

there is therefore no difference between Dargah Office and Khadim Anjuman's office because functions of both the bodies are one and the same. Previously the office of Anjuman was at Imambara and at that time there was no confusion but now Pilgrim ~~ix~~ can not differentiate as to which is the Dargah committee's office. It is little understood by undersigned that when it is well within your knowledge that Khadim chowkidars are not authorise to receive money for the same reasons as is being also received by Dargah Committee than why they are being allowed to collect the money unauthorisedly and what is the fear in removing their unauthorised office. From the present functioning of Dargah Committee it is quite clear that D.C. is not able & capable to enforce the law in its true prospective but functioning for the sake of name, and that too after appointment of sitting I.A.S. as Nazim. It will therefore be appreciated that an immediate action may please be initiated for removal of not only Anjuman's office but also the individual offices runs by Khadim (chowkidars) with the help of local authorities. It is very funny thing that Khadim (chowkidar) Anjuman appointed sub-chowkidar with badges like Dargah committee's office Peons and if every Khadim (chowkidar) will start appointing such sub-chowkidars than there is therefore no end of mismanagement, breach of religious ceremonies & looting of Pilgrims by Khadim chowkidars.

19)

Your goodself will agree that the image of Dargah Shareef, Ajmer has deteriorated for past some time, reasons could be mismanagement for so & hence you may please exercise your power being an serving I.A.S. to improve the administrative image etc.

20)

Sajjadanashine Sahib is always open for any advice or help, if required, in best management of Dargah Hazrat Khwaja Sahib, Ajmer.

A suitable action & reply will be highly appreciated.

Yours

(Peerzada Syed Alauddin)
Advocate & Secretary
Dargah Dewan, Ajmer.

Copy forwarded for suitable direction & Action to:-

Shri Sita Ram Kesri, Minister of Social Welfare Govt. of India, New Delhi.

The Collector, Ajmer Distt, Ajmer.

(Peerzada Syed Alauddin)
Advocate & Secretary
Dargah Dewan, Ajmer.

In the Privy Council.

Appeal No. 36 of 1944
1945

ON APPEAL FROM THE COURT OF THE JUDICIAL
COMMISSIONER, AJMER-MERWARA, AJMER.

[Handwritten signature in Urdu script]

BETWEEN

Syed Asrar Ahmed son of Mir Nisar Ahmed, Mutwalli, Durgah Kh
Sahib, Ajmer.

(Plaintiff) APPELLANT

AND

The Durgah Committee Ajmer, through the President.

(Defendant) RESPONDENT

Decided on 29th July 1946
A.I.R. 1947 P.C. 1

RECORD OF PROCEEDINGS.



TRUE

GOPT

the Mutawalli with Diwan Mehdi Ali Khan as his Naib, therefore it is intimated to our loyal servants that he should call to him the said Diwan (who is in every way competent to manage Dargah Sharif and being the Sajjadanashin all the Khadims and the public are satisfied with his ways) and communicate this order to him and establish the possession and right of appropriation or interference of the Said Diwan over all the villages and affairs of the Dargah relating to the office of the Mutawalli, and always give him assistance. Aziz Ali Mutawalli should be made to explain the accounts of the income and Tauliyat to the said Diwan. This order should be deemed urgent and acted upon so as to be the cause of our pleasure and a sign of the extreme loyalty and submission of the said servant.

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True Translation,

(Sd.) Kameshwar Prasad,
Translator,
District Judge's Court,
Ajmer-Merwara, Ajmer.

Exhibit D. 36 and D. 37.

Translation of copy of Directions by Emperor Akbar contained in the file No. 120(II) Regarding dispute between Diwan Mehdi Ali Khan and Aziz Ali Mutawalli. Copy granted on application by Maulvi Abdul Qadir Beg Advocate by order of the Collector District Ajmer.

True comparing,
(Sd.) Amir Khan,
District Record Keeper, Ajmer.

Certified to be a true copy,

(Sd.) Nand Kishore,
Head Clerk,
Collector's Court,
Ajmer-Merwara.

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Directions according to the applications of Mehdi Ali Khan bearing the seal and signature of His Majesty addressed to Mr. Coolbrooke.

1. The management of all the affairs of the Dargah Sharif shall in accordance with ancient usage and royal sanads, be in the hands of the Sajjada Nashin. And all village property of the Khadims of the Dargah Sharif which has come to His Majesty's possession on account of Dami death and migration shall also be managed by the Sajjada Nashin. The rozina and the rozinadars holding land in the Dargah villages shall also be regulated of the Sajjada Nashin. The collection and assessment of the villages of the Dargah and Khadims shall be done by the Sajjada Nashin or His Majesty. No body else has ever interfered in these affairs and none shall do so in future. Whosoever obstructs or fails in the discharge of duty in the Dargah shall be liable to removal from service and expulsion from the Dargah by the Sajjada Nashin who shall also have the power to stop or abolish the share, Milk or rozina of the said defaulties servant.

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TRUE - COPY

NOTARY-AJMER (INDIA)

Ex D. 36 & D. 37
Copy of Directions by
Emperor Akbar.

2. The accounts of all income and expenditure, collection and assessment of villages and of all property in the Kothas (which belong to His Majesty) shall be rendered by the dismissed Mutawalli to the Sajjada Nashin as due against him shall be recovered from his moveable and immoveable property and shall be handed over to the Sajjada Nashin. And care shall be taken that in future no body interferes with or commits breach of trust in respect of the property in the Kothas in the Dargah Sharif which belong either to His Majesty or the Sajjada Nashin and with which no body has any right to interfere.

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3. The village Dantra is appointed for the maintenance of the Mutawalli. Whosoever is Mutawalli shall enjoy this village in lieu of his maintenance. It is not the personal property of the Mutawalli and shall not be mortgaged. If the mortgagee has any claim he should recover from the Haveli or other personal property of the Mutawalli. The dismissed Mutawalli is not entitled to this village which should be handed over to the Sajjada Nashin on behalf of Timur Shah who has been appointed Mutawalli. The Sajjada Nashin should submit receipt of taking over this village. Should the dismissed Mutawalli show the Sanad of the Marathas it would not be relied upon as His Majesty has not granted any Firman in this behalf and also because the Mutawalli had obtained any fraud from the Marathas and by spending a large sum of money and was embezzling the income of the Dargah Sharif and committing breach of trust in respect thereof. He should not be given any credence. And as for some villages which the dismissed Mutawalli has given to some persons in permanent contract with a view to devour the income and fulfil his own object should be recovered from the contractors and whatever income thereof is found to be embezzled by the Mutawalli should be made good to the Sajjada Nashin and the said villages should be united to the Dargah and no body can take a contract permanent or otherwise except under the seal of the Sajjada Nashin because this right vests either in the Sajjada Nashin or His Majesty. According to Shariyat also the Sajjada Nashin has been conferred hereditary rights and powers by His Majesty since ancient times in respect of all matters property, Kothas, appointment and dismissal of servants Khadims and Shagird peshas, appointment and collection, granting and stopping rozina etc which he shall still continue to possess.

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4. The papers relating to the income and expenditure should be carefully perused and understood. Whatever the daily expenses of the Dargah be found to be in accordance with ancient usage and whatever may be appropriate and whatever darmahadaras and rozinadars may be found to exist according to ancient usage or royal sanad should be continued according to the decision of the Sajjada Nashin. And whatever new appointments and improper expenditure has been incurred should be abolished and the paper be handed over to the Sajjada Nashin. As a safe-guard against such repetition no change or reinstalment in future shall be made except under the sanad of His Majesty or Mirza Tamur Shah.

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TRUE - COPY

5. The amount of Foj kharch with which the Mutiwalli had illegally encumbered the Dargah and which is still being paid out of the income of the Dargah is merely abolished (and shall not be recovered either from the income of the Dargah or the person of the Sajjada Nashin.

6. The Nizam of Ajmer should always help the Sajjada Nashin and the abalkars of Mirza Timur Shah Mutawalli. He should always supervise the collection of cesses according to old custom and should see that the amin and Tehsildar appointed by His Majesty discharge their duties properly.

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Translation of Exhibit 37.

Ex. 37.
Copy of shugga of
His Majesty.

Copy of Shugga of His Majesty.

Whereas it has often been brought to the notice of His Majesty that the management of the Dargah Hazarat Khwaja Sahib is exceedingly bad and the cause of this mis-management is Aziz Ali Mutawalli and other members of the establishment employed in collection of revenue all of whom are dishonest and have introduced new matters involving expenditure according to their own discretion and created scope for various sorts of embezzlement. Therefore it is the practise of His Majesty to appoint a new Mutawalli whenever mismanagement or breach of trust takes place. Therefore and in accordance with this practise, we have removed Aziz Ali Mutawalli who was found to be dishonest from the management of the Dargah Sharif which is the seat of our preceptors and our ancestors and with a view to improve matters we have appointed Mirza Timur Shah as Mutawalli and Syed Mehdi Ali Khan as Naib Mutawalli in accordance with ancient usage and the Firmans of previous Emperors particularly of His Majesty (Jahangir) who rests in Paradise. And it is our desire that since due to the treachery and evil nature of the dismissed Mutawalli (who was addicted to bribes), the affairs of the Dargah were not managed properly, the management and decision of cases, should now be put right which is essential. Therefore this letter signed by us with a shugga contained herein is now sent to the fidvi khas (loyal servant) i.e. Resident Delhi, and it is directed that the original or copy of the directions be forwarded to the Resident of Ajmer along with this covering letter in which it should be laid down. Every direction should be faithfully carried out and the papers should be kept inside the kotha as usual and brought out only for the inspection of the Sajjada Nashin and our servant. Molvi Mohammed Khan who is being sent should be employed as Amin and Tehsildar and arrangement should be made according to what the said Amin and Diwan Mehdi Ali Khan should show. He (the Superintendent of Ajmer) should always supervise and help them and after every thing has been done to the satisfaction of the Sajjada Nashin His Majesty should be informed of it and let there be no sleckness in this respect.

True Translation,

(Sd.) Kameshwar Prasad,
Translator,
District Judge's Court,
Ajmer-Merwara, Ajmer.

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TRUE COPY
NOTARY AJMER INDIA

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دewan Syed Zainul Abedin

In the Privy Council.

Appeal No. 36 of 1945

ON APPEAL FROM THE COURT OF THE JUDICIAL
COMMISSIONER, AJMER-MERWARA, AJMER.

BETWEEN

Syed Asrar Ahmed son of Mir Nisar Ahmed, Mutwalli, Durgah Khwaja
Sahib, Ajmer.

(Plaintiff) APPELLANT.

AND

The Durgah Committee Ajmer, through the President.

(Defendant) RESPONDANT.

TRUE
NOTARY AJMER

Decided on 29th July 1946
A.I.R. 1947 P.C. 1

RECORD OF PROCEEDINGS.

the Mutawalli with Diwan Mehdi Ali Khan as his Naib, therefore it is intimated to our loyal servants that he should call to him the said Diwan (who is in every way competent to manage Dargah Sharif and being the Sajjadanashin all the Khadims and the public are satisfied with his ways) and communicate this order to him and establish the possession and right of appropriation or interference of the Said Diwan over all the villages and affairs of the Dargah relating to the office of the Mutawalli, and always give him assistance. Aziz Ali Mutawalli should be made to explain the accounts of the income and Tauliyat to the said Diwan. This order should be deemed urgent and acted upon so as to be the cause of our pleasure and a sign of the extreme loyalty and submission of the said servant.

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True Translation,
(Sd.) Kameshwar Prasad,
Translator,
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(Sd.) Amir Khan,
District Record Keeper, Ajmer.

Certified to be a true copy,
(Sd.) Nand Kishore,
Head Clerk,
Collector's Court,
Ajmer-Merwara.

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Directions according to the applications of Mehdi Ali Khan bearing the seal and signature of His Majesty addressed to Mr. Coolbrooke.

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Ex D. 36 & D. 37
Copy of Directions by
Emperor Akbar.

25/8/80

TRUE COPY

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3. The village Dantra is appointed for the maintenance of the Mutawalli. Whosoever is Mutawalli shall enjoy this village in lieu of his maintenance. It is not the personal property of the Mutawalli and shall not be mortgaged. If the mortgagee has any claim he should recover from the Haveli or other personal property of the Mutawalli. The dismissed Mutawalli is not entitled to this village which should be handed over to the Sajjada Nashin on behalf of Timur Shah who has been appointed Mutawalli. The Sajjada Nashin should submit receipt of taking over this village. Should the dismissed Mutawalli show the Sanad of the Marathas it would not be relied upon as His Majesty has not granted any Firman in this behalf and also because the Mutawalli had obtained by fraud from the Marathas and by spending a large sum of money and was embezzling the income of the Dargah Sharif and committing breach of trust in respect thereof. He should not be given any credence. And as for some villages which the dismissed Mutawalli has given to some persons in permanent contract with a view to devour the income and fulfil his own object should be recovered from the contractors and whatever income thereof is found to be embezzled by the Mutawalli should be made good to the Sajjada Nashin and the said villages should be united to the Dargah and no body can take a contract permanent or otherwise except under the seal of the Sajjada Nashin because this right vests either in the Sajjada Nashin or His Majesty. According to Shariyat also the Sajjada Nashin has been conferred hereditary rights and powers by His Majesty since ancient times in respect of all matters property, Kothas, appointment and dismissal of servants Khadims and Shagird peshas, appointment and collection, granting and stopping rozina etc which he shall still continue to possess.

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4. The papers relating to the income and expenditure should be carefully perused (and understood). Whatever the daily expenses of the Dargah be found to be in accordance with ancient usage and whatever may be appropriate and whatever darnahadars and rozinadars may be found to exist according to ancient usage or royal sanad should be continued according to the decision of the Sajjada Nashin. And whatever new appointments and improper expenditure has been incurred should be abolished and the paper be handed over to the Sajjada Nashin. As a safe-guard against such repetition no change or reinstalment in future shall be made except under the sanad of His Majesty or Mirza Tamur Shah.

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TRUE - CONT
NOTARY & JUDGE (IN CHARGE)



5. The amount of Foj kharch with which the Mutwalli had illegally encumbered the Dargah and which is still being payed out of the income of the Dargah is merely abolished and shall not be recovered either from the income of the Dargah or the person of the Sajjada Nashin.

6. The Nizam of Ajmer should always help the Sajjada Nashin and the ahalkars of Mirza Timur Shah Mutawalli. He should always supervise the collection of cesses according to old custom and should see that the amin and Tehsildar appointed by His Majesty discharge their duties properly.

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Translation of Exhibit 37.

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Copy of shugga of
His Majesty.

Copy of Shugga of His Majesty.

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True Translation,

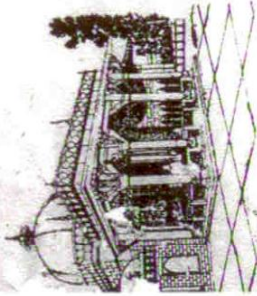
(Sd.) Kameshwar Prasad,
Translator,
District Judge's Court,
Ajmer-Merwara, Ajmer.



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On His Holiness Hazrat Khwaja Moinuddin Hasan Chishty's (R.A.) Service
(Dedicated to the Cause of Peace, Harmony & Love of the Mankind)

Office of the

Successors Great Grand Son & Hereditary Sajjadanashin (Gaddinashin)
Hazrat Khwaja Moinuddin Hasan Chishty (R.A.) Ajmer

Gadeem Haveli Dewan Sahib

Dargah Bazar, Ajmer-305001 (Raj.) INDIA

Ref. No. SAJ/75- [X] MIS-Khd/2-94
87-94

Dated 28th March '94

To,

Janab Tariq Anwar,
President,
Dargah Committee,
AJMER.

Janab Abdul Sattar, I.A.S.,
Nazim, Dargah Committee,
AJMER.

Sub: Lack of control and mismanagement in
Dargah Sharif, Ajmer.

I am directed by Sajjadanashin Sahib to inform you that the Khadims (chowkidars) of Dargah Sharif, Ajmer are misbehaving by way of loot, insult to the Pilgrims who visit Dargah Sharif, Ajmer. As, apparently no control and watch on their activities so they are encouraged to such an extent that they started disrupting & interfering in the religious functions in the presence of your supervisors and staff. If this will be the approach of administration than it would be very difficult to maintain dignity of religious functions and ceremonies.

II) The following instances/complaints which have brought to the notice by the pilgrims, relating to the religious matters, are as under :-

✓ 1) ^{Donations} Inside the Dome (Gumbad) of Hazrat Khwaja Sahib, these khadims (chowkidars) are misbehaving and asking ^(Nazars) even by force from the pilgrims, which is not in conformity to Islamic tenets. *Tenets*

✓ 2) Outside the Dome Khadims sit with the register and ask money for maintenance of Dargah, Degs, Langers, flowers, sandal, Electric, maintenance of widows, madarsa's, poor and like wise many purposes. As per Dargah Khwaja Sahib Act, Sec. 36 of 1955, no person other than Dargah Committee

only
committee, is authorised to take such offerings. As a matter of fact, the staff of Dargah Committee should be there to receive the offerings made *for such purposes* in favour of such reasons.

✓ 3).

The Chader and Nimas of 42 yards so offered by the Pilgrims is Dargah property however no staff has been deputed to receive the Ghader and Nimas of 42 yards ~~xxxxxxxxxx~~ for the use of Mazar Shareef.

✓ 4).

to the Committee
Many Khadims (chowkidars) of Dargah Shareef who used to write letters ~~to you~~ in the capacity of Gaddinashine of Khawja Sahib, Sahibzada, Descendants of Khwaja Sahib, Chief Moallim etc which is unlawful because they are simply Khadims/Chowkidars or attendants/Guards of the Dargah Shareef. Hence such letters are not required to be entertained and they should be asked to write their correct nomenclature i.e. Khadims/Chowkidars/Attendant Guards only.

✓ 4-1).

Besides whatever letters they are writing to the Pilgrims in India and outside, they are using the above nomenclatures and demanding money for various purposes whereas the nomenclatures i.e. Gaddinashine of Khwaja Sahib, Sahibzada, Descendants of Khwaja Sahib, etc can only be used by the Sajjadanashine Sahib and hence it is the responsibility of Dargah Committee, Ajmer to save the pilgrims from being Cheated by wide publicity in the News papers and also through letters to various embassy's ~~may~~ be given.

5).

parallel
the committee
As per customs and traditions prevailing since last so many centuries the prescribed functions can only be organised inside the Dargah Shareef, Ajmer at specific places. But it is observed that the Khadims (chowkidars) are organising the functions inside premises of Dargah, which were never organised in the past. This is not desirable. This is great Grand Father's Dargah of Sajjadanashine Sahib and any new function can not be permitted by ~~any~~ good self without the permission of the Sajjadanashine Sahib who is religious head of Dargah Shareef, Ajmer in religious matters and ceremonies and so it is not in order to breach the customs and traditions by Khadim (chowkidars). The Mahfil Khana can only be used for the purpose of Annual Urs of Hazrat Khwaja Ghareeb Nawaz (R.A.) Hazrat Khwaja Usman Harwani (R.A.) and other religious functions presided by the Sajjadanashin Sahib and not for any other purposes and by any other person.

✓ 5-1).
6x

encouraged
If such incorrect tradition will be encouraged, then the sentility of Dargah Shareef will be affected and any undesirable developments can take place inside the Dargah Shareef and for which Dargah Committee will be held responsible for such eventualities.

✓ 6)

Mis-use of Hujras:-

Basically the Hujras were built-up for the use of pilgrims to stay for short duration and not for use of Khadims (chowkidars). But could be seen that these Khadims (chowkidars) used these Hujras, not only for their residence purposes and also to run their offices which is not desirable. The religious place should not be converted as market as was already experienced at Golden Temple, Amritsar and Dargah of Hazrat Bal, Kashmir which resulted in mis-use of these places and hence it will be very much appreciated that inside Dargah Sharif area should be free from all these things which is not in conformity of religion.

7) The Big and Small Degs are generally cooked. The Pilgrim gives complete expences/expenditure of raw material but it has been represented by pilgrims to Sajjadanashin Sahib that the prescribed raw material ~~xxx~~ with quality is not ~~at~~ put in the Degs. This is because staff of Dargah committee is in collision with the Khadim, sub-standard degs are prepared.

8) The artical used at the time of religious ceremonies presided by Sajjadanashin Sahib should only be used for such ceremonies. These articals i.e. Gold and Silver Chobs. Silver Agardanies can not be used by any other either inside or outside the Dargah. But it is seen that from some time past, these articals are being used by Khadims(chowkidars) is not in order and in conformity with religious customs and usages prevailing since centuries but as a matter of fact this act of action is dishonour of Sajjadanashine Sahib of Hazrat Khwaja Garib Nawaz (R.A.). Thus it will be appreciated that henceforth no such permission should be granted the said articals for the use of Khadims(Chowkidars).

9) No speakers can be provided by any person including Khadim Chowkidars inside the premises of Dargah Shareef. The speaker can only be installed by Dargah Committee or by Sajjadanashine sahib and hence the Loudspeaker otherthan installed by Dargah Committee may immediately be removed so as to avoid nuisance.

10) The Ja-Namaz for the use of Sajjadanashine are required to be provided by Dargah Management, however at the time of "Eid-ud-Azha" the same was not provided for Sajjadanashine Sahib nor at the occasion of this "Eid-ul-fiter, the same has ben missing. At both the occasions, this was brought to your kind notice personally by Sajjadanashine Sahib even then no action has been taken against Dargah Staff who are responsible for these incidences nor advised any action taken.

11). The Qawwals are paid servant of the Dargah Committee and performing Qawwali for religious ceremonies. Number of times it has brought to the notice of ~~xxxxxxgaxxx~~ your supervisors, as well as Dargah that the Qawwals are not attending for Qawwali at Qutab Sahib's Chilla (This facts can be verified by yourself personally and confidentially), in Dargah Shareef they are singing the Qawwali even after indication given to stop the Qawwali by Dewan Sahib through Chobdars. Further only five Qawwals are permitted to sit in one Chowki as are paid servants but they are sitting 8 to 10 in numbers this has always resulted in disturbances during the Six days Mehfil & other likewise mehfls.

11-1). The qawal can not receive Nazar directly, the same should be presented through Sajjadanashine Sahib. It will, therefore, be appreciated that necessary suitable instruction/directions may be given not to repeat such instances in future and to attend with full party consisting of 5 in number at Chilla Qutab Sahib.

12). The three Agardanies are used in religious ceremonies and only maximum three Agardani-Bardars who are registered for service in your office but it could be seen that many times more than three Agardani-bardars are sitting which is not in order and creating unpleasant seen during the course of Mehfills. Please advise me the names of three Agardani-bardars who will sit for Agardani & Darogah should present to remove the unauthorised persons who used to sit near by the Agardanies.

✓ 13). It is seen that during the Urs of Hazrat Khwaja Sahib, Urs of Hazrat Khwaja Usman Harwani and other occasions the Khadims (chowkidars) are celebrated parallel functions not as per custom and usages of Dargah which is neither in order (being creating disturbances during Mehfills presided by Sajjadanashine Sahib) nor permissible as per tradition. Even if any religious functions are required to be celebrated, the permission is required to be granted by Sajjadanashine Sahib through your goodself.

✓ 14). Since no action has been taken by your goodself against these defaulters Khadims (chowkidars) they are being creating obstacle/disturbance during the Urs of Hazrat usman Harwani (R.A.) at the time of Qawwali on QUL-DAY i.e. 19.3.1994 at Mehfil-Khana.

15). As per religious Customs and Usages the Nazars are presented by audience to the Sajjadanashine Sahib who hands it to the Chobdars to be given to the Qawwals. Even after and in order to dishonour Sajjadanashine Sahib, Mr. Haleem Chishty Khadim Chowkidar and belong to family of Agardani Bardar Start giving Nazars directly to Qawwals deleberately, with malicious intention of outraging the religious feelings of Zaireens of India who were present in the QUL-MEHFIL. This has not only hurt the religious feelings of Sajjadanashin Sahib but all the pilgrims who were sitting in Mehfil-Khana.

16). It will therefore, be appreciated that Necessary action as outlined in the by-laws of Dargah Khwaja Sahib Act 1955, may be taken to avoid recurrence of such mis-happening in religious ceremonies.

17). The present supervisor is also Khadim (chowkidar) and not able to control above situation. Hence it will be appreciated if some suitable Ex-serviceman & other likewise personality is deputed for this Job.

✓ 18). Incorrect running of office inside Dargah Shareef by Khadim chowkidars:-

Number of times it has been advised by undersigned as well as by Sajjadanashine Sahib in person that as per Dargah Khwaja Sahib Act No.36 of 1955 as well as per By-laws no person or any Anjuman can run the office inside the Dargah Shareef, except Dargah Committee. The Khadim-chowkidars office (commonly called Anguman's office) also receiving money/Donations /offerings/ Nazars from the pilgrims for the same reasons as is