermarry under the provisions of this Ordinance under false names, such marriage shall be null and void; and if either of the parties to a marriage shall knowingly and wilfully consent to, or acquiesce in, the registration of a marriage by a person not being an officiating levvai or registrar, such party shall be guilty of an offence, and liable on conviction to a fine not exceeding one hundred rupees."


Muslim Legislation Complementary, Not Contradictory to the Shariat

New legislation which gives better effect to the principles of the Shariat according to the progress of the times is not an interference with the Shariat. It is a mark of the fact that the Muslim community is alive and not moribund.

All law is never crystallised in one form for ever. As I have pointed out already in Article 52, the basic principles of Islamic Law are fixed but the non-basic principles can always be legislated upon in conformity with the rest of the Muslim Law. A Muslim has got the right to perform the Tawaf at Mecca at any time he likes during the Haj. But can he do so now except in accordance with the regulations which Ibn Saud has now introduced for the more effective carrying out of the religious obligation by the huge concourse of Muslims present at each Haj? Why, no Muslim from overseas will be allowed to land at Jeddha or even to embark on any ship bound for Jeddah unless he or she is inoculated against small-pox, cholera and enteric, and he or she has a certain amount of cash! Unless the law is amended from time to time (without, however, touching the basic principles, which must always stand), a community will stagnate and finally die; this is the principle of movement in Islam (see Iqbal's Lectures).

It will thus be seen that the first step at reform by the Muslims from 1806 (the date of the Mohammedan Code) was taken in 1886, and it failed ignominiously. It failed because it only touched the law of marriages and not that of divorce; and even with regard to marriages registration was made optional and not compulsory.

(To be Continued.)



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