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YAQUB ALI KHAN,

CAS, Department of History, Aligarh Muslim University (India),
e-mail: yaqub.vmou@gmail.com, ORCID 0000-0002-7772-9786

SOME FARMANS AND INSCRIPTIONS: A SOURCE OF STUDY FOR WAQF IN INDIAN SUBCONTINENT

Waqf, also known as *auqaf*, becomes inalienable endowment under Islamic law. This institution is a permanent dedication of movable or immovable property for a specific religious or pious purpose, something sanctified by the Muslim law. The Sultans of Delhi and the Mughal rulers made religious grants by way of *Inam*, *suyurghal* and *madad-i-m'aash*. These grants were always conditional; to be renewed after the death of original grantees. Hence, they lacked permanence, an important ingredient for making of the *waqf*. However, these very grants led to the creation of the *waqf* subsequently. An analysis of the data provided by the public records of the pre-colonial times offers important clue to the nature of fiscal rights transferred by the pre-colonial state to the grantees.

There are several documents which reveals the nature and details of the *waqf* throughout the Indian history but I have confined my study of the Mughal period especially. A *farman* of Mughal Emperor Akbar is available in which he ordered to the officials of *pargana* Sambhar (Marwar, Rajputana) to provide oil for lighting the *mazar* of Khwaja Muinuddin of Ajmer. Another *farman* comes from the time of Mughal Emperor Jahangir in which he is ordering officials to assign 100 bigha land to Bibi Jan and other widows of saintly persons of Ajmer.

Another document is of Emperor Farrukh Siyar in which he orders to pay Rs.1/ per day to a saint. There are two inscriptions available which refers to an endowment of the land revenue (*mahsul*) to a village for the expenses of the annual 'Urs at the *dargah* of Shaikh Hamiduddin Mitha Shah of Gagraun, Malwa and the other of Aurangzeb's period inscription in which emperor is ordering to the governor of the place for maintenance of the *Jami masjid* of the place, a sum of five *Bahluli* per day to be paid for the said purpose.

The paper seeks to analyze the Persian archival records and some inscriptional data, where the original grants were temporary in nature, but subsequently they developed as fully *waqf*.

Keywords: *Auqaf; Suyurghal; Madad-i-ma'ash; Mazar; Mahsul; Urs; Bahluli.*

This paper basically is divided into three parts. The *First* part of the paper deals with the introduction-meaning, different terms, their origin, institutions and individuals which were granted *waqf* and its offices and officials. The *second* part deals with the *farmans*, *sanads*, *parwanas* and *hukumnamas* issued time to time by the various authorities of the government and the *third* part contains the inscriptional evidence of the grants of the *waqf* or endowment to the Muslim religious institutions or the individuals.

Introduction:

Waqf or *Auqaf*, (plural of *waqf*) or religious endowments meaning the land grants made for the maintenance of a religious shrine or a mosque have long been at the very centre of daily Islamic life, establishing religious, cultural and welfare institutions and serving as a legal means to keep family property intact through generations. These grants were made for the upkeep of institutions. The revenues of certain village or villages were assigned permanently in *auqaf* for the maintenance of religious shrines, tombs and madarsas. Any given *waqf* tried to meet a number of religious and cultural expectations: that the

rich must support the poor as a duty to God (*Kozlowski, 1995*).

There are hundreds of references which supply abundant information about the *waqf* endowments or *madad-i-maash*. Though not mentioned in the Quran, it derives its legitimacy primarily from a number of *hadiths*. The first one is related on the authority of Ibn Umar and is included in various versions, in the main *hadith* collections: Once the second Caliph, Hazrat Umar-al-Khattab acquired a piece of land in Khaybar and came to the Prophet to consult in the matter saying: "O Messenger of God I have acquired land in Khaybar which is more precious to me than any property, I have never acquired." The Prophet answered, "If you want make the land itself unalienable and give the yield away as alms." Thereupon 'Umar gave it away as alms in the sense that the land itself was not to be sold, inherited and donated. He gave it as alms for the poor, the relatives, slaves, the *jihad*, the travelers and the guests (*The Encyclopedia of Islam, 2002*). Another *hadith* often quoted in favor of the legitimacy of the *waqf* is included in the *sahih* of Muslim: "The messenger of God said, 'when a man dies, only three deeds will survive him: continuing alms, profitable knowledge and child praying for him'" (*The Encyclopedia of Islam, 2002: 59*).

The assignment of religious endowments originated in ancient times. References of such grants are available from the first century AD. Throughout the ancient India it was a continuous process. In the last decade of the twelfth century the Turks established their suzerainty in India after defeating Prithviraj Chauhan in the second battle of *Tarain* in 1192 AD. They also adopted this policy of land grants and other types of subsistence allowances to the needy and the poor, the ascetics and hermits, the scholars, men of noble birth and religious institutions such as *madarsas*, *khanqahs* and *mosques*. As the *mashaikh* and *ulama* commanded great respect among the common masses, the ruling class considered their blessings to receive their support. Jahangir used to call these peoples as *lashkar-i-doagoan* (army of the prayers) and he is alleged to have said that the prayers of this army were more effective than the efforts of the army of soldiers in winning victories (*Khan, 1864: 5*). The Sultans and their nobles approached them for blessings, gave them money, made land grants and employed them as highly venerated officers of the state. For this reason the ruling classes assigned cash and land grants to them. The land grants conferred upon them for subsistence became highly important from the socio-religious aspect in due course of time and continued to exist throughout the Muslim period.

Different terminology has been used for this type of financial assistance and land grants. During the ancient times these grants were known as *brahmdeya* (*Sharma, 1959: 255*), *agraharas* (*Sharma, 1959: 245, 256, 258*) grants for religious and educational purposes) and *dev-danas* (*Jha, D.N. and Sharma, 1976: 202*). After the establishment of Muslim rule in India, these terms changed and they were known as *milk*¹ *inam*² *wazifa*³ and *auqaf* land in the later period these were known as *wajih-i-maash* and *wajih-i-milk* (*The Encyclopedia of Islam, 2002: 96*). The *waqf* or *auqaf* grants were made for the maintenance of the religious shrines and tombs while the *inam* grant was conferred upon the poets, artists attached to the royal court. The earliest reference to the *wajih-i-mash* grant is found in the official documents of Sultan Firozshah Tughlaq's period (*Medieval India-A Miscellany, 1972: 19n*). *Wajih-i-maash* was a grant in the shape of land assigned to the *mashaikhs*, *Syeds*, the *Ulama*, poets and other deserving persons such as widows for their maintenance in recognition of their piety, need, learning or any service rendered by them to the state. These land-grants were given to the aforesaid persons for lifetime as well as perpetuity. All such type of grants was known as *madad-i-maash* or revenue free land- grants. But in some documents of Babur and his grandson Akbar, we come across the term *suyurghal* (*Abul Fazl, 1977: 278-285*) but after the consolidation of their empire they preferred to use the term *madad-i-maash* in place of *suyurghal*. Abul Fazl further mentions that two types of subsistence allowance were given to grantees-allowance in cash known as *wazifa* and assigned lands known as *milk* or *madad-i-ma'ash* grants (*Ain-i-Akbari, 1977, Vol-I: 278*). Moreland writes that *suyurghal* was an allowance paid in cash or granted in the shape of land (*Moreland, W.H. 1968: 277*) while Noman Ahmad Siddiqi observes that the subsistence allowance in land was known as *madad-i-maash* (*Siddiqi, 1970*). The state usually supported individuals with land/cash

grants to carry out their endeavors in different branches of knowledge. The recipients were the members of existing religious and literary elites, men of noble lineage, and other similar notables. *Madad-i-ma'ash* was thus a grant of land made in recognition of the need, piety, learning or family of *Shaikhs* and *Syeds*.

According to Abul Fazl, the following four classes of people were considered worthy and in need of subsistence: *Firstly*, those who had withdrawn from all worldly occupations and had made search after true knowledge and sole concern of their life. *Secondly*, the ascetics and hermits who had left the world to get rid of selfish desires and human passions. *Thirdly*, the poor and the needy who did not even have the strength to busy themselves in search of knowledge and *fourth*, the man of noble birth, who from ignorance and want of learning were deprived of the means of acquiring money (*Ain-i-Akbari, 1977, Vol-I: 189-198*). The *Sadr* or *Sadr-us sudur* was responsible for the administration of the *madad-i-ma'ash* grants. In each province, the *sadr* undertook the function of supervising the grants; and in the *parganas* the *mutawalli* was responsible. The *mutawalli* was appointed by the Emperor (*Ain-i-Akbari, 1977, Vol-II: 350-351; Bashiruddin, 1946: 3-4*) but usually he was also one of the descendants of the saint. The management of the *waqf* property and the *nazr* (offerings) was in the hands of the *mutawalli*. The income from the *waqf* property was given in *madad-i-maash* (maintenance grants) to the needy and deserving persons such as widows, *faqirs*, old and unable to work etc. The land revenues and other taxes on this land were not realised by the revenue officials of the state. The *mutawalli* solely was responsible for the management of the *waqf* lands, their income and expenditure on the items authorised by the emperor. Sometime a *mutawalli* used to hold two offices at the same time. Mir Saadullah who was *Sadr* (In charge of *madad-i-maash*) of the Ajmer *suba* and at the same time he was also serving as *mutawalli* of the shrine of Khwaja Muinuddin Chishti of Ajmer (*Waqai sarkar Ranthambhor wa Ajmer: 436*). *Madad-i-ma'ash* grants were not necessarily hereditary, but Aurangzeb made the land grants completely hereditary (*Bilgrami, 1984: 60*).

Sometimes the Emperor used to examine the validity and continuation of the land grant and renewed it only after its proper enquiry up to his satisfaction. The *jagirdars* and other authorities were not allowed to interfere in the land given in *madad-i-ma'ash* (*Maani, 1954: 5-6*).

Akbar had made another class of people eligible for *madad-i-ma'ash* which comprised those villagers who offered the hospitality to emperor while on the expedition and Jahangir to those *zamindars* who assisted him in the revolt raised by the prince Khurram against the emperor (*Bilgrami, 1984: 60*). One of the most important developments in the history of *waqf*, the evolution of two distinct forms-the public *waqf* (*waqf-i-khayri*) and the family *waqf* (*waqf ahli* or *waqf dhurri*). From a strictly legal standpoint the two forms of *waqf* are identical. Public *waqf* typically, had as their first purpose, support of a public institution such as fountain, a mosque, a hostel, a cemetery, a hospital, *khanqah* or a school while private *waqf* were established to aid the founder's kin and descendants (*McCchesney, 2014: 9*).

II

There are hundreds of documents regarding the endowments of Muslim religious institutions and the sufi shrines by the various authorities. In medieval India these

¹ Land grants exempted from the revenue and other taxes.

² Subsistence allowance in cash.

³ Land given in Inam or as gift.

institutions and shrines were favoured by the government authorities in the shape of kind or cash. The fame and popularity of the shrine of Khwaja Muinuddin Chishti reached not only among the masses but at the same time it reached to the ears of the Sultans/Emperors of the period. The first Sultan of Delhi, who came to Ajmer and paid homage to the shrine of Khwaja Muinuddin Chishti, was Sultan Muhammad bin Tughlaq (*Futuh-us-Salatin*, ed., 1946: 466). In fact, it had become established custom for the sultans to visit the *dargah* of an eminent sufi if he happened to be in its vicinity (*Ibn Battuta*, 1971). Emperor Akbar was the first Mughal ruler who captured Ajmer in 1556-57. After conquering Chittor, the capital of Mewar in 1567, he paid his visit to the shrine of the Khwaja and presented a brazen cauldron of gigantic size to the shrine (*Tirmizi*, 1968: 19; *Badayuni*, 1925: 105) and continued his visits until 1580 and he made his pilgrimages there on foot every year (*Ain-i-Akbari*, 1977. Vol.III: 399; *Nizamuddin Ahmed*, ed., 1927-1940). After that, he stopped going to Ajmer and instead deputed there to his son Daniyal (*Ain-i-Akbari*, 1977. Vol.III: 316; 402). Jahangir also visited the shrine many times (*Khan, Sir Syed Ahmad* (ed.) 1863-64: 146). Shahjahan also visited the shrine many times. After defeating Dara Shukoh, Aurangzeb visited the *dargah*. Again in 1680 he paid a visit to the *dargah* (*Saqi Musta'id Khan, Sarkar J.N.*, 1947: 111). The repeated imperial visits and devotion of the dignitaries resulted not only in the transformation of the complex of the shrine but also in the creation of a considerable number of documents related to *waqf* which are available in public and private possessions.

The *dargah* of Khwaja Muinuddin Chishti had been granted a number of villages in *waqf*. The *gumashta* (agents) of the *mutawalli* used to collect revenue and he distributed it among the servants of the *dargah*, and the legitimate claimants. The autonomous chiefs were free in their territories to make revenue-free grants. The earliest reference is found during the life time of the great Chishti saint, Khwaja Muinuddin Chishti of Ajmer itself. Khwaja's eldest son, Khwaja Fakhruddin Abul Khair who was settled in a village named as Mandal, few miles away from Ajmer, earned his livelihood by the cultivation of land. The *muqta* of Ajmer urged him to obtain a royal *farman* for the land. He approached his father who went to the royal court. The ruling Sultan, Iltutmish was having cordial relations with the Khwaja and his disciple, Shaikh Qutubuddin Bakhtiyar Kaki. Knowing the reason of Khwaja's arrival at Delhi, his disciple and vice-regent Khwaja Qutubuddin Bakhtiyar Kaki requested to his spiritual master not to go to the court of the Sultan because it was not a practice of the Chishti saints to see the rulers. But breaking the tradition of the *silsilah* he himself went to the court and obtained a *muqarrar dast* from the Sultan Iltutmish (*Shaikh Abdul Haq*. 1863).

After the conquest of Ajmer emperor Akbar paid several visits to the shrine of Khwaja Muinuddin Chishti. Akbar granted the village named as Deorai and Sumelpur of pargana Ajmer to the *dargah* of Saiyid Hussain Khang Sawar as *madad-i-ma'ash* to the *Mujawirs* (attendants of the shrine) and for the expenditure on *Urs* festival, illuminations etc. In 1574-75, he ordered to the Shiqdar and Karori of the village Sambhar to supply to Syed Mumtaz ullah Alam, a Khadim, one *man* (Unit of weigh, in Akbar's time a man was equal to about 51.63lbs or about forty kg.) oil per month for lighting at the *maqbara* (tomb) of Khwaja

Muinuddin Chishti. He further instructed to the officials of the place not to insist to obtain new *farman* in this regard (*Asnad-us Sanadid*, n.d.: 3). According to a *farman* dated 28 May, 1576 to the officials of *pargana* Haveli, Ajmer intimating that village Nadla or Nandila has been granted to Shaikh Fatahullah and his brothers as *madad-i-maash* as they had no means of livelihood and to meet the expenses of the 'Urs ceremony of the great Khwaja (*Asnad-us Sanadid*, n.d.: 5-6). During the reign of Emperor Akbar a *sanad* dated 27th August, 1586AD from Pahar Singh, son of Man Datta Rai for the grant of ten *koru* (bighas) of rent-free land, worth cultivation, in the village Bhusahi Buzurg in the pargana Saraisa, Hajipur, Bihar was issued in the name of Shah Hazrat Kabir Muhammad, for his livelihood, expenses of the mosque, *khanqah* and the needy and *nazr* (offering) to Hazrat Pir Dastgir Shaikh Abdul Qadir Jilani (*Datta* (ed.), 1962: no 815. p. 126).

Emperor Jahangir issued a *farman* on 17 August, 1610, addressed to the *amilis*, *karkunan* and *karoriyan* of *pargana* Ajmer informing them that 4200 big has of land under cultivation and 2690 bighas of fallow land located in *mauza* Nandila, continuing and confirming the royal *farman* of Akbar granted in the name of Shaikh Hashim, son of Shaikh Fatahullah, Shaikh Ismaeel son of Taj Muhammad and other twenty four *mujawirs* and further added that out of the said grant 1000 bighas of land has been kept aside for the expenditure on 'Urs ceremony and the remaining is reserved as *madad-i-maash* for the twenty six grantees (*Troll*, 1989: 54-55).

Jahangir also granted some land to the Khadims of the *dargah* of Syed Hussain Khang Sawar. In 9th RY of his reign (6th May, 1614) he granted 46 bighas of land located outside the Osari gate of the city of Ajmer in *madad-i-ma'ash* to Saiyid Khub-ullah, Syed Karamullah and other beneficiaries as they had no means of livelihood.

In 1616, Jahangir resumed one hundred bighas of land out of two hundred thirty bighas which was given to Bibi Jan and other widows of the saintly persons and khadims related to the *dargah* of Khwaja Muinuddin Chishti in *madad-i-ma'ash*. It is not clear from this document that how this resumed land was distributed among them? Some of the land was resumed by Jahangir as the recipients failed to appear before him. In the same year the Emperor granted five hundred and sixty bighas of land to Syed Shah Muhammad who was the son of Syed Mansoor as the *madad-i-maash*. In the 12th year of his reign Jahangir (1617) issued a *farman* for the grant of twenty bighas of rent free land, worth cultivation in the same *pargana* (Hajipur), Bihar with exemption from payment of taxes and other demands in the name of Shaikh Bhikan son of Shaikh Adam, with his sons. In the same year a *farman* was issued by the emperor that about one hundred and forty five bighas of land, uncultivated but liable to cultivation, measured in *llahi gaz* situated in the pargana of Gopa Mau, sarkar Khairabad had been fixed and confirmed for the *wajh-i-madad ma'ash* of Syed Ahamad Bukhari and his sons. Enjoying their revenue season after season and year after year, for their livelihood, the beneficiaries would pray for the perpetuity of the everlasting dominion. The *hakims*, the *amilis*, the *jagirdars*, the present and the future *karories* should work for the perpetuation and confirmation of this *farman*. They should not trouble the assignees in connection with the *mal-o-jihat*, the *ikhrajat* and the *awaridat* etc. In this connection they should not ask for the

yearly *farman* and a new *parvanchah* (Ansari, M.A., 1996: 49, 51, 55, 57 etc). We come across that some of the Mughal *farmans* were issued in the favour of the ladies also (Ansari, M.A., 1996: 47). On 22nd RY, Jahangir assigned the whole revenue of Rs.750/- of village Gelota, *pargana* Naraina, of Ajmer suba to Shaikh Ilmuddin, a cousin of Khwaja Hussain for his livelihood and blessing for the emperor. All the officials including 'amil, *jagirdars* and *karoris* of the place were ordered to implement the royal order and instructed them no interference in the matter and they are not required to obtain the fresh or new *farman* in this regard (Bashiruddin, 1926).

During the reign of Shahjahan, his most trusted and honoured noble, Wazir Khan's endowment for the congregational mosque in Lahore which was completed in 1634-35, is worthy to be mentioned here. For the maintenance of this pious edifice, he has endowed for its expenses all the shops situated on both sides of the road, together with the upper stories, habitable quarters, the large *sarai*, *hammam*, two wells worked with *Persian* wheels and several scattered plots of land. Further he says that this endowment is valid, binding, certain and imperative, not subject to sell, mortgage or dower. Further he says that *Imam*-preacher attached to the mosque should be highly skilled, the upper storey shops shall be for the use of booksellers of the books on Islamic subject and bookbinders free of rent. The *Imam*-preacher will receive the remuneration Rs.1/-to Rs.10 per Diem and *muezzin* four *annas* per day and each teacher Rs.1/-for each day. The remaining amount will be given to the servants of the mosque and other necessary expenses, such as providing for the overseer, the carrier of fire wood, the carpet-spreader and other rightful persons attached to the mosque as well as spent in maintaining the guest (Begley, Desai, 1989: 183-184).

A *Sanad* was issued dated 6th May, 1648 during the reign of Shahjahan for the revival of the previous grant of the qasba Gopal and Rauza Shamsuddin in *pargana* Mehsi (Bihar) in the name of Mir Jalaluddin Hussain, *Khadim-i-dargah* as *madad-i-ma'ash* and also for meeting the expenses of the *khanqah* (Datta (ed.), 1962: no 25. p. 27).

Emperor Aurangzeb issued an order in 9th RY/1676 recognising Shaikh Pir Muhammad of Salon directly as a grantee for the same piece of land of 200 bighas in the village of Mirzapur Bakhtiyar, *pargana* Nasirabad, Sarkar Manikpur, suba Allahabad which was earlier granted by a local *jagirdar* under his delegated powers by way of *nazri-khadiman-i-haqiq-wa-ma'arif-i-agah* (an offering for the servants of one knowing the mystic truth) (Miura Toru, 2018; Jafri, 2017).

Aurangzeb in 1680 granted thirty bighas of land from the *pargana* of Ajmer in *madad-i-ma'ash* to Shaikh Bayazid son of Shaikh Fattu, as he was in very advanced age and had no source of income.

In the forty third year of Aurangzeb Alamgir (25th Feb. 1699), a *farman* was issued to the effect that forty bighas of rent free land, worth cultivation, in the village Rampur, *pargana* Haveli Hajipur, suba Bihar, which was granted previously under the *farman* of Jahangir in the name of Shaikh Abdus Samad and Shaikh Muhammad and were in possession of their heirs-Bibi Sharifa and others - were being subjected to undue interference and illegal money was exacted from them. The emperor therefore issued a *farman* to all officers of government with the instruction to

leave the land in their possession without any sort of interference (Datta (ed.), 1962: no 242. p. 11).

Emperor Bahadur Shah through his *farman* dated 7th Zi'l-hij 2nd RY/1708 recognised and confirmed as *madad-i-ma'ash* all the land grants spread over eight *parganas* in suba Allahabad and four *parganas* in suba of Awadh, which was assigned either through imperial favour or through local officials and *zamindars* to Shaikh Muhammad Ashraf, the spiritual successor of Shaikh Pir Muhammad of Salon, d.1754. On the *zimm* of this *farman*, a citation is made to the effect that the grantee with a large number of mendicants is engaged in propagating the tenets of *sharia'* and *tariqat* in the area and that in some of these villages he had established mosques and *musafir-khanas* (rest houses) and in the barren land, has caused habitations to emerge which have been named after his sons (Miura Toru, 2018: 201).

In the 5th year of Farrukhsiyar's reign a *sanad* was issued on 2nd and 12th January, 1716 with the seal of Nawab Sarbuland Khan and others for the grant of one hundred bighas of rent-free land in the village Chak Bhikam, in the Bihar suba in the name of Khwaja Shah Moinuddin, *Khadim-i-dargah* as *madad-i-ma'ash* and the other was issued in favour of Bibi Aulia and others for the release of 200 bighas of rent - free land in the village of Chak Yusuf and Chak Jina in *pargana* of Panwara as *madad-i-ma'ash* (Datta (ed.), 1962: no 865. p. 74).

Another *sanad* was issued in the 8th year of emperor Farrukhsiyar's reign (30th January, 1718 AD) with the seal of Syed Abdullah Khan, Commander-in-Chief renewing the grant of the village Islampur in *pargana* Arrah of suba Bihar in the name of Shaikh Amanullah, as *madad-i-ma'ash* and for the expenses of the mosque, *khanqah* and the students etc. (Datta (ed.), 1962: no 163, p.62).

During the reign of Muhammad Shah, a *sanad* was issued on 27th August. 1723AD for revival of previous *sanad* and release of sixty five bighas of rent free land in the village of Pir Kokam, in *pargana* Dharampur, Bihar in the name of Syed Muhammad Waris as *madad-i-ma'ash* and for the expenses connected with the visitors to the *dargah* of Qidwatul Arifin (Datta (ed.), 1962: no 424, p.84).

Another *parwana* was issued during the reign of Muhammad Shah (11th May, 1733AD) reviving the previous *sanad* for the grant of the village Parshadi in *pargana* Makair, suba Bihar with the exemption from payment of revenue and other demands in the name of Mulla Syed Haider, a dervish, as a gift for the expenses of the *khanqah*, tomb, mosque etc. and also for the heirs of Hazrat Makhdoom Syed Shah Saifuddin Ahmad Mazindrani (Datta (ed.), 1962: no 591, p.43).

A *parwana* dated 30th November, 1738 was issued in the 21st year of Mohammad Shah's reign with the seal of Nawab Aliwardi Khan and others for non-interference in the possession of the rent free village Monda in *pargana* Bal, *sarkar* Saran in the name of Shah Atallah Maneri as *madad-i-ma'ash* in accordance with the previous *farman* of emperor Aurangzeb (Datta (ed.), 1962: no 130, p.37).

Besides the land given in *madad-i-ma'ash* there are some references of cash allowances, which were also termed as the *madad-i-ma'ash*. For example, Shahjahan granted two *tankas* daily for the offerings of flowers on the *mazar* of Bibi Hafiza Jamal, daughter of Khwaja Muinuddin Chishti whose grave is situated in front of the Khwaja's tomb (Maani, 1954: 204).

In 1615, Jahangir sanctioned Rs.6000/- to the shrine

for the maintenance of the *dargah* (Khan, 1864: 146, 256). In 1628, Shahjahan distributed Rs.10000/- among the poor and the Khadims of Ajmer. Shahjahan constructed huge and elegant marble mosque in the khanqah of Khwaja Muinuddin Chishti (*Abdul Hamid Lahori 1886; Shyamal Das. 1900*).

In 1680 emperor Aurangzeb presented Rs.5000/- and he made a *nazr* of Rs.2000/- for the Khadims of the *dargah*. Meanwhile the emperor offered ten *tola* (equalling to 144 grams) *litr* (rose scent) at the *dargah* of Khwaja Muinuddin of Ajmer (*Rajasthan State Archives, Nos.172,1 84 etc*). Prince Azam, visited the *dargah* and gave as a *nazr* of Rs.3000/- to the *Sajjadanashin* (*Waqai Sarkar Ranthambhor wa Ajmer AD 1678-80*) or the spiritual head of the shrine. The office of *Sajjadanashin* was held by the descendants of the Khwaja. He may be regarded as the spiritual head of the *dargah* (*Wilson, 1875*). He was responsible for the expenditure on *langar*, prayer carpets, construction of new buildings, illumination of the buildings and “*urs*” or annual anniversary of the Khwaja. *Nazr* was divided as follows—During the time of Akbar it was divided into five shares, half of it was taken by the *Sajjadanashin* and rest was divided among the other Khadims. But during Jahangir’s 9th RY (1613-14) some changes took place; now the *nazr* was divided into six shares, and of these, according to the previous tradition, *Sajjadanashin* took half (*Asnad-us Sanadid, n.d.: 68-69,110-111*).

We have also some information regarding the cash grants made to Muhammad Saleh son of Muhammad Daulat during the reign of Emperor Farrukhsiyar. This document directs the concerned officials that from the treasury of *awqaf* of *dargah* Rs.1/- should be released daily without any deduction for his livelihood and this sanction is made in response to his prayers and blessings for the emperor’s prosperity and it will be continued without any interference. There is no need reissue orders regarding this one (*Asfaque Ali 1984: 286*).

Jahangir has mentioned in his memoirs, *Tuzuk-i-Jahangiri*, that when he went to the monastery of Shaikh Wajihuddin, a disciple of Shaikh Muhammad Ghaus Shattari, which was situated near the palace, the *Fatiha* was read by him at the head of his shrine. As it was the occasion of annual anniversary festival of Shaikh Wajihuddin, Rs.1500/- rupees were given to Shaikh Haider, *Sajjadanashin* of the shrine, for the expenses of the anniversary (‘*urs*’) and other celebrations. The emperor further bestowed with his own hand Rs.1500/- more in charity, on the band of *faqirs* who were present in the monastery and made a present of Rs.500/- to Shaikh Haider. In the same way he gave some amount of money for the expenses and some land grants to each of his relatives and adherents according to their merits. The emperor asked to Shaikh Haider to bring before him the body of dervishes and deserving people who were associated with him in order that they might ask for money for expenses and for land (*Khan, Sir Syed Ahmad (ed.) 1863-64: 425-426*). In later days, besides lands and *jagirs*, daily stipends were also enjoyed by the descendants of Shaikh Wajihuddin (*Khan, Ali Muhammad Syed Nawab Ali (ed.) 1927: 70*).

It appears from some Mughal documents which are preserved in the khanqah of the Shaikh Wajihuddin that Jahangir had given the villages-Bishodra, Bahr Tanka (Manglore) Barijari, Dastral, Dantali and Hirna to Shaikh Haider for the maintenance of the khanqah, the madrasah and the tomb of Shaikh Wajihuddin (*Nizami, 1963: 230*).

Apart from these documents on *waqf* or endowment, we have come across three documents related to the Sultans of Deccan or South India. One of them is a *farman* issued by Sultan Mahmud Shah Bahmani II in 1465 AD addressed to the officers of Muhammadabad conveying orders for land grant in the village of Mulhar for the maintenance of the mausoleum of Hazrat Shah Niamatullah in favour of Amirza Muhibullah, Superintendent of the said mausoleum, exempting him from the payment of all kind of taxes. Very significant words are used in this *farman* that if anybody interferes with the management of this grant, may the curse of God be upon him. The *farman* bears the seal of Khwaja Jahan (Mahmud Gawan) and others. In continuation of this *farman*, Sultan issued another one on 2nd May 1489 for granting five thousand two hundred and fifty bighas of land in the same village (Mulhar) to Mirza Muhibullah and his descendants as trustees for the same purpose (*State Archives, Govt. Of AP, Hyderabad, 1963, p.1-2*). Shah Niamatullah was a well known saint of Kirman. His son Shah Khalilullah came to India with his two sons- Shah Habibullah and Shah Muhibullah. Shah Habibullah became one of the nobles and was married to the daughter of Sultan Ahmad Shah Bahmani and Shah Habibullah became the son - in-law of prince Alauddin (*Ferishta: 328*).

A *farman* of Sultan Abdullah Qutb Shah issued on 12th March, 1656 from the office of the Diwan of Khan-i-Azam Mamur Khan, the *thanedar* of the *pargana* of Kalabgur, *suba* Hyderabad conveying orders to the effect that the land grant relating to Shaikh Hazarat Badruddin and Syed-us-Sadat is from the very beginning, free of customary dues and those who ask for the dues should be punished (*State Archives, Govt. Of AP, Hyderabad, 1963, p.14*). Another *farman* is related to Muhammad Adil Shah dated 23rd Sept. 1656 in respect of the grant of four Chawars (a measure of land equal to 120 sq. bighas, Wilson’s Glossary, pp.107, 573) of land, one from the suburb of the district of Nakankara and others from different districts by way of *Inam* to Shah Abdul Qadir son of Shah Badruddin Sharif-ul-Qadri. The *farman* states in detail that the grant of land is subject to the usual government dues, while the ready money (cash amount) procured from different heads is permitted to be enjoyed by the grantee (*State Archives, Govt. Of AP, Hyderabad, 1963, p.14*).

Interestingly *waqf* was not limited to grant of revenue free land grants or giving cash to the saintly persons associated with the *sufi* shrines or religious institutions, we come across a unique document in which reference is made regarding the presentation or *waqf* of a volume of the Qur’an by the wife of Khan Aali Shan Rafi-ul-Qadrwa al-Makan Yaqut Khan, the portage of Sultan Ibrahim Adil Shah II of Adilshahi dynasty, named as Asmat Panah to be used for recitation at the shrine of Hazrat Qutb-i-Makhdum Syed Muhammad Gesu Daraz, the renowned saint of Gulbarga. He was the spiritual successor of Hazrat Shaikh Nasiruddin Chiragh Dehalwi. On the request of Malik Ambar, he married his daughter to the son of Malik Ambar. This document is dated 30 January, 1610 (*State Archives, Govt. Of AP, Hyderabad, 1963, p.11*).

III

Apart from these archival records, we have some inscriptional evidences regarding *waqf*. To reconstruct the history of *waqf* in India, the inscriptions supply some very important information. Though there are many inscriptions but some important one has been used for this study.

It is mentioned in an inscription dated 1649-50 AD that Mughal emperor Shahjahan constructed a huge mosque in the *pargana* of Jodhpur. This inscription furnishes important information about the mosque and six shops attached to the mosque which were given in *waqf* for its maintenance. The inscription further warns the future Rajas and other officials against interference and also against misappropriation of the rent of the shops attached to the mosque (*Annual Report on Indian Epigraphy, 1955-56*). A Persian inscription of 1694-95 during the reign of Emperor Aurangzeb states that the servant of the royal court, Iradat Khan has endowed the revenues (*mahsul*) of the village Chawkiya for the expenses of annual Urs celebrations of Hazarat Shaikh Hamiduddin Mitha Shah of Gagraun (Kota, Rajasthan). It enjoins the future officials not to interfere with it as the maintenance of grant carries great reward with Allah. Iradat Khan (Mir Mubarakullah) was a *manasabdar* under Aurangzeb and was the *subadar* of Malwa (*Epigraphia Indica-Arabic and Persian Supplement, 1968: 77078*).

A Persian inscription is found at the same place, Gagraun which was a *sarkar* in the province of Malwa. In the time of Aurangzeb the fort of Gagraun seems to have been placed in charge of Shaikh Firoz when Nawab Iradat Khan who was a grandson of Nawab Azam Khan was the governor of the Malwa. The epigraph assigns the construction of a Jami mosque to Iradat Khan and registers the grant in cash sanctioned by him from the total revenue (*mal-wa-sayir*) of Gagraun for the maintenance of the mosque. It further gives the daily rate of expenditure, viz. Five *Bahlolis*, of which three *Bahlolis* were meant for the *Imam*, one for the *muezzin*, who would also be responsible for the daily cleaning of the mosque and half each towards the expenses on water arrangements and illumination. It also expresses the belief that whoever from the officials appointed to Gagraun, pay obeisance to Shah Mitha will get his desires fulfilled (*Annual Report on Indian Epigraphy, 1967-66: 161; Khan, 2011*).

Conclusion

The institution of the *waqf* or *auqaf* is having its origin very much in Islam as we have seen during the time of the Prophet Muhammad (PBUH). The Quran itself speaks about the *sadaqat*, *khairat* and *zakat* which were to be used for the needy and the poor and for those who do not have any source of income or livelihood. During the Muslim rule in India, the importance of *waqf* was recognized by the rulers and their nobles. From the very inception we have the references regarding it. They endowed with large land grants and cash grants as *madad-i-ma'ash* to Muslim shrines, mosques, khanqahs, renowned *sufi* saints and their relatives who were not having any source of income for their livelihood and maintenance. The income from these grants was used to spread mystic ideology as well as to give financial support to theological studies and facilitate those who were visiting these centres.

In Muslim India we have come across hundreds of such type of documents or inscriptions which supply a flood of information. Though the *auqaf* system was very much having its roots in the Delhi Sultanate, but during the Mughal period it became a regular feature and almost each and every religious institution was endowed with land grants or cash grants by the rulers and their nobles and bureaucrats irrespective of caste, creed, religion and stature. As we have seen in the above pages that such

type of documents were only in the form of *farman*, *sanads*, *parwana* but the information is also available in the form of inscriptions which have discussed above. The above discussion further leads us to conclude that the source material pertaining to *waqf* in India particularly medieval India is not confined only to *farmans*, *sanads* *parwanas* etc. but also spread over in large number of inscriptions throughout the country.

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Якуб Алі Хан,

Центр перспективних досліджень, Історичний факультет,
Мусульманський університет Алігарх (Індія),

e-mail: yaqub.vtoul@gmail.com, ORCID 0000-0002-7772-9786

ДЕЯКІ ФАРМАНИ ТА НАПИСИ: ДЖЕРЕЛА ВИВЧЕННЯ ВАКФУ НА ІНДІЙСЬКОМУ СУБКОНТИНЕНТІ

Система вакфів, або аукаф (множина від "вакф") є невід'ємною частиною ісламського права, легітимація якої базується на численних хадісах. Ця інституція є постійним спрямуванням прибутків від рухомого чи нерухомого майна на специфічні релігійні чи благодетивні заходи, санкціоновані мусульманським законодавством. Часто вакф спрямований на підтримку мечеті, медресе або могили якогось святого, але іноді також це адресна допомога конкретній людині - релігійному діячу або нужденному. Делійські султани та правителі Могольської імперії впроваджували такі релігійні гранти, як Інам, суюргал та мадад-і мааш. Ці гранти завжди були цільовими, їх треба було оновлювати після смерті грантодавця. Отже, їм бракувало перманентності, яка є важливою ознакою вакфів системи, втім, саме ці гранти безпосередньо сприяли постанову вакфів. Аналіз даних з публічних записів доколоніального часу дає важливий ключ для розуміння тогочасних фіскальних правовідносин.

Є кілька документів, що проливають світло на природу та деталі існування вакфів протягом індійської історії, але в цій статті автор зосереджується на могольському періоді. Зокрема, доступний фарман від могольського імператора Акбара, де він наказує чиновникам району Самбгар (Марвар, Раджпутана) постачати олію для освітлення мазару (усипальниці) Ходжи Муїнуддіна з Аджмеру. Інший фарман дійшов від могольського імператора Джагангіра, який доручає чиновникам асигнувати 100 бігха (приблизно 2,5 га) землі Бібі Джан та іншим удовам святих людей Аджмера. Ще один документ, від імператора Фарруха Сіяра, наказує виплачувати 1 рупію на день святому. Збереглися також два приписи про виділення прибутків від ренти (махсул) селу для забезпечення щорічної пам'ятної церемонії 'Урс на могилі Шейха Хамідуддіна Мітха Шаха з Гаграуна та інші приписи часів Аурангзеба, де імператор наказує губернатору підтримувати Джамі масджид (Соборну мечеть), виділяючи на це певну суму щоденно.

Мета статті - проаналізувати перські архівні записи та приписи, які свідчать про такі тимчасові цільові гранти, що в подальшому стали функціонувати як повноцінні вакфи.

У контексті глобалізаційних процесів та стрімкого поширення ісламу в світі, дослідження мусульманського права є вельми актуальним. Важливо, що стаття присвячена не лише теоретичним питанням функціонування мусульманського права, але висвітлює практичну реалізацію інституту вакфів в історії. Таким чином можна побачити на основі документів, як розвивався відповідний інститут, як відрізнялося його практичне втілення від еталонних зразків, з огляду на специфіку історичного контексту. Дослідження контексту Могольської імперії важливе, серед іншого, через те, що дає змогу простежити розвиток мусульманського права поза арабським світом.

Ключові слова: Аукаф; суюргал; мадад-і мааш; мазар; махсул; 'урс; баглюлі.

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