

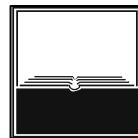
ISSN 0971 – 3212

RELIGION AND LAW REVIEW

Volume XXXIV: No. 1
[2025]

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Institute of Objective Studies

Institute of Objective Studies [IOS]

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Religion and Law Review [RLR]

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REMONSTRATION WITH DEAD BODY AND RIGHTS OF/ON DEAD

An Enquiry with Special Reference to Practice of MAUTANA and Law in Rajasthan

*Dr. Mithilesh Narayan Bhatt**

Abstract

Every society around the world has few rights, duties and interest over the disposal of dead bodies. The right to a dignified and decent cremation/ burial has long been recognised by the civilisation of particular countries, peoples and cultures. In recent past society has witnessed several incidents where dead bodies have been treated in undignified manner like unnatural sex with dead body, beating the dead body and remonstrations with dead body for blackmailing government to fulfill unjustified demands. The law relating to dead and consequences of death cannot be accurately brought within the letter of all the rules. In recent past a practice of “Mautana” or remonstrations with dead body for compelling government or accused party to fulfilling unjustified demands have been increasing. Due to this illegal practice, state government has enacted a law to curb it but still death and dead body is leaving several legal questions to be answered. Among all, few are (i) Who has the right to the fulfillment of the duty of burial or cremation? (ii) What is state interest in decent cremation/ burial of corpse? (iii) What are the rights in the dead body and of the dead body? (iv) What is the position of laws and jurisprudence at national and in other nations? In answering all the above questions, both more explicit and more rigorous doctrinal methodological approach have been taken where different theories and literatures have been discussed. The paper is based on comprehensive analysis of available literatures, case laws and existing laws.

Keywords: Dead Body, Corpse, Remonstrations with Dead Body, Right of Dead

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1. Introduction

Death of a human being is unique. A dead body of human is in few respects the strangest phenomenon on this earth because a person who was using all his senses among us has suddenly passed away. A dead body is just the physical remains of an expired human being prior to complete its decomposition. The body will not remain but identities of different kinds like social, political, economic will remain in memories and that may be good or bad.

Every society around the world has few rights, duties and interest over the disposal of dead bodies. The right to a dignified and decent cremation/burial has long been recognised by the civilisation of particular countries, peoples and cultures.

In recent past society has witnessed several incidents where dead bodies have been treated in undignified manner like unnatural sex with dead body, beating the dead body and remonstrations with dead body for blackmailing government to fulfill unjustified demands. The traditional practice of “Mautana”¹ is prevailing in some tribal communities of Rajasthan. But now it has taken different shape and used to blackmail government to compel them for fulfillment of unjustified demands.

It is not surprising that the law relating to dead and of what death leaves behind cannot be precisely brought within the letter of all the rules. Death and dead body is leaving several legal questions to be answered. Among all, a few are:

- i. Who has the right as well as the duty of burial or cremation?
- ii. What is state interest in decent cremation/burial of corpse?
- iii. What are the rights in the dead body and of the dead body?

¹ 'Mautana' is the practice of demanding money for accidental death or intentional killing of a tribal from the family of the accused. The community members back the demand of the deceased's family and the funeral is not conducted unless the money has been paid. Complaint number 17/11/2490 dated 12.07.2017, State Human Rights Commission, Jaipur.

iv. What is the position of laws and jurisprudence?

The Indian legal system is having no specific law for protecting the rights of the dead. However, the Judiciary have time and again reiterated to uphold the dignity and protect the rights of the dead. Since the incidents of remonstrance with dead bodies for fulfilling demands are increasing in the States and with no adequate provisions in the existing law, tackling this issue becomes tough for law enforcement agencies. This paper aims to find out rights of dead and rights on dead, further aims to discuss issues related to remonstrance with dead bodies and challenges. The basis and laws have been discussed in reference to Rajasthan. The problem of remonstrance with dead bodies, ill treatment with dead bodies and rights of dead are discussed on the basis of available literatures, case laws and existing laws.

2. Problem and its Existence

In 2017 a notorious criminal Anandpal was allegedly encountered in Rajasthan. He was a most-wanted gangster with a reward of ₹10 lakh on his head. The encounter resulted in protests across Rajasthan. Anandpal Singh's body was cremated three weeks after he was gunned down due to protest.² The Rajasthan State Human Rights Commission Chairman Justice Prakash Tatia had taken up this case and directed the family to perform last rites. He observed that, “holding protests with dead bodies had become a common practice to build pressure on the government and the administration to fulfill demands like compensation and action in a case”. The Commission asked the government to “make provisions for declaring the practice of holding demonstrations with dead bodies a criminal offence”.³

In another incident, a 26-year-old woman whose dead body was gang-raped in Ghaziabad, Uttar Pradesh and was found naked twenty

² Gangster cremated one killed violence, <https://www.deccanherald.com/india/gangster-cremated-one-killed-violence-2014601> (last visited Oct. 6, 2023).

³ Justice Prakash Tatia, Complaint number 17/11/2490 dated 12.07.2017, State Human Rights Commission, Jaipur.

feet away from her grave.⁴ Further example of the 'Nithari serial killing case' occurred in 2006, where police found that a rich businessman and his servant was indulged in killing and having sex with the dead bodies of nearly a dozen children.⁵

On 12 August 2024, a newspaper⁶ reported that the incidents of ill custom of "Mautana" - demonstration with dead body until settlement in return of fulfilling unjustified demands are increasing in Rajasthan. Newspaper has also reported that social/community leaders with support of local Police are part of such settlement and keeping their shares in settlement amount.

These cases are as follows:

Case 1: Mr. Mukesh was murdered in village of district Dungarpur and remonstrated with dead body staged for 3 days. Matter settled in 4 lacs. Out of 4 lacs, victim family had received 2.5 lacs and allegedly 45 thousand had taken by police. The rest of money was distributed by Panch (social/community leaders).⁷

Case 2: One Mr. Rahul (in Banswara district) died in a road accident. Remonstrated with dead body last for 2 days and ended with settlement in return of 2.5 lacs but victim family only got 80 thousand rupees. Rest all money allegedly taken by Panch and 2 police constables.⁸

⁴ Ramesh Sharma, Having sex with dead body not an offence in India: Why a High Court wants a law against necrophilia, New Delhi, <https://www.indiatoday.in/law/story/having-sex-with-dead-body-not-an-offence-in-india-why-a-high-court-wants-a-law-against-necrophilia-2388582-2023-06-04> (last visited Dec. 20, 2023).

⁵ Rohan Mishra, 'The conundrum of 'Necrophilia' in India: Broadening the sphere of punishment is demanded', <https://criminallawstudiesnluj.wordpress.com/2021/10/03/the-conundrum-of-necrophilia-in-india-broadening-the-sphere-of-punishment-is-demanded/> (last visited Dec. 22, 2023).

⁶ Vijaypal Dudi for Dainik Bhaskar, Bhilwara (Rajasthan) edition, page 1, dated 12.08.2024.

⁷ *Id.*

⁸ *Id.*

Case 3: In a village of Udaipur district one man died in in-laws house in unnatural circumstances. A settlement of death took place in return for 4 lacs, but the victim's family only received 29000 rupees out of it. The rest of all money was taken by mediators.⁹

Case 4: In 2021, constable Ramesh Limbawat was murdered. The victim's family claimed that they did not demand Mautana, but Panch (social leaders) still settled the matter for 4.75 lacs but paid only 2 lacs. Although in media investigations the actual settlement amount was 6 lacs.¹⁰

These are the few reported incidents to be cited but are not limited, and the society may have seen many more. Thus, the issues related to right of dead body and right on dead body become important to be addressed, discussed and redressed.

3. International Legal Provisions

The international legal framework consists of specific provisions which defend the rights and dignity of the dead. Article 130 of the fourth Geneva Convention (international humanitarian law) is titled as "Burial/Cremation" and it states that "the dead bodies must be honorably buried, if possible, according to the rites of their religion, and that their graves are always respected, properly maintained and marked in a way that they can always be recognised".¹¹

According to Article 16 (II paragraph) of Geneva Convention 1949 IV provides "As far as military consideration allows, each party to the conflict shall facilitate the steps taken to protect the killed against ill treatments". Additionally, Article 6 of the UN's Inter Agency Standing Committee's Operational Guidelines on Human Rights and Natural Disasters ("IASC Guidelines") titled "dealing with mortal remains" also provides protection to rights and dignity of the dead.

^{9.} *Id.*

^{10.} *Id.*

¹¹ Article 130 of the fourth Geneva Convention.

Article 6.1 states that the mortal remains of deceased should be collected and identified, to prevent their despoliation or mutilation, and to facilitate the return of the remains to the next of kin. Article 6.2 suggests that if remains cannot be returned, their temporary storage or burial should be preferred over cremation, in case of future identification and return to families. Article 6.3 suggests disposal of bodies taking into account the local religious and cultural practices; conducted in a manner respectful to the dignity and privacy of the dead and of their family members. Lastly, Article 6.4 provides that the family members should be able to recover the human remains for cultural beliefs and traditions.

The 1990 Cairo Declaration on Human Rights in Islam (Article 3 (a) of) provides “In the event of the use of force and in case of armed conflict, it is prohibited to mutilate dead bodies”. The UN’s Inter Agency Standing Committee’s Operational Guidelines on Human Rights and Natural Disasters recommend that appropriate measures should be taken ‘to facilitate the return of remains to the next of kin. Measures should allow for the possibility of recovery of human remains for future identification and reburial if required’. In a 2005 Resolution, the UN Commission on Human Rights emphasised the need of dignified handling of human remains, including proper management and disposal, as well as respect for the needs of families.

It might instead be regarded as a socioeconomic right, comparable to the socioeconomic right to health stated in Article 12 of the International Covenant on Economic, Social and Cultural Rights.

4. Laws in India

Under the IPC, 1860, some rights related to dead bodies are protected in direct or indirect manner like the rights of deceased persons include Right against trespass of burial sites, places of funeral rites¹²; Right against dishonest misappropriation and conversion of

¹² The Indian Penal Code 1860 § 297.

property under¹³; Right against defamation¹⁴; Right against act of Unnatural Sex¹⁵ and Right against criminal intimidation.¹⁶

According to Section 297 IPC, the disrespect of dead bodies is strictly prohibited. It is provisioned as, “If any person with the intention or knowledge of wounding or insulting the religion of any person, commits trespass in any place set up for funeral rites or set up as a depository for the remains of the dead or treats a dead body with indignation or causes disturbance to people assembled to carry out funeral rites of the dead, he or she shall be punished for a term extending to one year or fine or both”.

5. Law in Rajasthan: Guidance for All

The legislature of Rajasthan has enacted, The Rajasthan Honour of Dead Body Act, 2023 to provide honour to dead body and uphold its basic human rights in the State of Rajasthan and matters connected therewith and incidental thereto.

In Section 2b of the Act dead body is considered as dead body of human act also defined family members as any members who is related to deceased by consanguinity, marriage or through a relationship in the nature of marriage, adoption or any family member living together as joint family. Further in 2(e) “last rites” defined as means the disposal of dead body as per the tradition or custom of the community or religion to which the deceased belonged.

Through Section 2(h) “remonstration” explained as raising demands or baiting for pursuing any demands to prevent the last rites of a dead body by way of any protest, disobedience, agitation, provocation etc. The second Chapter of the act is provisioned about Rights of Dead Person in Section 3 and it talks about Right to last

¹³ The Indian Penal Code 1860 § 404.

¹⁴ The Indian Penal Code 1860 § 499.

¹⁵ The Indian Penal Code, 1860 § 377.

¹⁶ The Indian Penal Code, 1860 § 503.

rites in which every dead person shall have the right to decent and timely last rites according to the known and prevailing tradition or custom of the community or religion, as soon as possible.

The act has put the Liabilities of performing last rites on Family Members of the Deceased as soon as possible, unless the same is warranted for on account of delay in arrival of the next of kin, any medico-legal reasons or any other exceptional reason. (Sec. 4). Family members shall be liable to take possession of the dead body when handed over by the police or any other public authority or hospital administration, after due compliance of legal procedure. Significantly, under Section 6, Dead body can not to be used for remonstration and consent cannot be given for this to any other person.

The act empowers police officer that if he has reason to believe from personal knowledge or otherwise and taken down in writing that any dead body is being used or likely to be used by unlawful assembly or family members for remonstration, he shall take possession of the dead body and information to this effect, shall be sent immediately to the concerned Executive Magistrate and District Superintendent of Police.

Section 8 has given power to Executive Magistrate to make arrangements of last rites through public authority if even after notice to family members and the family members are not willing to perform the last rites of the dead body. Further, whenever the Executive Magistrate has reason to believe that, an unlawful assembly has gathered or is likely to be gathered for remonstration, within his jurisdiction, he may use the power prescribed under Section 129 to 132 of the Code, by issuing an order in writing, stating the grounds of his opinion.

In Chapter five provisions are about the storage, maintenance, dataset, and disposal of unclaimed dead body.

Under Section 9, the burden of storage of unclaimed dead bodies is put on hospital administration.¹⁷ Section 10 is having provision of

¹⁷ S. 9. Storage of unclaimed dead bodies. The hospital administration shall- (a) store the unclaimed dead body under safe conditions in the deep freezer to

videography and photography of post-mortem examination in every case of custodial death or unclaimed dead body.¹⁸ The provision of Genetic Data Information of unclaimed dead body is also in this chapter and it shall be obtained through DNA profiling.¹⁹ When a dead body remains unclaimed, the disposal shall be made in accordance with the provisions of the Rajasthan Anatomy Act, 1986.²⁰ In Chapter six of the Act, under Section 16 to 20 offences and punishments are enumerated as follows:

- i. Punishment for not taking possession of dead body²¹- imprisonment for a term, which may extend to one year or with fine or with both.
- ii. Punishment for remonstrance by family member or gives consent to any other person for using the dead body²²-

prevent any decay or damage to the dead body; and (b) ensure that the bodies are segregated based on gender and are kept in a dignified manner by avoiding piling up as may be prescribed. The Rajasthan Honour of Dead Body Act, 2023.

¹⁸ S. 10. Videography and Photography of post-mortem examination. In every case of custodial death or unclaimed dead body, photographs of the deceased shall be taken and post-mortem examination of the deceased shall be video-graphed in the manner as may be prescribed. The Rajasthan Honour of Dead Body Act, 2023.

¹⁹ S. 11. Protection of Genetic Data Information. The Genetic Data Information of unclaimed dead body shall be obtained through DNA profiling and must be handled carefully and confidentially as the same may be required to trace the identity of the unclaimed dead bodies. The Rajasthan Honour of Dead Body Act, 2023.

²⁰ S. 15. Disposal of unclaimed dead body. The Rajasthan Anatomy Act, 1986 (Act No.12 of 1986).

²¹ S. 16. Punishment for not taking possession of dead body. Any family member, who does not take possession of the dead body as per the provisions of Section 5, shall be punished with imprisonment for a term, which may extend to one year or with fine or with both. The Rajasthan Honour of Dead Body Act, 2023.

²² S. 17. Punishment for remonstrance by family member. Any family member, who uses the dead body for remonstrance or gives consent to any other person for using the dead body for remonstrance, shall be punished with imprisonment for a term, which may extend to two years and with fine. The Rajasthan Honour of Dead Body Act, 2023.

imprisonment for a term, which may extend to two years and with fine.

- iii. Punishment for remonstrance by any person, other than family member²³- imprisonment for a term, which shall not be less than six months, but which may extend to five years and with fine.
- iv. Punishment for Disclosure of Genetic Data Information and Confidentiality of Information²⁴- imprisonment for a term, which shall not be less than three years, but which may extend to ten years and with fine.
- v. Punishment for abetment, attempt or conspiracy²⁵- punished in the same manner as if he had himself committed that offence.

6. Judicial Pronouncements

Many Judicial Pronouncements of the Supreme Court and High Courts have declared that the Right to Life, under Article 21 been extended to dead persons also. The Supreme Court of India in *Ashray*

²³ S. 18. Punishment for remonstrance by any person, other than family member. For any person, other than family members, who uses the dead body for remonstrance, shall be punished with imprisonment for a term, which shall not be less than six months, but which may extend to five years and with fine. The Rajasthan Honour of Dead Body Act, 2023.

²⁴ S.19. Punishment for Disclosure of Genetic Data Information and Confidentiality of Information-If any authorised person or persons, discloses/disclose any kind of Genetic Data Information and Confidentiality of Information, shall be punished with imprisonment for a term, which shall not be less than three years, but which may extend to ten years and with fine. The Rajasthan Honour of Dead Body Act, 2023.

²⁵ S. 20. Punishment for abetment, attempt or conspiracy. Whoever abets, attempts or conspires to commit an offence under this Act shall be punished in the same manner as if he had himself committed that offence. The Rajasthan Honour of Dead Body Act, 2023.

*Adhikar Abhiyan*²⁶ case issued directions for decent burial or cremation of the unclaimed dead bodies.

The Supreme Court of India in a reportable case of *Parmanand Katara case*²⁷ extended the rights under Article 21 of the Constitution of India i.e. life, fair treatment and dignity, not only to a living person but also to his dead body. The same observation was in *P. Rathinam case*.²⁸

The various High Courts²⁹ have also taken the same view for the dignified treatment of dead bodies. In *Ramji Singh and Mujeeb Bhai vs. State of U.P. & Ors*³⁰, the Allahabad High Court contended that the right of the dead body includes in a person's right to life. It is imperative for the State to treat the corpse with dignity, and post-mortem should be done when only law demands.

In *Vikash Chandra @ Ouddu Baba vs. The Union of India & Ors*³¹, the Patna High Court opined that, the disposal of unclaimed and unidentified dead corpses should be done with the utmost respect to the deceased, and if faith can be recognised then the last rites shall be in accordance with the deceased's recognised faith.

In a *suo-moto* case, the Supreme Court laid down guidelines related to the dignified handling of dead bodies in hospitals. According to NHRC guidelines, it is the duty of the State to protect the rights of the deceased and prevent crime over the dead body in both natural and unnatural deaths (accident, suicide, homicide, etc.). It is also a

²⁶ *Ashray Adhikar Abhiyan vs. Union of India*, Writ Petition (Civil) 143/2001

²⁷ *Parmanand Katara vs. Union of India*, 1989 (W. P. (Crl) No. 270 of 1988, SCC (4) 286).

²⁸ *In P. Rathinam vs. Union of India*, 1994 (SCC (3) 394).

²⁹ The Calcutta High Court on 16 September, 2020, in the case of *Vineet Ruia v. The Principal Secretary, Department of Health & Family Welfare, Govt. of West Bengal & Ors* (W.P. No. 5479 (W) of 2020); Telangana High Court on 27 April, 2021, in the case of *R. Sameer Ahmed vs. State of Telangana & Ors.* (W.P. (PIL) No. 56 and 58 of 2020); In *Vineet Ruia vs. The Principal Secretary, Ministry of Health & Family Welfare and Ors*; In *Vikash Chandra @ Ouddu Baba vs. The Union of India & Ors*.

³⁰ *Ramji Singh and Mujeeb Bhai vs. State of U.P. & Ors*, 2010 (PIL) No.- 38985.

³¹ MANU/BH/0540/2008.

requirement that the States/ UTs prepare a SOP in consultation with all the stakeholders³² so that the dignity of the dead is ensured and their rights are protected.³³ The judiciary has always been savior in protection of human rights of alive as well as dead.

7. A Dead Body: Is it a property?

Defining death in its real sense is a tough task. One significant description is that “the answer to the discussion is not a single one but should be fourfold³⁴: *First, the discussion on a pure formal analysis of the term ‘death’; second, the discussion on the concept of death, which satisfies the first one in terms of its content rather than the definition of death; third, the discussion on the position of death in society as a whole; and fourth, the discussion on the standard for determining death*”.³⁵ He further argues that “*the direct link of a word death to what is “essentially significant” means that the task of defining it in this sense is first and foremost a philosophical, theological and ethical task*”.³⁶

After the time of the Norman Conquest, the church claimed exclusive authority over the dead, and it was justified on 3 grounds that, “*to prevent sacrilege thereto, because the burial grounds belonged to the churches, and because, after death, the church had probate jurisdiction*”.³⁷ The ecclesiastical law of the early middle ages has also having similar rule of church jurisdiction over the bodies of the deceased.³⁸ The reason behind such control is because nature of deceased body is *nullius in*

³² The stakeholders include Hospital Administration, Police, Forensic Medicine personnel, District Administration, Municipal Corporation, Civil Society Groups, etc., as well as the citizens of the country.

³³ Writ Petition (Civil) No.7 Of 2020.

³⁴ Veatch, R. M., *Death, Dying, and the Biological Revolution: Our Last Quest for Responsibility*. New Haven: Yale University Press. 1976).

³⁵ *Id.*

³⁶ Veatch R. M., The impending collapse of the whole-brain definition of death. *Hastings Center Report* 23(4):18–24. [1976], 604, (1993).

³⁷ *In re Beekman Street, 4 Bradf. (N. Y.) 503*; *Essays in Anglo-American Legal History*, Vol. I, page 248; Same, Vol. 2, page 255.).

³⁸ R. P. Taylor, ‘Right of Sepulture’ 53 *American Law Review* 359, 360(1919). See Michael M. Sheehan, *The Will in Medieval England* (Pontifical Institute of Medieval Studies, 1963), 120-1.

bonis (the property of no one) in the eyes of the common law.³⁹ This principle is applicable on both buried⁴⁰ and unburied bodies.⁴¹ On issue of rights of relatives over dead body, Blackstone denied such rights and said, “*Though the heir has property in the monuments and escutcheons of his ancestors, yet he has none in their bodies or ashes*”.⁴²

According to Ian Kennedy, “It has long been accepted in English law that there is no property in a dead body. It is equally the law that there is a duty placed on others including relatives to dispose of a corpse, e.g., by burial”.⁴³

To find out whether a property right exists in a dead body it is necessary to determine what the term “property” means. As Bouvier stated, “*property is the right and interest that a man has in lands and chattels to the exclusion of all others. A vested right of action, an intangible thing is as clearly property as a tangible object. The subject of property, the res, is merely one of the incidents of property, and whatever physical interference annuls the right of user takes property*”.⁴⁴ The property in a dead body may be absolute, if any exists, or it may be limited to a mere right of present possession.⁴⁵ The supreme court of Michigan in case of *Keyes v.*

³⁹ Sir Edward Coke, *The Third Part of the Institutes of the Laws of England* (E & R. Brooke, first published 1644, 1797 ed) 203.

⁴⁰ See, e. g. *Haynes's Case* (1614) 12 Co Rep 113; 77 ER 1389; *R v. Sharpe* (1857) Dears & B 160, 163; 169 ER 959, 960; *Foster vs. Dodd* (1867) LR 3 QB 67, 77 (Byles J).

⁴¹ *Exelby vs. Handyside* [1749] 2 East PC 652; *Williams v. Williams* (1882) 20 Ch D 659, 662-3.

⁴² Walter F. Kuzenski, *Property in Dead Bodies*, 9 Marq. L. Rev., 17 (1924). Available at: <http://scholarship.law.marquette.edu/mulr/vol9/iss1/3> (last visited Jan. 22, 2023)

⁴³ Ian Kennedy, (1995) ‘Negligence: Interference with Right to Possession of a Body: *Mackey v. U.S.*’ 3 Medical Law Review, 222, 223.

⁴⁴ 22 R. C. L. Prop. 37. Walter F. Kuzenski, *Property in Dead Bodies*, Marquette Law Review, Volume 9, Issue 1, December 1924, Article 3, [www://efaidnbmnnnibpcajpcgclefindmkaj/https://scholarship.law.marquette.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=4512&context=mulr](http://efaidnbmnnnibpcajpcgclefindmkaj/https://scholarship.law.marquette.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=4512&context=mulr) (last visited Jan. 22, 2023)

⁴⁵ Walter F. Kuzenski, *Property in Dead Bodies*, 9 Marq. L. Rev., 17 (1924), Available at: <http://scholarship.law.marquette.edu/mulr/vol9/iss1/3> (last visited Jan. 22, 2023)

*Konkle*⁴⁶, held that no property exists in a corpse, but most of the later decisions⁴⁷ in many of the states indicate that the rule is decided otherwise.

The commentaries on the American law, in *Ruling Case Law*⁴⁸ and *Corpus Juris*⁴⁹, denied property in a dead body in the ordinary sense. The law in Indiana appears to be that such right is unequivocally a property right⁵⁰ other states hold that there is a special or *quasi* property in a dead body.⁵¹ The Canadian cases similarly hold, “*the right to the dead body is a property right*”.⁵² Modern concept of property is not applicable on dead body and considers that a dead body cannot be commercial property.

The courts of the United States, hold that “there is absolutely no property right in a corpse and refuse to treat a dead body as property in a material sense”.⁵³ The dead body is not property that can be held,

⁴⁶ *Kseye v. Konkel*, 119 Michigan Supreme Court. 550. 78 N. W. 649, <https://case-law.vlex.com/vid/keys-v-konkel-896711820> (last visited Jan. 22, 2023).

⁴⁷ In *Minnesota-Larsen v. Chase*, 50 N. W. 238; in *Pennsylvania-Pettigrew v. Pettigrew*, 56 Atl. 878 and in *South Carolina-Osten v. Southern Ry. Co.*, 142 S. E. 50.

⁴⁸ 8 R. C. L. Dead Body, Sec. 3, Walter F. Kuzenski, Property in Dead Bodies, Marquette Law Review, Volume 9 Issue 1, December 1924, Article 3, [www://efaidnbmnnnibpcajpcglclefindmkaj/https://scholarship.law.marquette.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=4512&context=mulr](http://efaidnbmnnnibpcajpcglclefindmkaj/https://scholarship.law.marquette.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=4512&context=mulr) (last visited Jan. 22, 2023).

⁴⁹ 17 Dead Bodies 1137, Walter F. Kuzenski, *Id.*

⁵⁰ *Bogart v. Indianapolis*, 13 Ind. 134.

⁵¹ Such is the rule in *Missouri-Litteral v. Litteral*, 130 Mo. App. 30, In *Rhode Island-Pierce v. Swan Point Cemetery*, IO R. 1. 227, In *Indiana- Orr v. Dayton Tractor Co.* 96 N. E. 462 and in *New York-Danaby v. Kellogg*, 126 N. Y. S. 444.

⁵² In *Miner v. Canadian Pac. Ry.*, 15 Western L. R. (Can.) 161, 2 A. R. C. 1169.

⁵³ *Orr v. Dayton & Muncie Traction Co.*, 1911, 178 Supreme Court of Indiana 40, *Renihan et al. v. Wright et al.*, 1890, 125 Ind. 536., Peter F. Nemeth, Legal Rights and Obligations to a Corpse, Notre Dame Law Review, Volume 19, Issue 1, Article 6 [www://efaidnbmnnnibpcajpcglclefindmkaj/https://scholarship.law.nd.edu/cgi/viewcontent.cgi?article=3927&context=ndlr](http://efaidnbmnnnibpcajpcglclefindmkaj/https://scholarship.law.nd.edu/cgi/viewcontent.cgi?article=3927&context=ndlr) (last visited Jan. 22, 2023).

in the sense of being held for funeral costs.⁵⁴ Therefore, the dead body is not real estate; treat it as personal property. Dead body cannot be claimed as property with unrestricted use and disposition of the dead body is based on restrictions like the public's health, safety, and welfare, that it is subject to control by law instead of being subject entirely to the convenience, desires, whims, and fancy of individuals⁵⁵.

8. Duty Towards Dead Body

The dependent, family, relatives, survivors or living persons have been recognised as duty bound in interest in a dead person's body but this interest is varying with the custom, culture and traditions of societies. In an American case of *in re Widening of Beekman Street*⁵⁶, where it was settled that the relative had an interest sufficient to entitle and following propositions propounded:

- i. "That neither the corpse, nor its burial, is legally subject, in any way, neither to ecclesiastical cognizance nor to sacerdotal power of any kind.
- ii. That the right to bury a corpse and to preserve its remains is a legal right, which the courts of law will recognise and protect.
- iii. That such right in the absence of any testamentary disposition belongs to the next of kin.

⁵⁴ *Jefferson Co. Burial Society v. Scott* 1928. 218, Supreme Court of Alabama. 354 118 So. 644. <https://casetext.com/case/jefferson-county-burial-soc-v-scott-2> (last visited Jan. 22, 2023).

⁵⁵ *Wolf v. Rose Hill Cemetery Ass'n*, 832, p. 2d 1007 (Colo. Ct. App. 1991), <https://law.justia.com/cases/colorado/court-of-appeals/1991/90ca1811-0.html> (last visited Jan. 22, 2023).

⁵⁶ *In re Widening of Beekman St*, 4 Brad. 503, 517 N.Y. Sup. Ct. 1856, Walter R. Kuzenski, Property in Dead Bodies, 9 MARQ. L. REV., 17, 17 (1924) Rogers, Alix, Unearthing the Origins of Quasi-Property Status (July 1, 2019). 72, Hastings Law Journal, 2020-2021, Available at SSRN: <https://ssrn.com/abstract=3435234> or <http://dx.doi.org/10.2139/ssrn.3435234> (last visited Jan. 22, 2023).

- iv. That the right to protect the remains includes the right to preserve them by separate burial, to select the place of sepulture and change it at pleasure.
- v. That if the place of burial be taken for public use, the next of kin may claim to be indemnified for the expense of removing and suitably reinterring their remains”.

It is principally settled that: “*the duty lies on the nearest relative to bury his dead*”.⁵⁷ Where there is a right there is a corresponding duty thus where a duty to bury the dead existing then there must be a right to take possession of the body for the execution of the duty and on violation of this right might be call for action by law. It is common acceptance that the survivors in order of inheritance are entitled to protect and enforce dead body’s rights as property rights.⁵⁸ Therefore, according to inheritance rights, they are entitled to possession of the dead body and responsible for a decent burial⁵⁹, and an action will lie against accordingly, who fails to perform his duty.⁶⁰ If the deceased dies intestate and when there are no relatives or friends willing to assume the obligation then the burial/cremation is at public expense.⁶¹ According to *Sherman v. Sherman* case⁶² the duty of burial normally falls on the spouse or other relatives of the deceased.

⁵⁷ R. S. Guernsey in *IO Cent. L. J.*, 303-325, Walter F. Kuzenski.

⁵⁸ *Bogert v. City of Indianapolis*, 13 Ind. 134, 1859. (1933) "Blackmail-Nature of the Rights in a Dead Body", Indiana Law Journal, Vol. 9, Iss. 3, Article 4. Available at: <https://www.repository.law.indiana.edu/ilj/vol9/iss3/4>.

⁵⁹ *Pettigrew v. Pettigrew* 1904, Pennsylvania Supreme Court, <https://case-law.vlex.com/vid/pettigrew-v-pettigrew-36-900293621>(last visited Jan. 22, 2023).

⁶⁰ 125 Supreme Court of Indiana, 536 25 N. E. 822, <https://www.casemine.com/judgement/us/5914ab27add7b0493472fecb>(last visited Jan. 22, 2023)

⁶¹ *In re Nevilles Estate* 1933 263 New York. Supp. 528.

⁶² *Sherman vs. Sherman* case 330 N.J. Super. 638 (Ch.Div. 1999).https://www.law.cornell.edu/wex/sherman_v._sherman_330_n.j._super._638_%28ch.div._1999%29#:~:text=Sherman%20v.-,Sherman%2C%20330%20N.J.%20Super.,common%20law%20principles%20on%20disposition.(last visited Jan. 22, 2023).

9. The Right of/on Dead Body: Theories and Practices

As one of the objectives of this paper is to examine the rights of the dead, a subject on which still a lot of research is required. Along with the need to know whether a deceased person can be harmed or have an interest, and "Who owns dead body?"

As per theories, the dead can be legal right-holders or cannot be. Two different theories have been significant in this respect: The Interest Theory and the Will Theory.⁶³ Waldron refers to the "Interest Theory" as the "Interest" or "Benefit" Theory of rights and the "Will Theory" as the "Choice Theory" of rights.⁶⁴ According to the Will Theory, legal rights exist only where person is conscious and capable of making choices.⁶⁵ According to this school of thought, "The essence of a right consists in opportunities for the right-holder to make normatively significant choices relating to the behavior of someone else".⁶⁶ Since the dead cannot make significant choices and lacking in forming interests, a Will Theorist would argue decedents cannot be right-holders.⁶⁷

Contrary to it, "an Interest Theory of legal rights can be a legal right-holder because he still has interests even if he is unable to express them as a comatose person".⁶⁸ Interest Theorists have also argued that "trees, animals, unborn generations, and the dead can be legal

⁶³ Jeremy Waldron, Introduction to Theories of Rights 1, 7-9 (Jeremy Waldron ed., 1984). See generally Matthew H. Kramer, Getting Rights Right, in Rights, Wrongs and Responsibilities, Nicholas Bamforth, Hohfeldian Rights and Public Law, in Rights, Wrongs And Responsibilities 1, 21 (Matthew H. Kramer ed., 2001).

⁶⁴ *Id.*

⁶⁵ Jessica Berg, Of Elephants and Embryos: A Proposed Framework for Legal Personhood, 59 Hastings L.J. 369, 372-74 (2007).

⁶⁶ Matthew H. Kramer, Do Animals and Dead People Have Legal Rights? 14 CAN. J.L. & JURIS. 29, 30 (2001).

⁶⁷ See Kramer, *Id.*

⁶⁸ Interest Theorists define a right as something that protects a right-holder's interests. For examples of how Interest Theory intersects with the law, see Joel Feinberg, The Rights of Animals and Unborn Generations, In Rights, Justice, and the bounds of Liberty: Essays in Social Philosophy, 159, 162-63 (1980)

right-holders”.⁶⁹ Proponent of the Interest Theory Joel Feinberg has argued that “the dead have interests that can be helped or harmed after death.”⁷⁰

In the words of Aristotle, “Both good and evil are thought to happen to a dead person Take, for example, honors and dishonors, and the good and bad fortunes of his children or his descendants generally”.⁷¹ Kramer argues that the dead can be characterized as legal right-holders.⁷²

Theorist Lomasky⁷³ considered the concept of rights of the dead weird and cannot hold any rights. Although, few rights may be attributed to a deceased person. According to Feinberg (1984), “*We can assume that "harms" is what occurs not when we are merely hurt or offended but when our "interests" are frustrated, defeated or set back*”.⁷⁴ Lomasky identified and discussed these rights as “*ones of fringe rights on the same level as rights of a fetus, defective human beings and animals*”.⁷⁵

Roscoe Pound⁷⁶ cited a case from India where it was adjudged that an idol should be regarded as a legal person under the specific customs of India and stated, "When, however, legal rights are attributed to an idol, and the Judicial Committee of the Privy Council can tell us that "the will of the idol in regard to location must be restricted", and can

⁶⁹ Kirsten Rabe Smolensky, Rights of The Dead, Hofstra Law Review, 2009, Vol. 37:763, Christopher D. Stone, Should Trees Have Standing? and other Essays on Law, Morals and The Environment VIII (1996).

⁷⁰ Joel Feinberg, Harm and Self-Interest, In Rights, Justice, and the Bounds of Liberty: Essays in Social Philosophy, 45, 59-68 (1980).

⁷¹ Aristotle, Nicomachean Ethics 16-17 (Roger Crisp ed., Cambridge Univ. Press 2000).

⁷² Kramer, *supra* note 66.

⁷³ Loren Lomasky, Persons, Rights, and the Moral Community, Oxford University Press, New York, (1987), 213.

⁷⁴ Joel Feinberg, Harm to Others, Volume 1, Oxford University Press, (1984).

⁷⁵ Loren Lomasky, *Supra* 73.

⁷⁶ In which the Judicial Committee of the Privy Council, Pound, Roscoe, Jurisprudence. Originally published: St. Paul, Minn.: West Publishing Co. Pound 1959, Vol. 5, 201-2.

appoint a "disinterested next friend" to represent it in court".⁷⁷ Democratic States, like Japan and Britain, have rejected the concept of rights of the dead.

On the issue of right on the deceased and its burial, In *Radomer Russ-Pol Unterstützung Verein v. Posner*⁷⁸ the court decided that, "upon the death of a married person, the surviving spouse has the paramount right as to the custody of the remains of the deceased and its burial. The right of a surviving spouse to control the burial is dependent on the peculiar circumstances of each case, and may be waived by consent or otherwise."⁷⁹ If there is no surviving spouse or the surviving spouse has waived the right, the right of burial of a dead body is in the next of kin in the order of their relation to the decedent. This rule of priority is to be applied with reason. It is flexible and may be modified by circumstances of the moment".⁸⁰

In re Estate of Weiss case⁸¹ of 2009 it was decided that, "If two or more persons with equal standing as next of kin disagree on disposition of the decedent's remains, then preference will be given to the person who had the closest relationship to the deceased".

One of the leading American cases *Koerber v. Patek*⁸², the court held, "the right of the relatives to bury their dead inviolate and without interference is one of the clearest in the gamut of civil liberty, and

⁷⁷ *Pramatha Nath Mullick vs. Pradyumna Kumar Mullick*, L. R. 52 Ind. App. 245 (1925). (1925)27BOMLR1064.

⁷⁸ *Radomer Russ-Pol Unterstützung Verein v. Posner*, 176 Md. 332 (Md. 1939) available at <https://www.stimmel-law.com/en/articles/rights-and-obligations-human-remains-and-burial>(last visited Jan. 22, 2023).

⁷⁹ *Southern Life & Health Ins. Co. v. Morgan*, 21 Ala. App. 5 (Ala. Ct. App. 1925), available at <https://casetext.com/case/southern-life-health-ins-co-v-morgan-1>(last visited Jan. 22, 2023).

⁸⁰ *Pettigrew v. Pettigrew*, 207 Pa. 313 (Pa. 1904), available at <https://case-law.vlex.com/vid/pettigrew-v-pettigrew-36-900293621>(last visited Jan. 22, 2023).

⁸¹ In re Estate of Weiss, 2009 Phila. Ct. Com. Pl. LEXIS 236 (Pa. C.P. 2009).

⁸² 123Wis.453,102N.W.40, Supreme Court of Wisconsin, available at <https://casetext.com/case/koerber-v-patek>.

one most important of preservation from the point of public welfare and decency”.

Contrary to it in English law, J. W. Salmond explains that, "The rights which a dead man thus leaves behind him vest in his representative. They pass to some persons whom the dead man, or the law on his behalf, has appointed to represent him in the world of the living. This representative bears the person of the deceased....."⁸³, to this extent, and in this fashion, it may be said that the legal personality of a man survives his natural personality".⁸⁴

Kant⁸⁵, while in division of duties, created a specific duty or the duty to treat the dead with dignity. And this specific duty is on specific people like relatives, on friends of the dead, and on the local authorities.

Every dead person remains in near or dear one's memory and that memory may be good or bad. Now here question may arise about how legal interest of dead can be protected? And whether dead can be subject of defamation? Defamation can be of a person. According to Salmond, "*A person can be anyone capable in law to acquire rights and duties*".⁸⁶ Similarly, Hindu law treats many nonliving as like idols and river as personality.⁸⁷ Persons can be categorised in two *i.e.*, natural and legal. A natural person is a human being; a legal person may be an artificial person.⁸⁸ Now, question arises, whether dead bodies can be considered legal persons?

⁸³ See also Ernest Partridge, Posthumous Interests and Posthumous Respect, 91 ETHICS 243, 249 (1981).

⁸⁴ Williams 1957, 482-3.

⁸⁵ Kant's division of duties in his Metaphysics of Morals (1797).

⁸⁶ Tarannum Vashisht, All about legal rights of the dead, August 17, 2020, [https://blog.ipleaders.in/all-about-the-legal-rights-of-the-dead/#:~:text=According%20to%20Salmond%2C%20a%20person,two%20categories%2C%20natural%20and%20legal.\(last visited Jan. 22, 2023\)](https://blog.ipleaders.in/all-about-the-legal-rights-of-the-dead/#:~:text=According%20to%20Salmond%2C%20a%20person,two%20categories%2C%20natural%20and%20legal.(last%20visited%20Jan.%2022,%202023).).

⁸⁷ Legal Personality of Idols, <https://jlrs.com/legal-personality-of-idols/> (last visited Jan. 22, 2023).

⁸⁸ They are imaginary persons who have rights and duties in law and in whom law vests personality by way of fiction.

Salmond further says, the personality of a human commences from his birth and ends with his death. Death ceases all rights and duties. Certainly, the dead cannot enjoy the same rights as living. The corpse cannot marry, divorce, or vote. Some intellectuals think that the dead are subjects of legal interests and can regard them as legally fictitious persons.⁸⁹

Undoubtedly dead exists in our emotions and perception. The dead have significance in form as successors, impressions of human character, and family and social symbols, which are recognised through our feelings towards them. A person's name is very often used after the person's death. No one can refute that a person had his/her name. That name can also carry rights as well as duties.

Thus, the nature of the interest in a dead person's body is a pseudo or quasi-property right, which vested legitimate heirs and survivors in the order of inheritance of property.⁹⁰

10. Conclusion

The human dead body deserves dignified treatment. Descendants, relatives and State have duty to protect the corpse. Undignified behaviour of any kind like mishandling of dead body, sexual offence with dead body, mutilation of dead body and remonstrance with dead body is basically crime as well as wrong against living. Dead lives in memory of living. The moral, religious and legal duty is lying on family members, nearest blood relatives, relatives and last on local authority to treat the dead with dignity and to bury or cremate the corpse within time as accordance to his will and tradition.

The law enacted by legislative assembly of Rajasthan (The Rajasthan Honour of Dead Body Act, 2023) can be a guiding formula to provide due dignity and respect of a dead person. Such law needs to be specified the duty towards the dead body, rights to take possession

⁸⁹ 39 See BGHZ, Bd., 15, S.249; BGHZ, Bd., 50, S. 133.

⁹⁰ Re *Nihan et al. v. Wright et al.* 1890, 125 Ind. 536. Supreme Court of Indiana, <https://casetext.com/case/renihan-v-wright>.

of dead body, ensuring the timely disposal of dead body according to law and culture and to stop any kind of misuse of dead body. The dead have social characteristics and reputation attached to them. The grounds on which the protection of infringement of alive is required, or on which a remedy against the defamation is claimed, same should be made available after death. If the dead body shall remain unattended for long then it will also be biohazard for environment.

ŞABR, JUSTICE, AND DIVORCE

Rethinking *Talaq* and Marital Tolerance under Muslim Law in India

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Abstract

The Islamic law of marriage is a civil contract that is based on mutual-consent, mutual-rights, and moral restraint. Although divorce (talaq) is legally allowed in this context, it is not generally encouraged and is controlled by the Qur'anic injunctions of emphasising patience (şabr), reconciliation, and justice. However, nowadays in modern India, Muslim divorce laws and practices have been under severe constitutional and societal examination especially after the nullification and denaturation of instant talaq. Such developments have brought back the issue of marital tolerance, gender justice, and the validity of endurance among Muslim marriages.

The critical issue in this paper is to determine whether the growing exposure of Muslim couples to divorce implies the lack of tolerance or it is actually the redefinition of the standards of marriage due to the Islamic morals, socio-legal revolution, and constitutional control. The study is based on a doctrinal/socio-legal approach using the principles of Qur'an, classical Islamic law, Indian personal law, constitutional adjudication and empirical indicators to the Muslim marital practices in India. The paper contends that the concept of tolerance in Islamic marriage was never unconditional.

Keywords: *Muslim Law; Talaq; Marital Tolerance; Gender Justice.*

1. Introduction

Under Islamic law (*nikah*) marriage holds a special place, both legal and moral, which it shares with the sacramental conceptions of a number of other personal law systems in India. The concept of

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marriage in classical Islamic jurisprudence represents it as a civil contract (*aqd*), which is based on mutual consent, mutual rights, and on the obligatory commitments. Such a contractual knowledge makes the possibility of marital dissolution both legal in nature and at the same time, lends the notion to some form of ethical restraint. Divorce (*talaq*), though not forbidden is always referred to by jurists as an undesirable solution- allowed by law but not morally preferred.¹ This two-sidedness supports tolerance not as a blind toleration, but as a value that is modulated by justice, fairness, and harm aversion.

Qur'anic order of relations in marriage is concerned with coexistence on the ground of kindness (*maruf*) compassion (*rahma*) and equity. The Qur'an calls upon married people to either to keep each other in benevolence or to free each other with justice², which is to say that perseverance in marriage is not attained at the expense of injustice. On the same notes, the Qur'anic prescriptions that address marital discord have provided mechanisms of reconciliation including the family-based arbitration (*tahkim*) prior to dissolution being considered.³ These provisions demonstrate a normative juxtaposition in the Islamic law: waiting (*sabr*) is appreciated, yet the forceful persistence of marriage with the subsequent oppression (*zulm*) is forbidden.

Nevertheless, unlike this complexity of the doctrine, Muslim divorce in India has historically been a socially stigmatised phenomenon, especially among women. Patriarchal interpretations, cultural practices, and socio-economic dependency usually reduce *talaq* as a legally controlled tool to become an instrument of unilateral male control. The virtue of endurance commonly became the virtue of religion and the privilege of men to initiate a divorce was rarely challenged. This dislocation between ideals and realities of the doctrines creates a necessary contrast on which the modern discourse of Muslim divorce should be interpreted.

¹ Al-Mughni; Bidayat al-Mujtahid.

² The Qur'an 2:229.

³ The Qur'an 4:35.

However, in post-independent India, the Muslim personal law has operated in a plural constitutional order, which has been given statutory weight by the Muslim Personal Law (*Shariat*) Application Act, 1937. Over many decades, the courts had assumed an attitude of restrained intervention, perceiving personal law as immune to constitutional review. This practice, in its turn, started to degrade when constitutional jurisprudence started to anticipate equality, dignity, and non-discrimination as the general principles that are applicable to the whole legal regimes that govern intimate relationships.

The case of *Shayara Bano v. Union of India*⁴ was a breaking point of this trend. The Court made Muslim divorce practices constitutionally protected by Articles 14 and 21⁵ by invalidating *talaq al-bidah* (instant triple *talaq*). The decision redefined tolerance in the context of marriage in terms of dignity and arbitrariness, and it was unnecessary to legitimise practices that caused disproportionate harm to women. The next legislative measure that employed a similar mechanism and solidified this change was the Muslim Women (Protection of Rights on Marriage) Act, 2019, which criminalised instant *talaq* and asserted the substantive rights of women in marriage.⁶

The normative situation of Muslim divorce in India has been changed greatly due to these legal interventions. The meaning of *talaq* is no longer, and continues not to be, a purely religious privilege but is a legally governed action within the limitations of the Constitution. This has changed the course of tolerance levels in Muslim marriages. The concept of endurance is also now evaluated not based on the concept of silent compliance, but based on principles of justice, procedural justice, and mutual obligation.

The rhetoric that surrounds Muslim divorce practices has tended to range in two directions: as an Islamic law that is permissive of arbitrary divorce, or a type of Muslim woman who has been

⁴ AIR 2017 SC 4609.

⁵ The Constitution of India.

⁶ *Shayara Bano v. Union of India*, (2017) 9 SCC 1.

oppressed by a religious institution. Both stories not only blur over the mutuality of doctrine, patriarchy, and constitutional government, but also conceal the complexity of their interaction. The classical Islamic jurisprudence incorporates various measures to prevent expressions of impulsive divorce such as waiting periods (*iddah*), revocability and the requirement to reconcile. Simultaneously, the socio-legal realities in India would lead to the fact that such protective measures have been applied frequently unevenly, especially to the disadvantage of women.

This paper rejects the essentialist interpretations and places the practices of Muslim divorce within a changing socio-legal context. It poses the question of whether the higher rate of marital dissolution among Muslim couples indicates reduced tolerance, or is it the change of morality founded on endurance into the rights based judgment of marriage relations. It also discusses the way constitutional adjudication has changed the face of the Islamic divorce norms and has changed the tolerance as a gender expectation to a legally demarcated principle.

The central argument being put here is that the increase in the use of divorce mechanisms in the Muslim community does not indicate the decline in Islamic values, but a realignment of the Islamic values to justice (*adl*), dignity, and avoiding harm.

This study follows a doctrinal and socio-legal methodology based on the Qur'anic principles, classical Sunni jurisprudence, statutory law, constitutional case laws and empirical research.

Although based on the Islamic legal theory, the interpretation places the Muslim divorce in the context of the constitutional framework of India, which acknowledges that individual law is now exists in the context of religious dogma and basic rights.

This paper aims to add to a more subtle and constitutionally appropriate of *talaq* in India, that is, which does not romanticise the idea of endurance, nor injure to religious tradition, but rather

augments in foresight justice, dignity, and substantive equality in marital relations.

2. Conceptual Framework: Tolerance, and Justice in Islamic Marriage

The idea of tolerance in Islamic marriage cannot be discussed without extending this concept to wider ethical ideas that regulate interpersonal behaviour in Islamic jurisprudence. In contrast to secular paradigms that tend to equate tolerance with survival alone, the Islamic legislative system places the context of marital tolerance in a moral universe organised around the principles of justice (*adl*), benevolence (*iḥsan*), and avoidance of harm. Thus, tolerance is not absolute and unconditional, but a value that is bounded by moral boundaries and mutual responsibilities.

The core idea of Islamic marital ethics is the relationship which is based on tranquility (*sukun*), affection (*mawaddah*), and mercy (*rahma*).⁷ These standards determine the normative base upon which the behaviour of marriage is judged. In a situation where such conditions are essentially compromised, the morality of perseverance in marriage is doubted. In this regard, tolerance is a tool to maintain peace, rather than a duty to tolerate injustice that is perpetuated.

Qur'an mentions several times the term *ṣabr* (patience) as the moral virtue, even on the family level. Qur'anic patience, however, does not mean that one suffers passively. Classical exegetes explain that *ṣabr* involves perseverance in righteousness and forbearance of injustice not submission in oppression.⁸ In the context of marriage, *ṣabr* is promoted in times of struggle yet it is always counterbalanced with the Qur'anic disallowance of harm and cruelty. This harmony is reflected in the commandment that the husband and wife need to live together either with good (*maruf*) or to part ways in a just (*iḥsan*) way.⁹

⁷ The Qur'an 30:21.

⁸ Tafsir Ibn Kathir.

⁹ The Qur'an 2:229.

This moral equilibrium is also institutionalised in Islamic jurisprudence through procedural protections for marital discord. Qur'anic arbitration (*tabakim*) is mandatory in instances of acute marital dispute.¹⁰ It can be selected as a direct indication of reconciliation with the use of community-mediation. Classical jurists understood this clause to mean that they have a moral, but not a legal, duty to come to reconciliation before divorce. Tolerance in this case is achieved by means of an intervention but not just passive suffering.

Notably, the Islamic law does not grant precedence to endurance rather than justice. Some of the juristic maxims, including *al-darar yuzal* (harm must be removed) and *lā ḍarar wa la dirar* (there shall be no harm nor reciprocating harm) are fundamental to all schools of Islamic jurisprudence. These maxims confine the extent of tolerance by outlawing the perpetuation of relations that result in the long-term harm. In that sense, divorce is a remedial process aimed at averting injustice, and not of moral failure.

Classical Sunni jurists accepted that too much tolerance would also create injustice especially to women. In *Bidayat al-Mujtabid*, Ibn Rushd notes that despite the disapproval of divorce, the option exists to acknowledge human error and the risks of coercion to coexist. Likewise, Ibn Qud insists that long term marital conflicts which are not resolved negate the ethical purpose of marriage. These juristic findings make simplistic interpretations of Islamic law to be based on endurance at any price.

In this context, tolerance is self-reciprocal. Regarding Islamic marital ethics, it is obligatory to both the husband and wife where the husband maintains (*nafaqa*), keep companionship (*muasharah bi-l-maruf*), and both parties respect each other. In such cases where such obligations are repeatedly violated, no tolerance expectations are morally and legally tenable. This give and take marks the difference between Islamic ideas of tolerance and culturally constructed practices that place unfair burdens on women to adjust and be silent.

¹⁰ The Qur'an 4:35.

However, in the Indian scenario, these doctrinal ideals have been different in terms of lived experiences of Muslim marriage. Historically, social organisation and economic dependency were patriarchal and tolerance was gendered as legal illiteracy.¹¹ This is a perversion of the principles of Islamic tolerance, and the need to separate normative jurisprudence and social practice is emphasised.

Contemporary constitutional intervention has further reshaped the conceptual boundaries of tolerance within Muslim marriage. Judicial scrutiny of *talaq* practices through the lens of equality and dignity has reinforced the Islamic principle that harm cannot be justified by formal permissibility alone. In *Shayara Bano v. Union of India*¹², the Supreme Court's reasoning echoed the juristic maxim against arbitrariness and harm, effectively aligning constitutional values with foundational Islamic ethics.

Therefore, the concept of tolerance in the Islamic marriage should be treated as a dynamic concept that is context-sensitive. It involves patience, compromise, and reconciliation, yet it is constrained by justice, dignity and avoiding harm. Endurance becomes ethically invalid when it promotes disparity or pain, especially when reconciliation has not achieved its purpose.

This theoretical framework contradicts mainstream discourses that treat Islamic tolerance as blind obedience. Rather, it demonstrates a complex ethical structure in which tolerance is a stabilising element, checked by a strong sense of commitment to justice. This balance is critical in determining current trends in the dissolution of marriages in Muslim communities and in determining the effects of constitutional governance on Islamic divorce.

¹¹ Raghuveer G. Kulkarni, "A Critical Analysis of Divorce under Muslim Personal Law in India", 2, *AJVBCL*, 74, 74-89 (2025).

¹² AIR 2017 SC 4609.

3. Sociological Factors Affecting Muslim Marriages and Divorce in India

To comprehend divorce and marital tolerance in Muslim societies in India, one should thoroughly consider the sociological circumstances that influence not only the expectations of marriage but also the use of legal opportunities in the context of Islamic law. The way in which Muslim marriages work does not take place outside the context of larger social changes; instead, it is far more deeply entrenched in the context of changing economic, educational, and institutional settings. The increasing marital dissolution of Muslim couples should then be questioned as a result of structural transformation and not necessarily via the religious doctrine or individual choice.

Urbanisation has become a major issue that affects the marital life of Muslims. Movement to urban areas has undermined the traditional kinship networks that once mediated marital conflicts by the elder, religious, and extended family systems. In the nuclear families in urban areas, the spouses are being pushed to settle marital disputes without the intervention of the community. This change makes informal processes of reconciliation less effective in slowing down or even preventing divorce, and thus, formal legal recourse more available and, in certain instances, more instantaneous.¹³

Education has had a very transformative effect on the Muslim communities. More access to higher education, particularly among Muslim women, has changed the expectations of marriage, autonomy, and rights. According to sociological research, educated Muslim women tend to challenge the unequal marital arrangements and seek redress in case of neglect, emotional abuse, and abandonment.¹⁴ Education not only increases economic opportunity but also legal literacy, which means that one can be more involved in religious and constitutional remedies.

¹³ The Sachar Committee Report, *Social, Economic and Educational Status of the Muslim Community of India* (2006).

¹⁴ Zoya Hasan, *Muslims in India: Economy, Society and Politics* (Oxford University Press, 2018).

Economic aspects also overlap with education to affect marital stability. Although parts of the Muslim population still face economic marginalisation, the rise in the number of women in the workforce in the urban areas has changed the traditional dependency structures. Financial independence lessens structural pressure to tolerate abusive marriages, reestablishing the tolerance-exit balance. Notably, this change does not disregard Islamic moral inclinations towards reconciliation, but it does increase the practicality of divorce as a solution to problems.¹⁵

There is also a massive renegotiation of the gender norms in Muslim marriages. The male dominance and female adaptation traditions are still present in most situations, but they are accompanied by the desire to be equal and responsible to each other. The conflict usually occurs when normative expectations are fixed, and social realities are evolving. The sociological literature on feminism points out that the opposition to unequal power relations is often framed as a lack of tolerance, instead of a statement of dignity and agency¹⁶.

Legal reform has had a strong sociological influence. The criminalisation of instant *talaq* and its illegalisation has not only changed the legal outcomes, but also the bargaining in marriage. Empirical evidence indicates that Muslim women have gained more bargaining power in marriage, especially in cases of arbitrary or unilateral divorce.¹⁷

Meanwhile, the criminalisation of instant *talaq* has had complicated social impacts. Critics believe that criminal penalties can discourage impulsive divorce, but can also increase the conflict in the marriage by creating the threat of imprisonment.¹⁸ These strains highlight the

¹⁵ Bina Agarwal, “Gender and Command over Property”, *World Development*, Vol. 22, No. 10 (1994).

¹⁶ Badran, M. (2019), *Feminism in Islam: Secular and religious convergences* (2nd ed.). Oneworld Publications. <https://doi.org/10.2307/j.ctv7h0s6m>.

¹⁷ *Shayara Bano v. Union of India*, (2017) 9 SCC 1.

¹⁸ The Law Commission of India, 262nd Report on *Muslim Women and Divorce* (2017).

need to contextualise legal reform in the context of wider sociological theories and not to analyse it separately.

The reduction of social stigma on divorce has also contributed to the breakup of marriages among Muslim couples, especially in urban and educated backgrounds. Although divorce still has a lot of social costs, particularly for women, the peer norms and the visibility of divorced people have led to a lower moral cost of marital exit. This change is similar to the overall trends found in religious groups in India, which indicates that marital expectations are converging, and there is no religious exceptionalism anymore.

It is also a critical factor of generational change. Emotional compatibility, communication, and mutual respect are becoming more important to younger Muslim couples. Arranged marriages are still prevalent, though they are usually accompanied by more pre-marital interaction and negotiation. In cases where these expectations are not followed, younger generations are less disposed to identify endurance with virtue. This change of the generation is not an indication of denial of Islamic values, but a reevaluation of the same in the context of modern realities.¹⁹

Notably, sociological study shows that divorce rates among Muslims are often distorted or dramatised in society. The empirical evidence shows that the divorce rates among Muslims in India are not significantly higher than the rates of the other religious groups in India.²⁰ These distortions distort the structural aspects of marital failure and strengthen the communal stereotypes that are not empirically supported.

In this way, the increasing marital break-ups in Muslim couples should be perceived as the result of interplay of sociological factors: urbanisation, education, economic transformation, gender renegotiation, legal change, and generational change. These considerations redefine

¹⁹ Economic and Political Weekly, Studies on divorce and family change in urban India.

²⁰ Census of India, *Marital Status by Religion* tables (2011).

the way tolerance is exercised and assessed in marriage and determine when endurance is considered virtuous and when the exit is considered justified.

4. Psychological Dimensions of Marital Breakdown in Muslim Marriages

Although sociological structures influence the external circumstances of Muslim marriages in India, the psychological and relational level is usually the most acute in the marital breakdown. Emotional anticipations, communication styles, dignity perceptions, and mental health are decisive factors in assessing marital satisfaction and tolerance thresholds by the spouses. Modern Muslim marriages, as in other societies, are now under the pressure of greater emotional demands that cut across religious values and legal restrictions.

Islamic marital ethics are focused on emotional companionship and legal obligation. Classical jurists understood *mu'asharah bi-l-ma'arif*, living together in kindness, as including not only material support but also emotional care, respect, and humane treatment.²¹ Indeed, psychological neglect, humiliation or chronic indifference, therefore, erode the ethical basis of marriage in cases where formal requirements are met in a technical sense. Surviving in such situations turns out to be morally dubious instead of morally right.

Emotional fulfillment has taken on a greater importance in the contemporary setting. The Muslim wives, especially in urban and educated areas, are demanding marriage to offer companionship, empathy and psychological support. The disappointment is felt more strongly where such expectations are not fulfilled. According to psychological literature, marriages that are typified by enduring emotional disengagement tend to produce more distress compared to marriages typified by overt conflict because emotional neglect undermines self-worth and relationship security in the long run.

²¹ Al-Mughni.

Patterns of communication are central to mediation of emotional expectations. In India, most Muslim marriages are arranged or semi-arranged, with little pre-marriage interaction. Although the Islamic law does not forbid pre-marital communication within the ethical limits, social norms tend to limit emotional acquaintance before marriage. In the absence of effective communication in spouses, misunderstandings can lead to deep-seated resentment, which decreases tolerance and leads to relational fatigue.

The concept of mental health awareness has also transformed the perception of marital suffering. The growing awareness of depression, anxiety and emotional trauma has upset previous standards of quiet endurance. Specifically, Muslim women have been able to express psychological distress as a valid complaint and not a personal liability. This change is similar to other changes in the Indian society, yet has a unique meaning in the context of communities where patience and sacrifice were historically valued as part of religious and cultural norms.

Psychological injury is not ignored by Islamic jurisprudence. The maxims of not harming are also applicable to emotional pain. The classical jurists admitted that the continual behaviour that created anguish, the so-called *adha*, could be used as a reason to dissolve even without physical violence.²² This position of the doctrine refutes claims that Islamic law tolerates emotional cruelty and supports contemporary legal interpretations that mental cruelty is a valid basis to dissolve a marriage.

In modern India, courts are more actively involved in the psychological aspects of Muslim marriage conflicts. Although the constitutional repudiation of instant *talaq* preceded the constitutional repudiation of cruelty, litigation recognised cruelty, and even mental cruelty, as a basis of judicial divorce (*faskh*). The *Shayara Bano* decision has increased the judicial sensitivity to

²² Al-Ashbah wa al-Naza'ir.

psychological injury, thus harmonising the constitutional values with Islamic moral standards.²³

The anticipations about intimacy and companionship have a significant impact on marital stability. Although the topic of sexual dissatisfaction is still a socially taboo matter, empirical research has shown that chronic lack of intimacy has a significant effect on emotional health and trust in relationships. Islamic law philosophizes the sexual relations as a mutual right and duty in marriage, not a one-sided right. Continuous rejection or disregard of companionship, in turn, undermines the moral validity as well as the bonding of the marital relationship.²⁴

The supportive scaffolding of extended family and community has become weakened and this has added to the psychological burden of marriage. Past generations relied on the elders or religious leaders to mediate conflicts; in the current generation, a good number of couples deal with conflict alone. This loneliness intensifies emotional distress and reduces tolerance levels particularly when reconciliation mechanisms are not available or ineffective.

It should be mentioned that such a loss of tolerance does not always indicate the lack of moral strength or the inability to act ethically. According to psychological scholarship, there are limits to tolerance in cases where exposure to distress is chronic. Resilience in such a situation can only worsen mental damage and not build resilience. Modern Muslim couples are more likely to evaluate marital continuation based on the theories of psychological safety, dignity, and self-respect, which are values that are both Islamic and constitutional.

Therefore, the psychological and relationship aspects demonstrate that divorce among Muslim couples is often caused by prolonged emotional abuse instead of an immediate dissatisfaction. These make reductive accounts, which blame divorce by falling tolerance, difficult

²³ *Shayara Bano v. Union of India*, (2017) 9 SCC 1.

²⁴ Bidayat al-Mujtahid.

and instead blame a changing moral economy where endurance is no longer heroised when it continues to cause psychological distress.

5. Legal Framework of Muslim Divorce in India

The Indian legal control of Muslim divorce is at the intersection of classical Islamic jurisprudence, statutory acknowledgement of personal law, and constitutional control. In contrast to the uniform civil divorce regime, the Muslim matrimonial law has developed over time under *fiqhi* interpretation and subsequently became statutory under colonial and post-colonial legal systems. Modern trends have redefined this paradigm and changed the procedural and normative elements of marital dissolution.

The legal basis of Muslim personal law in India is the Muslim Personal Law (*Shariat*) Application Act of 1937 that the issues concerning marriage and divorce among Muslims shall be subject to the Islamic law. Although the Act does not enshrine the divorce procedures, it confirms the legal status of the juristic doctrines that govern *talaq*, *khul'*, *mubaraqat* and judicial dissolution (*faskh*)²⁵. The legal silence in the past allowed uncoded practices, especially unilateral *talaq*, to be practised with little judicial review.

According to classical Islamic law, there are several tools of marital dissolution that are based on various ethical and procedural principles. Authorisation of *Talaq* permits unilateral repudiation by the husband but is normatively restrained by deliberation, revocability, and an interregnum (*'iddah*)²⁶. *Khul'* allows the wife to divorce under consideration, whereas *mubaraqat* is a mutual agreement to terminate the marriage. Judicial divorce (*faskh*) allows courts or *qazis* to terminate marriage based on certain reasons like cruelty, neglect, or failure to maintain. All these mechanisms imply a

²⁵ Dr. Paras Diwan, *Muslim Law in Modern India* (14th edn., Allahabad Law Agency, 2021)82.

²⁶ Fyzee, A.A.A. (2018), *Outlines of Muhammadan Law* (6th ed.), Oxford University Press.

pluralistic and context-sensitive approach to marital exit in the Islamic jurisprudence.²⁷

In Indian jurisprudence, *faskh* has taken on a special importance to Muslim women who want to escape abusive marriages. The Hedaya and juristic opinion have been used historically by the courts as a basis of principles that perceive cruelty and neglect as valid reasons to dissolve a marriage.²⁸ This route has allowed judicial intervention where husbands decline to say *talaq*, thereby softening the coercive nature of forced endurance.

The constitutionalisation of Muslim divorce law hit a watershed with the *Shayara Bano v. Union of India*²⁹ decision of the Supreme Court. In rejecting arbitrary power, the Court invalidated the practice of instant *talaq al-bidah* and brought unilateral and instantaneous divorce under the scrutiny of Articles 14 and 21³⁰, thus rejecting it as against fundamental rights. The decision was a doctrinal change in which the judiciary had been deferential to active constitutional control of personal law practices.

The Muslim Women (Protection of Rights on Marriage) Act of 2019 came soon afterwards. The Act makes instantaneous *talaq* a crime, voids it and provides subsistence allowances and custody rights to women who are affected. Even though the Act aims at discouraging arbitrary divorce and protecting the rights of women, it has raised significant controversy on whether criminal penalties should be used in matrimonial disputes.³¹

At the institutional level, the Muslim divorce issues are resolved by a mixture of civil courts, family courts, and informal religious institutions. The family courts are becoming more and more involved with the Muslim matrimonial issues and are implementing the

²⁷ *Bidayat al-Mujtahid*.

²⁸ *Hedaya*.

²⁹ AIR 2017 SC 4609.

³⁰ The Constitution of India.

³¹ *The Muslim Women (Protection of Rights on Marriage) Act*, 2019; Law Commission of India, 262nd Report (2017).

constitutional principles together with the personal law doctrines. However, reconciliation mechanisms in these institutions are still not even. The lack of culturally sensitive counselling, the lack of trained mediators with a good understanding of Islamic jurisprudence, and the delays in the procedure often prevent meaningful dispute resolution.³²

The legal focus on reconciliation still reflects Islamic ethical tendencies of saving marriage where feasible. However, judicial logic is becoming more aware that forced reconciliation can be a continuation of harm. The courts have now put more emphasis on voluntariness, dignity, and psychological well-being of assessing the viability of marital continuation, especially in situations where there is a long period of separation or emotional abuse.

The more interesting part is that since 2017, the Indian legal environment has changed the way Muslim couples bargain over marriage. This fear of a guy simply walking away has been removed by the ban on instant *talaq* and this gives women a better bargaining position. However, on the other side, the introduction of a criminal element has created a mess- people fear that the law will be applied on them or punish normal marital disputes too harshly. This is all an indication that we should not only look at the theory but rather look at the social vibes and what it is like in real life as far as relationships are concerned.³³

Thus, the existing legal and institutional framework is more of a mid-transition. The Islamic law principles that emphasise on justice and preventing harm are beginning to intertwine with the calls of equality and dignity in the Constitution. Nevertheless, there exist unresolved tensions excavating the correct combination of deterrence, making mends, and allowing people to do what they please.

³² *The Family Courts Act, 1984*; Department of Justice, Government of India, Family Courts Reports.

³³ Flavia Agnes, *Family Law and Constitutional Claims* (Oxford University Press, 2011).

This section of the paper is essentially demonstrating that the legal shake-up has completely re-formulated the way we consider tolerance within Muslim marriages. Endurance is no longer applauded when it only happens by chance or is destructive, and divorce is no longer viewed as an individual action but as a controlled remedy.

6. Falling Tolerance or Increasing Standards? Reconstruction of *Talaq* and Marital Breakdown in Muslim Marriage

The media and politicians tend to make Muslim divorces, particularly when you read about *talaq*, to be evidence of the fact that the level of tolerance is declining and people are not making it. These tales make people believe that contemporary Muslim couples are abandoning their patience in the name of their convenience. This part makes the case that this is a huge error by examining whether the increase in divorces is the result of tolerance being undermined or is it simply that we are moving what we think is okay, under the pressure of Islamic norms, social-legal developments and constitutional amendments.

In the past, it was all about endurance to remain in a Muslim marriage. The society required couples to be tolerant, sort out differences, and preserve family dignity- at whatever cost to their feelings. That is why the formal divorce remained low and couples would silently separate or feel compelled to continue on their way, particularly the women.

However, when considering Islamic ethics, the concept of endurance is not intended to hide the wrong. Old *Mushawaras* emphasised that marriage must remain in line with its objectives making partners company, being fair and preventing harm. In case it fails, divorce is a permitted, but not popular, escape. That is, it is only right to remain together provided it did not lead to injustice or oppression.³⁴

In modern India, Muslim couples are increasingly divorcing due to increased awareness on their rights, dignity and mental health.

³⁴ Bidayat al-Mujtahid.

Education, the law, and the constitutional drive of rights have all altered the way men and women consider a marriage worthwhile. The things that people would sit down and eat with, such as emotional neglect, a sudden break-up or simply being stuck in a gray area, now appear to be out of place with the Islamic ethics as well as the Constitution. What appears to be a decline in tolerance is them saying, we are not going to take injustice.

The Courts have intervened to support this opinion. In *Shayara Bano v. Union of India*³⁵ the Supreme Court said, you cannot accept endurance of arbitrary *talaq* as of course they ripped up the concept of instant repudiation and made it clear that no harm to women could be justified by either tradition or legality. That reasoning is equivalent to the juristic tranquility of the statement that you cannot do what is harmful, even though it is possible in the law.

Another indicator of this change is the new Muslim Women (Protection of Rights on Marriage) Act of 2019 that prohibits instant *talaq*. Although it is being debated by people, according to the law, some types of quick, one-sided break-ups are not permissible, as they are incompatible with dignity and equality. So, the law is driving tolerance to the silent suffering to the fair process and collective responsibility.

When you take a sociological perspective, you will find that there is an increase in the expectations of what a marriage ought to provide, such as emotional fulfilment and equal responsibilities. The partners today consider marriage as a partnership that requires feelings and common responsibilities. If such expectations continue to fail, they will consider divorce as a viable way out. This does not imply that Islamic values are lost but rather they are being re-read in relation to the way people live.

Meanwhile, critics also caution that increased expectations may make relationships weaker. With all the emotional needs invested in the marriage and a weaker community mediation scene, there may be

³⁵ AIR 2017 SC 4609.

very little room to salvage the situation. The Islamic law continues to remind us of mediation and slow, drag-out divorces, which are still significant in situations where no one is really harmed.³⁶

The actual moderate position is, therefore, to determine how to balance between fighting against injustice and simply retreating prematurely. Not all complaints warrant a divorce and Islam does not support hasty divorces either. Only when it prevents people in attempting to correct things, tolerance becomes a problem. However, it is not just to demand endurance when it continues to put one in emotional distress or inequality.

Ask Indian family judges, and they are juggling the same trade-off. They still desire couples to sort out things, but they are becoming more cautious in forcing individuals to remain in marriages that are practically in conflict. Such a mindset is consistent with constitutional concepts of dignity and Islamic restraints on harm-inflicting tolerance.

Then, after all, the increasing number of divorces between Muslim couples is not a moral failure. It is a change of a rule that you should tolerate things that are not bad to a new rule that you should treat marriage with dignity. Tolerance has not disappeared; it has been transformed. The contemporary Muslim couples may be less ready to tolerate random behaviour or suffering; however, they are not abandoning marriage in the same manner; they are denying injustice.

7. Trends and Patterns of Muslim Divorce in India

Census data is the most reliable method of monitoring the changes in marriage over time. In the census tables of India, we find that the percentage of individuals who claim to be divorced or separated has gradually increased in all the major religions, including Muslims. The statistics fail to support the argument that Muslims divorce at an alarming rate compared to other groups. Indeed, several census surveys indicate that the Muslim divorce and separation rates in

³⁶ *Al-Muwatta*.

several places are equal to or even less than those of Hindus and Christians. This is contrary to the popular story that Muslim marriages are particularly volatile.

Urban–rural gaps stand out. Divorce and separation among Muslims are more prevalent in urban areas than in rural areas. That trend is indicative of more general social trends that are associated with education, employment, the law, and reduced social stigma in urban areas. Muslim women especially complain more of exits in their marriages in urban regions, which coincide with the increased levels of education and increased work outside the home. These results indicate that increasing divorce is more of a changing opportunity than a declining cultural tolerance.

The NFHS does not directly record the divorce rates, but it informs us on marital strain, women's power and being exposed to abuse. Surveys conducted by NFHS indicate that Muslim women have been reporting increased marital problems; they are increasingly saying that they can make choices, and they are increasingly aware of legal alternatives.³⁷ What this indicates is that there is more talking up by women and not that marriages are simply collapsing.

According to the Justice Department and Law Commission reports, there are increased cases of Muslim families in court seeking divorce, maintenance and custody cases. Most of these situations are of individuals who are long-lost or continue to attempt to mend things before resorting to court, which disproves the notion that Muslim divorce filings are impulsive or without prior efforts.

Another indirect source of data is NCRB crime statistics on marriage, such as cruelty or abandonment. The statistics do not disaggregate divorce as such, but they indicate the frequency with which marital issues escalate to the stage of litigation. Researchers caution against confounding this information with divorce rates, but they observe

³⁷ The National Family Health Survey (NFHS-4, NFHS-5), Ministry of Health, and Family Welfare.

that the increasing number of complaints indicates more apparent marital abuse, rather than an unexpected increase in divorces.³⁸

Qualitative research provides more information on the Muslim divorce practices. According to field studies, many Muslim women take much time before they seek legal assistance when their marriage is in distress, and they usually exhaust informal religious and family mediation options. In such cases, divorce turns out to be the final option after a very long tolerance process.³⁹

The formal numbers also lack evidence of informal separation and abandonment. It is the lack of a legal divorce that leads to women leaving without a legal divorce but being socially separated, which underscores the idea that low divorce rates can be very misleading.⁴⁰ The identification of these latent forms compels us to redefine easy correlations between the rates of divorce and marriage stability.

Patterns are beginning to change after the legal changes of 2017, although we have not yet had much data due to its novelty. There are already indications that the instant divorce under one sitting is no longer as common, and people are turning to court proceedings and negotiated settlements.⁴¹ This action helps to prove that the legal reform has redefined the divorce paths rather than increasing the overall rate.

In general, there is no evidence that Muslims are less tolerant in marriages. Rather, it demonstrates increased manifestation of marital distress of a legal nature, increased access to assistance, and evolving

³⁸ The National Crime Records Bureau, *Crime in India* (chapters on crimes relating to marriage).

³⁹ Ahmad, R., Hassan, M., & Ali, S. (2020), Mediation and reconciliation in Islamic family law: Contemporary applications and effectiveness. *Islamic Law and Society*, 27(4), 398-425.

⁴⁰ Flavia Agnes, *Family Law and Constitutional Claims* (Oxford University Press, 2011).

⁴¹ Sohaira Siddiqui, *Triple Divorce and the Political Context of Islamic Law in India*, 2 *J. Islamic L.* (2021).

ideals of marriage. Divorce is not an exit decision that is an act of hot take but rather a controlled response to years of issues or injury.

This discussion supports our primary argument that the greater the visibility of Muslim divorce, the more to do with norms and institutions, not with moral decay. It also demonstrates why policy should be aimed at preventing harm and offering decent means of terminating marriages.

8. Implications for Law, Policy, and Reform

The above has highlighted to us that the increase in Muslim divorce is not due to the decreased cultural tolerance but due to the changes in legal standards, expectations of society and the Constitution. The implications of these changes on the future appearance of Muslim personal law, family courts and policy measures are enormous. Any reform agenda must strike a balance between Islamic morality, the Constitution and what the people are actually going through.

We must go beyond reactive legal Band-Aid solutions and create a consistent system of Muslim divorce. The prohibition of Instant *talaq* prevented a certain version of one-night divorce, but that was not a complete reform of the entire system of Muslim divorce and marriage. Fair and ethically-grounded alternatives such as *kebul*, *mubara* and a court-mediated divorce (*faskh*) should now be prioritised by the lawmakers over the use of punishment, which is mostly used by the lawmakers.⁴²

According to Islamic law, reform ought to be internal to Islamic law, in particular, the objectives of the *Shariah* (*maqāṣid al-shari‘ah*), which are concerned with justice, welfare and prevention of harm. The latter objectives support reforms that introduce legal protections, mutual consent, and place rational considerations in the face of impulsive divorces. The system can be more legitimate by making

⁴² The Law Commission of India, 262nd Report on *Muslim Women and Divorce* (2017).

laws and courts adhere to these goals without betraying the teachings of Islam.⁴³

The family courts must be empowered to deal with Muslim partnerships. Judges and assistants are not always well versed with the Islamic family law which results in inequitable rulings and general constitutional reasoning without understanding the religious subtleties. Developing competencies, such as judges and culturally sensitive mediation special programmes, would help to make the process fairer and quicker.⁴⁴

Reconciliation mechanisms should also be reconsidered. Islam usually prefers to repair a marriage, but any attempt to reunite should be done out of choice, taking into account the emotional dangers. An obligatory or ritualistic method can drive individuals into a state of forced survival, particularly women who have emotional or mental distress. Policy should make a clear distinction between real mediation and pressure to ensure that a marriage stays alive at all costs.⁴⁵

The other important policy implication is on post-divorce protections. Despite the statutory changes, Muslim women are still vulnerable economically after the dissolution of marriage. The application of the maintenance rights in Section 125 of the Code of Criminal Procedure⁴⁶ and the corresponding provisions of the personal law are not even. The mechanisms that ensure the payment of maintenance on time, the security of housing and the implementation of the child custody agreements should be strengthened in case the legal separation out of the marriage is not to create disproportionate hardship.⁴⁷

⁴³ Jasser Auda, *Maqasid al-Shariah as Philosophy of Islamic Law* (International Institute of Islamic Thought, 2008).

⁴⁴ The Family Courts Act, 1984; Department of Justice, Government of India, Family Courts Evaluation Reports.

⁴⁵ Flavia Agnes, *Family Law and Constitutional Claims* (Oxford University Press, 2011).

⁴⁶ The Code of Criminal Procedure, Act No. 2 of 1974.

⁴⁷ *Danial Latifi v. Union of India*, (2001) 7 SCC 740.

Social discussions and legal training also have a critical influence on the development of the attitude to tolerance and divorce in society. The continued stereotypes about Muslim divorce being either too lenient or being oppressive in nature are misleading to legal analysis and policy responses. Learning programmes, in law schools and civil society, ought to promote subtle interpretations of Islamic marriage ethics and constitutional values, in opposition to communalised discourses that mask the structural factors of marital misery.⁴⁸

On the constitutional level, further interaction with Muslim personal law should find a middle ground between two extremes: unquestioning respect that condones injustice, and homogenising intervention that ignores doctrinal plurality. The jurisprudence of the Supreme Court since *Shayara Bano* promises a way in between, exposing the practices of personal-law to constitutional review and at the same time being mindful of internal ethics. This balance is crucial to the preservation of religious freedom and substantive equality.⁴⁹

Lastly, policymakers should be aware that the increased popularity of divorce is not necessarily a collapse of family values. Instead, it is an indication of a more articulate expression of marital injury and increased access to solutions. The correct reaction is not to hold back divorce, but to strengthen relational abilities through education, mediation, and economic assistance, and to provide a dignified exit in which reconciliation is not possible.

Overall, the Muslim-law approach emphasises that tolerance in marriage should be limited by justice, dignity, and avoiding harm. The most viable way forward is legal and policy changes that strengthen these boundaries without compromising on doctrinal integrity. This strategy does not romanticise endurance and does not destabilise marriage, but conforms Islamic ethics to constitutional commitments in a plural legal order.

⁴⁸ Zoya Hasan, *Muslims in India: Economy, Society and Politics* (Oxford University Press, 2018).

⁴⁹ *Shayara Bano v. Union of India*, (2017) 9 SCC 1.

9. Conclusion

The paper has discussed divorce and tolerance in Muslim marriages in India in the socio-legal and constitutional perspectives, specifically focusing on the institution of *talaq* and its changing regulation. Going beyond the polarised discourse that portrays Muslim divorce as necessarily arbitrary or too limited, the analysis shows that the practice of marital dissolution in Islamic law is regulated by a complex ethical framework balancing patience (*ṣabr*), reconciliation, and justice.

Classical Islamic jurisprudence does not identify tolerance with unconditional endurance. Although divorce is not encouraged, it is a legal way of ensuring that harm, injustice, and long-term discord are avoided. The *Qur'anic* injunctions that lay stress on kindness, fairness and arbitration indicate that continuation of marriage is ethically dependent on the maintenance of dignity and mutual obligation. Endurance, when it continues oppression or mental abuse, becomes morally invalid. This theological understanding contradicts naive arguments that Islamic law requires tolerance by all means.

These principles have, however, been historically misinterpreted in the Indian socio-legal context by patriarchal practice, economic dependency and restricted access to the law. Tolerance became a gendered duty of silence and sacrifice to many Muslim women, and male power in marital dissolution was not much put into check. The invisibility of divorce in the past cannot be interpreted as a sign of marital harmony, but it is a sign of limited choice and unofficial survival.

This landscape has changed dramatically in the contemporary developments. Constitutional adjudication- especially in *Shayara Bano v. Union of India*⁵⁰ has exposed the practices of Muslim divorce to equality, dignity, and non-arbitrariness. The criminalisation and nullification of instant *talaq* is a clear change of deference to regulation, which re-establishes the legal limits of tolerance in Muslim

⁵⁰ AIR 2017 SC 4609.

marriage. Although these interventions are still controversial, they are an indicator of an institutional reluctance to justify endurance that results in disproportionate harm.

The fact that the increase in the visibility of Muslim divorce is also an empirical indicator that supports the conclusion that normative change is happening, and not a decline in morality. There is no evidence of disproportionately high divorce rates among Muslims; there is evidence, however, of more legal expression of marital distress, particularly among educated and urban women. The divorce cases are often preceded by years of struggle and unsuccessful reconciliation, which implies that divorce is not a hasty decision, but a final option.

This paper will contend that modern Muslim marital disintegration is more aptly viewed as a transformation in the morality of endurance to the morality of dignity in the assessment of marriage. Tolerance has not gone away; it has been redefined. Muslim wives are becoming less and less willing to accept arbitrariness, emotional abuse, and uncertainty, but that is not the institution of marriage that they are intolerant of. This recalibration is in line with the Islamic ethical principles as well as constitutional commitments.

Meanwhile, the analysis warns against blind exultation of divorce. Marital dissolution has a lot of emotional and socio-economic implications, especially in situations where post-divorce support is insufficient. The law and policy issue is how to enhance voluntary and trauma-informed reconciliation mechanisms and to provide a dignified exit in cases of failure of reconciliation.

The future of the Muslim divorce law in India, therefore, rests on maintaining a fine balance. The constitutional control should still ensure that arbitrariness and gendered harm are prevented, but reform should not avoid Islamic jurisprudence but engage with it. The use of internal sources of doctrines like *Maqasid al-Shariah* provides a good avenue of reform that is normatively legitimate and socially responsive.

To sum up, divorce among Muslim marriages in India is not to be considered a failure of tolerance or religious principles. Rather, it is an indication of a society that is renegotiating the ethical basis of marriage in the face of dignity, equality, and justice. The purpose of law is not to promote endurance, but to make sure that marriage and its dissolution are both subject to fairness, procedural integrity, and respect to human dignity in a plural constitutional order.

MULTI-DIMENSIONAL EVALUATION OF THE PROBLEMS ASSOCIATED WITH FRAUDULENT MISUSE, MISAPPROPRIATION AND MALADMINISTRATION OF INDIAN *WAQF* PROPERTIES AND POSSIBLE SOLUTIONS

*Dr. Kazi Rafikoddin Riyajoddin**

Waqf is a practice that has been going on for hundreds of years in our history. However, innumerable problems are being faced in implementation of the *Waqf* Act resulting in increased number of litigations and lethargic response from various government institutions. As a result of this, the Muslim community at large is deprived of getting the desired benefits of the *waqf* properties.

Due to different historical reasons, the role of *waqf* as a useful tool for socioeconomic development has generally been neglected or/and often been forgotten. The real worth of *Waqf* institutions in economic development of poor masses has not been understood. It has been marginalised as a mere charity, although it has historically been successful in producing sustainable income and reducing poverty levels in Muslim countries. It has also contributed to the service of man in various areas of development.

Nonetheless, in modern times, *waqf* has seen a declining role. However, designing realistic and integrated networks of sciences to monitor the issues and problems with a view to revive the practice of *waqf* by reformulation of *waqf* laws, rules and regulations with the aim of good governance with transparency may pave the way to manage the *waqf* funds and properties.

In this connection it is necessary to critically evaluate the legal set up so as to find out the reasons associated with the ineffective

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implementation of the said Acts. British colonisation significantly influenced the structure of *waqf* in Muslim-majority countries; Muslim governments or/and leaders misused the *waqf* properties, and the poor management of *waqf* led to the decline of *waqf* itself.

Evaluation of Historical and Legal Factors

To find out deviational factors affecting the effective implementation of the *Waqf* Act, it is desirable to see the historical aspects and legal loopholes which have adversely affected the legal setup of the *waqf* Act.

In this connection Abhishek Parmar has narrated that *waqf* properties were traditionally administered by *Mutawallis* under the supervision of *Qadhis* (magistrates/judges of the *Shari'ah* Court). During the rule of Muslim kings in India, the same practice persisted. The British maintained the same administrative organisation at first, but the policy was abandoned in 1810. The Regulation III of 1810 of Bengal Code and Regulation VII of 1817 of Madras Code gave the Boards of Revenue or Commissioners of these two provinces the general superintendence of all endowments including *auqāf*. With the enactment of the Religious Endowments Act, 1863 the practice was abandoned and local committees functioned as new custodians of *auqāf*. In 1864 the *Kazees* Act abolished the institution of *Qadhi* and left *waqf* to be addressed by English judges who applied English legal principles instead of *Shari'ah*. During British rule, many efforts were made to administer *auqāf* by legislation; some Muslim concerns and requests were handled, but the majority were ignored.

Parmar has further noted that the *Waqf* Act of 1954 was passed by the Indian government in order to improve the administration of *waqf* estates in the country. The *Waqf* Act of 1954 was revised in 1959, 1964, 1969, and 1984, before being repealed in 1995 and replaced by the *Waqf* Act of 1995. The *Waqf* Act of 1995, later amended in 2013, currently governs *Waqf* administration in India and is broken down into nine chapters and 113 sections.

Here it is observed that the Mussalman *Wakf* Validating Act (1913) was given retrospective effect by the Mussalman *Wakf* Validating Act 32 of 1930, Section 2. It was intended only to reproduce the Mussalman law of *wakf-alal-aulad* in a codified form with certain safeguards for the authenticity of the *wakfnama* and for prevention of fraud upon creditors or otherwise. It was not intended to codify or define the general law of *wakf* which must be governed by the Mussalman Law.

After that the Mussalman *Wakf* Act (1923) did not have any provision for determination of the nature and extent of the *waqf* property. There was no administrative machinery to control the *mutawallis*. To set right this situation, the provincial legislatures started bringing out their own legislations by virtue of Section 100 of the Government of India Act, 1935.

Post-independent amendments to the *Waqf* Act have somewhat contributed towards strengthening *Waqf* institutions; however, due to non-incorporation of the recommendations made by some important commissions and committees, specifically the recommendations made by the Sachar Committee Report, the *Waqf* Act and associated rules and regulations have become a source of ambiguities, loopholes and litigations which jeopardise the pious objects of the establishment of *Waqf* institutions.

While commenting on the scope, nature, utilities and implementability of the *Waqf* (Amendment) Act, 2013, Aftab Kola points out that many believe the Act now in place would address the grievances of the Muslim community related to *waqf* issues. He cites an editorial in *The Hindu* (2013), which stated that the new Act recognises the failure to maintain even a basic record of the assets in many states as a principal malady, and seeks to address it within a proper time-frame. Under the amended provisions, encroachment on *waqf* property has been made a cognisable and non-bailable offence that could attract up to two years' rigorous imprisonment. The Act puts the onus on state governments to ensure that *Waqf* Boards are set up and function effectively. Steps to ensure better accountability

on the part of the boards have been incorporated. A statutory obligation to ensure the flow of information from state *Waqf* Boards and state governments to the Central *Waqf* Council has been incorporated. Stricter provisions have been provided in the amended law to reclaim property parcels alienated over the years. The new composition of the Central *Waqf* Council, including four persons with national eminence, to advise Central and State governments and State *Waqf* Boards, is a prudent one, as is the creation of a Board of Adjudication.

Kola also presents an opposing view that the new amendments in the Act have done little to offer solutions to many questions the Muslim community has raised. In support of this viewpoint he quotes Zafarul-Islam Khan, who argued that the 2013 amendment was only a half remedy, that the crucial “second half” relating to executive powers (including effective eviction tools under the Public Premises Act) was left out, and that without this the law remains difficult to execute. He further notes that both state and central governments are lethargic in setting up the required *Waqf* tribunals, and where such tribunals exist, they are overburdened with cases.

As may be seen, both viewpoints are realistic in nature. Unless and until an executive and statutory mechanism is devised with appropriate powers for implementing authorities, the provisions of the *Waqf* Act will not be effective.

It is also apparent that the heads of offices of concerned government authorities and institutions dealing with matters related to *waqf* administration and management are facing difficulties while implementing the provisions of the central/state *Waqf* Acts, rules and regulations.

Evaluating the Problems of Misuse, Misappropriation and Encroachment

One of the most burning issues regarding *waqf* properties is encroachment by Muslims, non-Muslims and Central and State government institutions.

As observed by Naeem Ahmed and Prof. (Dr.) Jamshed A. Siddiqui, encroachment of land resources is a common problem created by vested interests, and it is particularly severe in the case of *waqf* properties because their ownership lies with the Almighty and therefore nobody feels personally obliged to protect them.

On the basis of a detailed report submitted by K. Rahman Khan, Kola reports that almost 70 per cent of *waqf* property has been encroached upon and, of the remaining, cases of blatant corruption abound. Land is disposed off to real estate developers, roadside markets, hotels, malls, garages, or industries at shockingly low rents.

Kola also provides detailed information about some well-known cases of Delhi *waqf* land occupation, including the CGO Complex (new central government secretariat), Jawaharlal Nehru Stadium, Oberoi Hotel, Delhi Public School on Mathura Road, Anglo-Arabic School, newspaper offices on Bahadur Shah Zafar Marg, IGI Airport and numerous other central government offices. Over ten acres of Delhi's 34-acre Millennium Park, inaugurated by L. K. Advani in 2002, are *waqf* lands belonging to a graveyard. The Union Cabinet's decision in 2014 to "return" 123 Delhi *waqf* properties, occupied by various Central and Delhi government departments, has been hailed as a good gesture though it is yet to be implemented.

Quoting Zafarul-Islam Khan, a former President of the All India Muslim Majlis-e Mushawarat, Kola notes that the *waqf* situation remains grim: state and central governments are described as the biggest encroachers (with 60–70% of *waqf* properties allegedly under the illegal occupation of government departments), while sections of the Muslim community, particularly *mutawallis*, and some State *Waqf* Boards are also implicated in misuse, illegal leasing and sale of *waqf* assets.

Aziz A. Mubarak, Member of the Advisory Committee, Airport Authority of India (NSC), Ministry of Civil Aviation, in his article "The loot of *waqf* properties in India", has thoroughly dealt with various malpractices adopted by mala fide looters. He notes that

although the legal process for reclaiming properties was commenced, many suits were time-barred, which led to the enactment of the Public *Waqfs* (Extension of Limitation) Act, 1959, extending limitation for actions on dispossession during the early post-Independence years.

Because litigation is costly and depletes endowed property, Muslims have pushed for the expansion of the Public Premises (Eviction of Unauthorised Occupation) Act, 1958 to *waqf* assets. The *Waqf* Properties (Eviction of Unauthorised Occupation) Bill, 2014, currently pending in Parliament, is expected, if passed, to significantly aid in the removal of encroachment.

Mubaraki documents various land scams across the country and the modus operandi adopted by fraudulent actors, including outright sale to builders at throwaway prices through collusion with board members, and the granting of long-term leases at very low rents by altering *waqf* objectives to facilitate commercial exploitation.

He estimates that the total area covered by these estates is about six million acres, with a book value of approximately INR 6,000 crore. Given that this book value is several decades old, the current market value is many times higher—around INR 1.2 lakh crore. Yet annual income is only around INR 163 crore or 2.7 percent of the book value. If these properties were put to efficient and marketable use, they could yield a minimum return of 10% or around INR 12,000 crore per year, which could be utilised to improve the socio-economic and educational standing of Indian Muslims.⁴⁻⁵ He attributes the failure to realise this potential to political apathy, encroachment, weak governance and societal insensitivity.

Mubaraki further observes that although *waqf* is a national reserve meant to support institution-building and income generation for Muslims, it is so poorly managed that practically no accountability is demanded. Cases of unabashed corruption flourish; land is sold to make way for private buildings, hotels, malls or factories for a trifle, or given out for shockingly low rents to commercial interests. *waqf*

Boards, according to him, have become avenues of political patronage, often staffed by individuals with little interest in community welfare, and in some cases operating in collusion with land mafias and encroachers. Many state governments have not constituted Boards at all, and few have conducted the legally required surveys of *waqf* properties.

Kola highlights that West Bengal contains about 184,000 *waqf* properties, amounting to approximately 31 percent of all *waqf* properties in India.² Mubarakhi notes, however, that in West Bengal the newly elected government under Chief Minister Mamata Banerjee has taken significant initiatives to sort out legal problems surrounding *waqf* properties so that their revenue can be used for socio-economic benefit of the Muslim community.

Encroachment Detection—GPS & Remote Sensing Technologies

Ahmed and Siddiqui explain that GPS coordinate systems can be used to map *waqf* properties, with each plot represented by a polygon whose vertices are latitude–longitude pairs. When these permanent layouts are overlaid on historical satellite imagery of the same area, administrators can determine when and where changes occurred on the ground and thus detect encroachments. With the use of GPS and remote sensing technologies, the challenging task of detecting encroachment becomes easier, providing a decision-support system for *waqf* administrators.

In this context, Kola argues that an effective mechanism must be evolved to break the “den of corruption” and tools for misappropriation of *waqf* properties. On the lines of the civil services, he suggests creating an Indian *Waqf* Service to select officers to work as CEOs of *Waqf* Boards. Ensuring transparency in the administration of *waqf* assets and completing a nationwide survey of all *waqf* properties should be priorities.² He also quotes a proposal by Zafarul-Islam Khan to establish a *Waqf* Parbandhak Committee on the lines of the official Gurudwara Parbandhak Committee which looks after Sikh properties in India, or, at the very least, to set up

monitoring committees at central and state levels to supervise *Waqf* Boards.

Islam strongly supports mutual help, coordinated effort and efficient management for the sake of common good. Thus, the modern cooperative movement has close affinities with Islamic concepts and can be very useful in the healthy development of the economy. However, the Islamic institution of *Waqf* differs from cooperative movements. Only the members of a cooperative society are beneficiaries of its activities, whereas in the *Waqf* system the waqif transcends personal interests and dedicates property not for himself but for the welfare of the entire community, particularly the economically weaker sections.

On the pattern of cooperative movements, various activities can be introduced in *anwaqf* and the scope of *anwaqf* can be extended to include chains of stores, cottage and major industries, hotels, public transport, health clinics, industrial training centres and schools. This requires expanding the scope of *waqf* objects and introducing standard *waqf* deeds. If successfully implemented, this experiment will help realise the high ideals for which the sacred institution of *Waqf* stands and will be nobler than many corporate models. It would also nurture selflessness and a consciousness of sharing property with the have-nots.

Mubaraki draws attention to the neglected dimension of accountability in *waqf* institutions. He notes that the community has rarely demanded accountability, possibly because Muslims are often unaware of these issues. However, things are changing in Kerala, where higher literacy has fostered demands for accountability. The Kerala *Waqf* Board, manned by professionals and headed by advocates rather than racketeers, is frequently cited by bureaucrats in the Ministry of Minority Affairs as a model for other states to emulate.

A research paper on *waqf* published by the Malaysian Accounting Standards Board notes that many Muslims believe a donor must presume a recipient is acting bona fide and should not question what

is done with the donation. However, a more educated population is likely to seek better information when making gifting decisions and to be aware of the concept of strategic philanthropy, which distinguishes between “expressive giving” and “instrumental giving”. In expressive giving, the donor’s involvement ends with the act of giving, while in instrumental giving the donor remains engaged, monitoring whether the gift produces intended results and meets agreed objectives.

At this point, it is essential to consider accountability among stakeholders, as it is fundamental in shaping mindset, attitude and Islamic worldview. Strong faith in the omniscience and omnipotence of Allah, in the Prophethood of Muhammad (SAW) and in the Hereafter creates an inner sense of accountability that restrains wrongdoing.

Hidayatul Ihsan and co-authors develop an accountability model for *Awqaf* institutions, stressing the need for improvement in multiple aspects of *waqf* management for successful revitalisation. They argue that, alongside revisiting some fiqh and legal issues, managerial improvement is crucial and accountability is indispensable. Yet they find no common agreement among *waqf* managers about how accountability should be expressed; multiple interpretations have led to diverse accountability models. They note that recent years have seen growing interest in *waqf* revitalisation, but that this process faces a serious accountability challenge. Being an institution that delivers social services, *waqf* must demonstrate accountability to a wide range of stakeholders.

They further note that historically, accountability underpinned *waqf*’s success, and its decline is linked to the degradation of *mutawallis*’ accountability (Rashid, 2008). Earlier studies also emphasise accountability as a key means of revitalising *Awqaf* institutions (Ali, 2002; Ihsan et al., 2006; Rashid, 2008). Despite rising expectations, many *Waqf* institutions still fail to take accountability seriously, and there have been cases of misuse and mishandling of *waqf* assets (Hisham, 2006; Ihsan & Ibrahim, 2011). Rashid (2008) highlights the stereotype of *waqf* managers as dishonest and corrupt and attributes

this to declining moral standards, compounded by colonisation and removal of *Shariah* norms from public life. He recommends religious orientation for *mutawallis* as a way to improve accountability.

Sinclair (1995) describes accountability as a “chameleon”, arguing that its meaning and application shift across contexts. Without a clear conceptualisation, mechanisms for delivering accountability vary. Frink and Klimoski (2004) likewise suggest that organisations lacking a coherent understanding of accountability are prone to failure.

Ihsan and his co-authors confirm that there is little empirical evidence on how accountability actually operates within *Waqf* institutions, though some efforts have begun to address this gap.

Historically, Aurangzeb is often cited as a ruler known for honesty, integrity, responsibility and accountability in handling public finances. India Today notes that he imposed moral regulations, avoided frivolous royal expenditure, and built up state treasure through taxation without indulging in extravagant monuments. Jagran Josh emphasises that the Mughals developed a firm administrative setup, centralised power, and created conditions conducive to economic and cultural growth, taking administrative matters very seriously.

The functional effectiveness of contemporary *Waqf* Boards is also affected by the assignment of responsibilities unrelated to preservation and protection of *waqf* properties. Additional tasks such as appointment of *Kazis*, issuing *nikahnamas*, and maintaining related records have diverted Boards from their core mandate. Some High Courts have criticised state governments for assigning such work to *Waqf* Boards, pointing out that the *Kazis* Act does not intersect with *waqf* affairs and that the *Waqf* Act does not authorise Boards to handle matters under the *Kazis* Act.

All *Waqf* Boards already carry statutory responsibilities regarding *anqaf*. Imposition of *Kazi*-related work overburdens their weak administrative machinery. *waqf*-related movements should, therefore, discourage Boards from diverting attention away from their core legal duties concerning preservation and maintenance of *anqaf*.

In general, *Waqf* Boards face administrative inefficiency. One secret of British success in governing diverse territories was the standardisation of administrative procedures through codes and manuals for different departments. By analogy, there is urgent need to draft audit codes, accounts codes, and office and procedure manuals for *Waqf* Boards, after a comprehensive study of existing rules, regulations and office practices and their correlation with statutory provisions. Once standardised procedures are in place, computerisation and integration of transactions can be explored, including collaboration with software firms that provide customised accounting and ERP systems.

Solutions, Strategies and Recommendations

Ahmed and Khan propose a range of strategies and recommendations to protect *waqf* properties from further damage, put *waqf* administration on a trajectory of growth, and develop *Waqf* governance in India.

They highlight that amending legislation is time-consuming and uncertain, so administrative reforms are crucial. Inquiry committees and commissions have repeatedly pointed to similar administrative lapses across *Waqf* Boards and state governments, including Boards exceeding their powers and passing illegal resolutions, failure to supervise officers, objectionable staff behaviour, unchecked illegal transfer of funds between *Waqf* institutions, and advances to staff that are never recovered.

These lapses indicate that many *Waqf* Board appointees are unsuitable, and Ahmed and Khan urge state governments to weed out unsuitable staff, dismiss and prosecute those involved in criminal misappropriation, and select competent personnel.

They further recommend that *Waqf* Board functions should explicitly include socio-economic and educational roles, with 3–5% of annual income earmarked for such activities. They stress that similar patterns of lapses—mal-administration, failure of supervision, exceeding

powers—are common across Boards and must be eliminated through decisive action.

Ahmed and Khan argue that Sections 11 and 13 of the Income Tax Act should clearly exempt all *waqfs*, including those serving particular sections of a religious community and *wakf-alal-aulad* of all types. The central government, they suggest, should evolve a uniform policy to exempt *waqf* properties from land ceiling, revenue, rent control, and similar state laws; include *waqf* properties within land-grabbing prohibition acts; ensure market-rate compensation and prompt payment for any *waqf* property acquired under the Land Acquisition Act; prevent *waqf* properties from being declared slums; and encourage merging small *waqfs* for effective utilisation.

They propose the concept of “cooperative *waqf*” to create *waqf* through pooled contributions, distinguishing it from cooperative societies. They also call for a standardised *waqfnama* format and for plaques to be displayed on all *waqf* properties indicating their status and relevant penal provisions. Public awareness campaigns, they argue, are vital for informing people about the nature and purpose of *waqf* and shaping attitudes towards its protection.

To tackle widespread misappropriation, Mubarakī incorporates recommendations of the Justice G. R. Bhattacharya Commission, including decentralisation of *waqf* management through district *Waqf* Boards, prevention of power concentration, clear allocation of collective and individual responsibility, term limits for office-bearers, conflict-of-interest safeguards, revision of lease and tenancy rules, expedited surveys and registration of *waqf* properties, empowerment of trustees to challenge unauthorised sales in court, and prohibition of registration of any *waqf* property sale without prior Board permission.

The ongoing narratives thus demonstrate that widespread misappropriation of *waqf* properties is occurring across India. Safeguarding these estates was the duty of successive federal and state governments, but this duty has often been neglected. The community

itself has also contributed to the problem through inattention and, in some cases, complicity. Muslims must understand that *waqf* is a national resource which should be harnessed for the welfare of the community.

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***ZAKAT* IN THE PRESENT AGE: A REDISTRIBUTIVE JUSTICE MECHANISM IDEAS FOR A MAXIMALLY PURPOSEFUL USE**

M. Farid Tungekar^{*}

Zakat is one of Islam's Five Pillars and carries a precise *Qur'anic* mandate. *Surah At-Tawbah* (9:60) identifies eight categories of eligible recipients: the poor (*fuqarā*), the destitute (*masakin*), *Zakat* administrators, those whose hearts are to be reconciled, those in bondage, the debt-burdened, those striving in the way of God (*fi sabilillah*), and the stranded traveller (*ibn al-sabil*). Any contemporary application must remain anchored to these categories while being creative about how they are served. Here are substantive ideas organised around that framework.

1. Transformative Rather Than Merely Transactional Poverty Relief

The classical model of handing cash to the poor fulfils the letter of *zakat* but not always its spirit. A more powerful contemporary approach uses *zakat* to break the cycle of poverty permanently. This means funding microfinance for small businesses — interest-free *qard hasan* loans administered through *Zakat* institutions — so that the poor become economically self-sufficient. Giving a craftsman tools, a farmer seeds and irrigation access, or a seamstress an industrial sewing machine delivers far more lasting relief than a one-time cash transfer. The *Qur'anic* goal is human dignity (*karama*), and dependency rarely achieves it.

2. Education as the Deepest Investment in the Destitute

Illiteracy and lack of skills are among the most entrenched forms of modern poverty. *Zakat* funds applied to scholarships, vocational training, technical education, and adult literacy programmes directly

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serve *masakin* (the chronically destitute) in a way that multiplies impact across generations. A child educated out of poverty becomes a future *zakat* payer, not a perpetual recipient. This is arguably the highest-leverage use available today, particularly in Muslim-majority countries with large youth populations and high youth unemployment.

3. Healthcare for the Medically Destitute

Medical debt is one of the most common causes of sudden destitution globally. Catastrophic illness pushes families who were managing into irreversible poverty overnight. *Zakat* institutions funding free clinics, subsidised surgeries, medicine procurement, and mental health services directly serve both the poor and the debt-burdened (*gharimin*) categories simultaneously. In countries without universal healthcare, this fills a gap that governments have failed to close.

4. Debt Relief as a Distinct and Neglected Priority

The Qur'an explicitly names al-*gharimin* — those crushed by debt — as *zakat* recipients, yet this category is systematically under-served by most contemporary *Zakat* institutions. In an era of predatory lending, student debt crises, and post-pandemic financial collapse, *zakat* funds could be directed toward structured debt-relief programmes: paying off usurious debts for individuals trapped in poverty cycles, clearing medical debts for families, or helping refugees whose debts to smugglers have made them *de facto* bonded labourers. This is urgent and *Qur'anically* explicit.

5. Refugee and Displaced Persons Relief as Ibn Al-Sabil

The category of the stranded wayfarer (*ibn al-sabil*) maps almost perfectly onto the contemporary refugee and internally displaced person. With over 100 million forcibly displaced people globally — a large proportion of them Muslim—*Zakat* institutions have a *Qur'anically* grounded mandate to fund refugee camps, resettlement programmes, documentation assistance, and integration support. This

is arguably the most glaring unmet need matching a named *Qur'anic* category in the world today.

6. *Climate Vulnerability and Agricultural Resilience*

Communities devastated by drought, flooding, or desertification — phenomena increasingly driven by climate change — fall squarely into the categories of the destitute and the stranded. *Zakat* could be used to fund climate-resilient agricultural infrastructure: water harvesting, drought-resistant crop programmes, and reforestation projects in vulnerable Muslim-majority regions like the Sahel, Bangladesh, and Indonesia. This is consistent with the *Qur'anic* category since the recipients are impoverished by an external calamity and need structural, not merely palliative, assistance.

7. *Fi Sabilillah Broadly Conceived: Social Justice and Advocacy*

Classical scholars debated the breadth of *fi sabilillah* (in the cause of God). Many contemporary scholars — including scholars from Al-Azhar and Yusuf al-Qaradawi — have argued that this category can legitimately encompass work that serves the collective welfare of the Muslim community and humanity broadly: funding Islamic educational institutions, civil society organisations that defend Muslim minorities, legal aid for the persecuted, and anti-corruption or institutional reform efforts in Muslim-majority societies. This is an area where *zakat* has largely untapped potential.

8. *Institutional Infrastructure: The Problem of Administration*

Surah At-Tawbah explicitly allocates a portion to *Zakat* administrators (*al-'amilina 'alayha*), recognising that good stewardship requires resources. One of the greatest weaknesses of contemporary *zakat* collection is the fragmentation and informality of its distribution. Investing in professional *Zakat* institutions — with transparent accounting, rigorous needs assessment, fraud prevention, and measurable outcome tracking — is itself a *Qur'anically* sanctioned use

of *zakat* funds. Without capable institutions, even well-intentioned *zakat* is poorly targeted and easily wasted.

9. *Prisoner Rehabilitation and Criminal Justice*

Those imprisoned — often for poverty-related crimes, or unjustly — and their dependent families represent a largely invisible *zakat*-eligible population. In many Muslim-majority countries, prisoners literally starve without family support. Funding prison welfare, legal representation for the wrongly accused, and post-release reintegration aligns with the *gharimin* and *riqab* (those in bondage) categories and has virtually no institutional presence in the *zakat* ecosystem.

10. *Coordination with Zakat-Like Instruments*

Finally, *Zakat* institutions today should work in concert with *waqf* (endowment) systems and *sadaqah jariyah* (ongoing charity) to create durable infrastructure. *Zakat* provides the annual liquidity; *waqf* provides the permanent capital base — hospitals, schools, wells, housing. Together they can fund self-sustaining social welfare systems that reduce *zakat* dependency over time, which is the ultimate *Qur'anic* vision: a community (*ummah*) so equitably organised that, as the Prophet described during the time of Umar ibn Abd al-Aziz, recipients of *zakat* become impossible to find.

Overarching Principle

The Qur'an's *zakat* framework is not a charity system — it is a redistributive justice mechanism. Its goal is the elimination of the conditions that make *zakat* necessary. Every contemporary application should be evaluated not only by whether it relieves suffering today, but by whether it makes the next generation's suffering less likely. That is the most faithful reading of the *Qur'anic* intent.

IMPACT OF NEW CRIMINAL JUSTICE SYSTEM ON THE STATUS OF WOMEN

*Ekta Bansal**

Introduction

The new legal system was introduced with effect from 1 July, 2024 and replaced the British-era criminal legal system. Earlier, Indian Penal Code 1860, Criminal Procedure Code 1973 and The Indian Evidence Act 1872 were there and now replaced with Bharat Nyaya Sanhita (BNS), Bharat Nagarik Suraksha Sanhita (BNSS) and the Bharat Sakshya Adhinyam respectively.

Since then, the legal and political communities have been debating the changes brought about by these laws and their effects on society. The ancient penal law, in addition to its colonial baggage, is based on antiquated ideas about women's roles in society, which impeded their social advancement and made gender equality an even more unrealistic objective.

This paper looks at changes made to the criminal justice system that have huge impact on women's rights. By combining them into a single chapter and including additional measures that strengthen women's rights, several authors note that the BNS act primarily focusses on transgressions against women and children. First off, consenting sexual contact combined with a fraudulent promise to marry is punishable under Section 69 of the BNS Act, a new offence that was not previously included in the IPC. By penalising these men for the crime of rape, this clause aims to safeguard women who agree to sexual activity because the man made a false promise to marry them.

Before being incorporated into the penal statutes, the jurisprudence surrounding "rape on the pretext of marriage" underwent a judicial evolution. The new BNS Act included a legislative provision that

* Advocate, New Delhi.

further cemented court view. Second, by incorporating mental injury into the definition of cruelty towards women—an element that was previously absent from the IPC and left up to the judiciary's interpretation. Section 86 of the BNS represents a significant step. Thirdly, by removing adultery from the criminal code, the BNS supports the Joseph Shine¹ ruling, which decriminalised adultery by stating that the clause was unconstitutional.

Objective for New Legislation

1. The old criminal legislations were from the era of colonial times and they were in lines with the British Criminal Jurisprudence as they were designed by Britishers and they were mainly provided to rule the Indian Society whereas the new Criminal Legislation has been designed as per the present society and aim to facilitate for the betterment of the society and thereby in lines with the Constitution of India.
2. Many of the sections of old legislation had become redundant as either they had been deleted or not suitable as per the Indian society. Therefore, it was important to give the laws as per the modern Indian society which would be essential to cater to the needs of the present-day society and maintain the balance in the society.
3. To make the new criminal justice system of the country—Technologically adept, transparent and swift, credible and accountable and justice driven.

Changes Affecting Women

1. Judgements in criminal cases must be rendered within 45 days following the conclusion of the trial. Within sixty days following the initial hearing, charges must be framed. To guarantee the security and cooperation of witnesses, all state governments must put in place witness protection programmes.

¹ *Joseph Shine v. Union of India*, AIR 2018 SC 4898.

2. A female police officer will record rape victim's statement while the victim's guardian or family member is present. Within seven days, medical reports must be furnished. This would encourage the rape survivor to come forward and report the cases. The new laws require all hospitals to provide free medical care or first aid to victims of crimes against women and children. Crimes against women victims are entitled to receive information on the status of their case within ninety days under the new laws.
3. Crimes against women and children are included in a new section of the legislation. Purchasing or selling a child is considered a horrible crime that carries harsh punishments. The punishment for gangraping a juvenile is either life in prison or death. Therefore, clearly depicts that new legislation aims to improve the status of women in the society.
4. Process to Compel Appearance aims at the introduction of gender-neutral laws and now the women have been included as an adult member of the family for the purpose of service of summons on behalf of the person summoned. The earlier reference to 'some adult male member' has been replaced with 'some adult member'.
5. Changes in order for maintenance of wives, children and parents under Section 145 of BNS introduced the inclusion of both father and mother in the proceedings for an order of maintenance from the place where the dependent parent resides. This removed the difficulty which existed in the CrPC wherein in case of parents, the place for initiation of proceeding was the place of residence of their son.
6. In order to prevent needless delays in case hearings, the law now includes penalties for cases in which women are abandoned after being deceived by false promises of marriage. The new law represents another significant stride as it criminalises sexual intercourse through deceptive means. Under this provision, individuals who engage in such acts—like making false promises of employment or marriage without any intention to fulfil

them—could be sentenced to up to 10 years in prison, along with fines.

7. Victims of crimes against women are entitled to regular updates on their cases within 90 days; and both the victim and the accused are entitled to copies of the FIR, police report, charge sheet, statements, confessions, and other documents within 14 days.
8. Sexual intercourse or sexual acts by a man with his own wife, the wife not being under eighteen years of age, is not rape. Earlier it was 15 years age.

Difficulties

Adaptation Period: Stakeholders may face challenges during the initial phase of transitioning to the new legal framework.

Implementation Hurdles: The successful implementation of BNS requires extensive training for judicial officers and legal professionals. It would also be difficult for legal professionals and judiciary aspirants, academicians to again brush up their memories and to learn the new sections.

The new criminal jurisprudence, is a major step in the direction of an Indian legal system that is more equitable and effective. Its success will depend on how well it is implemented and adjusted, even though it offers several advantages like efficiency, protection of rights, and simplicity. Stakeholders must work together as India enters this new period of legal change in order to overcome obstacles and fully utilise this historic law. The pursuit of justice is a continuous process, and the new criminal legislation marks a significant turning point in India's legal development.

Therefore, the new legal system not only removed the redundant laws but also introduced various new laws, changes for the betterment of society and it can be observed that new laws are in compliance with the laws for the betterment of women and gender-neutral laws thereby working towards the goal of women empowerment.

INFRASTRUCTURAL AND ACADEMIC STANDARDS FOR PROFESSIONAL LEGAL EDUCATION WITH EXPERIENTIAL LEARNING IN INDIA: AN APPRAISAL

*Prof. M. Afzal Wani**

Importance of Legal Education

Studies in law have increased in the contemporary world with enormity both in magnitude and worth. It has become catchy for career and individual grace as the first option for many brilliant students who earlier used to look for studies in medicine and engineering. Largely the legal education system has been restructured, in the world in general and in India in particular, to meet the emerging challenges to the profession in ever-widening areas of operation due to fast-changing developments in the globalising world caused unabatedly by technology and trade. Like an active frolic, to a keen eye, every moment gives a new view of its premises. It turns with time and swings with space. Legal studies have turned into a compact programmes for promoting skills in perusal, analysis and investigation, systematising and extensive ordering activities, planning and realising goals, predicting and preparing for challenges, and promoting communication and confidence.

The justice delivery system, with the growing complexity of life, is no more a calm shore of the sleeping ocean of society. It is full of Hungama-e-Hayat (the tempestuous panorama of life) with hope and dismay at large together. The nature of disputes in courts is not now the few patterned traditional *Divani* (civil) and *Faujdari* (criminal) cases. The enormity in kind and extent of the conflicts and cases has resulted in the creation of many new kinds of courts, registration offices, fora, tribunals, commissions, committees, authorities,

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This account of requirements is given for awareness of interested people to receive suggestions for more development in the standards.

investigative agencies, treatment mechanisms, and so on. This is in addition to the local customary mechanisms of conflict resolution which continue to supplement the formal systems. From personal relationships to trade, travel, business, profession, industry, property, service, sustenance, or entertainment, nothing is in any situation free from friction in society and the implications of the law. The tendency of the people to invoke the law in all matters of differences has added fuel to fire.

The state is under a heavy burden of managing its affairs of multiple natures and dimensions. Security has become a big issue. Old trust-based models of administration do no more work. These are losing space to new rights base models of governance. This also has opened up a door for specialised studies in management and governance. Further strides in the form of e-governance and e-management have resulted in the need for persons skilled in law with due awareness about the use of technology in management and governance.

The people in the society can no more afford to manage their day-to-day multi-challenging affairs without the necessary awareness of the law and legal system and support from civil society. It is a pressing area where the service of law must be available to all to maintain the life of the individual and the health of society. In any case, the ocean of law has overwhelmed life and people have to be largely educated and trained to navigate in this ocean to make sustenance of life possible with harmony and dignity.

Thus, there is a huge requirement of law professionals for manning various wings of the judicial system, administration, law enforcement agencies, registration offices, tribunals, commissions, committees, authorities, investigative agencies, business organisations, corporate affairs, civil society conglomerates, social activities concerns, diplomatic assignments, public offices, public institutions, common affairs groups, political parties, and media. There are many more increasing areas where lawmen will be in extreme demand.¹

¹ Prof. M. Afzal Wani, “New Generation of Legal Education and Imperatives of Time Changes”; see Vol. III Nos. 1 & 2, *Indraprastha Technology Law Journal*, pp. 97-110 (2014) and *The Sunday Express* on 1st April, 2016.

Standards of Professional Legal Education

Recognised Universities and Colleges

Any Centre of Legal Education/Departments of the recognised Universities must be approved by the Bar Council of India. The Bar Council of India shall notify a list of such Universities and Centres of Legal Education prior to the commencement of each academic year in the prescribed manner and also put in website of Bar Council of India a list of Universities and Centres of Legal Education as amended from time to time. Each State Bar Council shall ensure that applicants passing out from such a recognised University and of its approved affiliated Law Centre of Legal Education are enrolled.

There shall be two courses of law leading to Bachelors' Degree in Law: (a) A three-year degree course in law undertaken after obtaining a Bachelors' Degree in any discipline of studies from a University or any other qualification considered equivalent by the Bar Council of India; (b) An integrated Five-Year Course combining Bachelors' Degree course which shall be of not less than five years' duration leading to the integrated degree in the respective discipline of knowledge and law together.

Eligibility for Admission

Three-Year Law Degree Course: An applicant who has graduated in any discipline of knowledge from a recognised University or an equivalent national institution recognised as a Deemed to be University or foreign University recognised/declared as equivalent to the status of an Indian University, may apply for a three years' degree programme in law leading to conferment of LL.B. Degree recognised by the Bar Council of India for the purpose of enrolment.

Five-Year Integrated Degree Programme: An applicant who has successfully completed Senior Secondary School course or an equivalent course from a recognised University or Senior Secondary Board of India or from a foreign country recognised by the

government of that country for the purpose of issue of qualifying certificates, may apply for and be admitted to Five-Year Integrated Degree Programme recognised by the Bar Council of India for the purpose of enrolment.

Manner of Running Courses and Maintenance of Records

The University concerned shall run the courses in accordance with Bar Council of India Rules and ensure: (a) courses are designed mentioning the purpose, manner and the process of running the integrated courses semester-wise with clear objective criteria of integration; (b) all infrastructural facilities are made available including faculty for teaching, laboratories and class rooms with fixtures and fittings including the computer support; (c) the double degree courses are planned with suitable integration meaningfully; and (d) maintain documentary evidences and records of these requirements for inspection committee and review by the Bar Council of India.

Academic Standards and Courses

Bar Council of India has prescribed academic standards and courses in Schedule II of BCI Rules For Legal Education.

Academic Standards and Courses to be studied

1. ***Medium of instruction:*** English shall be the medium of instruction in both the integrated five-year and three-year courses. However, if any University or CLE allows in full or in part instruction or examination in any language other than English, the students have to take English as a compulsory paper.
2. ***Degree with or / and without Honours:*** A University is free to design courses for study with or / and without Honours course. However, the courses shall include the courses as stipulated under BCI Rules.

3. ***Total subjects in Liberal discipline in integrated stream:*** In integrated stream of Arts & Law, Science & Law, Management & Law, Commerce & Law, etc., as the case may be, one has to take *one major subject* and *two minor subjects* or such number of compulsory paper/subject and such optional with or without Honours in Law, as the case may be, from the specified area in addition to English, as may be prescribed by the University concerned.

The syllabus has to be comparable to the syllabus prescribed by the leading universities in India for legal studies taking into account the standard prescribed by the UGC/AICTE or any other respective authority for any stream of education.

4. ***Total Number of papers (subjects) to be offered in any streams:***

Law subjects (papers) in both the streams

- (a) For regular law courses either in the three years' unitary stream or under the integrated double degree stream, students have to take not less than twenty-eight papers (subjects) in all, which shall include eighteen compulsory papers, four clinical papers and six optional papers from among the prescribed list of optional papers and also any additional papers prescribed by the university from time to time.
- (b) For specialised and / or honours course, a student has to take not less than thirty-six papers, including eighteen compulsory papers, four clinical papers, six optional papers and eight specialised/honours course in any Group as stipulated. However, if eight papers are taken from multiple of groups, Honours can be given in general law without mentioning any specialisation.

Example: "A" has taken eight honours papers selected as follows: two from Constitutional Law, three from Business Law, one from International Law and two from International Trade Law, his Honours shall be in Law. "B" takes eight papers from

Constitutional Law-Group, his honours shall be mentioned in Constitutional Law.

5. ***Curriculum Development Committee (CDC):*** The Bar Council of India may, from time to time, appoint Curriculum Development Committee (CDC) to design various courses in both liberal discipline and law. The CDC in designing such courses shall, with benefit, take into account the Reports on various subjects submitted to UGC or AICTE by its Curriculum Design Committees. Universities are free to use the CDC Report of UGC/AICTE in liberal disciplines including science, arts, fine arts, commerce, management, engineering, technology and other branches of knowledge, in designing the integrated course in Law and Arts, Law and Science, Law and Finance, Law and Commerce, Law and Engineering, Law and Management etc. as the case may be.

6. Course outline in the two streams of Legal Education:

Part I: Courses in liberal discipline in Integrated Five-Year Course:

- (1) Undergraduate course-component for Integrated Five Years' Course:
 - (a) For B.A., LL.B.: In Social Science and Language, one major subject with two minors, besides, English as compulsory subject. Students are expected to learn at least one Foreign or Indian Language. There shall be 6 papers in major and three papers each in minor and in languages.

Example: One can take Philosophy as major with Political Science and Sociology as minor. One can take Economics as major and Political Science and Mathematics as minor. Similarly, one can take English as major and Political Science and History as minor, so on so forth. However, in the initial year's the choice of subjects may be restricted. In the current year's courses offered would be Economics, Political Science, Philosophy, Journalism & Mass Communication and History.

English can also be taken as major. Other languages offered shall be notified at the time of admission. It is advised that the university should follow the Curriculum Development Committee Report of UGC, if it is there, in designing the course and stipulate the standard.

- (b) In Science (For B. Sc., LL.B.): Major and minor papers shall be in science subjects offered. Provision for language shall remain the same. In the current year subjects offered are Physics, Chemistry, Bio-Science, Mathematics, Environmental Science, and Geological Science. Choice can be restricted on the availability of faculty. It is advised that the University should follow the Curriculum Development Committee Report of UGC, if it is there, in designing the course and stipulate the standard.
- (c) Business Management (For BBA, LL.B.): Major and minor subjects or Compulsory and Optional subjects/papers may be taken from the following papers/subjects such as Business Communication, Business Mathematics, Quantitative Analysis, Business Statistics, Business Environment, Accounts and Finance, Management Theory and Practice, Human Resource Management, and Marketing Management. Language policy shall remain the same. However, one can take English as major or minor, where there is a system of major and minor, with other management subjects. Universities are advised to design the course looking into the course and standard prescription, if any by AICTE or UGC as the case may be.
- (d) In Commerce (leading to B. Com., LL.B.): Major and minor courses are to be selected from the list of subjects like Accounts, Advanced Accounting, Secretarial Practice, Business Administration, Management Accounting, Audit Practice etc. It is advised that the University should follow the Curriculum Development Committee Report of UGC, if it is there, in designing the course and stipulate the standard.

Part II (*Law papers common to both the streams*)

(A) Compulsory subjects in legal education component in both the streams (Papers 1 to 20) University is free to design any subject in one or more than one papers where more papers are not stipulated:

1. Jurisprudence (Legal method, Indian legal system, and basic theory of law).
2. Law of Contract
3. Special Contract
4. Law of Tort including MV Accident and Consumer Protection Laws
5. & 6. Family Law (2 papers)
7. Law of Crimes Paper I
8. Law of Crime Paper II
9. & 10. Constitutional Law (2 papers)
11. Property Law
12. Law of Evidence
13. Civil Procedure Code and Limitation Act
14. Administrative Law
15. Company Law
16. Public International Law
17. Principles of Taxation Law
18. Environmental Law
19. & 20. Labour and Industrial Law (2 papers)

Part II (B) Compulsory Clinical Courses (Papers 21 to 24) are as follows:

21. Drafting, Pleadings and Conveyance. Outline of the course:

- (a) Drafting: General principles of drafting and relevant substantive rules shall be taught.
- (b) Pleadings:
 - (i) Civil: Complaint, Written Statement, Interlocutory Application, Original Petition, Affidavit, Execution Petition, Memorandum of Appeal and Revision, Petition under Articles 226 and 32 of the Constitution of India.
 - (ii) Criminal: Complaint, Criminal Miscellaneous petition, Bail Application, Memorandum of Appeal and Revision.
 - (iii) Conveyance: Sale Deed, Mortgage Deed, Lease Deed, Gift Deed, Promissory Note, Power of Attorney, Will, Trust Deed.
 - (iv) Drafting of writ petition and PIL petition

The course will be taught through class instructions and simulation exercises, preferably with assistance of practising lawyers/retired judges. Apart from teaching the relevant provisions of law, the course may include not less than 15 practical exercises in drafting carrying a total of 45 marks (3 marks for each) and 15 exercises in conveyancing carrying another 45 marks (3 marks for each exercise) remaining 10 marks will be given for viva voce.

22. Professional Ethics & Professional Accounting system.
Outline of the course: Professional Ethics, Accountancy for Lawyers and Bar-Bench Relations.

This course will be taught in association with practising lawyers on the basis of the following materials:

- (i) Mr. Krishnamurthy Iyer's book on "Advocacy"

- (ii) The Contempt Law and Practice
- (iii) The Bar Council Code of Ethics
- (iv) 50 selected opinions of the Disciplinary Committees of Bar Councils and 10 major judgments of the Supreme Court on the subject.
- (v) Other reading materials as may be prescribed by the University Examination rules of the University, which shall include assessment through case-study, viva, and periodical problem solution besides the written tests.

23. Alternate Dispute Resolution

Outline of the course:

- (i) Negotiation skills to be learned with simulated programme
- (j) Conciliation skills
- (k) Arbitration Law and Practice including International Arbitration and Arbitration rules.

The course is required to be conducted by senior legal practitioners through simulation and case studies. Evaluation may also be conducted in practical exercises at least for a significant part of evaluation.

24. Moot Court exercise and Internship:

This paper may have three components of 30 marks each and a viva for 10 marks.

- (a) Moot Court (30 Marks). Every student may be required to do at least three moot courts in a year with 10 marks for each. The moot court work will be on assigned problem

and it will be evaluated for 5 marks for written submissions and 5 marks for oral advocacy.

- (b) Observance of Trial in two cases, one Civil and one Criminal (30 marks):

Students may be required to attend two trials in the course of the last two or three years of LL.B. studies. They will maintain a record and enter the various steps observed during their attendance on different days in the court assignment. This scheme will carry 30 marks.

- (c) Interviewing techniques and Pre-trial preparations and Internship diary (30 marks):

Each student will observe two interviewing sessions of clients at the Lawyer's Office/Legal Aid Office and record the proceedings in a diary, which will carry 15 marks. Each student will further observe the preparation of documents and court papers by the Advocate and the procedure for the filing of the suit/petition. This will be recorded in the diary, which will carry 15 marks.

- (d) The fourth component of this paper will be Viva Voce examination on all the above three aspects. This will carry 10 marks.

Part II (C): Not less than six papers from any of the following groups (papers 25 to 30). However, a university is free to take only a few common options for the purpose of LL.B. course without any specialisation:

Constitutional Law Group:

1. Legal Philosophy including theory of Justice
2. Indian Federalism
3. Affirmative Action and Discriminative Justice

4. Comparative Constitutions
5. Human Rights Law and Practice
6. Gender Justice and Feminist Jurisprudence
7. Fiscal Responsibility & Management
8. Local Self Government including Panchayat Administration
9. Right to Information
10. Civil Society & Public grievance
11. Government Accounts & Audit
12. Law on Education
13. Media & Law
14. Health Law
15. Citizenship & Emigration Law
16. Interpretation of Statutes and Principle of Legislation
17. Legislative drafting
18. Law on Infrastructure Development
19. Special Contract

Business Law Group:

1. Law and Economics
2. Banking Law
3. Investment Law
4. Financial Market Regulation
5. Foreign Trade
6. Law of Carriage
7. Transportation Law
8. Insurance Law
9. Bankruptcy & Insolvency

10. Corporate Governance
11. Merger & Acquisition
12. Competition Law
13. Information Technology Law
14. Direct Taxation
15. Indirect Taxation
16. Equity and Trust
17. Law on Project Finance
18. Law on Corporate Finance

International Trade Law

1. International Trade Economics
2. General Agreement on Tariff & Trade
3. Double Taxation
4. Dumping and Countervailing Duty
5. Trade in Services & Emigration Law
6. Cross Border Investment
7. Agriculture
8. Dispute Resolution
9. International Monetary Fund
10. Trade in Intellectual Property
11. International Banking & Finance

Crime & Criminology

1. Criminal Psychology
2. Forensic Science
3. International Criminal Law

4. Prison Administration
5. Penology & Victimology
6. Offences Against Child & Juvenile Offence
7. Women & Criminal Law
8. IT Offences
9. Probation and Parole
10. Criminal Sociology
11. Comparative Criminal Procedure
12. Financial and Systemic Fraud
13. White Color Crime

International Law

1. International Organisation
2. International Human Rights
3. Private International Law
4. International Environmental Law
5. IMF & World Bank
6. Regional Agreement & Regionalisation
7. UNCITRAL Model Codes
8. Law & Agriculture
9. International Labour Organisation & Labour Laws
10. International Dispute Resolution Bodies
11. Maritime Law
12. Law of the Sea and International River
13. Humanitarian and Refugee Law
14. International Criminal Law and International Criminal Court

Land Laws including Tenure & Tenancy system

1. Law on Agriculture Infrastructure: seed, water, fertiliser, pesticide etc.
2. Law on Agricultural Finance
3. Law on Agricultural Labour
4. Agricultural Marketing
5. Farming & Cultivation
6. Farmers and Breeders' Right
7. Cooperative and Corporatisation of Agriculture
8. Dispute Resolution and Legal aid
9. Agricultural Insurance
10. Law on SMEs on agricultural processing and rural industry
11. Intellectual Property Law
12. Patent Right creation and Registration
13. Patent Drafting and Specification Writing
14. IPR Management
15. Copyright
16. Trade Mark and Design
17. Trade Secret and Technology transfer
18. Other Forms of IPR creation and registration
19. IPR Litigation
20. IPR Transactions
21. Life Patent
22. Bio Diversity protection
23. Information Technology
24. IPR in Pharma Industry
25. IPR in SMEs

University's power for additional subject/group: A University/School may add to the above list of subjects as well as a New Group of subject specialisation with such papers as may be stipulated from time to time. Students in the general law course have to take not less than six papers from any three or more groups.

Part III (Only for Honours course in Law)

In case of specialisation or honours in any group, one has to take at least eight papers from one group over and above six optional papers in other groups.

Freedom to University

University may restrict Groups and/or subjects in a group for offering options based on availability of faculty and other facilities.

First Semester: 20 weeks	Second Semester: 20 weeks
General English	English Literature
Major Subject in BA/BSc/B.Com./BBA etc (Paper 1)	Major Subject (Paper 2)
Minor I (Paper 1)	Minor 1 (Paper 2)
Minor II (Paper 1)	Minor II (Paper 2)
Law of Tort	Constitutional law of India
Law of General Contract	Legal Method

The arrangement of subjects in 5 years' integrated course shall be as follows:

First Semester:	4 (First degree papers)	+ 2 (Law papers)
Second Semester	4 (do)	+ 2 (Law papers)

Third Semester	3 (do)	+ 2 (Law papers)
Fourth Semester	3 (do)	+ 2 (Law papers)
Fifth Semester	2 (do)	+ 4 (do)
Sixth Semester	2 (do)	+ 4 (do)
Seventh Semester	1 (do)	+ 4 (do)
Eighth Semester	1 (do)	+ 4 (do)
Ninth Semester	5 (do)	
Tenth Semester	5 (do)	

MINIMUM INFRASTRUCTURE

As Per Schedule III of BCI Rules

Minimum infrastructural facilities required in a Centre of Legal Education for applying permission to run law courses with affiliation from an Indian University

Physical infrastructure

1. **Definition:** Institution means a Centre of Legal Education (CLE).
2. **Minimum Capital Fund requirement:** Each Centre of Legal Education before seeking affiliation with a University and approval of Bar Council of India of the same shall have a minimum capital fund requirement of Rupees ten lakh to be kept into a Bank account to be used for any future exigencies and development of the Institution. The Account is to be jointly operated by the Secretary or Principal with the Registrar of the University or his authorised agent.

3. ***Freehold or Leasehold Property:*** Each Centre of Legal Education providing education in law either in the Department of law of a University or its constituent or affiliated college must have either on freehold or on long leasehold land adequate to provide academic buildings, library, indoor and outdoor sports facilities, halls of residences for male and female students separately, as the case may be, in the name of the Centre of Legal Education or organisation running the Centre of Legal Education. However, lease in the name of the Centre of Legal Education shall be for a period of not less than ten years. What is the adequate space for the said purpose shall be decided by the respective authority of the University under its affiliation regulation and as guided by the UGC.

Provided that sufficient land and adequate floor space area completely and exclusively devoted for a Centre of Legal Education, based on the size of its student population, faculty requirement, infrastructure facilities, Library space requirement, indoor and outdoor games facilities and other requirements can be considered sufficient accommodation in compliance with this clause, for the purpose in a multi-faculty Institution on land possessed by the Management of a Society/Trust/Non-Profit Company running multi-faculty institutions in a metropolitan or in a class 1 city.

4. ***Academic Building:*** There shall be the academic building to provide separate class rooms for general class for each section sufficient to accommodate sixty students as per the requirement of per student floor space as specified by the University Grants Commission or such other standard setting body like AICTE and also such other rooms for tutorial work, moot court room exercises, common room for male and female students and adequate library space for keeping books, periodicals, and journals. The library shall also have adequate reading space for at least 25% of the enrolled students according to per capita reading space specified by any standard setting bodies like UGC.

5. **General timing for conduction of courses in Academic Building:** Classes may be conducted between 8 a.m. to 7 p.m. in an Institution, which is not fully residential. However, the Library may remain open till 10 p.m.
- 5A. **Size of a Section:** The Inspection Committee may approve for admission in each of the section of a class for not more than 60 students and may allow a minimum of two sections in each class but not more than five sections in one class (such as First Year or Second Year or Third Year, etc.), as the case may be, unless there is any exceptional reason for granting more sections in a class, such a reason has to be specified by the Inspection Committee.
6. **Library Building:** There shall be adequate space in the library for computer facility with access to internet and national and international library access and data bases.
7. **Games & Sports Facilities:** There shall be facilities for indoor and outdoor games and sports.
8. **Halls of residence:** There may be facility required for halls of residence separately for male and female students constructed on the direction and specification by the UGC or any such other standard setting body for affiliating an Institution.
9. (a) **Laboratories:** Institutions running integrated law programme shall have adequate laboratory facilities in various courses of studies, if offered in the curriculum for Science, Engineering, and Technology courses along with law courses. The standard of such laboratory, per capita space, equipment, supplies, and other facilities shall be as specified by the UGC or any such other standard setting and regulatory bodies for the purpose of affiliation of such an Institution.

(b) Computer Education to be made compulsory for all the students.

10. **Organisation structure of an Institution:** Affiliated Centres of Legal Education can be run by a Non-profit organisation, like a Public Trust, Societies registered under Union or State law, or a Non-profit Company. All properties, assets, and the academic and academic support services shall be required to be recorded in the name of the Institution.
11. **Legal Aid Centre:** Each institution shall establish and run a Legal Aid Clinic under the supervision of a Senior Faculty Member who may administer the Clinic run by the Final year students of the Institution in cooperation with the Legal Aid Authorities with a list of voluntary lawyers and other non-government organisations engaged in this regard in the locality generally from which the student community of the Institution, hail from.
12. All Bank account or accounts and Funds of the Institution shall be jointly operated by the Manager/Secretary designated by the Trust, Society, or the Non-profit Company, as the case may be, with the Head of the Institution.
13. All Records of the Institution including financial, academic and other organisational records and the meeting proceedings shall be kept in safe custody by the Head of the Institution in the Office of the Institution and shall remain accessible to all authorities and Inspection teams.
14. Copy of Affiliation Rules of the University: All affiliating Universities would be required to forward a copy of the Affiliation Rules and affiliation order to the Bar Council of India before an Inspection of the University including any of its affiliated Centres of Legal Education.

Academic infrastructure

15. ***Minimum Library requirement:*** To start with, a Law Library shall have a set of AIR manual, Central Acts and Local Acts, Criminal law journal, SCC, Company cases, Indian Bar Review,

selected Judgements on Professional Ethics and Journals with the back volumes for at least ten years and also such number of text books in each subjects taught during the period according to the minimum standard ratio of ten books for each registered student. For running integrated programme, text books of such other subjects are also to be kept in the similar minimum ratio. The minimum investment in Library in each academic year must shall be Rupees Fifty thousand for one stream and Rupees One Lakh for both the streams.

16. ***Whole time Principal/ Head/Dean:*** There shall be a Principal for each constituent or affiliated Centre of Legal Education of a University and a Dean for the University Department, who shall have minimum prescribed qualification in law as prescribed by the UGC for respective position like Principal of a Centre of Legal Education or a Professor of Law to hold Deanship, as the case may be.
17. ***Core Faculty:*** There shall be sufficient number of full-time faculty members in each Centre of Legal Education (i.e., department, constituent or affiliated college) to teach each subject at all point of time for running courses who can be supported by part-time or visiting faculty. Such a core faculty shall in no case be less than six in the first year of the approval with both streams in operation, eight in the second year and ten in the case of third year of law courses. In addition, for the integrated course there shall be adequate faculty in the subjects offered in the liberal educational subjects as part of the course by the institution. These faculties in the liberal educational discipline in Arts, Science, Management, Commerce, Engineering, Technology or any other discipline shall possess qualification as is required under the UGC guideline or under such other standard setting body as the discipline is allotted to by any Act, Statute, or Rules of the Government of India or of a State.

For the Three-Year Bachelor of Law degree course only with two sections without the Honours Programme, there shall be minimum of 4 core faculty in the first year, six in the second year,

and eight in the third years in addition to the Principal/Head or Dean, as the case may be.

Provided that an Institution intending to run any specialised or honours course must have at least three faculty in the group in which specialisation and honours courses are offered.

Provided further that each full-time faculty shall take as many classes in the subject or subjects as may be assigned to them on the basis of standard prescribed by 'the Standard Setting Institution' like UGC.

Provided further, if any Institution of a university, which was already affiliated to the University and approved to run professional courses of either scheme or both by the Bar Council of India after inspection of the University, falls short of required full time faculty, the new admission in courses may be required to remain suspended until new required number of faculty is procured.

The University shall before starting a new academic session, notify which institutions are only be allowed to admit fresh students.

Provided further that if while inspecting the University it was found that in any institution of the University adequate number of full-time faculty was not there in the staff, the Bar Council after giving notice to the University might give a public notice directing the University not to admit students in the new academic year in that institution.

18. ***Minimum weekly class Programme per subject (paper):***

There shall be for each paper (with 4 credit) Four class-hours for one hour duration each and one hour of tutorial/moot court/project work per week.

19. ***Examination Rules guideline:*** The examination shall ordinarily be held at the end of every semester. The University

shall, however, be at liberty to hold examination quicker frequency on continuing basis. Suitable allocations of subjects for each semester programme, as the case may be, shall be planned by the University and the same shall be intimated to the Bar Council of India along with the Examination Rules adopted by the University concerned.

20. ***Minimum qualification needed for a Faculty:*** Full-time faculty members including the Principal of the Centre of Legal Education shall be holders of a Master's degree or as prescribed by the UGC or other such standard setting bodies.

However, faculty for teaching clinical programme may be appointed from the retired judicial officers or from the Bar, a person with professional experience for a minimum period of 10 years. Visiting faculty from the Bar, bench or academy shall have a minimum experience of 10 years.

21. ***Teaching load:*** The teaching load of full-time and part-time teachers shall be according to the norms prescribed by the UGC from time to time.
22. ***Salary scale:*** The salary paid to the Principal shall be according to the scales recommended by the UGC from time to time with other benefits. Core Full-Time Faculty shall ordinarily be given usual UGC scale.

An Institution may, however, have faculty whose remuneration is based on contract, provided the remuneration is comparable with or more favourable to the faculty in comparison with the UGC Scale and salary shall be paid through account payee cheque.

23. ***Standard Academic practice:*** The Bar Council of India may issue directives from time to time for maintenance of the standards of Legal Education. The Centre of Legal Education/ University has to follow them as compulsory.

24. ***The Questionnaire specified in Schedule VI & VII:*** and as amended from time to time, is to be responded to by the applicant for approving an affiliated institution by the Bar Council of India under the Rules, which shall be deemed to be directive issued under this Rule. The questionnaire shall be submitted with the application for initial inspection with such other particulars, documents and fees as may be prescribed.
25. ***Minimum Period of Internship:*** (a) Each registered student shall have completed a minimum of 12 weeks internship for Three-Year Course stream and 20 weeks in case of Five-Year Course stream during the entire period of legal studies under NGO, Trial and Appellate Advocates, Judiciary, Legal Regulatory authorities, Legislatures and Parliament, Other Legal Functionaries, Market Institutions, Law Firms, Companies, Local Self Government and other such bodies as the University shall stipulate, where law is practised either in action or in dispute resolution or in management.
- Provided that internship in any year cannot be for a continuous period of more than Four Weeks and all students shall have at least gone through once in the entire academic period with Trial and Appellate Advocates.
- (b) Each student shall keep Internship diary in such form as may be stipulated by the University concerned and the same shall be evaluated by the Guide in Internship and also a Core Faculty member of the staff each time. The total marks shall be assessed in the Final Semester of the course in the 4th Clinical course as stipulated under the Rules in Schedule II.
26. ***District-wise list of Senior Lawyers, willing to guide students under internship:*** The State Bar Councils shall be required to prepare a list of suggested Senior Advocates District-wise with at least ten years' experience who are willing to take under internship students during the vacation period. The Bar Council of India shall then publish the list of senior lawyers,

willing to guide students under internship on the website as well as make the list available with the Institutions.

27. **Formal Dress Code during internship:** Students placed under internship or in moot court exercise, shall have formal dress of legal professional in pupillage as follows:

(For all) White/Black trouser, white shirt, black tie, black coat, black shoe and black socks. When students have problems of getting the entire formal dress for any reason, they have to have a white trouser, full sleeve shirt to be tucked in and covered shoe.

(Optional for Girl students) Black printed saree, with white full sleeve blouse and covered black shoe or Lawyer's Suit with black covered shoe. The Organisation or Advocate under whom the internee is placed is required to follow suitable dress code.

28. **Age on admission:** (a) Subject to the condition stipulated by a university on this behalf and the high degree of professional commitment required, the maximum age for seeking admission into a stream of integrated Bachelor of Law degree programme, is limited twenty years in case of general category of applicants and twenty-two years in case of applicants from SC, ST and other Backward communities.

- (b) Subject to the condition stipulated by a university, and the general social condition of the applicants seeking legal education belatedly, the maximum age for seeking admission into a stream of Three-Year Bachelor Degree Course in Law, is limited to thirty years with right of the University to give concession of 5 further years for the applicants belonging to SC or ST or any other Backward community.

Any institution conducting legal education by running either of the law degree courses or both leading to conferment of graduate degree in law on successful completion of the course shall have minimum standard infrastructure facility stipulated by the Bar Council of India specified in Schedule III of these Rules.

Provided further that a list of such students allowed to take the test with reasons recorded be forwarded to the Bar Council of India.

INSPECTION, RECOGNITION AND ACCREDITATION

14. Centres for Legal Education not to impart education without approval of Bar Council of India

1. No Centres of Legal Education shall admit any student and impart instruction in a course of study in law for enrolment as an advocate unless the recognition of the degree of the University or the affiliation of the Centres of Legal Education, as the case may be, has been approved by the Bar Council of India after inspection of the University or Centres of Legal Education/Institution concerned, as the case may be.
2. An existing Centre of Legal Education shall not be competent to impart instruction in a course of study in law for enrolment as an advocate if the continuance of its affiliation is disapproved or revoked by the Bar Council of India.
3. Bar Council of India may suspend a Centre of Legal Education for such violation for a period of not more than two academic years which shall be notified.

15. Annual Notification for application to be filed by newly proposed institutions:

- a. At the direction of the Legal Education Committee, the Secretary shall notify each year prescribing the last date for submission of new application for proposing new law courses in a University or a new affiliated Centre of Legal Education under an existing recognised University but not later than December 31 of the previous academic year to which the new proposal is applied for. No application received after that

date can be considered for the academic year under notification but can be considered for the subsequent year.

- b. On receipt of each application the Secretary shall submit his note after ascertaining all relevant facts to the Chairman of the Bar Council of India who may then instruct to refer the application to the Inspection Committee for inspection and report. After receiving the report from the Inspection Committee, the Secretary shall place the file before the Legal Education Committee for its recommendation to the Bar Council of India for approval of the affiliated Centres of Legal Education or recognition of the degree in law of the University, as the case may be.
 - c. The Legal Education Committee may call for additional information from the applicants as the Legal Education Committee may deem necessary.
16. Conditions for a University to affiliate a Centre of Legal Education: (1) When a University receives an application for affiliation of a Centre of Legal Education to provide legal education by running professional degree programme in law under either or both the streams, the University may before deciding whether it is fit case for seeking inspection from the Bar Council of India, shall ensure that:
- i. the applicant organisation proposing to run the institution is either already a non-profit organisation on trust or registered society or a non-profit company or any other such legal entity or has taken all legal formalities to be as such,
 - ii. the institution has in its name either in freehold or leasehold, adequate land and buildings, to provide for Centre of Legal Education building, library, halls of residence separately for males and females and sports complex both indoor and outdoor, so that it can effectively run professional law courses provided that in case of leasehold the lease is not less than ten years,

Provided that sufficient and adequate floor space area specially and completely devoted for a Centre of Legal Education, based on the size of its student population, faculty requirement, adequate space required for infrastructure facilities can be considered sufficient accommodation for the purpose in a multi-faculty building on land possessed by the Management of a Society/ Trust running multi-faculty institutions.

- iii. recruited or taken steps to recruit adequate number of full-time and visiting faculty members to teach each subject of studies, each faculty having at least a Master's Degree in the respective subject as required under the UGC Rules,
- iv. there is separate Centre of Legal Education for the study of law under a separate Principal who should be qualified in Law to be a Professor of Law as stipulated under UGC and Bar Council of India rules,
- v. there is adequate space for reading in the library and there are required number of books and journals and adequate number of computers and computer terminals under a qualified librarian,
- vi. if the prior permission of the State Government is necessary, a no objection certificate is obtained to apply for affiliation,
- vii. a minimum Capital Fund as may be required under Schedule III from time to time by the Bar Council of India, and put into a Bank Account in the name of the proposed Centre of Legal Education sponsored by any private sponsor or sponsors, and
- viii. all other conditions of affiliation under the University rules as well as the Bar Council of India Rules are complied with.

- (2) After affiliation order is received from the University the Centres of Legal Education may only then apply for inspection by the Bar Council of India.

17. When can University apply for inspection for constituent College or University Department or Faculty

When a University proposes to run a professional degree course in law of either or both streams in its Faculty or Department or in any of its Constituent College it shall ensure the minimum standards of requirement as prescribed and then shall in each proposal seek inspection by the team of inspection of the Bar Council of India by submission of application with all necessary information within the stipulated date notified by the Bar Council of India every year, in appropriate Form.

18. Inspection of a University

1. A University seeking recognition of its degree in law for the purpose of enrolment in the Bar, shall provide the inspecting committee of the Bar Council of India all necessary facilities to examine the syllabus of the course designed, teaching and learning process, evaluation system, infrastructure layout and other necessary conditions in general and shall ensure in particular that all University Departmental Centres, Faculty, Constituent and affiliated Centres of Legal Education proposing to offer law courses under either or both the streams, possess:
 - i Required infrastructural facilities outlined under the Bar Council of India Rules;
 - ii Required number of teaching faculties as prescribed by the Bar Council of India and the University Grants Commission;
 - iii Facilities for imparting practical legal education specified in the curriculum under the Rules and Legal Aid Clinic, Court Training and Moot Court exercises;

- iv Adequate library, computer and technical facilities including on-line library facility; and
 - v In case of a Centre of Legal Education sponsored by private initiative of a person there is a Capital Fund as required in the Schedule III by the Bar Council of India from time to time, deposited in the Bank Account in the name of the Centre of Legal Education concerned.
- (2) For the above purpose the Inspection Committee of the Bar Council of India shall have power to call for and examine all relevant documents, enquire into all necessary information and physically visit and enquire at the location of the Department, Faculty, Constituent and affiliated Centres of Legal Education, as the case may be.

Provided that an application for a new proposal for affiliation and the related University inspection, therefore, by the Inspection Committee of the Bar Council of India, including the local enquiry at the site of the proposed College may be formally made directly by the authority of the proposed College (Faculty, University Department, Constituent or Centres of Legal Education, as the case may be) in proper Form with required information and requisite fees provided that an advance copy of the application must be submitted to the University concerned, within the stipulated date as notified by the Bar Council of India.

19. Types of Inspection

Inspection shall mean Inspection by the Inspection Committee of the Bar Council of India as any one of the following:

- i. Initial Inspection: Initial Inspection shall mean inspection of the University and inspection of the Bar Council of India for permitting a new Centre of Legal Education;

Provided that if a Law University is established by an Act passed by the Central or any State Legislature to run Law courses as specified and mandated in the statute, such a University may commence and run courses in the stipulated streams before any Initial Inspection. However, such a University would require regular inspection and the first inspection shall be conducted within the first year of commencement of the courses.

- ii. Regular Inspection: Regular Inspection means an inspection of a University including all or any of its affiliated Centre of Legal Education by the Bar Council of India conducted after the initial inspection at the end of temporary approval, excepting a Law University established by a Central or State Act, for granting a regular approval and thereafter at least once in every five years unless the University/Centre of Legal Education concerned has sought/inspected for accreditation.
- iii. Surprise inspection: Surprise inspection means inspection conducted by University/Bar Council of India anytime without giving notice to the Centre of Legal Education.
- iv. Inspection for accreditation: Inspection applied for by a Centre of Legal Education possessing approval for the purpose of accreditation and certification.

20. Inspection and Monitoring Committee

The Bar Council of India shall constitute one or more inspection and monitoring Committee/s comprising at least two members of the Bar Council of India to conduct inspection of newly established or existing Universities.

21. Inspection fees

The Bar Council of India may prescribe inspection fees to be charged from time to time from each institutional applicants for the purpose of conducting inspection. There may also be fees prescribed for

inspection for providing accreditation of an institution. Such fees are provided in the Schedule IV of these rules and may be amended by Bar Council of India from time to time.

22. Inspection Report

The Committee shall inspect the University, examine the documents and reports, visit the institution to assess the infrastructure, curriculum design, teaching and learning process, library and technical facilities and the feasibility of standard clinical education. The Committee shall then submit its report in the prescribed Form together with all relevant documents. Members of the Committee shall physically inspect the institution. The report has to be signed by the members of the Committee inspecting, appreciating the findings, documentary, and physical, in a meeting of the Committee, provided that the member not physically inspecting the institution may not sign the inspection report but may appreciate the findings and put his/her opinion.

The Secretary shall place the Inspection Report immediately before the meeting of the Legal Education Committee for its decision.

23. Specific recommendation needed

- (1) The Inspection Committee while recommending approval of affiliation to a new Centre of Legal Education should, *inter alia*, make a specific recommendation as to why such a Centre of Legal Education required at the same place/area where the Centre of Legal Education is proposed to be started keeping in view the total number of existing Centres of Legal Education in the place/area in particular and the State in general.
- (2) The Inspection Committee will also keep in view the approximate population of the area where the Centre of Legal Education is proposed to be started, number of Centres of Legal Education along with the total number of students therein, number of degree colleges as well as junior colleges in the area in particular and the State in general.

24. Adverse report

- a. In case of an adverse report received by the Secretary from the Inspection Committee he shall forthwith inform the Chairman of the Bar Council of India and on his instruction seek further clarification, if necessary.
- b. The Secretary shall cause a copy of the report to be sent to the Registrar of the University concerned and also to the Head of the Institution for further comments and explanations, if any. Such comments and explanations on the report shall be sent by the Registrar of the University within a period of six weeks from the date of the receipt of the communication.
- c. The Secretary shall cause the report and the comments/ explanation of Registrar of the University and the Head of the Institution concerned to be placed before the next meeting of the Legal Education Committee of the Bar Council of India for its consideration.

25. Recommendation of the Legal Education Committee

The Legal Education Committee after reviewing the report and all other explanation, documents and representation, in person or in writing and in the interest of maintaining the standard of legal education in view under the rules recommend appropriate action to be taken on each such report to the Bar Council of India.

In case of withdrawal or revocation of approval of an institution it shall be effective from the commencement of the next academic year following the date on which the communication is received by the Registrar of the University.

26. Approval

The Bar Council of India on the recommendation of the Legal Education Committee shall instruct the Secretary to send a letter of

approval of any one of the following type to the Head of the Institution as well as to the Registrar of the University:

- (a) Temporary approval: On the Initial Inspection report or Regular Inspection report the Legal Education Committee may recommend a temporary approval for not more than a period of three years to a newly proposed institution in the event the institution has facilities enough to commence the teaching programme on such conditions as the Legal Education Committee may prescribe.
- (b) Regular approval: A regular approval may be recommended for not more than a period of five years when an institution fulfills all standard set norms and has the capability of maintaining such standard continuously. Such regular approval shall entitle such institution to seek accreditation from the Bar Council of India who can do the same either of its own according to rules of accreditation or may cause it done by the National Assessment and Accreditation Council.

27. Revocation of approval

The Bar Council of India may revoke the grant of a temporary or regular approval if the conditions on which the permission was granted are not substantially fulfilled. A regular permission may be cancelled on an adverse report of inspection.

Provided that in case of revocation of a temporary or regular approval, the Centre of Legal Education authority and the respective University shall be provided with an opportunity of hearing and rectifying the shortcomings within such time as the Legal Education Committee may prescribe. In the event of failure to rectify the shortcomings in the opinion of the Legal Education Committee within the stipulated time, the Legal Education Committee shall recommend revocation of approval to the Bar Council of India.

Provided further that in case of revocation or cancellation of approval, as the case may be, proper provisions have to be made for

the students who are already enrolled for a law course during the time when the approval was valid either by allowing the Centre to complete the course with those who are already enrolled or direct the University concerned, if such continuance is not in the interest of professional legal education, to make alternative arrangement for those students in nearby Centres of Legal Education under the University.

28. Accreditation system

There shall be an accreditation and performance rating system for any institution having regular approval, based on State and/or National level gradation. Such performance grade may be used in all letterhead, signboards, literature, and publications, including the prospectus and franchise materials of the institution.

The accreditation of performance once obtained shall remain valid for a period of five years.

29. Accreditation Committee

The Legal Education Committee shall form an Accreditation Committee with at least one member from Bar Council of India and one academician who shall provide credit rating of the universities and the law teaching institutions subjecting to this voluntary accreditation, which would also be published and put on the website of the Bar Council of India for public information. The Legal Education Committee shall determine the norms of accreditation from time to time. The period of Accreditation Committee will be two years.

30. Application for accreditation

An application in hard and soft copy may be made to the Bar Council of India in the specification specified in Schedule IX depositing the fee by a bank draft as prescribed from time to time, in the name of the Bar Council of India within the notified date but not later than 31st July of each year.

31. Rules for accreditation

The Legal Education Committee may determine the norms of accreditation from time to time in addition to or in supplementation of the following:

- i. The accreditation and certification shall be made either directly by the Accreditation Committee of the Bar Council of India based on the analytical tools of credit rating system as far as adaptable or the Bar Council of India may cause it done through National Assessment and Accreditation Council based on the analysis made by NAAC.
- ii. Once the accreditation is done it shall remain valid for a period of five years from the date the certification is communicated to the institution concerned.
- iii. The performance analysis shall have three components, academic, administration and financial.
- iv. The study for determining performance rate shall be based on previous five years' data, current contents of the programme and the future projection made on the basis of data analysis.
- v. The Accreditation Committee shall require complete disclosure of performance records, accounting and financial records and procedures of human and other asset management of the institution.
- vi. In so far as the academic part is concerned the following data would form the basis of study:
 - (a) faculty-student ratio, (b) system of detailed curriculum development and teaching practice sessions, (c) number of working days annually, (d) number of working days lost with reasons, (e) qualification of the faculty, (f) class performances of the students and class records, (g) system of clinical programme and internship, (h) evaluation system and record

keeping, (i) student-computer ratio, (j) on line library facility, (k) capital investment of the institution per student, (l) library investment per student, (m) residential facility, (n) outside the class hour of the faculty advice and interaction per student, (o) career counseling opportunities, (p) quality of the body of alumni, (q) publication by faculty and students in journals, (r) laboratory and moot court room exercise facilities, (s) per student procurement of books and journals, (t) class room environment, (u) status of Free Legal Aid centre and legal literacy programme run by the Centre of Legal Education, and (v) any other information needed by the Committee.

- vii. The financial performance data shall depend upon the previous five years annual accounts, annual reports, annual budget, fund raised, financial asset management and deployment, future plan, asset structure, and any other financial information as may be required.
 - viii. The administrative performance would be assessed on the basis of the composition of the management body, observance of regulatory rules, administrative staff ratio, working days lost, and any other information that may be required to ascertain the management QC.
 - ix. The study shall be based on (a) records, (b) visit, inspection and dialogue of the Committee with the management, staff, students and the faculty.
 - x. The Committee may visit the institution after providing notice or without and can visit, if required, more than once.
 - xi. Data based analysis shall be communicated to the institution before rating begins for further observation and supplementary information, if required.
32. Obligation of the institution to facilitate free and fair enquiry The institution shall provide all information required and all copies of documents and facilities to the Accreditation Committee. Facility

has to be provided so that the Committee may meet management, faculty members, staff and the students and record their comments, if needed.

33. Anti-Ragging Measures

Every University/Centre of Legal Education shall take appropriate measures to prevent ragging in any form with a Standing Committee appointed for the purpose from among faculty and student representation. In case of occurrence of any incident of ragging, the violator shall be dealt with very seriously and appropriate stringent action be taken.

34. Annual Report and Return

All approved Centres of Legal Education of the Universities whose degrees are approved for enrolment shall submit to the respective University, with a copy to the Bar Council of India, an annual return in the form prescribed in Schedule VIII in hard and soft copy at the end of its annual academic session failing which a new inspection would be required for the University with the local enquiry.

35. Dispute Resolution Body

The Legal Education Committee of the Bar Council of India shall be the dispute resolution body for all disputes relating to legal education, which shall follow a procedure ensuring natural justice for such dispute resolution as is determined by it.

36. Annual Notification

1. The Council shall notify in its website and send copies to each State Bar Councils as per Schedule I of these Rules, the names of the Universities whose degrees in law recognised under these rules with a list of approved Centres of Legal Education. The Council shall require each University and the State Bar Council to also notify the same within its jurisdiction and provide a copy to each of its approved Centres of Legal Education, including

the same on their respective websites in so far as the Centres of Legal Education are within the respective jurisdiction of these institutions.

2. Information about the non-recognition or de-recognition of the degree in law of a University and that of Centres of Legal Education shall also be sent to all the universities in India imparting legal education and to all State Bar Councils which shall include the same on their websites.

37. Standard test for recognition

Recognition of Degree in Law of a foreign University for the purpose of enrolment as Advocate in India would depend on the following criteria of standards that:

- i. The Degree in Law shall be a second stage degree offered either after graduation from an approved University by the Bar Council of India for the purpose of admission in the course leading to Degree in Law in the Foreign University concerned; or shall be an integrated programme offered after 10+2 or 11+1 school education.
- ii. The course leading to the Degree in Law in the Foreign University (hereinafter mentioned as 'The course') concerned shall be at least for three years' duration if taken after graduation in the manner stated above, or shall be at least for five years' duration if undertaken in a integrated programme as mentioned above.
- iii. The course shall be a regular course of study undertaken in a University or Centre of Legal Education affiliated to a University, as the case may be.
- iv. The course shall contain, *mutatis mutandis*, subjects of studies, which are prescribed as compulsory subjects, by the Bar Council of India on the recommendation of the Centres of Legal Education from time to time, in the LL.B. programme

of a recognised University in India for the purpose of enrolment.

**INSPECTION AND OTHER FEES
[AS PER SCHEDULE IV OF BCI RULES]**

N.B. All fees, as may be prescribed, are payable in bank draft payable to the Bar Council of India at New Delhi.

i. Initial/Regular Inspection Fee:	Rupees in lakhs (as prescribed)
ii. Accreditation Assessment Fee	Rupees in lakhs (as prescribed)
iii. Guarantee for fulfilling all the norms of the Bar Council of India	Rupees in lakhs (as prescribed) Rs. One hundred for each student
iv. Uniform Identity Number (to be collected by the Institution and to be sent to the Bar Council of India with such particulars as may be prescribed)	Rs. Two hundred for each faculty as may be prescribed from time to time by the Bar Council of India
v. Uniform Identity Number and Central data (for faculty members)	

Explanation

1. Each institution requiring inspection, initial or regular, by the Inspecting Committee of the Bar Council of India shall pay an inspection fee of Rupees One lakh or any other sum, as may be stipulated by the Bar Council of India from time to time, in a draft payable to Bar Council of India at New Delhi along with submission of Application Form.

2. Whenever approval of affiliation is granted to the Centres of Legal Education, it shall be necessary for the Centres of Legal Education to deposit Rupees Two lakhs in the shape of guarantee to fulfil all the norms of the Bar Council of India. The same shall be liable to be forfeited if norms are not complied with and the same shall carry no interest.
3. Any institution seeking accreditation from the Bar Council of India shall pay an accreditation fee of Rupees Two lakhs or such fee as may be prescribed.

Conclusion

As this account of requirements is given here for the awareness of interested people to receive suggestions for more development in the standards of legal education, there is a need for critical analysis of these prescribed norms to be updated with due concern from time to time. This set of norms cannot be claimed to be all perfect. Professionals, students, faculty members, institution builders and all stake holders of justice system, especially consumers of justice should make a thorough analysis of the given standards and suggest changes for improvement of the standards.

REPORTS ON CONFERENCES/ SEMINARS ETC.

IOS organises memorial programme on late Prof. Sanghasen Singh (January 18, 2025)

A memorial programme on late Prof. Sanghasen Singh was organised by the Institute of Objective Studies at its auditorium on January 18, 2025 in hybrid mode.

The programme began with the recitation of a verse from the Holy Qur'an by Mr. Mansoor Ahmad, In-charge of the technical section, Institute of Objective Studies.

Vice-Chairperson of the Institute, Prof. (Ms.) Haseena Hashia described Prof. Sanghasen Singh as a man who believed in secular values. During his lengthy association with the Institute, Prof. Singh also held the position of Secretary General. He held a number of positions at several universities, including the University of Delhi. He excelled in Buddhist Studies and the Pali language. At various universities, a number of his students held senior positions. She stated that Prof. Singh was completely enamoured with the IOS.

Patron of the IOS, Prof. Z. M. Khan, noted that he had been associated with Prof. Sanghasen Singh for 25 years. He was calm, quiet, serious, and sober. He really was the soil's son. He was a well-balanced individual. He was very honest to the motherland. He exemplified decency, humility, and a demeanour that avoided offending anyone. He had a high regard for himself. He was a student of comparative religions. In fact, all facets of society held him in high regard. Everyone knew him for his manners. He claimed that Prof. Singh used to discuss about his family matters with him. He had a strong bond with his family. He assured that the Institute would continue his legacy and spread the values he stood for.

Chief Patron of the Institute, Dr. Mohammad Manzoor Alam, sent a message condoling the death of Prof. Sanghasen Singh, which was read by Prof. (Ms.) Haseena Hashia. Dr. Alam remembers his close

relationship with him, which lasted till his death. According to him, Prof. Singh was a reputable scholar who firmly believed in interfaith discussion to comprehend the fundamental ideas and teachings of many religions. He mentioned about Prof. Singh's contribution to the IOS and stated that his insightful recommendations were included into a number of the Institute's projects. He pointed out that there was absolutely no iota of doubt about his qualifications as a distinguished scholar.

Prof. Sanghasen Singh was her teacher, according to Prof. Subhra Pavagadhi, a former Professor of Buddhist Studies at Delhi University. He was a friend and mentor. He was an expert on Sanskrit and Pali languages. He introduced the world to Buddhist knowledge. He made contributions to the literature of Buddhism. The ancient literature was brought forth by him. Under his supervision, almost forty-five research scholars completed their Ph.D. Regarding his academic prowess, she mentioned that Prof. Singh authored/edited twenty-five books.

Prof. Rajesh Ranjan, a fellow student of Prof. Singh who is currently employed at the University of Ladakh's Buddhist Studies department, claimed that he was his mentor and Guru. In 2001, Prof. Singh received the President's Medal for his outstanding teaching contributions. He spent two years in learning and mastering in Pali and Prakrit languages, necessary for researching in Buddhist Studies. He suffered a personal loss by the death of Prof. Singh. He recommended that an endowment should be established in Nalanda in which the IOS should make a contribution. Prof. Singh started his career in Nalanda, therefore, this would be an appropriate tribute to him. He wanted some of the books of his library be donated to a Central University.

Prof. Arvind Rituraj of the Centre for Comparative Religions and Civilisations, Central University of Jammu, held that he joined Prof. Singh in 1993 after moving from Nalanda. An old association he had with Prof. Singh ended with his passing. He remembered that Prof. Singh had pointed out certain errors in his doctoral thesis when he had given it to him. He had been advised by Prof. Singh to work on

the ancient Indian communication system. He worked fearlessly and without favour. He liked to visit people and give them an explanation of the social awakening movement.

According to Prof. C. S. Paswan, a former Professor of Buddhist Studies at Gautam Buddha University in Noida, he studied under Prof. Singh from 1993 to 1994. He was a rigorous administrator who followed the law. His mentor during the M.Phil. programme was Prof. Singh. He said that he was working on *Dalit Chetna* (awakening). He studied the *Jatakas* of Mithila for his doctorate. He had a close relationship with Prof. Singh.

Dr. Syed Qasim Rasool Ilyas, a journalist and social activist, believed that Prof. Singh was among those who had been associated with the IOS since its inception. He also acknowledged the work of the late Abdur Rasheed Agwan, one of the IOS's former Secretary Generals. He mentioned that the IOS brought scholars together. He was an expert on comparative religions and a patient listener. He studied Islam as well. He worked on Sanskrit and Pali languages. He had a friendly relationship with Prof. Singh personally.

Prof. Priyasen Singh, the son of Prof. Sanghasen Singh, stated that he has been involved with the IOS for the past 28 years. He spent a lot of time away from home. He was well-versed in India's ancient history and culture. He never stopped researching and educating. He said that he had family relations with Dr. Mohammad Manzoor Alam.

Mr. A. U. Asif, a senior journalist, noted that Prof. Singh's pupils themselves became expert in their fields. He would greet guests at his house with warmth and hospitality. He did exhaustive work on Buddhism. He was multilingual in thirty languages, and the younger generation would eventually cite him. He claimed that unless people mastered the language, they would not be able to completely comprehend religion and culture. He continued the Buddhist writings of renowned author, writer, historian, and traveller Rahul Sankrityayan. He was credited with conducting Prof. Singh's interview a few years ago. According to him, Buddhism was unable to

gain any traction in India due to the country's deeply ingrained social cohesiveness. However, Islam has the potential to sustain in India. Many academics, including Prof. Sanghasen Singh, were drawn to the IOS. He mentioned that he studied Islam as well and got extremely close to it.

Prof. Hamidullah Marazi, a former Professor of Islamic Studies at the Central University of Kashmir, claimed to have collaborated with Prof. Singh on the book *Assam: From Agitation to Accord* (1988). He was acquainted with Prof. Singh during his time at JNU. To improve mutual understanding between the two religions, he advocated for interfaith discussions between Muslims and Hindus. The IOS Forum for Interfaith Dialogue was established in 2015 with this goal in mind. In the past, Prof. Singh would urge the forum members to continue their work. Additionally, he urged greater comprehension and collaboration with Buddhism and Jainism. He pointed out that Prof. Singh organised a number of programmes centred on interfaith discussion.

Dr. Muzaffar Husain Ghazali, a writer and journalist, recalled his meeting with Prof. Singh at Delhi University while he was pursuing his M.Phil. However, the meeting was formalised at IOS. He claimed that Buddhist sermons were delivered in Pali, which is an older language than Sanskrit. Buddhism was, therefore, unable to endure due to Sanskrit language. He stated that Prof. Singh was a supporter of interfaith dialogue.

Prof. M. Afzal Wani, Chairman of the IOS, characterised Prof. Singh as a bearer of great Indian traits, such as behaviour and culture, in his presidential remarks. He was the epitome of scholarship and knowledge. "They can help us, and we can learn a lot from his students, he added". He made reference to interfaith discussions, saying that they had a hold on individuals. Religious ambassadors were among those present at the discussions. The IOS would sign Memorandums of Understanding with universities to advance such concepts. According to him, Prof. Singh was aware of a number of religions, including Islam. It is important to avoid dilution of faith and to have personal conversations. He was aware of the nation's

social and cultural structure. Despite his vast knowledge, he maintained composure. There was, therefore, much more to be done and comprehended. Additionally, Prof. Singh possessed a thorough mastery of Qur'anic knowledge. He stated that interfaith discussions should go on, Prof. Wani emphasised. He further promised that Prof. Singh's legacy would be continued by the IOS.

At the end of the programme, Prof. (Ms.) Haseena Hashia extended a vote of thanks to the attendees.

**IOS Symposium on “Ceasefire and Exchange of Prisoners in
Gaza: Implication for Peace in West Asia”
(January 28, 2025)**

A symposium on “Ceasefire and Exchange of Prisoners in Gaza: Implication for Peace in West Asia” was organised by the Institute of Objective Studies (IOS) on January 28, 2025 in hybrid mode.

In this symposium various experts participated, like Prof. Aftab Kamal Pasha, Prof. Sukumar Muralidharan, Mr. Amaresh Misra, Prof. Arshi Khan and Prof. M. Afzal Wani. The symposium was attended by a large number of people both online as well as offline.

In his introductory remarks, the Chairman of the IOS, Prof. M. Afzal Wani, said that the Institute was engaged in following the issues rigorously and working on them. He referred to the death of thousands of people and destruction of huge property in the wake of First World War. Then came the Second World War which caused more destruction and the death toll reached in lakhs. A lot of bloodshed shook the West Asia as well. This ultimately led to the ceasefire and the emergence of peace with certain things for West Asia. He observed that the Institute had specialised panelists to discuss the issue of the ceasefire.

Ex-Associate Dean, Director and Chairman, Gulf Studies, School of International Studies, JNU, New Delhi, Prof. Aftab Kamal Pasha said that a large number of people in the West Bank and Gaza were arrested and killed. Supply of water, food and essential commodities was stopped, leading to great miseries faced by the people of Palestine. Describing Israeli attack on Gaza as genocidal war on the innocent people in the garb of military action against Hamas, he noted that in the US elections, America hoodwinked the world by propaganda that peace talks were being held in Cairo. It went to the credit of President Donald Trump that ceasefire was called. He called it violative of the international law to force the displacement of Palestinians to other countries. Palestinians were well-educated and a large number of them were Ph.D. holders. Many of them were killed by Israeli forces. Fear in the civilian population disturbed their life.

Israeli strikes on the civilian population violated the provisions of Geneva Conventions to honour human rights. He said that Gaza and the West Bank were being grabbed by Israeli Prime Minister, Benjamin Netanyahu. Jewish lobby in the United States was active to derail peace process in Gaza. In US administration too, the pro-Jewish lobby was very active. Despite wanton killings, Israeli military could not defeat Hamas and its cadres. In the 15-month long conflict, many Israeli soldiers were killed in Gaza. He held that difficult times were ahead in the West Bank and the Golan Heights even after ceasefire. Zionists wanted to realise their dream of a Greater Israel. In order to bolster his position, Netanyahu was planning to call elections to the Israeli parliament. He said that on October 17, 2023 Netanyahu personally supervised the military action. They killed the people, destroyed structures of mosques, hospitals and killed zoo functionaries. This was a genocide in which America was complicit. The purpose of this was to defeat Hamas and then bring peace. Netanyahu committed most brutal crimes. Both Turkey and Syria extended support to Palestinians.

Associate Professor and Associate Dean (Research), O. P. Jindal Global University, Sonapat (Haryana), Prof. Sukumar Muralidharan, spoke on the future prospects for peace in the West Asia. He said that there was no guarantee for permanent ceasefire in the region. Israel continued to get arms supplies from the US. Though efforts were underway to negotiate peace, but the ground reality of geopolitical situation was very complex. So, there were big challenges ahead. Since the terms and conditions of the ceasefire were laid down, there was need for a follow up to them. There was also a need to ensure peace and justice in the area. He focused on ceasefire itself and what the hopes and future prospects of peace were. US assertions were to cover up all crimes pretending to negotiate peace in association with Qatar and Egypt. Major countries of the alliance certified that Israel was not violating the provisions. In July 2024 came the ruling of the International Court of Justice on the reference from the UN General Assembly in which it ruled that the occupation of Gaza and the West Bank was illegal. US administration bowed to certain sanctions against Israel, like visa restrictions against its citizens if they set their foot on the American soil. Several European

countries also committed that they would arrest if Netanyahu visited their countries. He questioned the credibility of a State which was arming and equipping Israel on one side of the war unconditionally and portraying itself as a peace negotiator on the other side.

Prof. Muralidharan pointed out that there was no guarantee of good faith from the side of Israel because of the turmoil the area was undergoing. There was also a question how the World outside the Western World would deal with the situation. It was not just genocide but war crimes committed by Israel in Gaza. If the US archives were declassified then it would be known what the role did Qatar and Egypt played and the actual position taken by them. While one minister of the Netanyahu cabinet quit, some extremist groups within Israel put him on notice to secure release of Israeli hostages and resume war against Palestine. Except for Ireland, most of the Western States were supporting Israel. Netanyahu was still unclear if he would do something to secure political support for his survival. Israel managed to get support from most of the European countries except Ireland and to some extent Belgium and Spain.

He said that during the past 15-months and in the last 75 years, Israel did not make any commitment to withdraw from Palestine. U.S. State department overruled the fact-finding mission's report of the USAID that Israel was violating its commitments. Enumerating the gains from the accord, he said that according to the ruling of International Court of Justice, Palestinians were a group of distinct population. Documentation of Israeli crimes in Gaza by international voluntary organisations, like Amnesty International, Human Rights Watch was very significant. He urged the Israeli civil society to intervene and debate the issue.

Prof. Muralidharan held that Israeli actions showed the harsh reality of its crimes in Gaza. He referred to the prospects of salvaging something like rule-based international order and upholding the concept of law and justice. Israel was willing to accept the partition of Palestinian territory, but unwilling to end its occupation.

Israel abandoned the commitment to justice and continued atrocities against Palestinians. Israel was clearly a racist/ apartheid State. Wherever the talks for peace took place, Israel always dominated them.

The UN Partition Plan for Palestine was a gross injustice to Palestinians. It was something that the people of Palestine did not want. The need of the hour was to see that the provisions of the accord were followed. He also said that there should be significant efforts from our side to maintain people to people contact.

In this context, the Raza Foundation at New Delhi was doing an important work. “Nothing is gained from pessimism. Let us hope for peace and justice”, he noted.

Historian, author, journalist and a political analyst from Lucknow, Mr. Amaresh Misra observed, “We are at a juncture, not only in Palestine, but also at the global level”. He said that after the collapse of the Soviet Union, USA became more powerful because of the absence of power balance. “We now have a new World Order”. Referring to Palestine, he noted that it had limited governance under the supervision of Israel in Gaza and the West Bank. There was no restriction on American hegemony and Israeli jingoism. America and Israel wanted to impose their will on the world. Both of them had established their supremacy over the world. But, as the 15-months long conflict had shown, the Palestinian warriors brought Israel to its feet. The US also aided and abetted Ukrainian war with Russia. During the period of hostilities, Israel committed grave crimes of genocide of Palestinians. He said that India was also following the Israeli parallel. In defence history, the scale on which the resistance was found among Hamas young boys who were joining army with zeal, was not seen before. He suggested that India should organise seminars and start mass movement in favour of Palestinians that had been done earlier.

Prof. Arshi Khan from the Department of Political Science, Aligarh Muslim University, referred to Article 51 of the Indian Constitution which states that “the State shall strive to promote international

peace and security by maintaining just and honourable relations between nations, respecting international law, and encouraging the settlement of international disputes through arbitration; essentially highlighting the country's commitment to peaceful resolutions and cooperation on the global stage". There had been genocide in Gaza by the Israeli forces. So many agreements had been signed to restore peace in the area. In 1957, it was said that Palestine would become a land for peace. But nothing happened. If the agreements reached by that time had been given effect to, Palestine would have come into existence as an independent State by 1991. Referring to Lebanon, he said that Hezbollah had its 60 members in Lebanese Parliament. In 2006-07, Hamas had its government in Gaza. Hamas did not kill civilians but caught Israelis. He said that the actual killing in Gaza was around 40 percent. About 90 cemeteries were unearthed to recover bodies. On its killing spree, Israeli army did not spare even schools, colleges, cultural centres and the hospitals.

Prof. Khan held that Israel bombed those areas where captors of Israeli citizens were based. About 500 shipments of arms were sent to Israel by the US. Palestinian territory had shrunk. Religion and identity of Palestinians were not safe during those 15-months of strife. He said that peace was not possible due to Israeli occupation of Palestine. Britain facilitated illegal entry of Jews in 1946 because Palestine was a British mandated territory. Those who came after 1919 purchased long tracts of land and property.

He suggested that a federal autonomous area must be created to ensure permanent peace in the region. More concessions to the Palestinians would mean they would face more violence. "Everybody knows who is behind Syrian violence and ISIS. The world should look into the practical solution, otherwise Palestinians will continue to sacrifice their lives". There were several organisations engaged in the struggle of liberating Palestine.

The Popular Front for the Liberation of Palestine is one such organisation which is composed of Marxists and socialists. Both Marxists and socialists were supporting resistance in Gaza. Russia was supporting Palestinians, but China and Vietnam were supporting

them but diplomatically, in order to keep both parties of the conflict happy.

Prof. Khan pointed out that Iran was directly helping Hamas. Venezuela and South Africa were also among the countries which supported the Palestinian cause. “Unless they support, peace will not be there. People of Gaza have no option but resist Israeli’s forcible occupation of their land”. The US supported Israel though the Jewish State was illegal. One need not go outside to understand the reality in Gaza which had 900 check-points. He concluded saying “The US sends out message—We are fighting against terrorism; We are launching counter-terrorism operations”.

In his concluding remarks, Prof. M. Afzal Wani, reminded of the 20th century prediction that there would be a third world war. He hoped that good sense would prevail over the lobbies to work together. The question was how, after the Second World War, peace was possible and efficacy of the organisations like United Nations and other institutions. Other questions were—how to get out of Gaza war, how economy of the world be put on a sound footing and how to generate more resources. Other questions facing the world were exploitation, imposition of hegemony over other nations, power of business and commerce, and increase of supply chain. This would require a lot of work for this world. There was an urgent need to work between total anarchy and peace. He added that confrontational attitude should not be continued.

The symposium ended with the Vice-Chairperson of the Institute, Prof. (Dr.) Haseena Hashia extending a vote of thanks.

IOS organises condolence meet to mourn the death of

Dr. Tabish Mehdi

(January 29, 2025)

A condolence meet was organised by the Institute of Objective Studies to mourn the death of the noted Urdu poet, critic and writer, Dr. Tabish Mehdi on January 29, 2025 at the Institute's auditorium.

Dr. Tabish Mehdi left for heavenly abode on January 22, 2025 in Delhi after a prolonged illness at the age of 74. Born on July 3, 1951 at Pratapgarh in U.P., he passed junior high school from the district board school in Pratapgarh in 1964. In 1966-1967, he received *Dini* education at Madarsa Subhaniya, Allahabad and Madarsa Ta'alim-ul-Qur'an, Hasanpur, Moradabad. In 1970, Dr. Mehdi obtained the degree of *Maulvi* from Arabic-Persian Board, Allahabad, and in 1978, he did *Munshi* (Persian). In 1980, he passed the *Kaamil* examination in Persian. In 1971, he did *Alim-i-Diniyaat* from Jamia Deeniyat (Urdu). In 1977, he did *Adeeb Maahir* and *Adeeb Kaamil* from Jamia Urdu, Aligarh. He also did his M.A. from Agra in 1989. He did his Ph.D. in Urdu criticism from Jamia Millia Islamia, New Delhi in 1997. He was associated with the Institute of Objective Studies, New Delhi since long.

Prof. Mohsin Usmani, ex-Professor of Arabic at the English and Foreign Languages University, Hyderabad, while paying tribute to Dr. Tabish Mehdi said that he was not only a good Urdu poet, but also a litterateur of repute. He was also known as an Urdu critic who published several collections of critical essays. Several collections of Urdu poems were also published during his life-time. Besides, he was a journalist and a researcher. His melodious voice was very enchanting. He was acclaimed as an Urdu poet in India and abroad. His poems in praise of the Prophet Mohammad (PBUH) became very popular among the audience at the *Mushairas* (poetic conferences). He held that Dr. Mehdi was suave and used to receive his guests very warmly. He said that his association with Dr. Mehdi was more than a quarter of a century old. He wrote foreword to several of Dr. Mehdi's books. He was a recipient of awards from

Urdu academies of U.P. and Bihar. He described Dr. Mehdi as spokesman for the Islamic literature.

Prof. Akhtarul Wasey, Professor Emeritus, Islamic Studies, Jamia Millia Islamia, New Delhi, observed that besides being an eminent Urdu poet, Dr. Tabish Mehdi was a fine human being. He was among those who left the audience of *Mushairas* spell-bound by his melodious voice. He carved out a niche for himself as a *Na'atiya* (poetry in praise of the Prophet Mohammad (PBUH)). He was associated with the Islamic literary movement. He was also very close to several religious institutions. Pratapgarh, Amroha, Deoband, Delhi etc., were the places where he was well received. He gave good education to his children. He said that Dr. Mehdi enriched Urdu literature by his writings which were varied.

Mr. Noman Badar, Urdu journalist and writer, held that with the demise of Dr. Tabish Mehdi, Urdu has lost a versatile poet, writer and critic. A number of his admirers, disciples and friends had now become deprived of the literary functions and sittings where he used to make his presence felt. His politeness, straight forwardness and the use of refined language endeared him to everybody who came into contact with him. Nobody knew that a lad from the narrow lanes of a village in east U.P. would one day become a well-known poet. His association with editorial board of various magazines, like fortnightly, *Paigham-e-Haq*, *Ijtema* 'Al-Imaan', *Gulkadah*, *Zikra*, *Tajalli*, *Zindagi-e-Nau*, *Aiwan-i-Urdu*, *Kitab-Numa*, and quarterly, *Peshrafi* symbolised the high standard of his journalistic career. His closeness to the late Aamir Usmani in Deoband and the musing with *Tajalli* refined his language. He said that Dr. Tabish Mehdi was not only a poet of optimism, but the purposiveness made him a discernible literary figure. He was influenced from Sarvish Machhlisahri, Allama Shahbaz Amrohvi and Maulana Abul Aarif Shahjanpuri. He successfully tried his hand on *Nazm*, *Ghazal*, *Geet*, *Hamd*, *Naat* and *Manqabat*. He very confidently presented his writings in Urdu. Dr. Tabish Mehdi was the voice of Islamic literature and a pillar of Islamic values which had fallen, he noted.

Maulana Ajmal Farooq Nadwi, son of Dr. Tabish Mehdi and In-charge, Urdu Section, Institute of Objective Studies, and also spoke on the life and personality of his father, Dr. Mehdi.

Several other writers and journalists paid rich tributes to Dr. Mehdi.

Maulana Abdullah Tariq, Secretary, Idara Umoor-e-Masajid made *dua* for his maghfirah.

At the end, Prof. Haseena Hashia, vice-chairperson of the IOS, extended a vote of thanks to the attendees.

**IOSCHS Symposium on “Gandhi Ji and Indian Education System in the Context of National Education Policy 2020”
(January 30, 2025)**

IOS Centre for Historical and Civilisational Studies (IOSCHS) organised a symposium on “Gandhi Ji and Indian Education System in the Context of National Education Policy 2020” to honour Mahatma Gandhi on the Martyrs’ Day 2025, on January 30, 2025 at IOS Aligarh Chapter, Aligarh.

Dr. Yogesh Kumar Yadav, Assistant Professor, CAS, Dept. of History, Aligarh Muslim University, expressed his views on ‘*Gandhi Ji, Nai Taleem and New Education Policy 2020*’. In this presentation, he discussed the Gandhian scheme of education and its relation with National Education Policy (NEP) 2020. Has NEP 2020 tried to accommodate any of the ideas of Gandhian *Buniyadi Shiksha* (Basic Education)? What are the commonalities and specificities between the two and what are we losing for ignoring his scheme of education? What were the objectives of Gandhian educational scheme? Has *Buniyadi Shiksha* still had its relevance? In order to address all these, he dwelled upon the context in which *Buniyadi Shiksha* was being formulated, some of its main provisions such as education through vernaculars, skill based education, self-supporting education, etc., and some of the provisions of NEP 2020 were analysed. How Gandhi Ji’s educational ideas have been either ignored and misinterpreted in NPE 2020 was discussed. Whereas Gandhi Ji offered a critique of colonial education, NEP 2020 is adopting colonial and neo-liberal epistemologies and ignoring local needs of the country.

Dr. Jabeen Anjum, formerly Principal, Jamia Urdu College of Education, Aligarh presented her paper on ‘*Gandhi Ji ka Jamia se T’alluq*’. She described Gandhi Ji’s relations with the Jamia Millia Islamia from its very inception. She said that Gandhi Ji connected himself with the Jamia teachers and students. She said that the Jamia was the first laboratory for implementing the concept of ‘*Buniyadi T’aleem/Shiksha*’ in which teaching through mother tongue was the main principle. She explained how vocational education was made an

integral part of the curriculum under the guidance of Gandhi Ji. Dr. Jabeen brought to light Gandhi Ji's emotional attachment with the Jamia. She said that he was prepared to carry a bowl to collect funds to run the Jamia. One of Gandhi Ji's sons became a teacher at Jamia. Jamia had come into existence in the wake of Non-Cooperation Movement and continued to connect with the political movements initiated by Gandhi Ji. The speaker also mentioned how students and teachers at Jamia Millia Islamia served the partition afflicted immigrants and served them in different camps to make them comfortable.

Mr. Mohammad Allam, who is pursuing research in the Deptt. of Education and a Post Graduate Teacher in History at STS (Minto Circle), Aligarh Muslim University, made a power-point presentation on '*Gandhi Ji, Vocational Education in the Context of National Education Policy 2020*'. In his presentation, he analysed the role of ideas of vocational education of Gandhi Ji in the formulation of vocational education policy in the National Education Policy 2020. He presented a comparative analysis of the vocational education of Gandhi Ji in the context of society, polity and economy under the British Government and the vocational education in the context of the present society, economy and polity of the present time. He found that there exist huge differences in the social, political and economic structure of the nation at the time of Gandhi Ji and in the present time. During the time of Gandhi Ji, economy was hugely dependent on the rural economy and needed the traditional skills based on the handicrafts. As a result, his vocational ideas were based on the training of those skills in the schools which could boost the rural economy. While in present time – the economy, society and polity is different, a new world economy and a new economy of India have emerged in 21st century which needs sophisticated technology and skills. To make India a world leader, a powerful economy is needed based on strong foundation. The vision of the nation and the industrial set up needs those skills and vocational knowledge which make the economy to compete internationally and create employment opportunities. For strengthening the economy there is a need to have a sophisticated technology, thriving research and development and modern vocational skills. The integration of

artificial intelligence is a most sought area for economic development. So, the role of the ideas of vocational education of Gandhi Ji cannot be incorporated fully but partially and the New Education Policy 2020 has to incorporate the education and training of those vocational education and skills which are relevant to the society, economy and polity of the nation in present and in future. The final argument of the researcher was that the New Education Policy (NEP) 2020 has a vision beyond the Gandhian ideas of vocational education and incorporates the emerging technological based vocational education.

Prof. Perwez Nazir, a specialist of Modern Indian History from CAS, Dept. of History, Aligarh Muslim University, Aligarh was the Guest of Honour. In his brief speech, he dwelt upon the educational ideas of Gandhi Ji and how he brought education to common men. He highlighted the significance of Gandhian idea of imparting education in mother tongue. He also focused on the efficacy of vocational education. He also stressed Gandhi Ji's emphasis on value education by instilling nationalist sentiments in education.

In his presidential address, Prof. Arshi Khan, Dept. of Political Science, Aligarh Muslim University, Aligarh & Vice-Chairperson, Institute of Objective Studies, New Delhi noted with satisfaction the academic programmes conducted quite often by the IOS Centre for Historical & Civilisational Studies. He appreciated that the Centre was drawing support from across disciplines to promote discussion on different themes connected with social issues and religion. Prof. Khan paid tribute to Gandhi Ji by highlighting his honest and sincere services to the people of India. He said that Gandhi Ji was, in particular, working for the masses, the weaker sections of the society and minorities. As the Vice-Chairperson of the Institute of Objective Studies, Prof. Arshi Khan assured his full support to the IOSCHS in its academic pursuits and said that in future he would continue to visit the Centre to see the progress it is making to achieve the goals of the IOS.

In the end Prof. M. Waseem Raja, CAS, Department of History, Aligarh Muslim University & Joint Director, IOSCHCS, Aligarh

thanked the delegates, the Guest of Honour, the Vice-Chairperson of the IOS and the learned audience.

At the end of the Symposium, all the participants and members of audience were invited to a high tea.

**Discussion on “Future of Indian Muslim Women:
Challenges and Opportunities”
(February 03, 2025)**

A lecture-cum-discussion on “Future of Indian Muslim Women: Challenges and Opportunities” was organised by the Kolkata Chapter of the IOS on Monday, February 3, 2025, at its Conference Room in Kolkata. It was attended by a good number of educated women and young girls. The discussion was aimed at exploring the multifaceted challenges and opportunities faced by Indian Muslim women, with a special emphasis on education, employment, and legal rights.

The keynote speaker, Prof. (Dr.) Haseena Hashia, Vice-Chairperson of the IOS, said, “Empowering women is empowering the nation”. She highlighted the importance of education and healthcare for the empowerment of Muslim women. She cited facts from national reports, emphasising that while Muslim female literacy has improved to 68% (NSSO 2017-18), the Gross Enrolment Ratio (GER) in higher education remains the lowest among all communities (AISHE 2021-22). She highlighted the economic marginalisation of Muslim women, pointing out that only 14% participate in the formal workforce of India (PLFS 2021-22). She stressed the need for increased scholarships, better infrastructure, and career-oriented training programmes to bridge this gap.

Mrs. Fatema Zehra, Lecturer at the Department of Islamic Theology, Aliah University, Kolkata also spoke on the topic, sharing her perspectives and expressing her gratitude to IOS for organising such an important discussion.

The event was moderated by Mr. Md. Shahjahan, Vice-Principal of Jibreel International School, Kolkata, who highlighted the significance of the topic and the need for organising similar discussions on the rights and progress of Muslim women in India.

In his concluding remarks, Mr. Abdul Basit Ismail, Coordinator, IOS Kolkata Chapter, thanked the speakers and attendees. He expressed optimism about the outcomes of the session and stressed the need to

work further on gender studies, conducting of a survey on the status of Muslim women in West Bengal, and organising a national seminar on education, employment, and legal rights of Muslim women in India.

The event successfully reinforced the need for policy reforms, educational access, and community-driven initiatives to ensure a brighter future for Indian Muslim women.

**Fifth IOS Ibn Khaldun Lecture on “Sufis and Promotion of
Female Education in Deccan (15th to 19th Century)”
(February 08, 2025)**

The fifth IOS Ibn Khaldun lecture on ‘Sufis and the Promotion of Female Education in Deccan (15th to 19th Century)’, was organised by the IOS Centre for Historical and Civilisational Studies, Aligarh, at the IOS auditorium on February 8, 2025 in hybrid mode. The lecture was delivered by Prof. S.M. Azizuddin Husain, Honorary Professor, Centre for Urdu Culture Studies, Maulana Azad National Urdu University, Hyderabad. Previously, he was Head of the Department of History and Culture at Jamia Millia Islamia, New Delhi.

Prof. Husain is a prolific historian and has to his credit 36 books and 120 research papers. Under his supervision, 20 research scholars have been awarded their Ph.D.

The lecture was preceded by the recitation of few verses from the Holy Qur’an by Mr. Naseem Ahsan of the IOS.

Director of the IOS Centre for Historical and Civilisational Studies, Prof. Syed Jamaluddin, in his introductory remarks, said that it was a big canvas on which the topic had been based. He held that wherever Muslim rulers made victories in the Deccan, Islam made its presence felt in those areas. Alauddin Khalji was the first ruler who undertook his mission in the South India. It was Muhammed bin Tughlaq who despatched his forces along with the men of letters. It was during his time that Burhanpur came into prominence. Similarly, Firuz Shah Tughlaq had presented the idea to make Gulbarga as the capital of the Deccan. He noted that Daulatabad became the capital of the region in 1327 A.D. The famous Sufi saint of Delhi, Hazrat Nizamuddin Auliya sent his representatives to the South India to spread Islamic teachings among the people. These Sufi saints promoted *Mahfil-e-Sama’a* in order to attract the Islamic message of love, peace and fraternity. They were all the disciples of Burhanuddin Gharib. Owing to their practice of *Sama’a*, they were called Burhani. Sufis’ doors were open to all irrespective of caste, creed and religion, he added.

In his lecture, Prof. S.M. Azizuddin Husain observed that the Qur'an and *Hadith* of the Prophet Mohammad (PBUH) laid emphasis on education of both male and female. However, the foundation of *Mulukiyyat* (Monarchy) in 661 A.D., shattered the whole social and political structure. "During 7th and 8th centuries, we find some female scholars who were engaged in *Hadith* and *Fiqh* sciences. Then, the right to knowledge was taken back from the Muslim women. There was madrasas for female education". He said that Sufi movement started during 7th century as a reaction to the foundation of absolute monarchy which reversed the whole Islamic spirit. Sufis established *Khanqahs* (hospices) and female *murida* as part of *Khanqah* life. Sufis imparted knowledge to female *murids* as is laid down in the Qur'an and *Hadith*. Sufis came to India and they kept women as a part of the *Khanqah*. They educated them. Some of the Sufis of the Deccan also appointed women as their *Khalifa* and honoured them with *Khirqa-i-Khilafat*. Some Sufis had appointed their female *murida* as *Sajjada Nashin*. They also wrote books for the guidance of their female *murida*, like *Tohfatur Nisa* and *Ahkamun Nisa*. He said that he identified 74 books written by Sufis for the guidance of women. A section of women attached to *Khanqah* institution was educated in the Deccan. It was in the 12th century that the Sufis fanned out in many parts of the country. They reached up to Kashmir in the North and Kerala in the South and Gujarat in the West to spread the message of Islam by way of love and compassion. He said that he worked on a project of the Indian Council of Historical Research (ICHR) relating to the subject during the liberal government.

Prof. Husain held that Presidency College, and the Asiatic Society, Calcutta provided books on the subject. Earlier, Sufism and *Ulema* were not a part of the syllabus of History. English historians started history writing. They wrote the history of India, but kept sufism out of its purview. After 1947, Aligarh School of History took a lead in writing the history of sufism in India. Noted Indian historian and Diplomat, Prof. Khaliq Ahmad Nizami was the first scholar who wrote on the religious bent of the Delhi Sultanate. Credit for this work certainly went to Aligarh Muslim University. Though the canvas of the subject was very wide, yet the Aligarh School did

much work on it. Jamia Millia Islamia too did some work on the subject. In the Deccan, a lot of work was done in Persian and Arabic languages. He said that according to Ibn Arabi, if one wants to have a glimpse of Almighty Allah, he must look Him into his heart. *Khanqahs* were open not only to male, but also for female as *murida*. This was in accord with the Qur'anic commandment that women too should compulsorily receive education and acquire knowledge. He said that there were many *Mohaddisa* whose lectures were attended by *Mohaddis* (Those who specialise in the knowledge of *Hadith*). Ibn Arabi held women in high esteem. Famous Persian and Urdu poet any mystic, Amir Khusrau gave much importance to the women. He used to say "If the father of a person is missing, then he can be identified with his mother". Maulana Azad also said that the status of a woman symbolised her position.

Prof. Husain pointed out that the Roman Empire transformed the life-style of the people. Referring to the pleasure of life being enjoyed by the Sultans of Delhi, he said that Muizuddin Qaiqabad was enjoying the life of pleasure in Nilokheri, Burhan Nizam Shah and Mughals were leading a life full of pleasure. They were not leading an Islamic way of life. There was no mention of any madrasa in the north India up to the 18th century which had arrangements for the education of women. But, in the Deccan there were instances of the existence of madarsas having facilities for women education. Several Sufis in the south named their *murida* as *khalifa*. Sher Ali Khan named Bibi Khaqi Shah as his *khalifa*. *Maraasile* were first written in Golconda and Bijapur. In *khanqahs*, Sufis connected women with them and asked not to fear for death because Allah is the Creator of all living beings. It was nothing else but the *Karamat* (miracle) of the Sufis that the Hindu women collected to observe the martyrdom of Imam Hussain during Muharram procession.

Prof. Husain noted that a school was opened in Hyderabad in 1882 for educational uplift of women. The Nizam of Hyderabad consulted an Englishman to advise him on a plan for women education. East India Company opposed the proposal to start schools for women. The Nizam formulated a plan to open schools for the Muslims, Hindus and Zoroastrians. He said that Sir Syed Ahmad Khan was not

opposed to women education, but he used to say that if women were educated then they would be worse than women slaves. According to him, Shia ulema also opposed women education. Mir Osman Ali Khan had stopped the pension of the women till they did not marry. He said that if pension continued, they would not marry. The entire expenditure on the education of Sarojini Naidu was borne by the Nizam. He suggested that the government should follow this policy. He concluded saying that the influence of the Deccan Sufis still continued.

In his supplementary remarks, Prof. Syed Jamaluddin pointed out that the BJP followed the medieval rulers to reach common people through Sufis. He said that it was wrong to say that Sufis did not follow *Shariah*. About 88 books were written by women in the Deccan. Their position in the Deccan was better than in the North India. They enjoyed status and prestige there. All this went to the credit of Sufis, he added.

Ex-Dean, Faculty of Humanities and Languages and Head of the Department of Islamic Studies, Jamia Millia Islamia, Prof. Mohammad Ishaque, held that in today's world, the practice was not to follow the path which did not suit one's ideas. There was difference between the North and South India. Sufis went to the South from the North and enriched the land by their spiritual teachings, love and compassion. The land there became very fertile due to the presence and noble practices of the Sufis. In the North too, Sufis inspired a large population with their service to humanity. Ajmer and Delhi were the main centres of Sufism. In Delhi, Khwaja Nizamuddin Auliya, Mahboob-i-Ilahi's dargah attracted thousands of people from across the country.

Dr. Faizan from the National Archives, New Delhi, said that Azamgarh and Rampur had been the important centres of women's education. This showed that the North was never lacking in the education of women.

Well-known Urdu journalist and writer, Ahmad Javed said that Sufis played an important role in the establishment of Muslim rule in the

Deccan. Naziruddin Usman Shah was very instrumental in the spread of women education in the Deccan. He held that women's education was never opposed in the region.

The lecture ended with a vote of thanks proposed by Mr. Mohammad Tazeem.

**Mujaddid IOS Centre for Arts and Literature organises a
Discussion on “The Problems of Urdu Teaching in Schools”
(February 22, 2025)**

A discussion on ‘The Problems of Urdu Teaching in Schools’, was organised by Mujaddid IOS Centre for Arts and Literature on February 22, 2025 at the auditorium of the Institute of Objective Studies, New Delhi.

The programme began with the recitation of a verse from the Qur’an by Mr. Naseem Ahsan of the IOS.

Introducing the topic, convenor of the Centre, Mr. Anjum Naim said, “We should not be disappointed with the prevailing situation. Attempts are being made to remove Urdu from the syllabus of schools curriculum. We must patiently and sincerely take stock of the situation.” He observed that textbooks were being printed. Urdu literature was being written as well as read. But the things were not as simple as they looked like. For instance, Urdu was being replaced by Sanskrit in Rajasthan, a BJP-ruled State. On the other hand, modern technology was also being employed in Urdu. New Urdu institutions were being opened to buttress the point that Urdu continued to be popular among the people. He strongly believed that the atmosphere for the development of Urdu was very congenial. But what was disconcerting was that Urdu was being phased out from institutions of higher learning in India. The need of the hour was to assess the situation in its proper perspective and take necessary measures. He said that this discussion was a step in that direction. The first discussion of the series was held in December last. He informed that the next discussion would focus on the problems before the teaching of Urdu in *madaris*.

A senior Urdu teacher in Delhi, Dr. Somaiyya Masudi, held that she had been associated with the school for the last 24 years. On the strength of her experience, she stressed the need for the communicative and classical language. Urdu was taught to acquaint a student with his cultural legacy. They were also apprised of the new Urdu. Being a mother tongue, Urdu would become more intelligible

for the student if he was exposed more to it. She said that in Urdu schools, textbooks of various subjects in that language were made available very late. Many students of Urdu took notes in English. Teachers were incapable of checking copies of students. She maintained that one could not imagine of Urdu in Hindi medium schools which were dominated by Hindu students. She strongly felt that it is the Muslims only who can preserve Urdu as a language. She also complained that Muslims ordinarily did not send their wards to school for opting Urdu as a subject. Owing to the quota reserved for scheduled castes/scheduled tribes, they (SCs/STs) got jobs after learning a little bit of Urdu. She explained that as far as colloquial language was concerned, there was no distinction between Urdu and Hindi languages. She felt the need for support books, like stories and *ghazals* to bring about improvement in the learning and understanding of Urdu. But the problem was that there was a dearth of such books. She suggested that Urdu channels should be started to make the teaching of Urdu better. She emphasised that Urdu was a *Tahzib* which required proper attention.

Dr. Allamuddin observed that the teaching Urdu was a very sensitive matter. A child learns from the milieu around him. His further education will become as better as he learns his language. The teaching of a child begins at the age of 5-10 years or at 6-14 years. Thus, it is necessary to create an ability in the child to understand the language. He said that the students should also be apprised of the communicate. This could be in the digital form. Students should be given goals to achieve them in a phased manner. It may be noted that the *Buniyadi* (Elementary) education started by Mahatma Gandhi and Dr. Zakir Husain, yielded good results. The Zakir Husain Committee was formed in 1937 which observed that by the time children attained the age of 6 years, they acquired 75 percent understanding capability. He stated that there were only 52 Urdu medium schools out of a total number of 5000 MCD schools. These Urdu schools had the necessary infrastructure for the teaching of subjects in Urdu medium. Though NCERT (National Council of Educational Research and Training) produced standard Urdu books, yet the Urdu teachers were not available to teach the students in Urdu medium schools. He also disclosed the fact that out of 12 lakh students, 6 lakh

students wanted to learn Urdu. In this connection, he suggested that the help of NGOs should be sought. He referred to the Urdu magazine, *Jahan-i-Jadid* which was being brought out for the benefit of students.

Another Urdu teacher in a school in Delhi, Mr. Iqbal Husain, who is also doing his Ph.D., in Jamia Millia Islamia, pointed out that Urdu language was the part of culture and identity of Muslims. He said that Urdu schools were being closed or being managed by Hindi medium schools. Thus the condition of Urdu schools was very bad. There was also the shortage of Urdu teachers. Though Urdu was recognised as a language by the Indian Constitution, yet at the practical level, the teaching of Urdu was in a very bad state. Referring to his survey of several Urdu schools under the JMI, he said that he found that the students of 11th class could not correctly read books of 6th class. As many as 1054 schools were being run in Delhi by the MCD, but there was structural problem in these schools. Students belonging to weaker sections joined government schools. What ailed the teaching of Urdu was the lack of academic atmosphere, complexity of the syllabus, the teaching of Urdu not conforming to modern norms of education and the issue of training and teaching. He stressed the need for a change in the traditional method of teaching. There was also the limited use of digital technology in the teaching of Urdu. Perhaps limited resources hampered the initiative to make full use of digital technology by Urdu medium schools. Another reason was that most of the parents wanted their wards to offer Hindi and English as main subjects. Similarly, some teachers sought their transfer from the area like Rohini in Delhi due to religious bias. He suggested that the curriculum should be made more interesting by including stories. Indifference on the part of Urdu lovers was also responsible for the current state of affairs of the language. He suggested that teaching and writing of Urdu should be encouraged. Digital tools and journals in Urdu should also be arranged. He asked the NGOs and activists working for preserving the legacy of Urdu language, to come forward and give a helping hand to the popularisation of Urdu.

Senior Urdu journalist, Mr. Khan Rizwan, listed several reasons for the indifference of students towards learning of Urdu language. One

of the reasons for this was the delay in the completion of syllabus. Similarly, the attitude of the government left much to be desired. Rise in the cost of the textbooks was another reason why parents could not afford to send their children to Urdu medium schools. He advised Urdu teachers to refrain from involving themselves in politics. He also suggested that Urdu students should be encouraged to take part in extra-curricular activities.

Mohammad Arif Iqbal, editor of *Urdu Book Review*, said that there was the question of the method of Urdu teaching. This became significant in the context of Urdu not being a mother tongue. Urdu is being spoken by about 4-5 crore people in India. It was wrong to say that Urdu was spoken by Muslims only. Political atmosphere in India was very adverse as far as the teaching of Urdu and use was concerned. This could be understood from the remark of the UP Chief Minister, Mr. Yogi Adityanath that Urdu was the language of *Kathmullahs* (A slang for the Ulema).

Mr. Tanweer Alam held that the language was associated with history. He cited certain Urdu terms that were used in Hindi. He regretted that Muslims could not develop the spirit to campaign for Urdu. Problems surrounding Urdu were many but the work done for the promotion and propagation of Urdu remained far less than desired. He quoted the noted Urdu writer, Athar Farooqui who once said: "We failed to produce Urdu textbooks that could be studied by students as fine literature".

Presiding over the function, head of the department of Urdu, JMI, Prof. Kausar Mazhari, pointed out the shortage of textbooks in Urdu language. Besides NCERT, other small bodies were producing Urdu books. He said that in his days at school he was asked to write chemistry in both English and Urdu. He opined that if the standard of Urdu was raised, Urdu medium schools could also produce good scientists. He held the government responsible for not appointing qualified Urdu teachers in schools. There was also the problem of Urdu pronunciation. In this connection, he referred to the film, *'My name is Khan'*. Phonetics was another problem in Urdu. He said 'Firaq' was an English teacher, so were Sir Allama Iqbal and Faiz Ahmad

Faiz. Both of them had been English and Arabic teachers, but at the same time, they excelled in Urdu language. He suggested that there should be a pressure group to impress upon the government to pay attention to Urdu teaching. Today, objective-type question papers were set to provide multiple options for answers. Students were asked to answer the question by tick marking the correct answer. Thus, the question was how such students would do the Ph.D. Another question that required attention was that the curriculum was not completed in time. In foreign countries, teachers were asked to provide the details of the course they would teach in the academic session. Urdu is the language that is largely read and written in Karnataka. He said that if students learnt Urdu, then they would learn about their cultural heritage in it, if not through Arabic.

Prof. Mazhari remarked that certain top leaders of the BJP had drawn up a list of Urdu names of places which they wanted to be changed into Hindi. He said that a lot of work had been done on Ibne Safi and the work still continued. He did not agree with the view of Athar Faruqi. Instead, he asked Faruqi to prepare Urdu syllabus through *Anjuman Taraqqi* (Hindi). He described his utterances as a mere rhetoric.

Chairman of the IOS Prof. M. Afzal Wani, expressed satisfaction that important suggestions were discussed at the discussion. He said that the participants were truly serving the cause of Urdu. He was firm in his opinion that Urdu had the power, to defeat its opponents. He called for working for the promotion of Urdu language at the international level. Referring to English language, he said that it was very rich due to its flexibility to absorb other languages. He also emphasised the need for widening the scope of Urdu. Lovers of Urdu should become real enthusiasts of the language. There was also the need for resolution and guidance, so that students could learn Urdu. He said that the scholars should write in Urdu whether it was science or other natural sciences. A professor was liable to express the sentiments of the society, he concluded.

The discussion ended with the thanks giving by Mr. Anjum Naim, Convenor of the Centre.

IOS Lecture on Significance of Ramadan (February 27, 2025)

A lecture on the Significance of Ramadan was organised by the Institute of Objective Studies at its auditorium on February 27, 2025.

Addressing the gathering on the approaching month of Ramadan, the Secretary of Jamat-i-Islami Hind and the Editor of its magazine, *Tahqeeqat-i-Islam*, Maulana Dr. Raziul Islam, said that the piousness of the month lay in the revelation of the Holy Qur'an. The Qur'an was revealed to the Prophet Mohammad (PBUH) in this month. The Qur'an is a complete guide of life of every faithful. Owing to its pietism, fasting and prayers were given special importance in this month. This is aimed at obeying the command of Allah to follow and forbid certain things so as to make the life easy for the believers. During the month Muslims are accustomed to live a life without a demur. He said, fasting, *Tarawih*, recitation of Qur'anic verses and *Nawaafil* prayers are meant to attain piety. The effect of these actions is clearly visible among the Muslims. But this does not definitely mean that the praying during this month become prototyped. He noted that if the praying during the month of Ramadan was customary, it would alienate Muslims from the soul of *Din* (Religion). He observed that organising the meet to welcome the month of fasting was the *Sunnah* of Prophet Muhammed (PBUH). *Sahaba* (companions of the Prophet [PBUH]) used to get themselves ready before the start of Ramadan. Ramadan was gifted by Allah to Muslims for the purification of their soul and the body together.

The Convenor of the programme and the senior Urdu journalist, Ahmad Javed, expressed grief over the passing away of the noted *aalim* and secretary of the All India Milli Council, Maulana Syed Mohammad Mustafa Rifai Jilani, who passed away in Bengaluru on Thursday last. He said that the Maulana was a prominent religious leader whose empathy for the Muslim community was paramount. He belonged to *Qadiriya* Sufi Order and had a big following. Associated with a number of milli organisations as their head, he served both the Institute of Objective Studies and the AIMC in

different capacities. He was conferred with the IOS Shah Waliullah Award for his contribution to Sufism. Similarly, he undertook a country-wide tour as the secretary of AIMC and apprised himself of the problems facing the Muslim community. His death caused a big loss to the community, he added.

At the end the Vice-Chairperson of the IOS, Prof. Haseena Hashia expressed the gratitude to the guests, and held that the programme was very fruitful to the staff of the Institute, especially when the approaching month of Ramadan was not very far. She said that the programmes connected to Ramadan were the brainchild of the mentor and patron of the IOS, Dr. Mohammad Manzoor Alam, who could not make it to the programme on account of his ill-health.

IOS and AIMC jointly organise Condolence Meet to mourn the death of Maulana Shah Qadri Syed Mustafa Rifai Jilani Nadwi (March 03, 2025)

A condolence meeting to mourn the passing away of Member, General Assembly, Institute of Objective Studies (IOS) and one of the Assistant General Secretaries of the All India Milli Council (AIMC), Maulana Shah Qadri Syed Mustafa Rifai Jilani Nadwi, was jointly organised by the IOS and AIMC at the IOS auditorium on March 3, 2025.

The condolence meet began with the recitation of some Qur'anic verses by Mr. Naseem Ahsan with its translation into Urdu.

In-charge of the Urdu section of the Institute, Maulana Shah Ajmal Farooq Nadwi, who conducted the proceedings, described Maulana Rifai as a spiritual and Milli personality. He was acclaimed as a spiritual leader in the Indian sub-continent. He belonged to the lineage of the great Sufi Saint, Sheikh Abdul Qadir Jilani. He was closely associated with both the IOS and AIMC. As Assistant General Secretary of the AIMC, he extensively travelled from Kashmir to Kerala to acquaint himself with the problems faced by the Muslim community. He had been very close to the Chief Patron and Founding Chairman of the Institute, Dr. M. Manzoor Alam. He was given the IOS Shah Waliullah Award for his contribution to Sufism.

Mr. Suleman Khan, one of the Assistant General Secretaries of the AIMC, said that Maulana Rifai was ailing since the last three years. Prayers for the improvement of health were made by his admirers and his disciples. Months before his death, he travelled to Kashmir where severe cold gripped him and he was unable to move around. He then took the help of the WhatsApp to issue directions to the office-bearers and members of AIMC. He belonged to Rifai Sufi Order. He was the *khalifa* of his brother. He spent seven years in Nadwatul Ulema, Lucknow. He studied *Hadith* from Maulana Zakariyya Kandhlawi. During his stay at Nadwa, he became very close to Maulana Syed Abul Hasan Ali Nadwi alias Ali Miyan. He

observed that Maulana Rifai was associated with all the milli activities that took place in Bengaluru. He was always assigned with the organisational responsibilities. He underwent a surgical procedure during which he remained in the coma. But when he regained consciousness, he enquired about the progress of the milli activities. The Muslim community could never be oblivious to his services to it. He suggested that his services to religion and sufism be brought in book form. He devoted his entire life to the service of AIMC. He announced that an all-India programme on his contributions would be organised at Darussalam in Bengaluru in coming months.

Vice-President of the AIMC, Maulana Dr. Yaseen Ali Usmani, described the passing away of the Maulana as a big loss to the Muslim community. He brought different milli organisations on one platform under the umbrella of AIMC. He, along with others, rendered yeoman's service to Islam and the Muslim community. Like him, he also belonged to a *Khanqah*. About himself, he said that he hailed from Budaun, also known as '*Madinatul Auliya*'. He worked till the end. He was very affable and used to give respect to elders and give affection to youngsters. Being a *Khanqahi* representative, he led the simple life of a sufi. He said that mosque, madrasa and community kitchen were the main features of the *Khanqahi* life. That was the reason that lakhs of people benefited from *Khanqahs*. The maulana used to say that AIMC was such a platform where all schools of thought converged. This could be determined from the fact that there was consensus among all the stakeholders on 98 per cent issues relating to the community. "But unfortunately, we fail to arrive at a decision on 90 per cent matters. We should take inspiration from his services to the community", he stressed.

On this occasion, the message of the Chief Patron, and Founding Chairman of the IOS, Dr. Mohammad Manzoor Alam, who could not attend the meet on account of his ill-health, was read out by Maulana Shah Ajmal Farooq. In his message, Dr. Alam recalled the services of Maulana Rifai to the *millat* by his hard work and dedication. He devoted his entire life to the cause of the community and proved his worth as a successful organiser. His services would always be remembered by the Muslim community.

Former Union Minister for Minority Affairs, Mr. K. Rahman Khan noted that Maulana Rifai lived the life of an *aalim* and engaged himself in the activities for the uplift of Muslims. His co-ordination with other functionaries of the AIMC was very good. He believed in taking everybody along. He led a very pious life and whatever he did, it was all for the sake of Allah. He was very suave and used to meet everyone with warmth. He asked the office-bearers of the Milli Council to work for the community with the same sense of belonging as the Maulana did. He undertook a tour of the whole of Karnataka and the country to ascertain the problems which the Muslim community was faced with. He called for following into his foot-steps to work for the country and the community.

Maulana Mustafa Rifai's son Syed Nasrullah Rifai Nadwi, said that his father's passing away was very shocking not only for his family, but also for the entire *millat*. "He was not only my father but also my mentor. Besides his services in the field of Islamic knowledge his bonhomie with Sufism was discernible. He led a very simple and austere life which was for the pleasure of Allah. He gave the practical shape to Sufism. He was a *Wali* in true sense of the term. But he refrained from doing any miracle (*karaamat*), Syed Nasrullah Rifai, added.

Vice-President of the AIMC, Maulana Aneesur Rahman Qasmi, held that he has experienced Maulana Rifai's mode of working from very close quarters. Nobody could sit over judgment on a person without making assessment of his performance. Maulana Rifai was one such rare person who hid his personality from public gaze. The bag he used to carry with him contained only a set of clothes which included his kurta and a black *Tabband* (a long strip of fabric, often of cotton or silk fabric, worn around the waist) and necessary papers relating to the Rifai order. He always remained unattached with the worldly affairs. He handed down the rich legacy of *Tasawwuf*. His diet included a thin roti (chapatti) and little bit of vegetable. Maulana Qasim said that he was also granted the permission by Maulana Zakariyya Kandhlawi to initiate into his Order.

He used to go on pilgrimage to *Harmain-Sharifain* twice a year. While in Madina, he used to pay his visit to the mausoleum of the Prophet Mohammad (PBUH) and read out *Salaam* in praise of Him. Once he left for *Fajr* prayer, he returned only after *Isha* prayer. He never attached himself to this mundane world. He was an *aalim* with deep knowledge of Islamic thought. Allah (SWT) invested him with the purity of intention. He said that the AIMC benefited much from his services. He always attached more importance to *din* and reform in Muslim society. He hoped that his work would continue to inspire the community.

President of the Delhi unit of the AIMC, Dr. Pervez Miyan, observed that he had the opportunity to accompany him to several states and present his views on the issues of the community. He was an embodiment of simple living. His death created a big void which could never be filled. He pledged to follow the path shown by Maulana Rifai. He said that the Waqf (Amendment) Bill was a big challenge before Indian Muslims. Dr. Zahid Khan, General Secretary of the West UP Milli Council, held that Maulana Rifai was a Sufi *dervish* whose clothes matched his simple living. He remained very active till his end.

President of the AIMC, Hakim Maulana Abdullah Mughesi, remarked that Maulana Rifai was one of the founders of All India Milli Council. He played an important role in its development. He undertook a country-wide tour to understand the issues of the Muslim community. He prayed to Allah to grant him an exalted place in *Jannah* and endow the AIMC with an able substitute for him. Janab Zafar Masud from Hyderabad, recalled his meetings with Maulana Rifai in Saudi Arabia. He was garbed in very simple clothes. He quite often visited the Kingdom of Saudi Arabia. Maulana Abdul Malik Mughesi, District President of AIMC, Saharanpur, spoke from *Harmain Sharifain*. He said that after leaving Nadwa, he transferred all the things related to the Rifai Order to his brother.

In his presidential remarks, Maulana Abdul Aleem Qasim Bhatkali, Vice-President of the AIMC, said that Maulana Rifai was a fine person. He knew him since his youth. He used to wrap himself in

black clothes. He was always concerned about the All India Milli Council. He used to carry a small bundle of books during his travel. Referring to *Tasammi*, he said that it was a means to purify heart. He called for the study and dissemination of his works.

At the end of the meet, the Vice-Chairperson of the Institute, Prof. (Ms.) Haseena Hashia proposed a vote of thanks.

**Mujaddid IOS Centre for Arts and Literature organises a
Discussion on “Problems of Urdu Teaching in Madrasas”
(April 19, 2025)**

A discussion on the “Problems of Urdu Teaching in Madrasas” was organised by the Mujaddid IOS Centre for Arts and Literature at the Institute’s auditorium on April 19, 2025. The discussion was presided over by Dr. Waris Mazhari, professor of Islamic Studies, Jamia Hamdard, New Delhi.

The programme began with the recitation of a verse from the Holy Qur’an by Qari Mohammad Irshad.

Mr. Anjum Naim, convenor of the Mujaddid IOS Centre for Arts and Literature introduced the topic. He said that the Centre had organised two similar discussions on the subject to deliberate about the issues relating to the teaching of Urdu in schools. He had no qualms about accepting the fact that Urdu was being given a raw deal by the present political establishment. Their indifference to the teaching and promotion of Urdu tantamounted to being anti-Urdu. He held that every effort would be made to focus on all aspects of the issue. He expressed his gratitude to all the participants for their cooperation in making the discussion a success. He hoped that more and more Urdu lovers would benefit from the views expressed in the programme.

Senior Urdu journalist and writer, Mr. Ahmad Javed, who conducted the proceeding, noted that the salary being paid to Urdu teachers was meagre. They were discriminated against their counterparts in Hindi medium schools who drew handsome pay compared to them. He laid emphasis on the primary education in Urdu medium schools and said that the students studying in primary schools should be taught in their mother tongue.

Maulana Dr. Shees Mohammad Idris Taimi, who is associated with the publications of Markaz Jamiat Ahle Hadees, said that in Uttar Pradesh about 20,000 madrasas were recognised. Out of these, about 12,000 to 18,000 were recognised by the U.P. Madrasa Board. About

60,000 madrasas in India were recognised. The total number of madrasas in the country stood at one crore. Madrasas had positively affected our education system. That was the greatest contribution of madrasas in the world. He complained that in big madrasas, little attention was paid to the primary section. Thus there was an urgent need for training of Urdu teachers in madrasas. He said that the purpose of teaching of languages in madrasas was to enhance the capacity of expression, and description of knowledge of deen among the students. Figuring out the problems of Urdu teaching in madrasas, he noted that the foremost problem was the lack of resources.

Maulana Dr. Zafruddin Barkati pointed out that barring Kerala and Tamil Nadu, Urdu was not being formally taught in madrasas. The teachers in these states knew Urdu. In rural areas, madrasas had a *Hujrah* (separate room) for the teachers. In urban areas, *Hujrah* was attached to the mosque. Big madrasas had their own curriculum. UP and Bihar Madrasa Boards had their own curriculum. He underlined the importance of Urdu in madrasas and said that non-inclusion of Urdu in madrasa curriculum as a subject was a big mistake. He also noted that the language could not only be learnt from the syllabus, but also from the environment around. Madrasas had a favourable environment but the syllabus was missing. Schools had the syllabus but the congenial atmosphere was missing there. Madrasas had Urdu as a medium of instruction but the teachers were speaking chaste Urdu. They must read Urdu poetry, novel and prose in order to acquaint themselves with the simple Urdu. He pleaded for making Urdu compulsory from beginning till end.

Dr. Wahid Nazeer from the Academy for the Training of Urdu Teachers, Jamia Millia Islamia, said that he was organising 10-day training programme for Urdu teachers of the madrasas and schools since last several years as he had 30 years of Urdu teaching experience. He was doing this as he had 30 years' experience of teaching. He held that there were two categories of madrasas— 1) *Aaliya* madrasa (known as *Maẓmoom*), 2) *Nizamiyah* madrasa (known as medium). "We adopted Urdu as a medium, but we failed to strengthen Urdu as a language. No such effort was made in

madrasas with *Nizamiyah* syllabus. Pass-outs of the madrasas were doing a dis-service to Urdu. But madrasas with *Aaliya* syllabus did not feel any difficulty in speaking and writing in Urdu. This was due to their training to formally learn Urdu. He laid emphasis on the need for providing Urdu grammar and text books.

There was also the need for expert teachers who could train students in *Insha* and *Qawayad*. *Aaliya* madrasas were nearer to the issue under discussion than *Nizamiyah* madrasas. He said that the syllabus of madrasas was undergoing a change due to the introduction to the new education policy. In the new policy, emphasis has been laid on the teaching of the mother tongue, but the impression is gaining ground that the madrasas do not need to teach Urdu. Besides making Urdu as a part of the curriculum, services of the able and trained Urdu teachers for the teaching of the language should be sought. He said that the presence of Urdu in madrasas as a medium of instruction was one thing but the teaching of the language as a subject was different. Earlier, Persian used to be the medium of instruction in madrasas. Persian was included in the syllabus as a subject. But, when Urdu was adopted by the madrasas as medium of instruction, they did not include it as a subject of the curriculum. This was a great mistake on the part of madrasas. Many *Nizamiyah* madrasas were still continuing the practice of the teaching of Persian as a subject, he added.

Ex-Professor of medieval Indian History, Jamia Millia Islamia, Prof. Syed Jamaluddin, held that in *Nizamiyah* madrasas, there was the problem of *Maakhaaz*. That was why Urdu was becoming weak. Urdu used to be the language of *Ashraaf* (Nobles). But now, they were turning to English, he averred.

In his presidential remarks, Prof. Waris Mazhari, admitted that proper attention to language was not being paid in madrasas. Ninety percent of the pass-outs of madrasas did not know Arabic. There was a rat race to learn English, among madrasa students. He asked the madrasa managements to include Urdu as a subject in their curriculum. Madrasas focus was on Arabic as the entire Islamic knowledge was presented in that language. But, it was regrettable

that, in spite of learning *Hadith* for 25 years, a student did not acclimatised himself with Arabic. Students who studied in madrasas also did not know Urdu. He called for promoting Urdu in madrasas. “This was necessary because it represented our culture. Likely, our cultural heritage is well preserved in Urdu. He also asked for cooperating with the madrasas in providing them opportunities for the study of Urdu fiction and literature”. He said that language the *Maulvis* spoke was mind-boggling. The new education policy made it compulsory to work in a framework. Under the new policy, *Insha* and a number of textbooks had been included. “We should pay proper attention to Urdu since it is our mother tongue. It is a matter of concern that we are weak in our mother tongue”, he concluded.

At the end, Mr. Anjum Naim, extended a vote of thanks to the attendees of the programme. He confidently said that, like previous ones, this discussion was also very successful. He informed that the proceedings of all the three discussions would be brought out in booklet form for the benefit of the people.

**IOS-Aliah University organise a 5-day Summer School
Programme on Islamic Studies at Kolkata
(April 21-25, 2025)**

A five-day offline-online Summer School on Islamic Studies, was jointly organised by the Institute of Objective Studies (IOS), Kolkata Chapter, and the Department of Islamic Theology, Aliah University, Kolkata from April 21 to 25, 2025 at The Park Circus campus of Aliah University Kolkata.

This unique academic initiative—envisioned and guided by Dr. Mohammad Manzoor Alam, Chief Patron of IOS, New Delhi—was designed to foster critical inquiry and engagement with Islamic scholarship in contemporary contexts. It brought together leading scholars and academicians from within India and abroad, and students from universities across Kolkata and beyond in a collaborative space for reflection and learning.

The Summer School Program witnessed a distinguished gathering of scholars, academicians, and policymakers from within India and abroad. The program, conducted in both online and offline modes, aimed to foster critical engagement with Islamic thought and contemporary scholarship among university students and young researchers, witnessed participation of more than 350 students from universities across Kolkata and beyond. The Park Circus Campus Auditorium remained full throughout, with rich academic interaction and enthusiastic engagement from attendees.

In the inaugural session held on April 21, the keynote address was delivered by Prof. Dr. M. Afzal Wani, Chairman, Institute of Objective Studies, New Delhi, who emphasised the need for intellectual rigour, ethical leadership, and skill development in contemporary Islamic scholarship. His address resonated with the participants, encouraging them to blend knowledge with action and character.

An expert address was delivered online by Prof. Dr. Mumtaz Ali, Chairman, Department of Usul-al-Din and Comparative Religion,

International Islamic University Malaysia, who praised the university's leadership and called the Summer School a reflection of organiser's insightful and visionary approach to nurturing thoughtful, socially responsible scholars.

This was followed by an engaging theme address by Dr. Noorus Sabah Ismail, Member, West Bengal Madrasah Service Commission, Kolkata, who urged participants to treat the Qur'an not only as scripture but also as a compass for moral reasoning and social rectitude. Drawing inspiration from Prof. Wani's keynote address, he highlighted the need to realign individual and collective priorities through the Qur'anic values.

In her guest address, Prof. Dr. Nargis Ahmed, Dean, Faculty of Science and Technology, Aliah University, Kolkata, called the initiative a commendable step towards spiritual enrichment and intellectual development. She expressed her appreciation to the organisers for tailoring such a meaningful academic space for undergraduate and postgraduate students.

The international segment continued with a thought-provoking online presentation by Prof. Dr. Shukran Bin Abd Rahman, Dean, AbdulHamid Ahmad AbuSulayman Kulliyah of Islamic Revealed Knowledge and Human Sciences, International Islamic University, Malaysia. He offered a conceptual framework for understanding Islamic knowledge, using visual aids and a structured approach to explain how foundational and applied Islamic studies can transform learners' worldviews.

Mr. Mohammad Nadimul Haque, Hon'ble Member of Parliament, Rajya Sabha, in his special address, underscored the importance of being action-oriented rather than merely rhetorical. He stressed the need to preserve cultural and intellectual heritage through accessible and transformative education—lauding the Summer School as a vital step in that direction.

An insightful expert address was then presented by Prof. Dr. Omar Hasan Kasule, Secretary General, International Institute of Islamic

Thought, USA. He spoke about how Islamic perspectives offer practical solutions to the challenges of modern society. Congratulating the organisers, he wished the participants an enriching five-day journey and presented a step-by-step framework for acquiring Islamic knowledge that is spiritually grounded and socially relevant.

Mr. Ahmed Hasan Imran, Chairman, West Bengal Minorities Commission, delivered a powerful reflection on the value of historical consciousness. He urged participants to play an active role in preserving and learning from history to ensure a more informed and united society.

The inaugural session culminated with the presidential address by Prof. Dr. Rafikul Islam, Vice-Chancellor, Aliah University, Kolkata. Thanking both the in-person and online dignitaries, he addressed the participants directly, emphasising the role of such academic platforms in shaping enlightened worldviews among the youth. He congratulated all registrants and extended his best wishes for their intellectual and spiritual growth through the program.

Earlier, the inaugural session began on a spiritual note with a recitation from the Holy Qur'an by Mr. Qari Kamaluddin Khan, Faculty, Deptt. of Islamic Theology, Aliah University, Kolkata. This was followed by a warm and multilingual welcome address by Dr. Md. Ashraf Ali Nadwi Azhari, Head, Deptt. of Islamic Theology, Aliah University, Kolkata. Dr. Azhari highlighted the significance of this academic initiative in promoting values-based education and extended a heartfelt welcome to all dignitaries and participants.

Mr. Abdul Basit Ismail, Coordinator, IOS, Kolkata Chapter, delivered the introductory address, acknowledging the continued support of Vice-Chancellor, Aliah University, Prof. Dr. Rafikul Islam, whose vision has been central to this initiative. He elaborated on the genesis of the Summer School on Islamic Studies and its long-term academic aspirations.

The formal proceedings concluded with the vote of thanks, followed by the announcement of lunch and the commencement of Business Session—I scheduled post-lunch. With a confluence of distinguished thought leaders, rich scholarly discourse, and a committed audience, the inaugural session set the tone for an intellectually vibrant and spiritually uplifting the 5-day Summer School on Islamic Studies ahead.

Across five days, eminent scholars delivered their lectures on a wide range of themes. In the post-inaugural session on day 1, Prof. Dr. M. Afzal Wani delivered his lecture on Globalization and Islam, followed by Dr. Mohd Shamim Akhter Qasmi, Asstt. Professor, Deptt. of Islamic Theology, Aliah University, who spoke on *The Life of Prophet Muhammad and Orientalists*.

On day 2, Dr. Md. Ashraf Ali Nadwi Azhari, Head, Deptt. of Islamic Theology, Aliah University, delivered his lecture on *Jama wa Tadween-e-Hadith*, followed by Prof. Dr. Javed Ahmad Khan, Former Director, Centre for West Asian Studies, Jamia Millia Islamia, New Delhi, on *Islamic Perspective of Money and Wealth*, and Prof. Dr. Mohd. Fahim Akhtar, Deptt. of Islamic Studies, Maulana Azad National Urdu University, Hyderabad, on *Aqeeda: Tawbeed Risalat, Aakbrat*.

Dr. Mohd. Rabiul Islam, Asstt. Professor, Deptt. of Mathematics, St. Xavier's College, Kolkata, spoke on *Muslims Contributions to Mathematics and Medicine* followed by Dr. Noorus Sabah Ismail, Member, West Bengal Madrasah Service Commission, Kolkata, on *The Qur'an: A Universal Manifesto of Knowledge Reflection, Inquiry, and Ijtihad*, and Dr. Uzma Naheed, Director, Iqra Education Foundation, Mumbai, on *Women in Islam*.

On day 3, Prof Dr. Rafikul Islam, Vice-Chancellor, Aliah University delivered a very impactful lecture on *Time Management from Islamic Perspective*, while Dr. Muhammad Raziul Islam Nadvi, Idara-e-Tahqiq-wa-Tasneef, Aligarh, spoke on Islam as Faith and Civilisation, and Prof. Dr. Mumtaz Ali, Chairman, Department of *Usul-al-Din and Comparative Religion*, International Islamic University Malaysia, on *Islam in 21st Century*.

Dr. Sajjad Alam Rizvi, Asstt. Professor, Deptt. of History, Presidency University, Kolkata, delivered his lecture on Islam in India, while Prof. Syed Jamaluddin, Director, IOS Centre for Historical and Civilisational Studies, Aligarh, spoke on *Non-Muslims under the Muslim Empires*.

On day 4, Dr. Kamal Ashraf, Asstt. Professor, Deptt. of Islamic Theology, Aliah University, Kolkata, delivered his lecture on *Islam and Environment*, while Prof. Dr. Hamid Naseem Rafiabadi, Visiting Professor, International Institute of Islamic Thought and Civilisation (ISTAC), Malaysia, spoke on *Islam and Humanity*, and Dr. Ziauddin Malik, Deptt. of Islamic Studies, Aligarh Muslim University, Aligarh, on *Islam and World Peace*.

Dr. Syed Abdur Rasheed, Head, Deptt. of Islamic Studies, Aliah University, Kolkata, delivered his lecture on *Development of Fiqh*, followed by Prof. Dr. Shukran Bin Abd Rahman, Dean, AbdulHamid Ahmad AbuSulayman Kulliyah of Islamic Revealed Knowledge and Human Sciences, International Islamic University, Malaysia, on *Islam and Multiculturalism*, and Prof. Dr. Tauqeer Alam Falahi, Former Dean and Chairman, Deptt. of Sunni Theology, Aligarh Muslim University, Aligarh, on *Islamic Perspective of Knowledge*.

The valedictory session, held on April 25, was graced by the esteemed guests including Dr. Sk. Ashfaq Ali, Dy. Registrar, Aliah University, Kolkata; Mr. Raees Ahmed Nadwi, Principal, Darul Uloom Deeniyat, Bhiwandi, Maharashtra; Dr. Saeedur Rahman Faizi, Chairman, Al-Nadwa Education Centre, Canada; Prof. Tauqeer Alam Falahi, Former Dean and Chairman, Deptt. of Sunni Theology, Aligarh Muslim University, Aligarh; Prof. Abdur Raheem Kidwai, Director, Prof. K.A. Nizami Centre for Qur'anic Studies, Aligarh; Mr. Abid Hussain; and Prof. Dr. Sharmishtha Chatterjee, Dean, Faculty of Humanities & Languages, Aliah University, Kolkata, which reflected the academic depth and interdisciplinary relevance of the sessions.

The Presidential Address at the valedictory session was delivered by Prof. Z.M. Khan, Patron, Institute of Objective Studies, New Delhi, who commended the organisers for fostering a culture of reflective scholarship and urged for such efforts to continue across institutions.

Dr. Md. Ashraf Ali Nadwi Azhari, Head Deptt. of Islamic Theology, Aliah University, expressed his sincere thanks to Prof. Dr. Rafikul Islam, Vice-Chancellor, Aliah University, Kolkata, for his generous support and encouragement in organising the program successfully.

On behalf of IOS Kolkata Chapter, Mr. Abdul Basit Ismail said, “This Summer School was a modest but meaningful attempt to bring faith-based inquiry back into academic discourse. The overwhelming response encourages us to continue this journey.” Mr. Ismail also acknowledged the guidance of Mr. Mohammad Alam, Secretary General, Institute of Objectives Studies, New Delhi, whose behind-the-scenes support ensured the event’s smooth execution.

The program was smoothly coordinated by a dedicated team from the Department of Islamic Theology, under the guidance of Dr. Md. Ashraf Ali Nadwi Azhari, Head, with active academic support from Dr. Mohd Shamim Akhter Qasmi, Assistant Professor.

The inaugural and valedictory sessions were compered meticulously by Md. Shahjahan, Vice Principal, Jibreel International School, Kolkata, whose seamless anchoring enriched the formal proceedings.

The Summer School ended on a high note, having set a precedent for collaborative learning and meaningful intellectual engagement rooted in Islamic values and academic integrity.

**IOS-Jamia Millia Islamia organise a Five-Day Summer School
Programme on Islamic Studies
(June 16-20, 2025)**

A five-day online summer school on Islamic Studies was organised by the Institute of Objective Studies (IOS) from June 16 to 20, 2025 in collaboration with the Department of Islamic Studies, Jamia Millia Islamia, New Delhi. The purpose of organising the summer school programme was to impart basic, but deep knowledge, to the university students pursuing professional courses, like business studies, science, computer science, engineering, medicine, etc. It was also an outreach programme to introduce the IOS to a new and larger audience, particularly the students who constituted as future leaders in medical science, technology and business studies. Thus it was very necessary to acquaint them with the fundamental teachings of Islam as well as the great role it played in the making of global human civilisation.

Day-I (June 16, 2025)

Inaugural Session

The opening session began with the recitation of a verse from the Holy Qur'an by the senior Urdu journalist and writer Ahmad Javed.

In her welcome and introductory remarks, vice-chairperson of the IOS, Prof. Haseena Hashia, briefly spoke about the activities of the Institute. She said that established in 1986, the IOS was involved in focusing on the national issues, particularly relating to the problems of the minorities in general and Muslims in particular. It did its best to promote the ideals of secularism, democracy, rule of law, federalism and constitutionalism. The Institute had so far published around 500 books on a variety of subjects. Besides, about 6 journals in Urdu, Arabic and English are regularly published. There are two web-magazines, namely, *IOS Current Affairs* and *IOS Nuqta-e-Nazar*. More than 1350 international and national conferences, symposia and workshops have so far been organised. About 475 projects have either been completed or are at various stages of completion. She

observed that the IOS was maintaining an updated data bank to cater to its needs. In addition, scholarships are awarded to meritorious but needy students pursuing post-doctoral research in universities. The Institute has also instituted IOS Shah Waliullah Award and the IOS Lifetime Achievement Award. The IOS calendar published annually has become very popular, she held.

As a key speaker, former Vice-Chancellor, Maulana Azad University, Jodhpur and currently Professor Emeritus, Islamic Studies, Jamia Millia Islamia, Prof. Akhtarul Wasey, observed that in Islamic Studies, there was text along with the context. The Aligarh Muslim University was the first academic institution which introduced Islamic Studies as a subject. Later on several other universities included it in their curriculum. He said that Islamic politics in society and economics were viewed in Islamic Studies in the Islamic perspective. But the tendency to defame Islam was comparatively a new phenomenon which called it a religion of *jihad*. There is reference to *jihad*, but that does not mean committing excesses on anyone. No will could be forcibly imposed on anybody. The Qur'an and Hadith are complete in every respect as they have answer to every problem. He said that there were differences of opinion among the schools of thought. If Hanafi school says that eating tortoise was not permissible, it is permissible in Shafi'i school of thought. But that does not constitute a fault on the part of the believer. Food habits change with the change of geographical location of a country.

Prof. Wasey held that eating tortoise in the majority areas of the followers of Shafi'i school, was not prohibited. He said that the Qur'an and Hadith were popularised to guide humanity for a better life. Sufi hospices played a key role in popularising Islam outside the Arab peninsula by way of love, sympathy and compassion. Islam gave a leverage to human beings to understand and examine it. He expressed the confidence that the new students would bring revolution in the world by cherishing the values of Islam, like brotherhood, compassion and equality.

Speaking as the guest of honour, Secretary General, International Institute of Islamic Thought, USA, Prof. Omar Hasan Kasule, held

that summer school was important for understanding Islam. Referring to *Tawheed*, he said that the essence of *Tawheed* was to understand Allah. *Tawheed Al-Rububiyat* was about Creator and the Creation. Explaining further, he noted that there is one creation of universe. The Sun and the Moon were created by Him. They have one Creator, Qur'an says this. He created certain class. He is one Creator only. He is the only one worthy of worship. Then there is *Tawheed Al-Uluhiyat*. This means we humans do not understand His worship. He created systems and fixed them. Science and technology are part of them. He produces things that are beneficial for man.

Prof. Kasule pointed out, that there was *Tawheed Al-Rububiyat*. This is the basis of physical and social laws. He said that people sometimes disobeyed social laws. Commenting on *Maqaasid Al-Tawheed*, he said that this was the Islamic world view. He also spoke on *Tasawwur*.

Presiding over the session, Dean, Faculty of Humanities and Languages, Jamia Millia Islamia, Prof. Iqtidar Mohammad Khan, observed that Dr. Mohammad Manzoor Alam planted a sapling which has now grown up as a tree. His efforts to build an institution for the objective studies bore fruits and today the IOS is known all over the world. Referring to the summer school on Islamic Studies, he said that students of the universities would benefit from this. He held that Prof. Akhtarul Wasey took off the time to speak as the key speaker despite his bad health. He noted that Islam was the simplest religion and the most adjustable one. This is the reason why it is the most acceptable and has its presence in every region of the world. Islam had four elements – eating and taking of unprohibited drinks, language, beliefs and uniform. This religion has its presence in every climatic zone and geographical region. There is no leverage in faith. But it adjusted with the culture of the region where it travelled. It adopted the uniform of the region. Caps and the clothes were the symbols of the local culture which included food habits and customs in so far as they did not clash with the inhibitions under Islam. Meaning thereby, the local culture was accepted according to the Islamic faith. In our society, all the faithful were adjusted. It could be understood in terms of the prayer (*Namaz*) which be led by

an *Aalim* of any caste within Islam. The Qur'an calls for establishing lasting association with Allah to seek *Najaat* (Salvation).

Prof. Khan explained that all schools of Islamic thought were at a commonplace that Allah is one, Qur'an is one and the Prophet (PBUH) is one. This distinguishes Islam from the other religions. He called upon the participants to know about the history of Islamic civilisation. There were presently 57-58 Muslim countries in the world, but there was no unanimity among them on many vital issues. We must look at our culture and civilisation, and our actions should be in accord with *Deen*. He called for giving a thought to whatever is being listened. Let's learn from the life of the *Sahaba*. The life of the Prophet (PBUH) is a model for us to see him as a prophet as well as an Arabian. He said that one should not be self-centered but should also think of the well-being of the community. He reminded the Muslims of their responsibility to subserve the interests of the *Ummah*.

Assistant Professor of Islamic Studies, Jamia Millia Islamia, Dr. Mohd Arshad spoke about the usefulness of the summer school programme. He said that in 2020, the IOS signed a Memorandum of Understanding (MoU) with several universities, including the Jamia Millia Islamia, to jointly organise a short-term summer and winter school courses on Islamic Studies for the university students pursuing different professional disciplines. He said that the course was designed to acquaint them with the basic knowledge of Islamic teachings and the role of Islam played in the history of global human civilisation. This programme is especially useful for the first-timers. Experts in various areas of Islamic Studies have been invited to address the students and the participants. He extended a vote of thanks to the participants at the close of the inaugural session.

Dr. Mohammad Manzoor Alam, Chief Patron, Institute of Objective Studies was also participated in inaugural session.

Business Session-I**Lecture-1**

The first lecture of the business session-I was delivered by the Professor of Political Science, Aligarh Muslim University, Prof. Arshi Khan. He spoke about Islamophobia in the modern context. He said that Islamophobia was the hatred against the Islamic faith. It was misunderstood and had a self-calculated objective. It was also a politics rooted in various cultures. This was unethical and radical. In politics, it is the misuse of power. It is multi-dimensional at domestic, national and regional level. It came in 1910 onwards. Today, it has international presence. Recently, one finds it in Chechnya, Herzegovina in Central Asia. It was found in Western Europe, brutal killings of the followers of Muslim faith took place in Croatia. It was done in Britain and Russia. It was aimed at “divide and rule” in socially united countries. They divided the country into Christians and Muslims on the basis of religion. In Tsarist Russia, there were Tatars and Chechens who were persecuted. Earlier, India did not have the concept of majority-minority divide. Then came the Shia-Sunni conflict. He said that regional factors also had a role to play.

Prof. Khan held that the phobia against independent and the national leaders like Nasser and Saddam Hussein in the Middle East was exacerbated. Hatred against the leaders was developed by the Western powers following the emergence of Hamas in Gaza. Muslim phobia, the Qur'an phobia, Iran-Iraq war in 1979, Iraq-Iran phobia, was spread by Western powers. In India, Islamophobia was spread at local and regional level. Islamophobia gripped several countries like Germany, Italy, Denmark, etc. He noted that the specter of Al-Qaeda was kept alive by Western powers. He maintained that a mindset was created by the media in society for political power because it benefited some people and leaders. One of the purposes of Islamophobia was to have dominance in politics. This was caused by the failure of law and order and the rule of justice. Besides, government-controlled TV channels and private channels presented religious programmes which had a bearing on the mindset of the people. Individual attempts on social media platforms were made to

spread hatred against Muslims. All democracies have become a fiction and non-functional. Not only Israel, but also other Western countries were using IAEA to inspect nuclear sites for suspected nuclear arms manufacturing facilities in Iran and other Muslim countries. He said that nine countries were using Islamophobia as instruments like ballistic missiles.

Lecture-2

The second lecture focused on “*Jama wa Tadween Qur’an*”. The speaker of the topic was assistant professor of Islamic Studies, Jamia Millia Islamia, Dr. Mohd Khalid Khan. He said that the Qur’an is the book read by the largest number of people. The Qur’an is the word of Allah which was revealed to Prophet Muhammad (PBUH) in phases and completed over a period of 23 years. The Qur’an was memorised and preserved in heart. Qur’an was written serially and the Prophet (PBUH) recited the *Surah* in the presence of *Sahaba* who used to repeat and memorise them. This is incorrect to say that only four Sahaba memorised the Qur’an. In fact, *Ansars* and *Sahaba* too memorised the Qur’an. There were a number of *Sahaba* who memorised Qur’an but could not read out before the Prophet (PBUH). In early years, the Qur’an was written on the twigs and leaves of date trees, leather and the pieces of stone. The Prophet (PBUH) used to explain every *Surah*. The Qur’an was serialised on His instructions so as to ensure that there was not iota of doubt. The Qur’an continued to remain in the original shape. He said the Qur’an is much above human expectation.

Lecture-3

The third lecture concentrated on the Introduction to Tasawwuf. Dr. Mohammad Mushtaq, Assistant Professor of Islamic Studies, Jamia Millia Islamia, was the speaker who explained as to what the Sufism is all about. He said that the word ‘Sufism’ was derived from ‘*Soof*’ which was related to *Ashab-i-Suffa* who used to be seated on a raised platform. *Soof* meant cleanup of heart. In Sufism, clothes and dress are very important. Sufis were identified with their garbs. They used to wear woollen clothes and pray to Allah. Whatever they did, they

did it for the pleasure of Allah. He mentioned that in the book *Awa'rif-ul-Ma'arif*, 100 features of Tasawwuf have been described. He also observed that passing through the stage of *Fana* and *Baqa* was *Tasawwuf*. The Qur'an refers to the purification of *Nafs* (self) which is used by the practitioners of Sufism. Hadith too refers to the purification of soul. Ibn Khaldun's book *Shifaus-Salihin* throws light on *Tasawwuf*. He said that *Silsilabs* (Orders) came into existence after 100 years of the establishment of Islamic faith. Training in Sufi practices started and hundreds of *Silsilabs* came into existence. Sufism which started with the *Sahabas*, had 4 stages. Earlier, it is Qur'an that was recited. In Sufism, Allah is only infinite. He is *Wahdatul Wujood* (There is no existence, except the existence of Allah only). Barring Naqshbandi Order, all the other orders approved of *Sama* (Sufi music), he stated.

Day-II June 17, 2025

Business Session-II

Lecture-4

The fourth lecture centered on the contribution of Humanities and Social Sciences. Prof. Abdul Majid Khan, Department of Islamic Studies, Aligarh Muslim University, Aligarh, spoke on the topic. He said that Islamic scholars were confident that the world view would be integrated with Islamic thought. He referred to the select features Islamic civilisation. One should look at the system and go to the scriptures. He said man is placed on earth and does not seem to be the total of atoms. Islam's system is individual and social. Moral and spiritual purpose is to please God. In political science, Greeks talk of philosophical king. But there is democracy and God commands individuals. While pursuing spirituality, there was no abandoning of the world. There is the concept of *khilafah*. He said *Riba* (Usury) is prohibited under Islam. Islam allows people to go to earn with a purpose. This meant earning without exploitation. Let us see how the human society developed and how the individual was purified. The Qur'an and Hadith impacted the Islamic civilisation all over the world. He called for looking at the issues of humanity and social

sciences. From Spain to Central Asia, there were so many scholars who contributed to sciences. Referring to the Artificial Intelligence (AI), he said that it was a tool which was subject to human control with responsibility. It is disconnected with God, he noted.

Lecture-5

Fifth lecture was focused on the Non-Muslims under the Muslim Rule in India. Professor of the Department of History, Aligarh Muslim University, Prof. M. Waseem Raja was the speaker on the topic who stressed that it was very important in today's context due to the acrimony between Hindus and Muslims. There was a confusion that non-Muslims were exploded by the Muslim rulers. He said that Islam came to India for the betterment of humanity. He referred to *Surah al-Kafirun* which says, "Unto thee thy religion, unto me my religion". During the Muslim rule, there was no discrimination on the basis of religion. *Misaq-e-Madina* (Pact of Madina) also known as the Constitution of Madina said "there will be no discrimination against non-Muslims and they will be treated equally". They were treated equally during Umayyad Caliphate. He said that in the Mughal period, non-Muslims were made to pay *Jizya*. It was not a punishment, but some type of contribution. They were made to pay *Jizya*, a kind of participation in the functioning of the state. If a Muslim officer did a wrong to a non-Muslim, he would be given similar punishment. There are instances of such punishments. He said that under the Ottoman Empire, this was practiced as per injunctions of the Qur'an.

Prof. Waseem Raja held that the Christians did not convert to Islam but came under the suzerainty of the Ottoman Empire. They were not forced to convert to Islam and were governed by Qur'anic injunctions. *Adl* (justice) was the corner-stone of governance. The entire Muslim brotherhood was called *Ummat* and *Millat* was on the other side. *Millat* system was for the Christians in which Christian clergy was appointed to enforce their religious rules. Half of Europe was under the Ottoman Empire. But Western scholars wrongly blamed the Ottoman Empire for doing discriminatory practices against Armenians. In Sindh, there was Brahmanic rule in which

Buddhists were discriminated against. This practice continued until Muslims came to rule Sindh.

Prof. Raja noted that during Muslim rule, non-Muslims were allowed to practice their rituals. He observed that Mohammad Bin Tughlaq was the most tolerant ruler who allowed Hindus to freely practice their religion. He wanted to know why Hindus hated Babar even as Islam was already in existence for the last 400 years. They accused Mughals of destroying temples and killing of thousands of Hindus. Mughal period's history was being so distorted that even the most liberal emperor Akbar was maligned. That is the myth being spread through WhatsApp university by the BJP's IT cell. In Akbar's army, Rajput nobility accounted for 15 percent. There were 23 percent Rajput nobles in Aurangzeb's army. He used to call India a plural country. According to the historian John F. Richards, only 89 temples were destroyed during entire period of 800 years of Muslim rule in India. He said that Aurangzeb was not as much a bigot as was being branded. Aurangzeb gave grants to many temples, he added.

Business Session-III

Lecture-6

The topic of the sixth lecture was, Islam as faith and civilisation. The speaker who spoke on the topic was Prof. Syed Jamaluddin, Director, IOS Centre for Historical and Civilisational Studies, Aligarh. He said our religious faith should be very strong and we should have full faith in Allah. Faith is of two kinds – *Iman-e-Mufasssal* and *Iman-e-Muẓmal*. In *Iman-e-Mufasssal*, a Muslim is supposed to say, I affirm my belief in Allah, His angels, belief in the Day of Judgment, His prophet, one's destiny and the resurrection of all human beings. In *Iman-e-Muẓmal*, a Muslim affirms his belief in Allah and the belief in His decrees. He said that one should read *Asmae-Husna* (99 Names of Allah) every morning. He said when Allah orders '*Kun*', it comes into existence. He is '*Basir*' (Seeing everything). He says Faith applies to servitude. In *Surah Rahman*, He describes His blessings. Allah created the universe with His wisdom. He sent His Message through His Prophet Muhammad (PBUH). A Muslim should remember Allah from

childhood till the end of life. It gives solace to remember Him, *Zikr* is called remembrance. We should have full faith in Allah and His Prophet (PBUH).

Prof. Jamaluddin said that there was a difference between civilisation and culture. An organised society is called civilisation. An organised society is the aim of Islam. He observed that the Treaty of *Hudaybiyyah* (Pact of Makkah) and the Constitution of Madina were important landmarks in the history of Islam. Referring to the cultural development of Islam, he maintained that it was the language that played an important role in understanding things. But the perfection of understanding stemmed from the knowledge of the Qur'an and Hadith. Knowledge grew from language and manuscripts of the Qur'an were taken to compile a correct manuscript. He said Hazrat Ali's manuscript of the Qur'an is still preserved in the Maulana Azad Library in Aligarh Muslim University. Muslims contributed immensely to aesthetics. Garments and architecture were part of them. He held that the Khaljis and Mughals promoted them. Trade and commerce received a boost under Muslim rule in India. He said that there was a difference between Islamic culture and Muslim culture. Islam spread through conquests, Sufis and traders. Islam was the first religion which laid a large degree of stress on human rights, he concluded.

Lecture-7

The topic of the seventh lecture was Islam and Knowledge. Dr. Owais Manzoor Dar, Assistant Professor of Islamic Studies, Jamia Millia Islamia presented his lecture on the topic. He spoke on contemporary dimensions of Islamic knowledge. He said that there was the Qur'an and the foundational knowledge of Islam. Then there was divine knowledge and human enquiry. He also opined that knowledge was not preserved for the clergy. Blind faith without enquiry is a crisis which we are facing. Islam's epistemological journey starts from the Qur'an and Prophetic traditions. Knowledge in Islam is tied to action. Islamic knowledge begins with Wahi (Revelation). The fact of the matter is that Islamic epistemology does not reject reason. He said reason is necessary for

verifying *Wabi*. There was fragmentation and transmission of knowledge. There was also the marginalisation of traditional or Dini knowledge by the colonial regime which opened new schools and universities. Sir Syed Ahmad Khan synthesised colonial modern rationalism and religious knowledge. He held that epistemology should engage with the Islamic knowledge. He asked to decolonise and deconstruct western knowledge. Islamic studies must also study other social sciences like, political science, sociology etc. Inter-disciplinary approach in Islamic Studies was imperative, he added.

Lecture-8

The eighth lecture was devoted to Arab Muslim Contribution to Mathematics, Medicine and Astronomy (Natural Sciences). Dr. Mohd Umar Farooque, Assistant Professor of Islamic Studies, Jamia Millia Islamia, touched upon the topic. He said all the Ayah of Qur'an are regularly inviting human mind to ponder over that all the eatable items are beneficial as well as harmful. Arab Muslims were asked to study natural sciences. They were also asked to differentiate between *Haram* (Forbidden) and *Halaal* (Lawful). Arabs followed it and took interest in the study of natural sciences. They fixed the direction of *Qibla* (Kaba') for offering *Namaz*. They made mathematical calculation for fixing the direction for undertaking *Hajj* pilgrimage. Referring to the analytical study, he said that ancient legacy literature of Greeks, Indians and Iranians, was translated in Arabic. Arab Muslims contribution to Physics, Chemistry, Mathematics, Geography, Cartography has been immense. They contributed to life sciences like Biology and agriculture. In the field of technology, they promoted production. Their major contribution has been in Medicine. In basic sciences, pathology and pharmacology were developed. In clinical sciences, medicine, surgery and orthopedics were developed.

Dr. Farooque held that many *Abadith* which were compiled. They have many narratives and some of the Prophetic Traditions are related to medicine. Zakariya Al-Razi, Ibn Sina and Abul Qasim Al-Zahrawi are known for contributing to medical science. Al-Zahrawi developed 200 surgical instruments. Wellness, healthcare, blood

circulation in human body, etc., were also developed by the Arabs. They worked in the field of transition, prevention, transmission and correction of ancient texts. As far as astronomy is considered, this was in fulfilment of religious requirements. In earlier times, Arabs used astronomy for the timing of their travel. They also established observatories. They kept track of annual planetary movements and prepared calendars and Jantries (almanac). They translated mathematical books from Greek, Indian and Iranian legacy. During the Abbasid period, Indian legacy was translated in Arabic and presented before the world, he insisted.

Day-3 (June 18, 2025)

Business Session-IV

Lecture-9

The ninth lecture centered on “Revelation and its application: Focus on Qur’an and Sunnah as sources of *Shariah* which led to the emergence of *Fiqh*”. Prof. Mohd Fahim Akhtar Nadwi, Department of Islamic Studies, Maulana Azad National Urdu University (MANUU), Hyderabad, presented his lecture on the topic. He said the Qur’an came to us in the form of *Wahi*. Allah said *Wahi* has been sent to several of His prophets through Angels for the guidance of human beings. He held that it was not in deference to Allah to directly talk to anybody. He talked from behind the *Parda* (Veil) or sent His *Wahi* through His Messenger Jibreel, who appeared in the form of man and sometimes as a stranger. Hazrat Jibreel was also seen in his real form. The Prophet Muhammad (PBUH) absorbed His word in his heart. He used to memorise the *Wahi* and dictated to his *Sahaba* and corrected it. During his lifetime, *Wahi* used to be inscribed on stone slabs or written on leaves, hides, etc.

Prof. Akhtar said that the Prophet (PBUH) himself used to tell how to serialise the *Ayah*. Since *Wahi* came from Allah and therefore there was no room for any dilution in it. Allah took on Himself the responsibility to make the Prophet (PBUH) to memorise His word and make it sure that nobody could alter or make any change in it.

Allah Himself took the responsibility to preserve the Qur'an. He held that the scope of *Wahi* is beyond the reach of man. No scientist has till date stated when the death would approach or the doomsday would happen. Scientists figured out results on the basis of their research. Results are amenable to change. He said the narratives of the Prophet Muhammad (PBUH) are called *Hadiths*. Commenting on the resources of the Qur'an, he said that the written Qur'an was available before the death of the Prophet (PBUH). After his death, the Qur'an was fastened with a thread. Caliph, Hazrat Usman Ibn Affan prepared the Qur'an in Quraysh script. Hadiths were written in the lifetime of the Prophet (PBUH). There were 252 *Abadith* with the *Sahaba* which were written by them. While the Qur'an is the first source, *Hadith* is the second source of Islamic knowledge. He concluded that Islamic law (*Shariah*) is nothing but the Qur'an, *Hadith* and *Ijtihad*.

Lecture-10

The tenth lecture focused on non-Muslims during the time of the Prophet Muhammad (PBUH). Dr. Waris Mazhari, Assistant Professor, Islamic Studies, Jamia Hamdard, New Delhi was the speaker. He said that in certain circles an impression was being created that during the lifetime of the Prophet (PBUH), there was prejudice against the non-Muslims. This was being done by some people to target the Prophet (PBUH). During his time, non-Muslims constituted 60-70 percent of the population. All of them were *Able-Kitab* (People of the Book) and lived in Syria, Iraq, Yemen, Madina, Khyber and Fidaq. They were either Christians or Jews, but the former were in a strong position. Jews were engaged in business and their social status was very high. Zoroastrians were also there, but in small numbers compared to the Christians and Jews. Some of them were followers of the religion of Hanif. It referred to pre-Islamic Arabians who were Abrahamic monotheists. He noted that Hindus and Buddhists were there due to good relations between Arabia and India.

Prof. Mazhari observed that Prophet's (PBUH) relations with the non-Muslims were same as with the common people. He related to a

story in which a Jew had lent some money to the Prophet (PBUH). He used to attend feasts hosted by Jew women. Whenever a funeral procession passed by him, he used to stand up. Later, he (PBUH) was victimised. Some of his companions asked for revenge on the tormentors. But the Prophet (PBUH) did not approve of reprisal. Attempts were made to sully the image of the Prophet (PBUH). Jews were allowed to remain in their posts in the Treaty of Madina. *Sahaba* also continued to treat the non-Muslim in the same manner. According to a German scholar, *Zimmis* (Non-Muslims living in an Islamic state with legal protection) also received equal treatment, he added.

Business Session-V

Lecture-11

The eleventh lecture was devoted to “Islam and multi-culturalism: Modern debate and Islamic position on the subject”. Head of the Department of Islamic Studies, MANUU, Prof. Dr. M. Habib spoke on the subject. He referred to the last *khutba* (sermon) of the Prophet Muhammad (PBUH) which should be learnt by all the Muslims. All the people must co-exist. It is important because of the threat of the third World War. It is the co-existence of culture; it is not poly-culturalism or pluralism. However, where there is poly-culturalism, the government is duty-bound to ensure co-existence. He said that during the Umayyad rule, it was started and it became prominent during the Ottoman Empire. In the modern context, after the second world war, the Western society strongly felt the need for it. After the end of colonialism and the Holocaust, liberalism became the hallmark of multi-culturalism. It was thought that multi-culturalism should be adopted. In order to put a break on conflicts, League of Nations was established. He said multilateralism is associated with cooperation, inclusion and the global issues, like climate change, pandemic, etc. It was thought that the global issues should be collectively addressed. It was also thought to develop diversity and ensure progress at national and international level. Things should be seen in the new perspective. A new theory of ‘Melting Pot’ was

evolved to melt contradictions. Later, it became of ‘Salad bowl’ theory, he added.

Lecture-12

This lecture focused on “Non-Muslims under the Muslim empire: Umayyads of Spain and Ottomans”. Dr. Mohd Umar Farooque presented his lecture on the topic. He said that Islam always talked of diversity at racial and cultural level. It was based on the Constitution of Madina. Walid Bin Abdul Malik established the Muslim empire in Spain and Portugal and made the maximum use of local talent without consideration of their religion. Owing to the inclusion of non-Muslims in the governance, the Muslim rule lasted 800 years. This left a lasting imprint on Christians and Jews and a majority of them embraced Islam. Muslim rulers were tolerant to the followers of other faith, including the Shias. They did not promote conversion to Islam. Under the Ottoman Empire, Millat system was introduced to fix rights of the population. Then there was Millat-e-Ghair Islamia under which Christians and Jews were brought. He said that inter-religious marriages among upper and local classes took place.

Lecture-13

The thirteenth lecture was devoted to “Non-Muslims under the Muslim empires: The Umayyads and the Abbasids”. Dr. Khursheed Afaq, Assistant Professor of Islamic Studies, Jamia Millia Islamia, spoke on the subject. He observed that two tribes of the same clan ruled for 600 years. Credit goes to Bani Umayyad to go beyond the boundaries of Islam and expand it. The most important feature of their rule was that they ruled for 60 years and majority of the people were non-Muslims. Unani literature, culture and science were translated into Arabic during the Umayyad Caliphate. During their rule, Muslims were 10 percent. Thus both the tribes ruled over the majority and their rule was based on rightful policies. During the rule of Banu Abbas (or Abbasids), non-Muslims were used as *Zimmis*. They were both *Ahl-e-Kitab* and *non-Ahle Kitab*. In Sindh, he said, both of them were given equal rights. Brahmins requested Mohammad Bin Qasim that they should be given religious rights which he acceded

and allowed a temple for them to be built. *Jizya* in the form of security tax was charged from them. But the Western scholars condemned it and called it biased. After the imposition of *Jizya*, the protection of their life and property was guaranteed by the state. For this purpose, a separate court was set up to try their cases. Several scholars accept the fact that the life of non-Muslims at that time was comparatively better, he added.

Day-4 (June 19, 2025)

Business Session-VI

Lecture-14

This lecture was devoted to *Jama wa Tadween Hadith*. Prof. Shamim Akhtar Qasmi, Department of Theology, Aliah University, Kolkata presented the lecture. He said that the Qur'an is the wealth of life. The Qur'an is the direct word of Allah. The compilation work of Hadith was completed in the lifetime of the Prophet Muhammad (PBUH) himself. *Sahaba* used to jot down the narratives of the Prophet (PBUH). Many *Abadith* were written in his lifetime. The Prophet had written to several rulers in this connection. These too fall in the category of *Hadith*. He disallowed certain *Abadith* while allowing the rest to be written. He observed that some problems cropped up during the Rashidun Caliphate. Shias came out with many *Abadith* during the Caliphate of Hazrat Ali. After the death of Hazrat Ali, an atmosphere of utter confusion ensued with Shias taking their belief forward. During the reign of Umar bin Abdul Aziz, *Abadith* written voluntarily piled up. This had far-reaching consequences. During this period a large number of *Abadith* were collected. Imam Malik's name is notable in this respect. His place in the collection of *Abadith* comes only after *Sahi Bukhari*. Imam Al-Shafi'i sorted out these *Abadith* and compiled them in book form. Attempts were made to weaken the *Abadith* after Europe underwent transformation. *Ahle Tashbi* (Shia Muslims) played a key role in making the *Abadith* suspect, he remarked.

Lecture-15

The fifteenth lecture centered on “Islamisation of Knowledge: Belief system in Islam”. The lecture was presented by Prof. Hamidullah Marazi, Visiting Professor, ISTAC, IIUM, Malaysia. He said basic leadership started from Adam. Without *Tawheed*, there is no Islam. Without belief in the Prophet Muhammad (PBUH) there is no Islam. The Prophet said, “Worship Allah and believe in *Tawheed*”. Belief in *Risalah*, *Ibadah* and *Itah* (follow the Prophet) forms the basis of Islam. This is also called *Tawheed*. While *Tawheed* is the foundation others are secondary. Prophet (PBUH) is the model who told us how to worship Allah. In respect of the life, follow the life of the Prophet. He observed that the Prophet (PBUH) spent 13 years in Makkah to explain *Tawheed*. Tawhid is nothing but monotheism. “Allah did you a great favour by sending the Prophet Muhammad (PBUH) to you.” More than 300 idols were placed in Makkah because the Makkans believed in so many gods (Polytheism). *Tawheed* became the principle of Islam. *Risalah* is the message of Allah through Revelations. Sometimes dreams also became sources of Revelation. Revelation is the best source of guidance and *Hidayah* comes through Revelation. He said that prophets were sent in different parts of the world. But, perfect worship was made in Islam only. No other religion, whether Christianity or Judaism, had the perfect mode of worship. He concluded saying that Tawheed belief in *Akhirah*, belief in Allah and belief in the prophets formed the basis of Islamic epistemology.

Business Session-VII

Lecture-16

The sixteenth lecture was devoted to “Globalisation and Islam”. Dr. Syed Mohammad Fazlur Rehman, Assistant Professor of Islamic Studies, Jamia Hamdard was the speaker on the topic. He said that the term globalisation was first used in 1930. It became popular by a book that was published in 1960. The word ‘globalisation’ started in economic terms. Globalisation is in use today. Lately, it became popular when the wall of Germany was dismantled. This is an alien word to Islam as it encourages us to know each other. A group of

scholars believed that the globalisation was being imposed by the West, particularly the USA and Great Britain. He opined that differences among Muslims were triggered by globalisation. The negative effect of globalisation was Islamophobia which created hatred against Muslims. There were differences between the USA and Russian scholars on the globalisation which became an ideology. Many a time it was used by the powerful countries to promote commerce. Both Russia and Malaysia opposed it saying that the globalisation should not be restricted to powerful countries. In order to strengthen the market, globalisation, was used through 17 network and social media platforms. He remarked that globalisation could not be a hindrance to an Islamic political system. IT and *Hajj* were the best examples of globalisation, he insisted.

Lecture-17

The topic of the seventeenth lecture was “Islam and modernity”. This was discussed by Dr. Mohammad Ali, Assistant Professor of Islamic Studies, Jamia Millia Islamia. He said that in Islam, ethics and morals are drawn from the Qur’an and *Sunnah*. Theory and practice is distilled by ulema and Islamic scholars who interpret Islam. In the context of science and difference of opinion, changes in practice may be based on one’s experiences. He noted that social changes were brought by modernity. Theory, practice and social change are inter-related. Modernity is a long process of social change which continues even today. Social change is a theory put forward by Western scholars. Scholars employed several theories to understand social change. He said that the word ‘modernity’ was coined in the 19th century. Epistemological changes took place due to the plurality of knowledge and its proliferation. Colonialism played a major role in the expansion of modernity. Scholars started to categorise Islamic knowledge. Social change was very deep. Both Sir Syed Ahmad Khan and Dr. Mohammad Iqbal were also in favour of modernity. Modernity has changed our experience, he added.

Lecture-18

Eighteenth lecture was the last lecture of the session VII which focused on “Islam and Secularism”. Prof. Hamidullah Marazi spoke

on the topic. He held that secularism was neutral and not religious. It meant separation of church and the state. Modern democracy is a secular democracy. It is not divine. It is by the people and for the people. Unlike secularism, Islam provides moral compass. Western democracies are based on popular consent by the majority. But the mass opinion can be manipulated by media. Besides, there is no moral agenda in secularism. It was suited to the ruling class. Secularism is uncomfortable with the Islamic system of governance. Secularism is based on western philosophy. Philosophers like G.W.F. Hegel, Jean Paul Sartre and Bertrand Russell were the protagonists of secularism. But Indian secularism is different from the Western secularism. In Western secularism, state will not interfere with religious matters. In India, the Constitution guarantees fundamental rights and minorities have been given the right to open their schools. Islam does not recognise secularism. In Islam, Tawheed, Risalah and Aakhirat are the corner-stone of belief. He said that scholars should evolve a consensus by the way of dialogues and interactions and civilisational interactions. People should co-exist and live peacefully. Islam has a complete code of conduct. In Islam, there is no separation of religion from politics, he added.

Day-5 (June 20, 2025)

Business Session-VIII

Lecture-19

Nineteenth lecture was devoted to “Islam and World Peace”. Prof. Ziauddin Malik Falahi, Department of Islamic Studies, Aligarh Muslim University, Aligarh, spoke on the subject. He held that Islam and Christianity had been in the fore-front of the restoration of peace. Peace would be restored if the fear of God was there. Peace had reference in several religions, but the ground of peace was very strong. This could be understood in the Islamic perspective. Islam sows the seeds of peace from the individual to the society. Islam wants peace in society. Islam gives protection to the rights of an individual and speaks of peace. Heart, body and soul work together, but they require proper and mutual balance. Islam tells us how to

restore peace and strike a balance. He said that it was the duty of the state to make proper distribution of wealth, levy and taxes and provide protection to the people. Islam promotes Jihad which is aimed at enforcing the word of Allah. Islam ended civilisation anarchy in the world. He asked for rigorous spiritual and physical efforts for the restoration of peace.

Lecture-20

The twentieth lecture focused on “Islamic Studies – Challenges and Prospects”. Prof. Abdul Rashid Bhat, former Head, Shah-i-Hamadan Institute of Islamic Studies, University of Kashmir, Srinagar presented the lecture on the topic. He held that Islamic Studies was the broader academic discipline studying Islam and the Muslims vis-à-vis the historical and intellectual development. It is a multi-disciplinary and inter-disciplinary subject. It has assumed many nomenclatures in the last three centuries. In the modern times, it has become widespread, yet faces new challenges. He said that Islamic Studies was defined in a variety of ways. It is affected by contexts and purposes. Islamic Studies as a university and higher education academic discipline owes much to the West in the modern times (Colonial, Semitic and religious Jewish and Christian). It is also termed as the Middle East and Near East Studies, West Asian Studies, etc. He said theology in broader sense is not merely scholasticism. *Shariah* studies/*Islamijyat* can be treated in ways of redefining of Islamic Studies. It is also related to the Muslim orientation of Islamic Studies in the Muslim countries and societies. Madrasa education plays an important role in the study of Islamic Studies. Scholars like T W Arnold Smith (British India), Abdul Aleem and Syed Maqbool wrote much on the subject. In India, its centres and research expanded considerably. He noted that Islamic study was meant to make the study of Islam in a proper, relevant and productive way.

Business Session-IX

Lecture-21

The twenty-first lecture centered on “Islam and Education of Women”. Dr. Nadeem-e-Sahar Ambreen, Assistant Professor of

Islamic Studies, Jamia Millia Islamia touched upon the topic. She said that Allah first sent *Wahi* which said, “Read”. These *Ayah* lay emphasis on acquiring knowledge by way of education. Knowledge is very important because everything depends on it. The Prophet Muhammad (PBUH) had a position of an educator. Allah sent him for educating people who were not educated. Islam does not define knowledge, but *Ayah* impress upon us to acquire knowledge. Education should be promoted because it is a noble act. Barring some areas, all the work is done by the women along with men. According to the Qur’an, there is no distinction between men and women as far as the work are concerned. The Prophet Muhammad (PBUH) used to say that he learnt half of knowledge from Hazrat Ayesha (RA). That is why the house of Hazrat Ayesha (RA) had become a school. Besides, there were several women educators who used to educate others. All of them illuminated society by their noble deeds. The Prophet (PBUH) was an educator who used to teach both men and women folk. Women education had become a challenge. Education was beneficial only when it reached the maximum people, she added.

Lecture-22

The last lecture of the session focused on “Influence of Islam on Hindu Culture”. Dr. Najmus Sahar, Assistant Professor of Islamic Studies, Jamia Hamdard, New Delhi spoke on the subject. She said the relations between India and the Arabs dates back to the pre-Islamic period. Hindu rulers were also influenced from Islam. But the expansion of Islam began during the Caliphates. Hindu rulers came into contact with Islam after reading the Islamic literature. This was followed by religious and intellectual exchanges. Sufis too played an important role in attracting non-Muslims towards Islam by their teachings of love and compassion. She said that during the Caliphate of Hazrat Umar (RA), a Hindu King (*raja*) went to meet him and enquire about the Prophet Muhammad (PBUH). He died on way back home. Hindu *Rajas* and *Maharajas* also studied about Islam before its advent in India. Once a Hindu King had dreamt that the Moon was split halved. After waking up, the King embraced Islam. Many Hindu *Sadhus* and saints adopted Islamic teachings. Dr. Sahar

observed that the *Kayasthas* and Kashmiri Pandits also played a significant role in the promotion of Islamic culture. Historians, like Dr. Ishwari Prasad and Dr. Tarachand also accepted the influence of Islam on Hindu culture. Historian Sir Jadunath Sarkar and the noted scholar, Dr. B. N. Pande too eulogised Islamic culture. Thus, a new culture called the 'composite culture' came into existence, she concluded.

Valedictory Session

Speaking as the guest of honour, Dean, International Institute of Islamic Thought, IIUM, Malaysia, Datuk Prof. Dr. Abdelaziz Berghout described the school course as an exemplary summer school. He called for working for Islam and *Shariah*. Islam advocates human rights, rights of all human beings are dignified and deserve respect. Being human beings amounts to saving other human beings. These are the *Maqasid-e- Shariah*. The Qur'an calls for mercy to others. It was a call to the Prophet Muhammad (PBUH) to show mercy to all. He explained the Islamic principles of knowledge. There should be respect for scholars. By this knowledge, we can solve our problems. Islamic knowledge should be used to serve *Ummah*. He said that this 5-day summer school on Islamic Studies discussed the multi-disciplinary knowledge. Islamic knowledge should be used for the welfare of society and the development of mind, personality and character. Allah created men and women. He likes those people who are pious. Civilisational values include respect for others, and their culture. Our relations with others should be of care and tolerance. Islamic knowledge should also be used for solving the problem of poverty. One has to understand the Islamic knowledge to balance things. Muslims must impress on others. Islamic knowledge is crucial and should be shared, he added.

As a key-speaker, Patron of the IOS, Prof. Z.M. Khan said, "We have to be very alert in our understanding. Islam gives much respect to women. Everyone has his own share of work. Knowledge should be integrated. Man bears spiritual and moral character. The whole lot of knowledge should be for specific area. He said that revealed and worldly knowledge should be balanced through research. Hadith

should be interpreted and if there is any doubt, it should not be interpreted. Islam should infuse knowledge among people. Education system should be inclusive to make it more comprehensive. He held that corporatisation of education made it very costly. Creation of human society should be the aim of education and constant efforts should be made in that direction. We have to work on them with hard work. Islamic Studies should be more exhaustive. Religious and worldly knowledge should not be seen as separate, he added.

Prof. Towqeer Alam Falahi, Department of Sunni Theology, Aligarh Muslim University joined as a special speaker. He described the programme as very meaningful. From the perspective of approach, Islam was more practical. Islam stands on 5 pillars of which four are practical. Islam is four times better than other faiths. *Tawheed* and *Risalah* are very important. If secularism means tolerance, then Islam is most secular. But according to Islamic view, religion could not be separated from the State. Islam is the religion of peace and calmness. Since Islam is the religion of humanity, it wants world peace. Islam says killing of one person amounts to the killing of the entire humanity.

In his concluding remarks, Prof. Mohammad Ishaque, former Professor of Islamic Studies and ex-Dean, Faculty of Humanities and Languages, Jamia Millia Islamia said that the summer school programme on Islamic Studies was very comprehensive with multi-disciplinary approach. In this programme, Islam's contribution to the world was critically discussed. Comprehensive knowledge of Islam should be used for empowerment. During the last five decades, there has been spurt in disinformation campaign against Islam through TV, media and social media platform. We should be aware of rich heritage and legacy of Islam. This is the legacy of humanity. He called for comprehensive understanding of Islam.

Presiding over the session, Chairman of the IOS, Prof. M. Afzal Wani shed light on the purpose of the summer school programme on Islamic Studies. He said that it was aimed at giving a deep knowledge to students about Islam. The other purpose was to introduce the IOS to them. It was organised to enable the new generation to have better

understanding about Islam. As ‘*Khair-e-Ummat*’, Muslims should show their attributes with evidence. They should focus on different attributes in business, science, engineering, technology, etc., so that they could come out with new ideas. They should think of questions, suggestions and solutions. He suggested to translate 50-60 odd texts in different contexts and come out with solutions. Referring to the Artificial Intelligence (AI), he said we can use it to find out better answers to Islamophobia. Let us think how to use means and ways to tell the people about them. Sometimes people misinterpret things. So, the advanced technology too should be employed to correct them. He said that Islamic ethics should be used in business, science, engineering, etc. Professionals should use them day and night. They should see how Islam was connecting with them. They should play a leadership role by their research and convert it into practice. The Prophet Muhammad (PBUH) is ideal for us. He asked the professionals to be relevant to the present situation.

At the conclusion of the five-day summer school programme on Islamic Studies, Prof. Haseena Hashia extended a vote of thanks to the participants and expressed her gratitude to the speakers.

ABOUT RELIGION AND LAW REVIEW

The *Religion and Law Review* (RLR) is a peer reviewed legal periodical published by the Institute of Objective Studies, New Delhi. It covers scholarly discussions on various aspects of religion, law and other socio-legal issues. The periodical accords particular importance to the study of issues and events which are of contemporary concern, having a direct or indirect bearing on situations of minor or major religious groups and other underprivileged sections of the society.

The RLR entertains all significant contributions from scholars of law and allied disciplines on relevant themes. It encourages diverse opinions on different issues to make possible objective analysis of the problems and possible solutions. Contributions on important aspects of law, like environment, human rights and administration of justice are entertained in addition to religion oriented articles and comments.

Objectives of the Journal

The objectives of the RLR are:

1. To promote research on basic legal and social issues;
2. To provide a forum for discussion on various aspects of law and religion;
3. To highlight the issues relating to freedom of religion in different legal systems;
4. To study the contribution of religion to law;
5. To examine the nature and extent of regulation of religious activities and religious institution by law;
6. To analyse state action *vis a vis* religious groups; and
7. To discuss issues regarding religion and human rights.

Guidelines for Contributors

The RLR welcomes contributions from all interested students and scholars of law, religion and society in the form of articles, notes,

case comments and book reviews. The size of contributions should not exceed 35 typed pages of A-4 size or 10,000 words. Margins should be left at each side of the page. Typing of both text and footnotes should be double-spaced. References should be given in footnotes. The footnotes should be numbered consecutively throughout the paper. The References of books and articles should be in the following format:

Name of the Author, “Name of the Book”, Page(s), (Year).
Name of the Author, “Name of the Article,” Name of the Journal,
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- To undertake research on problems and issues of social importance.
- To provide a forum for contact and exchange of views among social scientists.
- To cooperate and coordinate with all individuals, organisations and institutions that are working for identical objectives at national or international level.
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