

A STUDY ON MOSQUES AND DARGAHS IN BARAK VALLEY: THE MYTH AND REALITY WITH SPECIAL REFERENCE TO CUSTOMARY LAWS

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ABSTRACT

In North East India, a varied number of tribes and non-tribes live. They have their own distinct cultures, own social customs, religious beliefs, own languages, own traditional dress, complexes, and social trends. The history of Muslims of Barak Valley is important for a comprehensive history of Assam. From the ancient times, Muslims believe that Mosques and Dargahs as religious institutions and the customary laws play an important role in Mosques and Dargahs of Barak Valley. Customary law is not a judicial law but it is also an art of society and local administration. The present study attempts to understand the religious institutions in the Barak Valley is a simple Islamic doctrine of peace, equality, fraternity, and common brotherhood and their disciples demonstrated in public and practiced in their social life. Mosques and Dargahs are religious institutions and customary to man and materials to accomplish a purpose. As we know, when people live together, social problems arise in society. The activities of man in society are to be properly organized and managed. Without proper organization and management, it would become difficult for men to live together. Mosques and Dargahs are therefore a necessary activity of religious human grouping. It is called the technology of social relationships. It involves customary law and rational organization of man and material. The administrative framework of Mosques and Dargahs of Barak Valley is based on democratic principles. The administration runs by the involvement of the concerned committee on democratic setup. Every Mosques and Dargahs has a managing committee to look after all affairs of the institutions. The committee headed by a President and a Secretary to look after all the required affairs for the development and smooth functioning of the administration.

KEYWORDS: *Mosque, Dargah, Barak Valley, Muslim, Managing Committee, Customary Law*

INTRODUCTION

Assam is geographically divided into three parts: (i) Brahmaputra Valley (ii) Barak Valley (iii) Hilly region comprising two districts of Borail Range. The Barak Valley is known as south Assam, located in the southern region of the Indian state of Assam. The region is named after the Barak River. It consists of three administrative districts of Assam viz-

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Cachar, Karimganj and Hailakandi.⁴Concerning the historical background of Barak Valley, the great Sufi Saint Shah Jalal *Mujarrad* arrived at Sylhet in the early 14th century that marks a milestone in the history of Barak Valley. Customary law is seen in existence in the administration and running of the Mosques and Dargahs of Barak Valley. It forms the basis of administration and functioning of the Mosques and Dargahs of the region of Barak Valley. At the local level, it provides internal regulations for Mosques and Dargahs. It is easy to apply customary laws in cases like committee formation, inheritance rights and to the land-related questions and source of fund collection and utilization of collected funds of Mosques and Dargahs. Customary laws prevailing in the Mosques and Dargahs of Barak Valley are inexpensive and easily excessive. Customary laws are good as justice is delivered by it without delay and with less expense. Its influence is found in many areas of functioning of the Mosques and Dargahs of Barak Valley. Thus, it plays a crucial role in defining the powers, functions, and activities of the Mosques and Dargahs of Barak Valley. Customs prevailing in the Mosques and Dargahs of Barak Valley is ancient and immemorial in origin, reasonable in nature and continuous in use and certain among others. These customs are recognized as major sources of law under the Indian legal system and constitution. The courts of India have also recognized them as law for the Mosques and Dargahs related peoples of Barak Valley; their own customary laws are their primary source of laws and have increasing relevance for areas of formal laws of the Mosques and Dargahs of Barak Valley. This research paper would try to emphasis the need of understanding customary laws prevailing in the Mosques and Dargahs in Barak Valley and also to discuss the different structures and approaches of Mosque and Dargah related justice system along with the regular justice system.

OBJECTIVES OF THE STUDY

- To study the customary practices attached to the administration of the institutions.
- To study the customary rules and regulations of the institutions which influence in the community life
- To study the community development programmes attached to the institutions.

REVIEW OF LITERATURE

Assam has been a Centre of Sufis and Sanyasis from time immemorial. They left a vast legacy behind them and particularly their shrines (Dargahs) which were later on built-in memory of these departed souls attracted the attention of the scholars and historians. Consequently, in spite of difficulties and the paucity of sources, a number of works have been published on the advent of Sufis and their activities and the Mosques developed along with the Shrines. Among them mention may be made of the work of S.L. Baruah's A Comprehensive History of Assam, Malik Mohamed's The Foundations of the Composite Culture in India, Edward Gait's A History of Assam, Mohd. Assad UzZaman's Sufi Tradition and Culture, Kamaluddin Ahmed's Karimganjer Itihas, Achyut Charan Choudhary's Sreehatter Itibrita, Mohammed Yahya Tamizi's Sufi Movements in Eastern India and so on., Barak Valley of Assam also witnessed a good number of Sufis coming from distant parts of India. With Sufis, many Mosque and Dargahs were set up. But the literature so far have been published is not sufficient to discuss in details on the theme. More historical facts and valuable information on the subject is still untouched. It is out of the historical enquiry, the present scholar has undertaken the topic

⁴ Bazlur Rahman Khan, Assam Muslim History: A Brief Outlines, This small piece of writing encompasses Muslim history from beginning to colonial period and geographical –historical realities that shaped Muslims destiny in the page of history, 2012, P. 2.

titled as “A Study on Mosques and Dargahs in Barak Valley: The Myth and Reality with special reference to customary laws.”

METHODOLOGY

The study is basically descriptive and exploratory research. To fulfill the objectives, a deliberate review of the literature has been conducted. In this study analytical method is followed and thereby visited archives, record rooms, libraries and undertaken extensive fieldwork through interaction with personalities connected with the study. Subsequently, both primary and secondary sources were explored and analyzed to complete the study.

GENESIS OF THE INSTITUTIONS OF MOSQUES AND DARGAHS IN BARAK VALLEY

Mosques in Barak Valley started in 14th century A.D. when Hazrat Shah Jalal sent his followers or companions to the various places of this greater region for spreading Islam. As a result, Islam spread out and expanded during his lifetime to the interior places like present Badarpur and its surroundings. Hazrat Shah Diyauddin, according to the local sources, reached to Bundashil and started religious preaching. His practices of Islam along with other four companions were miraculous and spiritual activities greatly attracted the local people who were inspired and converted to Islam under their guidance. The light of Islam thus spread out in the remote region of Bundashil and its nearby areas. Subsequently, a Mosque was constructed at Bundashil by Shah Diyauddin to make room for the religious performance of newly converted Muslims of this region. So, Bundashil Mosque is believed to be the first Mosque in Barak Valley.⁵

Gorekafan Jame Masjid, located near Bundashil was established during the first half of the 14th century A.D. by Hazrat Shah Sikandar, one of 360 renowned companions of Hazrat Shah Jalal. Shah Sikandar was advised by his spiritual guide Hazrat Shah Jalal to propagate Islam and accordingly, he settled in this remote region of the then Karimganj sub-division of Sylhet district of Bangladesh. The purposes to launch his mission of Islam Shah Sikandar constructed a Mosque in Gorekafan village. Thereafter, a good number of Mosque like Khadiman Jame Masjid, Khadimpara Jame Masjid, Hatkhala Jame Masjid, Masjid at Kaliganj, Masjid Tilla Jame Masjid, Fakirtila Goivi Masjid, Kachukhauri Mukambari Jame Masjid, Hulashnagar Pacca Masjid, Satghori Jame Masjid, Ganshahmarchak Darus Salam Jame Masjid, Singaria Jame Masjid, Latu Jame Masjid, Biskut Jame Masjid, Kanakpur Puratan Pacca Masjid, Cachari Masjid, Silchar Boro Masjid, Fatakazar Jame Masjid, Baskandi Madrassa Masjid, Ghoniwala Markaz Masjid, Muhammadpur Jame Masjid, Lalabazar Town Masjid, Hailakandi Puran Bazar Masjid, Boalipar Bazar Masjid, Barnagod Jame Masjid, Hailakandi College Masjid, Hailakandi Cachari Masjid and many others came into existence in Barak Valley.⁶

Shah Badar Uddin Dargah at Badarpur Ghat is believed to be the first Dargah in Barak Valley that started after the death of Shah Badar, one of the disciples of Shah Jalal Mujarrad in 14th century A. D. Hazrat Shah Adam Khaki, one of the most outstanding of 360 companions of Hazrat Shah Jalal Mujarrad died in the last part of 14th century A.D. After his death, he was put to the grave at Khadimbari near Badarpur. People belonging to Khadimbari and its nearby areas began to

⁵Kamaluddin Ahmed, “Karimganjer Itihas”, Notun Diganta Publisher, Silchar, 2013, P.49, Quoted in Mohammad Yahya Tamizi, “Sufi Movements in Eastern India”, Delhi, Idarah-i-Adabiyat-i-Delli, 2009, PP.86-87.

⁶Information collected from field visit, Quoted in ibid, PP.48-49, Quoted in Dr. Sahabuddin Ahmed, “A Historical Study of the Art And Architecture in Barak Valley” International Journal of Research in Social Sciences, Vol-2, Issue-3, Issn:2249-2496, 2012, P. 306.

visit his grave and worship and ultimately the Dargah of Shah Adam Kaki came into existence.

With the death of the 360 followers of Hazrat Shah Jalal one by one a good number of Dargah and Mukams like Dargah of Shah Adam Khaki, Dargah of Shah Sikandar, Dargah of Shah Diyauddin, Dargah of Abdul Malik, Dargah of Shah Natawan, Dargah of Sitalong Shah, Dargah of Langar Shah, Dargah of Bakhar Shah, Dargah of Makka Shah, Dargah of Charki Shah, Dargah of Mir-ul-Arefin, Dargah of Abdul Aziz Choudhury, Dargah of Shah Noor, Dargah of Ambaar Ali came into existence in Barak Valley.⁷

PRACTICES AND FAITH ATTACHED WITH THE INSTITUTIONS OF MOSQUE AND DARGAH

Customs and faiths are deeply attached to the functioning and administration of the institutions of Mosques and Dargahs. A Mosque is a nucleus around which the life of a Muslim rotates. It is customary that a Muslim should organize his daily life in harmony with the system of the Mosque. There is a faith among the people of Barak Valley that visiting Dargahs and performing prayers in the name of Allah standing before the graves of Sufi Saints fulfills their hidden hopes and aspirations and brings good luck to them. Even childless parents are found visiting Dargahs in the hope of getting a child.⁸ In some Mukams and Dargahs, it has become a custom to perform Urs and Mela every year.⁹ People from all over the Barak Valley gather on specified days and become a part of Urs and Mela in the hope that they are doing something holy and in turn, they would gain the mercy of Allah. Customarily Muslim woman shows respect and honor towards Mosques But their entrance inside the Mosque campus is prohibited.¹⁰

ADMINISTRATION OF THE INSTITUTIONS OF MOSQUES AND DARGAHS

Administration and development have been the core issue of any religious institution. The administration of Mosque and Dargah is generally maintained by a president and other members. This practice in Barak Valley has existed from the early days of Muslim presence. The administrators are responsible for the practical administration of the Mosque and Dargah by maintaining accounts, preserving the fabric of the Mosque and Dargah and its buildings, organizing and supervising the distribution of alms and food to the needy and visitors and managing the various religious festival and its development.¹¹

Every institution must have a Managing Committee to run the institution smoothly. The Mosques and Dargahs are not an exception to this. The administrative framework of Mosques and Dargahs of Barak Valley is based on customary principles. The administration runs by the involvement of the concerned committee on democratic setup. Every Mosque and Dargah has a managing committee to look after all affairs of the institutions. The committee is formed by the members under the jurisdiction of Mosques and Dargahs by direct or indirect representation. The strength varies from seven to twenty-one members according to the strength of the population of the concerned Mosques and Dargahs. The committee headed by a President and a Secretary to look after all the required affairs for the development and smooth

⁷ Ibid, PP. 48-55, Quoted in Md. Abdul Quddus, "Hazrat Shah Jalal", Furqania Kutubhanna, Badarpur-788806, Karimganj, Assam, 2004, PP. 93-110.

⁸ Mohd. Assad Uz Zaman, "Sufi Tradition And Culture: A Study of Sufi Saints and Growth of Syncretic Shrines in India Medieval North East India", Ph.D. thesis submitted to the Dept. of History, Assam University, Silchar, 2006, P.144.

⁹ Information collected from field visit.

¹⁰ Observations from field visit.

¹¹ Malik Mohamed, "The Foundation of the Composite Culture in India", Delhi, Aakar Books, 2016, PP.193-94.

functioning of the administration. From the observation, it is found that the tenure of the committee is normally three years. After the expiry of the committee, a new committee is reconstituted in a general meeting by the direct participation of the members of the concerned Mosque and Dargah area.¹²

CUSTOMARILY THE AIMS AND OBJECTIVES OF THE MOSQUES AND DARGAHS COMMITTEE ARE AS UNDER

- To look after the day to day administration of Mosques and Dargahs and to provide effective and efficient services.
- To ensure that income from the property or by services of Mosques and Dargahs is properly collected and applied to the objects of Mosques and Dargahs or for which the Mosques and Dargahs is created or intended.
- To develop properties and improve the sources of income for the smooth functioning of Mosques and Dargahs.
- To run Sabahi Maktab of every Mosques and Dargahs in Barak Valley.
- To collect weekly or monthly subscription of money from every house of concerned jurisdiction of Mosques and Dargahs.
- To extend financial help for education and health for the economically weaker section of the society.
- To take up any other activities for Urs, Milad Sorif, Khanka (religious festivals), cultural, social and to awareness of communal harmony among us.¹³

Membership

According to the customs and traditions prevailing in the Mosques and Dargahs any Muslim from within the jurisdiction the Mosques and Dargahs, who performs Namaj five times a day in congregation in Mosque is eligible for membership of the committee. According to the customary law, one, who is renowned, educated, adult and socially acceptable, is eligible to be a member of the Mosques committee/ Dargahs committee. According to the customary law, no woman can be a member of the Mosque committee/ Dargah committee.¹⁴

Subscription

According to the customary law, the Mosques and Dargahs receive donation either in the form of cash or material, if any-one pays willingly. Bucannot force anyone for donation.¹⁵

Collection of Fund

According to customary law, the Mosques and Dargahs fund mostly came from collections in donation box which is placed outside the main door of Mosques and Dargahs, the donation forms a part of the income to the Mosques and Dargahs. The box collection made by the locals and visitors is spent for the conduct of various religious festivals, the Urs

¹² Information collected from field visit.

¹³ Ibid.

¹⁴ Ibid.

and its development. Besides, the donation from any other Govt./non –Govt. agencies for the fund of the Mosques and Dargahs.¹⁶

Control of Fund

According to customary law, the fund thus collected only will be deposited in a near-by Bank. The President /Gen. Secretary will handle the operation of the Bank(joint) account of Mosques and Dargahs.¹⁷

Accounts

According to customary law, the Cashier shall maintain all the accounts in accordance with provisions frame by the managing committee of Mosques and Dargahs. The cashier shall ensure that all income should be deposited in the said bank account on the same day or positively on the next working day.¹⁸

Audits

According to customary law, a qualified auditor will be appointed by the Executive Committee for a term of one year and audit the accounts of Mosques and Dargahs, at least once in a year and the annual audit report of the said institutions will be submitted to the executive committee after approval by General Meeting.¹⁹

According To Customary Law, Procedure for Conducting Meeting

The President of the Mosques Dargahs shall always preside over every annual general body meeting and special general body meeting. In his absence, Vice President shall preside. In the absence of both nominee of the president or senior most member of the Mosques and Dargahs committee shall preside over the meeting.

All decisions at the general meeting/ special general meeting shall be taken by a simple majority of votes of the members present. Each member shall have one vote. The president of the said institutions, if he is preside over the meeting or the person in a chair at the meeting shall have casting vote which he may exercise in case of equality of votes except in election matters.

The proceedings of every meeting shall be recorded in the minute's book together with the resolutions passed on each subject. The minute's book shall be signed by the president and secretary of the said institutions. The resolutions of the previous meeting shall be placed in the next meeting for its conformation. The copy of the minutes of the meeting shall be sent to all members of the concerned Mosques and Dargahs committee within seven days of the meeting.

The Secretary of the said institutions, in consultation with the president of the same institutions or on the direction of the president, shall prepare a notice containing the day, date, time and place of such meeting together with agenda for the meeting and notes on the items of agenda for the meeting. The notice shall be published on the notice board of the said institutions.²⁰

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Reported by local people at the time of field visit.

¹⁸ Ibid.

¹⁹ Ibid.

QUORUM OF THE GENERAL MEETING

According to customary law, in the present of 2/3rd members present shall form a quorum of the general meeting.²¹

Customarily Selection / Election Procedure of the Executive Committee

The executive committee of said institutions will be formed in an annual general meeting, eligible members are entitled to participate and vote to elect/ select members for the institutions.²²

According to Customary Law, Short Description of the Executive Body

The executive committee shall form with the following office bearer:

- One President.
- One Secretary.
- One Asstt. Secretary.
- One Casher.
- One Auditor.
- Four/ uneven of an executive member.²³

According To Customary Law, a Member of the Mosques and Dargahs Committee Shall Be Cease to the Membership By

- Reasons for death, resignation, removal.
- A conviction resulting in any penalty.
- A member consecutively absence three meetings without valid reasons.²⁴

According To Customary Law, Duties of the Imam and Khadim of Mosques and Dargahs

The Mosques and Dargahs administration needs some persons to fulfill the work of day to day events apart from the committee members. The Imam, who leads prayer in Mosques, he is a respectable person having requisite Islamic educational qualification along with good character and habits. He selected and appointed by the concerned Mosque committee. Khadim is also a salaried person of the Mosques and Dargahs. He plays an important role by praying Azan for namaz five times a day and keeps Mosques and Dargahs and its environment neat and clean. He also collects weekly /

²⁰Ibid.

²¹ Information collected from Secretary of the Hailakandi Cachari Masjid, Mr. Akram Rasul Laskar, Quoted from Hazi Abdul Khaliq, and President of the Hulasnagar Pacca Masjid respectively.

²²Ibid.

²³ Ibid.

²⁴ Information gathered from Hazi Altaf Hussain, Cashier of the Silchar Boro Masjid.

monthly subscription from the of the concerned Mosque and Dargah area.²⁵

Influences of the Customary Practices of These Institutions on the Religious and Social Life of the Community

The foremost role of the mosque is to motivate and generate the spiritual reality and power of Imaan. The atmosphere prevailing in the Islamic places of worship encourages worship and prayer and the basic function of prayer is to prevent a person from evil and shameful act. Attendance to the mosque five times a day is national and religious symbol of the Muslims and all those whose hearts are constantly linked with the mosque and who frequent it regularly actually make themselves entitled to be overshadowed by the mercies of Allah. Another distinguishing feature of a mosque is that it is an ideal place for peace of mind and tranquility of heart. Today the world is trying everything possible to acquire peace of mind, fortunes are spent, yet the peace of mind is not achieved. The Quran says: 'peace of mind is acquired through the remembrance of Allah'. Salaah is a specific and noble form of remembrance of Allah. Hence Salaah performed in a mosque is among the best form of achieving peace and tranquility.²⁶

In a Hadith, Prophet Muhammad (s) has referred to the mosque as the 'Rayaad-ul-Jannat' (the garden of Jannat) and in another Hadith, it is stated that 'the most despised thing in the sight of Allah is a market place and the most beloved place is a mosque'.²⁷

According to the customary law, the mosque has one of the most prominent roles to play in the social life of the community. In short, all matters of the community, personal or social are discussed here and important decisions are made pertaining to these affairs.

Dargah worship or the belief in the saint and the worship of their Dargahs by the Muslims of India is not however peculiar to Indian Islam. In fact, these all came largely readymade to India, through those who introduced the religious orders into the country from Afganistan, Persia, and Iraq. The people of Barak Valley believed that the miraculous powers of the saints can help and solve almost the whole category of human needs. Therefore, the Dargahs are being visited by litigants seeking victory in law cases, by father who seeks healing for his sick children, by the farmers for agricultural developments, by the women who desires a child, by the merchants who desire prosperity in business, by the hunters who wants a lucky day, by the gambler even by the thieves for safe atmosphere, by the students to do better in the examination, by the beloved for the fulfillment of their love and so on.²⁸

²⁵Imran Mahmud, Shahriar Rawshon, Md. Jahidur Rahman, "Role of Mosque for Human Resource Development", IIUC STUDIES, ISSN 1813-7733, Vol-9, 2011, PP. 287-88.

²⁶"The Masjid Its Role And Etiquette", Published by IdaraIsha'at-E-Diniyat (P) Ltd, 168/2, Jha House, Hazrat Nizamuddin, New Delhi, India, 1997, PP. 3-5.

²⁷Ibid, P. 5, Quoted in Hazrat Maulana Muhammad Yousuf Kandhlawi, "Muntahab Ahadith", New Delhi, Saeed International, 2011, P. 240.

²⁸Mohd. Assad Uz Zaman, op. cit., PP. 143-44, Quoted in Narendra Krishna Sinha (ed.), "The History of Bengal (1757-1905)", Calcutta, Calcutta University Press, 1996, PP. 575-76.

CONCLUSION

The study reveals that the customary law forms the basis of the administration and functioning of the Mosques and Dargahs of Barak Valley. It can be concluded that the Mosques and Dargahs of Barak Valley are neither merely places of worship nor symbols of Islam but they also play a multi-purpose role in the Muslim community. They act as monitoring agents for the cultural, social and spiritual progress of the people. They have all-encompassing and continuous relationship with day –to- day activities of the Muslims.

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