

Excerpt from
 Syedna Taher Saifuddin's RA Testimony
 in the Chanda bhai Gulla Case 1920
 pp. 280-284

No. 52.

EVIDENCE OF SARDAR SAYEDNA TAHER SAIFUDIN.

RECORD
 No. 52.

Examination
 of Sardar
 Sayedna
 Taher
 Saifudin,
 (Defendant
 No. 3.)

Sayedna Taher Saifudin.

(Defendant No. 3) examined by Binning.

Binning.—There is a preliminary written statement witness wants to mention. My friend has a copy. It is with prejudice, but we don't want it made public. 30

(Hands up document). If anything comes of this, the Mullaji Saheb is prepared to publish it.

P. C.—I think that Counsel had better see me in my private room on this statement. (Rest of day till 6 p.m. spent in interviews, first with Counsel

and subsequently with Defendant 3 and Sir Adamji Peerbhoy's sons and later with Counsel or some of the parties with a view to the settlement of all pending litigation and disputes).

RECORD
No. 52.

Examination
of Sardar
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Taher
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Defendant
No. 3.
(continued.)

Friday, 6th October 1920.

(162) Negotiations continued.

(Adjourned).

Negotiations break down.

Counsel ask Court to keep statement referred to in previous page for the present.

Witness.—(Defendant No. 3) recalled and examined by Binning.

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I am son of late Syedna Burhanuddin (the 49th Dai).

I was appointed Dai by Syedna Abdulla Badruddin (50th Dai) in Hijri 1333 (1915).

I claim to represent the Imam in seclusion.

I claim to be Dai-ul-Mutlak.

Dai-ul-Mutlak means an absolute Dai.

(To Court).—An absolute Dai means one who has control of all the spiritual as well as the temporal affairs of all his followers. I mean the Dawoodi Borahs.

I am 35, I was born in Surat.

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I got my education from my appointor (50 Dai) and his elder brother Abdeali.

Q.—Into what class do you divide knowledge ?

A.—3 classes (1) Zahir (2) Tavail and (3) Hakikat. (1) Is general knowledge

I include religious instruction in that also fikh jurisprudence and geography. The religious instructions under this head are fikh and hujjat and akhbar. It is elementary religious instruction. (2) Is esoteric knowledge, about 300 of our Community have this knowledge. (3) Is higher esoteric knowledge. About 100 are acquainted with this. Above this, there are some religious truths known to very few indeed.

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I myself am in possession of knowledge which no one else in community has with respect to highest knowledge except 2 or 3 persons.

I am in possession of some knowledge which no one else in Community has. I obtained this knowledge from my appointor (50th Dai).

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(continued.)

I shall communicate that knowledge to the man whom I appoint as my successor.

My religious instruction with 50th Dai was for 10 years and with his brother for another 10 years.

I did not attend the Surat Madressa.

It's not the practice of those in my position to attend that Madressa or any other. We receive our education at home.

(163) Q.—According to your religious belief, is it possible for an Imam to die without leaving a son or for a Dai to die without appointing a successor ?

A.—It is impossible.

Before I became Dai I had to do with the Dawat. I did this during latter part of my father's life, and during whole time of my predecessor.

I used to attend to the affairs of the Dawat, and if it was necessary to communicate with my father I did so. He was 67 when he died.

The Dawat means the spiritual kingdom of the Dawoodi Borahs and their general affairs.

Headquarters of Dawat are at present at Surat.

I claim to be head of Dawat.

I manage the Dawat institution through Amils in different places.

These places are from Singapore on East to South Africa on West.

I also have Amils in most of the big towns in India.

The Amils exercise their powers on my behalf. They are to attend to all the spiritual as well as the temporal affairs of Dawoodi Borahs, such as the leading of prayer ; the solemnisation of marriage ; to settle disputes between parties civil as well as religious. Also to take meshak. Also under my authority to give powers for burials.

They have other powers also of this kind.

Q.—Are there any powers you never delegate to any Amil ?

A.—Yes, *e.g.* to appoint some one a Dignitary (Hadd). To assign rank to those who sit at Majlis.

A.—Can Amils admit people to community ?

A.—Not without my permission.

Q.—Until this dispute, had you ever heard any one dispute your absolute control of the Dawat funds ?

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A.—No.

(164) Q.—Has anyone inside or outside the community called on you to account prior to this case ?

A.—No. Never.

Q.—Until this case, had anyone ever suggested to you that you were not Dai-ul-Mutlak ?

A.—The first time was a short time before the institution of this suit.

I had no personal knowledge of Nagpuri disputes at the time. I have heard of it.

I know that some people seceded from Borah Community about 10
20 or 30 years back.

Q.—Is it well known in community that the position of the Dai was challenged in that disputes ?

Advocate-General.—I object.

Witness.—I received my information about this from Badruddin 50th Dai and his brother.

(*To Court*)—Q.—Is there any literature on the subject ?

(*To Court*)—A.—There are writings and pamphlets on the subjects.

I have read them. I have got a printed copy in Bombay.

Counsel—Please bring that with you.

P. C.—Objection overruled.

I was told the dispute was this. The seceders said 49th Dai and 47th Dai and 48th Dai were not the Dai-ul-Mutlak. The man who claimed to be the Dai himself, said that his father had seen the Imam, and that the Imam directed his father to manage the Dawat, and that accordingly the seceder was appointed Dai at the time of the father's death.

There were also other pretenders who said they were the Hujjat of the Imam and of the Sahib-ul-Kujamat.

Binning.—I am told translator is wrong.

Q.—(Repeated).

A.—After the 1st pretender, there were other pretenders.

(*Witness explains.*)—What I meant was that there was pretender, and that there were many pretensions.

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(Witness adds of own accord). During the 800 years before that pretender, there were many pretenders who disputed that the then Dais were Dai-ul-Mutlaks.

They said some particular Dai had not been properly appointed.

The pretender in connection with the Nagpuri dispute left the community.

(Pamphlet shown to witness).

(165) Q.—Have you ever seen this pamphlet by witness Hamdani? I had not got it when latter was in box.

A.—Yes.

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I first came to know of this pamphlet about 5 years ago. I don't remember who showed it to me.

Binning.—I put it in not to contradict witness Hamdani, but to show what Nagpuri dispute was.

P. C.—Let Advocate-General have opportunity of seeing this and then we will consider it later.

Ex. Y 15

Marked for identification. Exhibit Y 15.

Q.—Did you ever hear your father (49th Dai) admit he was anything but the 49th Dai properly appointed?

A.—No.

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I was 19 when my father died.

Q.—Did you ever hear any one suggest your father was not properly appointed?

A.—No.

Q.—Were you present when your father gave the Nuss to 50th Dai?

A.—Yes. (Adds) Before my father's death, I had acquired the highest knowledge which I spoke of a little while ago.

Q.—Did you ever hear it suggested by your father that 47th Dai was not properly appointed?

A.—No. Never. On the contrary I heard him say that the appointment of the Dais had been proper from the beginning to the end.

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Q.—When your uncle 50th Dai told you of the Nagpuri secession did he ever tell you anything about the succession?

A.—Yes. He said that all the appointments up to his time were proper.

I knew late Sir Adamji Peerbhoy.