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Problems of Pirpul Estates: an Experience of Shah Mukhdum (Rh.) Pirpul Waqf Estate

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ABSTRACT *There are thousands of pirpul waqf estates in Bangladesh. Out of these only 201 estates are enrolled under the waqf administration. These estates originated in Bengal from the vast properties dedicated by the Mughal emperors, Turkish sultans and the then Muslim rulers of Bengal for the maintenance of Sufi, Saints who came to Bangladesh for preaching Islam. Pirpul waqf estates are of significance to the religious Bangalee. So, this article elucidates how satisfactorily the management and administration of these estates are going on under the existing Waqf Ordinance 1962. It also intends to identify problems surrounding the pirpul waqf estates throughout the country along with the reasons for failure of the Scheduled Dargah (Management and Disposal) Ordinance 1989 and of the Schedule Dargah (Management and Disposal) Act 1990 for governing the management of dargah/mazar waqf estates. This article explores overall situation of management of pirpul waqf estates in Bangladesh with special reference to the Shah Mukhdum (Rh.) pirpul waqf estate in Rajshahi. Existing pirpul waqf estates have vast incomes from dedicated properties and Nazars. Ensuring proper utilisation of these estates more welfare activities can be undertaken for the poor and distressed Muslims of the country. So, this article suggests new legislation for removal of discrepancies and to ensure effective management and administration of the pirpul waqf estates in Bangladesh.*

KEYWORDS: *Pirpul estates, waqf estates and waqf ordinance.*

1. Introduction

Before the conquest of Bengal by the Muslim rulers, the *Sufi, Saints* came to Bangladesh from Middle-East for preaching Islam. Their religious, social and cultural recognition, equal ideology, motionless faith to the unity and divine power of God attracted the persecuted people of Bengal and they became fascinated to Islam. Truthfulness, honesty and simplicity of those *Ulema, Sufi and Saints* not only influenced the general mass of Bengal but their sacrificing

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notion to human and benevolent characteristics also influenced the Muslim rulers during the period of Mughal and Sultan. Mughal emperors and Turkish sultans were very much pious and religious. For this reason they behaved respectfully with the *Sufi, Saints* who came to Bengal for propagating ideals of Islam. These *Sufi, Saints* were as intervene between the general mass and Muslim rulers of that period. The then Muslim rulers held high spiritual esteem to the *Sufi, Saints* at that period and dedicated vast properties for their maintenance. Thus, from these dedications a large number of pirpul waqf estates originated in Bangladesh.

Waqf estates in Bangladesh including pirpul waqf estates are administered by the Waqf Ordinance 1962. Regretfully this Ordinance does not contain any special provision for governing the existing pirpul waqf estates. As per census of waqf estates conducted by the Bangladesh Bureau of statistics in 1986, the total number of enrolled pirpul waqf estates under the control of the Waqf Administration is 201(BBS 1987: 79).

As per the Waqf Ordinance, the waqf administrator may, by notification in the official gazette take over and assume the administration, control, management and maintenance of any Shrine, dargah/mazar waqf estates and if it considers, for the betterment of those estate, may appoint a managing committee. Pirpul waqf estates in Bangladesh are suffering from various complexities throughout the country such as adverse effect of land reforms laws, illegal occupation by the grabbers, rival competition for the post of mutwalli, misappropriation of the earnings, gathering of vagabonds at the dargah compound etc. To end these malfeasance and mismanagement a new legislation is imperative. Because through proper utilisation and appropriate supervision, the income of these estates could be used for development of Islamic society, mass literacy and welfare of the poor and distressed.

2. Legal Regime for Management of Pirpul Waqf Estates

To ensure better management and administration of the pirpul estates the Scheduled Dargah (Management and Disposal) Ordinance 1989 was promulgated by the Parliament. The Ordinance was given overriding effect and section 3 provided that the provisions of the Ordinance shall have primacy over any deed of waqf or trust, any contract, custom or legal decisions relating to any trust or waqf. Challenging this overriding effect 29 writ petitions were filed in the High Court Division (HCD) alleging that the provision of section 3 was in direct conflict with the concept of Muslim waqf (Central Waqf Office: 10).

In Muslim waqf, the waqif dedicates properties with an intention of gaining swab and usually makes all instructions for governing the waqf estates describing objects through the waqf deed. As per the Muslim personal law, waqf estates are administered in accordance with the conditions of waqf deed and intentions of waqif. Under the doctrine of *Cy-press* the intention of waqif should be accomplished to the best possible extent mentioned in the waqf deed. Moreover, section 27 and 28 of the Waqf Ordinance 1962 provides that the waqf administrator and waqf committee will ensuring that the waqf properties and income thereof are applied for the purposes for which such waqfs were created; and, the administration of waqf will be directed in a manner consistent with the terms and conditions of the waqf deed or the intentions of the waqif.

In the HCD, it was alleged that the overriding effect of the Ordinance violated the spirit of Muslim waqf as it ousted the intentions of the waqif as expressed in the waqf deed. In response to the writ petitions, the HCD stayed operation of this Ordinance. Meanwhile the then Minister for Religion sought permission from the Parliament for raising further bill on Scheduled Dargah (Management and Disposal) Act 1990.[1] The Parliamentarians objected the bill stating that as the matter was under trial in the HCD, no parliamentary discussion on it could be continued. But the Minister for Religion argued that Bangladesh is a country of *Pir* and *Sufi, saints* and the people of this country are very much religious minded. They devote their veneration in favor of dargah by dedicating property, money, domestic animal, and other things as *Nazrana*. The Minister desired to capitalise this income for improvement of Islamic environment inside the dargah, for mass literacy, rehabilitation of distressed, vocational and technical training etc.

However, to ensure management and administration of scheduled estates only, the Scheduled Dargah (Management and Disposal) bill 1990 was turned into Act by the Parliament.[2] Soon after the Act came into being, around 201 dargah

[1] Parliamentary debate on Scheduled Dargah (Management and Disposal) Act 1990, Part - II, volume-II, 1990.

[2] The Parliamentary debate on Scheduled Dargah (Management and Disposal) Act 1990 on 30 January 1990, Part II, volume-11.

waqf estates throughout the country filed writ petitions in the HCD challenging different provisions. They argued that:

> So called Scheduled Dargah (Management and Disposal) Act 1990 only included 148 Dargah/Mazar waqf estates for governing the administration of these estates. But no indication was found in this Act about rest of the dargah/mazar waqf estates. There was also no provision inserted in the said Act about the qualification and experience of the committee member constituted under this Act. Committee formed under this Act, if wished, might suspend the mutwalli of the committee at any time. Apart from these there is no indication about the trench in which income derived from different source will be used for the philanthropic purpose of said dargah/mazar waqf estates together with the development of the poor and distress people of Muslim Community.

Upon hearing the HCD stayed operation of this Act and at present the management of pirpul waqf estates is being administered by the Waqf Ordinance 1962.[3]

2.1 Administrative mechanism for management of pirpul waqf estate

As per section 34 of the Waqf Ordinance 1962, the waqf administrator may assume or take over the charge of the administration of any dargah and may appoint a managing committee for the better management of such estates. But the Act does not prescribe any qualification for committee members and concerned Deputy Commissioner of District or local MP becomes chairman ex-officio. As they are busy with their scheduled works they are incapable to take any effective measure for development and welfare schemes of the dargah/mazar waqf estates. Another omission in the Ordinance is that there is no indication that one or more members of the dargah management committee must have knowledge on Muslim Law and Shariat.

It is worth mentioning that the pirpul waqf estates that are governed by the mutwalli facing difficulty because of continuous competition for the post of mutwalli. So it should be appropriate to hand over the charge of the big estate of pirpul waqf to the management committee appointed by the Administrator.

For administering office of the big dargah estates additional recruitment is needed in many cases. However, as there is no provision for recruiting staffs

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[3] Information and documents have been collected from Central Waqf Office, Nabab Catra, Nimtali, Dhaka.

of dargah, sometimes management committee without considering the qualifications recruits their liking persons for looking after the account and other management of estate who later prove themselves officially inefficient.[4] Again, the dargah managing committee offering a sub standard salary to the staffs which is one of the reasons for causing misappropriation of offerings presented to the tomb of holy saint. The 1962 Ordinance contains no penal provision to address misappropriation of dargah fund neither prescribes procedure for recovering the grabbed money or property. So, misappropriation of fund by the staffs is a common phenomenon in most of the dargah waqf estate.[5] Thus, to prevent mal-administration and malfeasance against the dargah estates throughout the country a comprehensive legislation covering the shortcomings of the Waqf Ordinance 1962 is imperative.

2.2 Problems relating to land property of pirpul waqf estate

Since most of the pirpul waqf estates were established before centuries, land title documents are rarely found. Taking advantage of documentary shortcomings encroachers are grabbing pirpul properties with the help of land administration and waqf management committee (The Daily Star 2003). In most cases it is not possible to recover these grabbed lands due to dilatory process of civil litigation and bar by law of limitation.

Vast land properties were dedicated to the dargah by Mughal emperors, Turkish sultans and individuals as well. When the Zamindari was abolished by the State Acquisition and Tenancy Act 1950, a vast agricultural land was acquired by the government and the annuities which were paid in exchange were very low, besides annuities which were payable for the land property of dargah estates were not given properly. As a result the religious and charitable work of these pirpul waqf estates suffered.

Controversy over the Nazars in favor of Tomb of Holy Saint

Out of 201 pirpul waqf estates some estates are small in size and they don't have any own properties. *Nazars* or *offerings* coming from different sources

[4] The Resolution of the meeting of the Biraldah Mazar Waqf Estate, Rajshahi, dated 18 May 2004.

[5] The resolution of meeting of the Mazar Committee of Biraldah Mazar, Rajshahi, no.-73, dated 15 March 1993. The Report of the Enquiry Committee submitted to the Mazar committee by the Additional Deputy Commissioner, Rajshahi on 24 November 1998, Memo No. Admin Raj/Dated Shah/88/ShU.

are the main income of these estates. In spite of having own properties of big estates of pirpul waqf, *Nazar* presented by the devotee is the major source of income of these estates. *Nazar* means vow and oblation given in the name of God, the Prophet or some Muslim *Saint* (Sahih Bukhari p-364). The rationale behind these *Nazars* is that these are for *Allah* aimed at giving *swab* (religious recompense) to the saint's soul (Hughes 1935: 249).

However the right to solicit and receive contribution and *Nazar* has been the subject of conflicting claims. Claimants of this right are the *khadims*, the dargah managing committee and the *Sajjada*. The *Khadims* and *Sajjada's* claim mainly based on religious and historical grounds and also on judicial interpretation given by the Privy Council. For the first time, the right of the dargah managing committee to a share of the Nazar was established by the Privy Council in the case of *Syed Altaf Hossain v. Diwan Syed Ali* (AIR 1930). The Privy Council observed that, 'a distinction must be drawn between the category of *Nazar* or contribution *Snel* as *Qabar Poshes*, which are presented for the use of the dargah and other offerings which are made at the dargah'. While the offering belonging to the latter category may be divisible between the *Sajjadanershin*[6] and the *Khadims*, those made for the specific use of dargah are property of the dargah and should go to the committee (Ali 1985: 142). Distinction between above two kinds can only be made only after ascertaining whether the donor had intended the *Nazar* to be used for the dargah or for *Khadims*. But such determination is not an easy task and involves serious difficulties. The donors usually come to dargah for a short visit and thereafter not to be easily found to testify their real intention. In this matter, Ghulam Hasan Inquiry Committee of Dargah Khwaja Saheb Ajmer, India, submitted a report to the state government whereby they recommended that:

> *Nazars* whether cash or kind made at the Dargah either inside the dome of at any other place within the precepts of the Dargah shall be the exclusive property of the Dargah without any right of co-share in any *Khadim* and other persons. *Nazars* and contributions for specific charities shall be collected in boxes and kept by the manger under the orders of High powered committee at appropriate places appointed by it and no person,

[6] *Sajadanashin* literally mean religious and spiritual head of any religious institution such as Khankah, Dargah/Majar etc. In the office of Dargah, the Mutwalli was made responsible for the secular administration and management of the endowed properties and religious duties.

> whether *Khadims* or any other shall ask for or receive any *Nazars* in cash or kind from any visitor within the precincts of the Dargah (Inquiry Committee 1949: 59).

Field study in few dargah/mazar waqf estates reveals that managing committee of the big pirpul waqf collects *Nazars* and contributions for specific charities. Chairman of the committee in a fix day of a week open the box in front of the member of the committee and deposit it in Bank.[7] Though the main intention of the devotee is gaining *swab* by presenting *Nazars* to the tomb of holy *Saints* for the philanthropic use of dargah, it is observed that nearly whole amount of *Nazars* or offerings are used exclusively for the management of these dargah, philanthropic use is hardly comes to view (Inquiry Committee 2005: P-4).

Begging in the Dargah Premises

Beggars of all kind infest the dargah and cause a great nuisance. Presence of goons and vagabonds inside the dargah compound is a serious problem because of their illegal activities. Beggars with virulent diseases begging or loitering within the dargah premises should be evicted. Management system of most of the dargah committees is weak and in most cases they fail to handle them properly.[8] The managing committee neither provides them any shelter nor prohibits their entry into the dargah premises. Such committees even fail to solve very elementary problems like sanitation and water supply for the general visitors.

Out of 201 registered dargah/mazar waqf estates only 5 estates are situated in Rajshahi district. From the case studies of Hazrat Shah Mukhkdum Rupos (R.) Dargah public waqf of Rajshahi it would be possible to draw up an idea of problems surrounding dargah/mazar waqf estates throughout the country.

3. Hazrat Shah Mukhkdum Rupos (Rh.) Dargah Public Waqf Estate

For preaching ideals of Islam many *Pir, Murshid, Sufi and Saints* came to Bangladesh from Baghdad. Hazarat Shah Mukhdum Rupos (R.) was prominent among them. His original name is Syed Abdul Quddus - *Rupos* is his designation - a Persian word (Kashem 1995: 66). The Saint was born in or about 615 A.H. in Bagdad. From 687 A.H. to 713 Shah Mukhdum (Rh.) was

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[7] Information collected from the spot inspection of the office of the Dargah/Mazar waqf estates in Rajshahi District on 18 April 2005.

[8] Information have been collected by spot visit of certain Dargah/Majar waqf estates.

engaged in propagating Islam in Bangladesh. Before his death Shah Mukhdum (Rh.) through an *asiatnama* appointed Shah Jalil, Shah Níamat and Shah Daud as Khadims of his Dargah (Ahmed 1995).

3.1 Administration of Shah Mukhdum (Rh.) pirpul waqf estate

Shah Mukhdum pirpul waqf estate was governed by the mutwallis. Shah Nur, son of elder brother of Shah Mukhdum (Rh.) was the first mutwalli of the waqf estate. On the death of Zahoorool Hossain the last mutwalli, several persons made application to the District Judge for the post of mutwalli of the estate attached to the Dargah at Rampur Boalila, Rajshahi (Judgment of the District Judge 1904). At that moment a furious competition took place among the descendants and other relatives of Zohoorool Hossain for the post of mutwalli, along with a controversy regarding the nature of Shah Mukhdum (Rh.) Dargah - whether it is public or private waqf estate (Ahmed 1995).

It was admitted that the original waqf deed was not in existence. Evidence showed that this endowment was created over 450 years ago. There was absolutely no evidence showing that it was a waqf of a private nature. Those who alleged it to be a private waqf had not produced any document of ancient date or any oral evidence of a reliable character, in support of their allegation.

The court observed that as per the principle of Mohammedan law waqf property dedicated for religious purpose is inalienable. When a property is dedicated to waqf, no one has any right to deal with it as a private property. Even a mutwalli or superintendent of a waqf property cannot alienate it or mortgage it, or in any way encumber it, or grant long leases of it. So, the court finally denied all claims of descendents and successors of previous mutwalli Zohoorool Hossain over the waqf properties holding the waqf public in nature (Judgment of the District Judge. 1904).

3.2 Creation of trustee board for Shah Mukhdum (Rh.) dargah estate

Following the judgment, the District Judge constituted a Board of Trustee consisting of three members such as (i) Mohammedan officer (superior or ministerial) attached to the civil court here drawing the largest pay, (ii) Mohammedan officer (superior or ministerial) attached to the collectorate here drawing the largest pay, and (iii) Secretary to the Mohammedan Association at Rajshahi for the time being (Kashem 2010: 230). Thus the property of Shah Mukhdum waqf estate was being managed by the trustee board.

On 14 November 1930 Kobad Ali Mia and some residents of Dargah Para, Rajshahi submitted a petition to the Additional District Judge court Rajshahi praying to have two new trustees appointed to the Shah Mukhdum waqf estate (one will be shia and another will be Taziadar Sunni Muslim). They also alleged that the trustees of the Board did misfeasance and neglect of duty against the estate. However, allegations were proved unfounded and on completion of hearing the court in 1930 accepted the claim for Sunni member even though it rejected claim for inclusion of Shia member in the Trustee Board.[9]

4. Abolition of the Trustee Board and Creation of Governing Committee

After 1947 the Board of Trustee gradually failed in performing duties of the dargah estate. Subsequently the Waqf Ordinance 1962 was promulgated and the office of the Waqf Administration was transferred from Kolkata to Dhaka for governing the administration and management of all waqf estates. Then, Khandakar Syed Rashan Ali, a resident of Dargah Para, Rajshahi submitted a written complaint to the Waqf Administrator of the East Pakistan against the trustee Board.

Khandakar Syed Rashan Ali alleged that the Subordinate Judge instead of District Judge, Deputy Magistrate instead of District magistrate, Sherestadar of District Judge court performed the duties as Nazir. On account of the allegations an audit team of Waqf Administration visited Rajshahi on 7th and 8th April 1962.[10] Upon enquiry, the Waqf Administrator found authenticity of allegations. Neither the District Judge nor the Deputy Commissioner was willing to function as trustee due to time constraint but the Subordinate Judge was willing to function as such. The Waqf Administrator also observed that the Sherestadar of District Judge office was not the Taziadar Sunni Muslim. In this backdrop, the Waqf Administrator under section 34 (1) of the Waqf Ordinance 1962 declared abolition of the Trustee Board, assumed the administration, control, management and maintenance of the waqf estate,

[9] Kobad Ali Mia & others v. Mubarak Ali Khan & others suit No. 8 of 1924 Waqf in the Court of Additional District Judge of Rajshahi.

[10] Information have been collected from the Report of the audit team of Waqf Administration about Shah Mukdum (Rh) Public Waqf Estate, pp-3,12.5.1962, preserved in the office file of the Waqf Office, Dhaka. Dated on 02.10.2005.

dargah, mosque and imambarah ground from 15 May 1962 and appointed a management committee in this regard.[11]

The waqf administrator also decided that regular account of daily income from *Nazar* of Mazar and Imambarah ground should be maintained and the Khadim should be paid 10% (ten percent) of that income. The Nazir should be vigilant that the *Nazar* is not directed or misappropriated by any individual for personal benefit. The committee should see that commission on account of *Nazar* and *salamy* charged and realised by Nazir was refunded to the estate in form of monthly installment starting from 1 May 1962. Accountant of this office obtained fund from the Deputy Commissioner's Office.[12] Any person having any interest in the dargah was barred from becoming member of managing committee. At present the post of Nazir is replaced by the Superintended/Manager to carry on day to day administration.

4.1 Function of the dargah committee

Dargah committee administers the overall management of the Shah Mukhdum (Rh.) estate under the Waqf Administration. In case of recruiting staff and official of the dargah estate, fixing their salaries and so on, the management committee plays an important role. Dargah committee takes all the decisions for disposal of property estate. In relation to any development scheme decision of the committee is final. The Manager or Superintendent of dargah discharges his duties as a supervisory officer. He does not have any power to take any important decision as to the estate without approval of the committee.[13]

4.2 Properties of dargah

It has been mentioned that over the ages vast properties were dedicated to Shah Mukhdum Dargah by many individuals. At present land properties of dargah estates amounts to 212.78 acres. Of this property, 154.67 acres of land are dilluviated into Padma river.[14] Other properties of the dargah estate are

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[11] Information have been collected from the office file of Waqf Office,15.05.1962, Dhaka dated on 02.10.2005.

[12] Memo No-8429 Dated 10 May 1962 copy forwarded to Mr. Kazi Shamsuzzoha, Nazir, District Judge Court, Rajshahi for information and guidance.

[13] *History and Heritage of Shah Mukhdum Rupos (Rh.) Public Waqf Estate (1995)*, Published by Project Committee Rajshahi City Corporation. Pp.176--177

[14] Information have been collected from the personal interviews of the staffs of the Shah Mukhdum Dargah estate and documents preserved in the office of Dargah on 10 August 2005.

graveyard, two storied building situated at Shaheb Bazar Rajshahi, Central Edgah Moidan, ground in front of dargah estate, dargah compound, two brick building, dargah mosque and land properties.

4.3 Income source of dargah waqf estate

Due to the State Acquisition and Tenancy Act 1950, rent receiving interest of Shah Mukhdum waqf estate is abolished. So, main income source of the estate are *Nazars* and offerings, lease money, rent of the properties of the dargah etc. However, major portion of income comes from *Nazars* and offerings presented by individuals to show their respect to the tomb of *Saint*. The amounts of Nazar actually received by the dargah committee in 5 years are shown below:

Table -1: Income Source of the Shah Mukhdum (Rh.) waqf estate

Income From *Nazar*				
Year	**Mazar Box**	**Mosque Box**	**Jumma Day**	**Eid Prayer**
2007-08	11,37,807	59,112	1,05,650	16,022
2008-09	13,11,315	77,195	1,62,788	14,310
2009-10	17,07,347	98,992	2,70,900	16,630
2010-11	20,18,391	2,09,399	4,48,571	22,100
2011-12	23,62,698	2,61,377	4,99,871	19,511

Income received from different sources are used for payment of the staffs and officials of mazars, boarding charge of madrasha, development of mazar and mosque of dargah, celebration of Islamic ceremonies, cost of annual ourush sharif and cost of office management and stationeries etc. Meeting all the cost of dargah no surplus is rest, that's why no development project for the welfare of poor and distressed Muslim is possible by the dargah committee. Table 2 shows the actual situation of the dargah fund during the last five years.[15]

Table 2: Income and expenditure of Shah Mukhdum (Rh.) dargah estate

Year	Income	Expenditure
2006-2007	15,64,619.00	15,14,059.00
2007-2008	18,97,477.00	20,25,690.00
2008-2009	22,97,567.00	21,18,569.00
2009-2010	28,73,565.00	24,18,950.00
2010-2011	36,12,466.00	29,67,171.00
Grand Total	1,22,45,694.00	1,10,44,439.00

4.4 Problems of the dargah estate

Since there is no existence of actual waqf deed of Shah Mukhdum waqf estate it is difficult to assume the actual area of land under the jurisdiction of estate. It is known from history and heritage of Shah Mukhdum that total land properties of dargah amounts to around 1200 bighas out of which only 212 acres of land are now under control of the dargah estate.

4.5 Effects of land reform laws

After the State Acquisition and Tenacy Act 1950 came into being the rent receiving interest of the Hazart Shah Mukhdum (R) waqf estate was abolished in 1961. However it is a matter of regret that no annuity was paid to the dargah estate in exchange. The Trustee Board of the dargah directed the Secretary and Advocate of the estate to take necessary steps to realise annuity from the Collector.[16] But no result came out.

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[15] Information have been collected from the personal interview of the staffs of the Shah Mukhdum (Rh) Dargah estate and documents preserved at the office of Dargah on 10 September 2012.

[16] The Resolution of the Dargah committee, dated 14 March 1973.

Meanwhile, for construction work of the mosque of dargah more than one lac taka was required but the fund of dargah was exhausted by then. Dargah committee observed that this work could be completed if the compensation money amounting to more than taka 84,000/- and the annuity amounting to around taka 12,000/- could be drawn from the government at an early date. Hence, Advocate Golam Rabbani and Md Ahsan Ali took initiatives to expedite disposal of appeal case no 94/1974 pending in HCD against the award of compensation given in arbitration case No. 18/1970 and also to get the annuities at an early date.[17] Subsequently in annuity case Additional Deputy Commissioner (Revenue) decided to pay a total of taka 59,704/- to the dargah estate annually.[18]

Again, under the Emergency Requisition of Property Act 1948, 0.94 acres of land was acquired by the government for setting up the office of Fire Brigade and it was decided that taka 77,914.32/- would be paid to the dargah estate as compensation. On behalf of the dargah estate the estate's lawyer raised objection and an arbitration case miscellaneous case no- 18/1970 was filed to the judge court, Rajshahi. In this case it was ordered that taka 124,589/- would be paid to the dargah as a compensation instead of 77,914.32/= taka. Dargah estate filed appeal to the HCD against above mentioned order. The HCD at Dhaka upheld the Arbitration order. Superintendent of dargah estate informed that, of the compensation money, only taka 42,389/- was paid to the dargah and the rest amount remain unpaid in spite of repeated communication with Director of Fire Brigades, Dhaka.

4.6 Illegal occupation in Shah Mukhdum dargah waqf estate

Siraj Mahal a property of dargah over 0.0315 acres of land was rented at monthly taka 400/- but, the tenant did not pay rent as per agreement. Dargah committee then filed a case for eviction but unable either to resolve the eviction case or to recover the land from tenant. Again, 0.5662 acres land of dargah situated in Horogram mouza, Raipara is in illegally occupation of a lease holder since 1998. The dargah committee made a petition for eviction to

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[17] Resolution of the meeting of the Dargah Committee dated 5 August 1978.

[18] Resolution of the meeting of the Dargah Committee dated 29 January 1988.

the ADC (Revenue) which awaits disposal.[19] Therefore, dargah committee should take more fruitful steps for recovering property of dargah Estate.

4.7 Vagabonds and beggars at the dargah premises

Unnecessary movement of vagabonds and beggars at the dargah compound is a common picture of every dargah and Shah Mukhdum Dargah is not exception to this. Having no provision in the Waqf Ordinance for restraining the nuisance created by the vagabonds and beggar at the dargah compound, the managing committee is unable to prevent begging and squattering in dargah premises. In the meeting of the trustee Board, a decision was taken to request the Rajshahi Police Commissioner for taking legal action to maintain law and order in dargah premises.[20] Even then dargah committee could not stop the entry of the squatters into the premises.

Another complexity arises due to stay of the *Mastan* in the dargah compound. The morals and life style of the *Mastan* is highly objectionable in the eye of *Shariat* or Islam particularly for their dress and addiction to drugs etc. As the neighbors and visitors complained against *Mastan*, the dargah committee to maintain peace and order in the area directed the *Mastans* to leave the compound immediately. The meeting further resolved no to allow any Mastan/Zearatkari to stay in the dargah.[21]

4.8 Others problems in dargah estate

Selling of religious books by unauthorised vendors, collection of subscriptions and *Nazar* from the visitors without any receipt and also showing of lower value in place of original collection of offerings are diminishing the high values of dargah. Locker of the Mazar normally fills up at the end of the month, as a result it is observed that somebody easily take out currency notes through the lockers hole by using stick. To stop this malfeasance the Dargah committee decided to take legal action.[22]

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[19] History and Heritage of Shah Mukhdum Rupos (Rh) Public Waqf Estate (1995), published by Project Committee City Corporation, Rajshahi, p-152.

[20] Resolution of the Trustee Board of Shah Mukhdum (Rh.) Public Waqf Estate dated 2 November 1993.

[21] Resolution of the Dargah Committee dated 20 September 1985.

[22] *Resolution -26 of the Dargah committee, Shah Mukhdum (Rh.), Waqf Estate, Rajshahi,* Date: 19.10.1990.

5. Conclusions

Discussions made above show that the administration of the pirpul waqf estate is far from being satisfactory. It fails to solve the complexities arising from pirpul waqf estates throughout the country. The Waqf Ordinance 1962 is not equipped enough to address the evils surrounding the management of dargah estates. This article demonstrates that the vast income of dargah/mazar waqf estates is mainly spent on unproductive purposes. Statistics presented in tables regarding income and expenditure of Shah Mukhdum (Rh.) public waqf estate clearly shows that there is ample scope to reduce these expenses and to save money for welfare of the distressed Muslims. This article expresses that a major portion of *Nazar* or income is appropriated for the office management of the dargah. *Nazar* made at the dargah and incomes from other sources belong to the dargah and should be invested for alleviating suffering of marginalised Muslims.

When rent receiving interest was abolished by the State Acquisition and Tenancy Act 1950, annuity was fixed for the dargah estates affected by it. However, most of the estates are yet to receive annuity. So, the government should take urgent initiative for disposal of this annuity. A major portion of properties belonging to dargah estates have been illegally grabbed. Management committee of pirpul waqf estates also should take effective step to regain these properties.

The pirpul waqf estates have very distinct socio-economic values in Bangladesh. So, an updated and independent legislation for administration and management of these estates is imperative. Experience shows that previous initiative for a separate legislation for dargah/mazar waqf estates was futile due to internal shortcomings and reaction of stakeholders. So, legislative initiative if any in future must correspond the views of the stakeholder like - mutwallis and managing committees.

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