

al-Azhar and Jerusalem are put in a historical perspective confirming their cultural, spiritual, social, and human role and their durability through a long period with adaptations. Their key features are also presented as they appear in the waqf titles (hujaj) and the conditions they stipulate.

The awqâf to the Maghrebi are the best testimony of the presence of Maghrebis in Cairo and Jerusalem, and the mutual influence between Maghrib and Mashriq. They contributed to the daily life of the Maghrebi students providing them with decent living conditions in a climate of freedom, scientific competition, initiative and openness to other students, and doctrinal differences. These awqâf created a strong feeling of unity and fraternity among them despite their different origins. They made them conscious of their singularity and linked them, at the same time, strongly to their Mashriqi colleagues, with a clear impact in the Maghreb since those students brought home knowledge, reformist ideas, manuscripts and books, affirming the presence of Egypt and Palestine in Maghrebi consciousness. To complete this picture such research could be extended to other scientific and spiritual centers of the Mashriq which had strong relations with the Maghrib as Damascus, Baghdad, Hebron, Alexandria, and Istanbul.

Session 3 Transition

Familial Grants and Making of a *Waqf*: A Case Study of *Khanqah-e Karimia*, Salon (in Northern India) from Mughal to the Modern Times AD.1679–1953

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The familial background, stature of the founder, his charisma often resulted in making of the land grants by the landed elite/s. The imperial confirmation of these donations ensures their continuation. With no permanent alienation of the State's right over such property and an insistence on the renewal of the grants by the successive regimes, it put these properties into a special category. The Colonial administrators, not bothering for such finer details, simply treated these grants as *Waqf*. They insisted on the administrative scrutiny, to ensure that expenses are incurred strictly for the purposes for which the grant was made.

Khanqah-e Karimia, Salon, Rae Bareilly (Uttar Pradesh, India) happens to be a major center of the Chishti-Nizami tradition of the sufis since the 17th century. Its founder, Shaikh Pir Muhammad (d.1687) had an illustrious familial background in India since the 13th century. The Shaikh, after an 'incidental encounter' with Shaikh 'Abdul Karim (d.1647), the descendent of Shaikh Husamul Haq (d.1470), took *bayat* (spiritual initiation) into

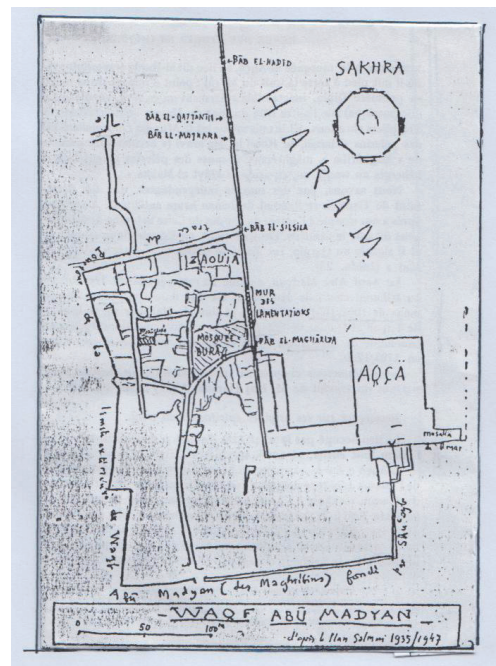


Figure 2 A Sketch of Abû Madyan Waqf in Jerusalem [Louis Massignon, *Documents sur certains waqfs des Lieux Saints de l'Islam, principalement sur le waqf Tamimi à Hébron et sur le waqf Tlemcénien 'Abû Madyan à Jérusalem* (réunis et annotés) extrait de la *Revue d'études islamiques*, année 1951, pub. à part, Lib. Orientaliste P. Geuthner, Paris, 1952, pp. 87–92 (Reviewed by Haj Hammou, Algiers)].

this line of *Chishtis*. Soon, he became a celebrity, to be recognized for his excellence by the scholars as well as the local elite, who came forward and made ‘offering’ of villages to him and later on to his descendants. Initially, these grants were described as ‘*nazr dar-wajh khadiman-e haqa’iq o ma’arif agha*’ (‘offering for the servants of one, knowing mystic truth’).

Additions were made to the grant of the family, and within a short span, the possession of the grantees spread over a large area in the vicinity of the *Khanqah*. Now, the grants were described as *madad-e ma’ash* (help for the subsistence). However, the *farman* of Bahadur Shah I of AD. 1708 makes a citation: the grantee, engaged in propagating the tenants of *shari’at* and *tariqat* in the area, and that in some villages, he has established mosques, *musafirkhana*, and in the barren land has caused habitations to come up and has named them after his sons.

These grants were continued selectively by the Nawab-Wazirs, in view of their general policy of resumption of grants of the ‘old establishments’. In addition to the land grants, the *sajjadanashins* (spiritual head) of the *Khanqah*, got cash offerings as well; in AD. 1836, the annual income of the *Khanqah* was estimated at Rs. 30,000. The amount was largely used for ‘entertaining *bairagis* (non-muslim ascetic) and *faqirs* without any distinction of religion’. The income increased to 50,000 by AD. 1850. The personal stature of *sajjadanashin* was also enhanced that ‘with great reverence by both Muslims and Hindus due to the sanctity of the ancestors and the institution he distributed food to the needy and the travelers belonging to all religions’.

At the initial stage, there were polite exchanges between colonial authorities and the *sajjadanashin* of the *Khanqah*. Coldness developed after the annexation of the Kingdom of Awadh in 1856, when the act was condemned as ‘*zulm-e wajid beh ze adl-e Company*’ (‘oppression’ by Wajid Ali Shah was better than ‘justice’ of the Company). After suppression of mutiny of 1857, British officials had a feeling, that ‘this institution and the family have not supported us during the period of Uprising, and hence, they had little claim on us and we are not obliged to show them any favor’.

The *sanad* (deed) was, somehow, issued on 26th September 1862, but the grant was made conditional one ‘it was to continue so long as the income was devoted to the maintenance of the *Khanqah*, buildings, tomb, mosques and the running of a school of Muhammedan education and the continuation of the charities’. The British *sanad* compromised grantees stature; for the new stipulation changed their status to the level of ‘informers’ by inserting clauses that ‘the *sanad* holder and his successors shall strictly perform all the duties of land holders in matter of police and military, or political service that may be required of them by the authority’, not to be ‘the enemies of the British Government’.

In the following decades, endless litigations, charges of mismanagement multiplied that by AD. 1876, the

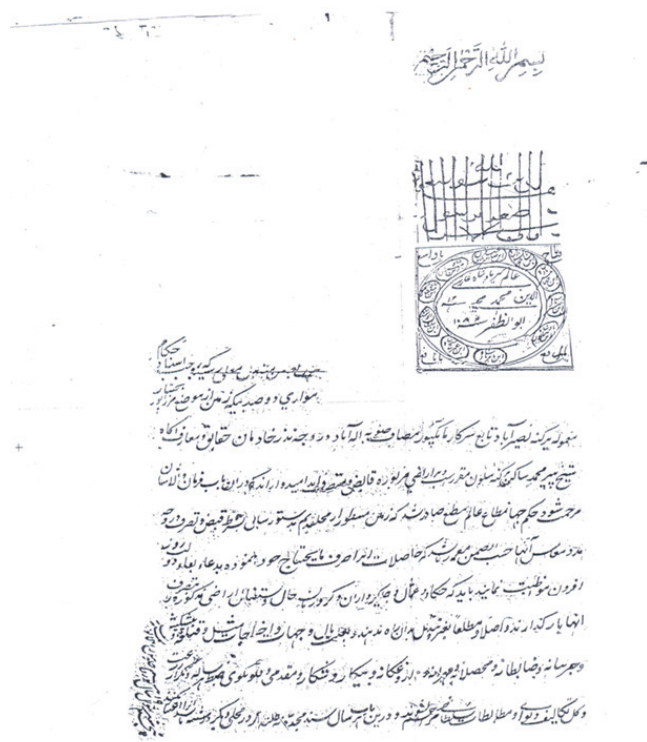


Figure Farman of Mughal Emperor Aurangzeb Making the First Grant to the Family in AD 1676

institution was in complete disorder: substantial portion of the property mortgaged to the moneylenders and *sajjadanashin* in perpetual debt.

Sayyid Mahmood (son of Sir Sayyid Ahmad Khan), the then District and Session Judge of Rae Bareilly prepared a memorandum on ‘Mohammedan Endowment’ at Salon. Though he recommended an ‘enhanced administrative control, but categorically negated the suggestions for resumption of the grant’. The matter kept on dragging with various experiments till the promulgation of Muslim Waqf Act of UP of 1936, when another phase of litigation started between *sajjadanashin* and Waqf Board. The matter was settled in 1953 when, Civil Court decided to give equal position to the *sajjadanashin* and Waqf Board in the matters of the management of the properties.

It has been argued that the family and the institution took its roots in the rural society dominated by Rajput clans, multiplying its landed possession from one village to more than 50 villages in a short span. Their possessions were treated as the *Waqf* by the Colonial authorities during the 19th and 20th centuries, insisting their administrative control. Some of these policies led to endless litigations, thus greatly reducing the intellectual engagements and social commitments of the institution. The records from Mughals to the present times help us examine the changing policies of the State, under three different regimes towards the ‘class of the grantees’. Attempt will also be made to examine the impact and memory of this Sufi institution.

*The title of the presentation was changed to “Familial Grants and Making of a *Waqf*: A Case Study of *Khanqah-e Karimia*, Salon (in Northern India): The Mughal-Nawabi Legacy in the Age of the Empire (AD. 1860’s –1880’s)”.

Colonial States Claiming Waqf, A Transregional Approach: From the French and British Near East to British India

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Colonial states claiming waqf refers to a fundamental upheaval in the management of the waqf system in Islamic lands under colonial rule. The imperial governments not only introduced a new configuration related to the administration of real-estate properties belonging to the waqf foundations but also in the manner of distributing endowment revenues, sometimes changing the destination of these revenues to beneficiaries other than those originally intended by the donors and sometimes by abolishing the system altogether.

Such a profound modification in the nature and management of the traditional waqf system as determined by Islamic law and Islamic-influenced government decrees (which albeit had already undergone infrastructural modernization transformations during the 19th century such as under the Tanzimat) towards one decreed by European colonial state management unalterably reshaped longstanding networks which had permeated deeply into society. The transformation to colonial rule of waqf shattered the socio-economic and political networks which had tied the individual donor (man or woman) with his/her revenue-producing properties put into waqf and the beneficiaries chosen by the endower. This triangular structure linking the donor with the properties and the beneficiaries within a institutional framework functioned during the lifetime of the endower and, just as importantly or more so, after the donor’s demise. This structure allowed the individual to institutionalize his/her networks and perpetuate them after death. However, it is this very framework with its irrevocable property donation structured within the format of a waqf endowment which would be definitively altered with the application of colonial policy.