INTRODUCTION

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 Sambar (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 Jamia masjidi 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 inscriptive 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 madrasas. 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-ma‘aash. 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 madaras, 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 laskha, 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 brahmdehya (Sharma, 1959: 255), agraharas (Sharma, 1959: 245, 256, 258) grants for religious and educational purposes) and devdanas (Jha, D.N. and Sharma, 1976: 202). After the establishment of Muslim rule in India, these terms changed and they were known as milk1 inam2 waqf3 and auqaf land in the later period these were known as wajhi-i-ma'ash and wajhi-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 wajhi-i-ma'ash grant is found in the official documents of Sultan Firozshah Tughlaq’s period (Medieval India-A Miscellany, 1972: 19n). Wajhi-i-ma'ash 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-ma'ash 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-ma'ash in place of suyurghal. Abul Fazl further mentions that two types of subsistence allowance were given to grantees-allocation in cash known as waqf and assigned lands known as milk or madad-i-ma'ash. (Ain-i-Akbari, 1977, Vol-I: 278). Moreland writes that sayurghal 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-ma’ash (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 Sayeds.

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 of the body to get a livelihood. 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 Sadrs sudur was responsible for the administration of 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-ma’ash (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. Mr Saabulhaid was in charge of the waqf property (In charge of madad-i-ma’ash) of the Ahmier suba and at the same time he was also serving as mutawalli of the shrine of Khwaja Muinuddin Chishti of Ajmer (Waqaik sarkar Rashambhor 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, 1964: 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-khayyin) and the family waqf (waqf ahli or waqf dhurn). 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 a 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 (Mcchesney, 2014: 9).

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 has 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, 1926: 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). 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, Ilutmish 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 Ilutmish (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 Decorai and Samulpur of pargana Ajmer to the dargah of Sajjid 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 Muntas uallah 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 Nadia or Nandlia has been granted to Shaikh Fatahullah and his brothers as madad-i-ma’ash 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 kori (bighas) of rent-free land, worth cultivation, in the village Bhusahi Buzurg in the pargana Saraisa. Jahangir 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 Dastigir Shaikh Abdul Qadir Jilani (Datta (ed.), 1962: no 815. p. 126).

Emperor Jahangir issued a farman on 17 August, 1610, addressed to the ‘amils, karkunans and karoriyan of pargana Ajmer informing them that they have been granted 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 Nadia or Nandlia has been granted to Shaikh Fatahullah and his brothers as madad-i-ma’ash 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 kori (bighas) of rent-free land, worth cultivation, in the village Bhusahi Buzurg in the pargana Saraisa. Jahangir 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 Dastigir Shaikh Abdul Qadir Jilani (Datta (ed.), 1962: no 815. p. 126).

Jahangir also granted some land to the Khadims of the dargah of Syed Hussain Khang Sawar. In 9th 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-ul-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-ma’ash. 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 Bikan 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 lihai gaz situated in the pargana of Gopa Mau, sarkar Khairabad had been fixed and confirmed for the waqf 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 amils, 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

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yearly farman and a new parvanchah (Ansari, M.A., 1996: 49, 51, 55, 57 etc). We come across that some of the Mughal farman 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 Geota, 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, hamram, 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 book-sellers 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 khanqah and release of sixty five bighas of rent free land in the village of Pir Kokam, in pargana Dharampur, Bihar in the name of Shaikh Amanullah, as madad-i-ma’ash and for the expenses connected with the visitors to the dargah of Qidwati Arfin (Datta (ed.), 1962: no 424, p.84).

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 Shafana 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 Zilhi 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 grantees 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 has established mosques and musafirkhanas (rest houses) and in the barren land, has caused habitations to emerge which have been named after his sons (Mira 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 Qidwati Arfin (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 Mehari (Bihar) in the name of Mir Jalaaluddin Hussain, Khadim-i-dargah as madad-i-ma’ash and also for meeting the expenses of the khanqah (Datta (ed.), 1962: no 130, p.37).

A parwana dated 30th November, 1738 was issued in the 21st year of Muhammad 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, sarkan Saran in the name of Shah Ataullah 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 Jamali, 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

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for the maintenance of the dargah (Khan, 1864: 146, 256). In 1628, Shahjahan distributed Rs.10,000/- among the poor and the Khadims of Ajmer. Shahjahan constructed huge and elegant marble mosque in the khanqah of Khwaja Mu'inuddin 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) ltr (rose scent) at the dargah of Khwaja Mu'inuddin of Ajmer (Rajasthani State Archives, Nos.172,1 84 etc). Prince Azam, visited the dargah and gave a nazr of Rs.3000/- to the Sajjadanasin (Waqqai Sarkar Ranthambhor wa Ajmer AD 1679-80) or the spiritual head of the shrine. The office of Sajjadanasin 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. Naz was divided as follows-During the time of Akbar it was divided into five shares, half of it was taken by the Sajjadanasin 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 the previous tradition, Sajjadanasin took half (Asnads-us Sanaddi, 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 to 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 Fatihah 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, Sajjadnasin 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) Barjari, Dastral, Dantali and Hima 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 Nia-matullah in favour of Amirza Mubhullah, 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 Mubhullah 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 Khalillullah came to India with his two sons- Shah Habibullah and Shah Mubhullah. 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 Aluuddin (Ferishta, 328).

A farman of Sultan Abdullah Qutb Shah issued on 12th March, 1656 from the office of the Diwan to Khan-i-Azam Mamur Khan, the theanedar of the pargana of Kalabugar, suba Hyderabad conveying orders to the effect that the land grant relating to Shaikh Hazarat Badruddin Badrulluddin 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 land for the emperor's prosperity and it will be continued without any interference (State Archives, Govt. Of AP, Hyderabad, 1963, No. 6 (158) листопад-грудень 2018 р.).

Interestingly waqf was not limited to grant of revenue free land grants or giving cash to the saintly persons associated with the sufis 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-Makhudum 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).

Apart from these archival records, we have some inscriptive 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.

III
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, 1967-68: 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 maadad-i-ma ash to Muslim shrines, mosques, khannahs, renowned 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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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 благочестиві 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 вакфової системи, втім, саме ці гранти безпосередньо сприяли постанню 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 Хамідулліна з Аджмера 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.