
The Isma‘ili – Isna ‘Ashari Divide Among the Khojas:

Exploring Forgotten Judicial Data from Karachi

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Abstract

This paper explores the interaction between a religious leader, the Aga Khan, and a cluster of castes, the Khojas, in Colonial India. While scholars have usually investigated the Bombay judicial sources, claiming that the Aga Khan Case of 1866 put an end to dissent among the Khojas who rejected his authority, the Karachi judicial sources provide a new perspective on the issues. It will be argued that the so called dissenters were fighting for the autonomy of the Khojas as a caste that they were able to keep in turning to Isna ‘Ashari. Therefore, this paper deals with how the British colonials attempted to control the people of India through the courts, but also how Indian actors used the courts for reaching their goals. Furthermore, the religious discourse through which the claims were expressed was but a shell concealing economic pursuits as well as issues of social rank.

The impact of British colonialism on the society of Bombay has been addressed by many scholars. Recently, Nile Green has explored the city’s Muslim communities to show how religious leaders were prominent among those who profited from the modernisation implemented by the British.¹ However Karachi, despite its status as Bombay’s twin city in terms of close political links and parallel economic growth in the nineteenth century, has received much less academic attention than Bombay.² Nevertheless, the two cities share important similarities, as well as disparities. In both cases, their economy was controlled by a number of castes: Parsi, Hindu as well as Muslim. These merchant groups, as the vanguard of economic growth, were among the first to deal with the major changes associated with colonial-era transformation.

This article addresses the evolution of one of these groups, the Khojas, at the turn of the twentieth century. It examines the extent to which the challenges introduced by British colonial rule compelled the Khojas, a community resident in both Bombay and Karachi, to reshape their social and religious structures. The Khojas comprised a cluster of castes, mainly established in Sindh and Gujarat, which were dominated by trader groups. In each locality, the main families of the community were represented on a *panchayat* (working council),

¹Nile Green, *Bombay Islam. The Religious Economy of the West Indian Ocean 1840–1915* (Cambridge, 2011).

²This does not mean that no academic papers have been published on this topic; rather, no thorough study has been devoted to the impressive transformation of Karachi in the second half of the nineteenth century that led to it being described as the “Pearl of the East”. Hamida Khuhro and Anwer Mooraj, *Karachi Megacity of Our Times* (Karachi, 1997), p. 29.

issuing rules and regulations on community matters. Nevertheless, Khoja castes were rather open, since as a community they could incorporate low castes, and even outcastes, in cases where these could reinforce their economic network. However, Khojas consisted of atomised small communities independent from one another. It is certainly quite difficult to link them to a systematic, institutionalised religion. Instead, as was quite common in north-west India, Khojas could be the followers of a number of different *pirs* and *gurus*, both Muslim and Hindu. Among their religious guides were Muslim *pirs* who were the deputies of the Isma‘ili leader of Iranian origin, Hasan ‘Ali Shah (1800–1881), later known as Aga Khan I.

During the nineteenth century, a number of cases were filed in government courts, including the watershed Aga Khan Case of 1866. During this major case in the Bombay High Court, it was decided that Khojas were the followers of the Aga Khan, and consequently that they were Isma‘ili Shi‘i Muslims, with the Aga Khan the sole owner of all community properties. However, while this case has already been addressed by a number of scholars,³ this article will turn from the Khojas of Bombay to those of Karachi: for while the judicial sources relating to the former have been explored at length, those of Karachi have been relatively neglected. By using new judicial sources from Karachi, this article argues that the resistance demonstrated by Khojas there, was an expression of their caste as an independent social body. Indeed, their conversion as a community to Isna ‘Ashari Shi‘ism resulted from their refusal to be dominated in their social and religious affairs by the Aga Khan.

Accordingly, this article will focus on two main topics. First, it provides a detailed analysis of how this dispute began, highlighting the fact that the Karachi dissent was not an imitation of, nor something that followed on from, dissent in Bombay. The second issue relates to the underlying forces that were involved in shifting the Khojas from Isma‘ilism to Isna ‘Ashari Shi‘ism. While previous studies have mainly considered the issue of religious identity, this article will show that their separation into two distinct communities, the Isma‘ilis and the Isna ‘Asharis,⁴ can mainly be understood in terms of social leadership related to the specifics of the Khoja caste system. In other words, although the disagreement between the Aga Khan and a number of Khoja leaders was expressed in religious terms, the real issue was not restricted to religious affiliation: it was a matter of control over a community.

Karachi’s Communities in Context

As in Bombay, the development of Karachi was closely linked to British colonisation; however, since the town was occupied by the British only in 1839, this took place some decades later than in Bombay. The British wanted to make optimal use of Karachi’s location as the closest south Asian port to Europe. From 1850 to 1857, work to establish Karachi’s role within the British imperial system was conducted by the Commissioner-in-Sind Sir Henry Bartle Frere, who ordered the removal of the sandbar at the mouth of the harbour

³See, for example, J. C. Masselos, “The Khojas of Bombay: the defining of formal membership criteria during the nineteenth century”, in *Caste and Social Stratification among Muslims in India*, (ed.) Imtiaz Ahmad (New Delhi, 1973); Amrita Shodan, *A Question of Community: Religious Groups and Colonial Law* (Calcutta, 2001); and Teena Purohit, *The Aga Khan Case. Religion and Identity in Colonial India* (Harvard, 2012).

⁴In Bombay, the dissent included the birth of a Sunni community among the Khojas. This is not stated to have happened in Karachi and Sindh. The present-day Sunni Khoja community of Karachi migrated from Bombay after partition in 1947.

which had prevented the entry of big ships, and he also planned the first railway line, which was opened in 1861. From 1843 to 1873, the value of Karachi’s imports and exports grew from 1 million to 35 million rupees.⁵ By 1913, Karachi was the largest wheat-exporting port of the British Empire with a shipment of 1,380,000 tons a year.⁶ Such an evolution echoed that of Bombay some decades before. The economic growth of Karachi attracted many merchant communities, as well as unskilled workers who found employment as labourers in Karachi and other places in Sindh. Among the similarities between Bombay and Karachi, it is noteworthy that their populations were partially composed of the same groups, with a number of these groups playing the same leading role in the local economy.

As in Bombay, the Parsis were the pioneers. They were the first to understand the economic potential of Karachi, and thus migrated from Bombay to the expanding city. The merchants, however, were mostly Hindu and Muslim. The groups specialising in trade were often Gujarati, but in Karachi Hindus were also Sindhi, such as Lohanas, or Marwari.

Lohanas were the most influential trading caste in the city. They were themselves further divided into two groups: the *amils* and the *bhaibunds*. The *amils* worked in British administration, and, as such, provided most of the literati. The *bhaibunds* controlled most of the trade in interior Sindh and in Karachi. During the second half of the nineteenth century, they expanded their commercial networks throughout most of the British Empire. In the view of many contemporary British officers, Lohanas were open-minded in comparison to other Hindu trading castes of India, in religion as well as with regard to social rules. Furthermore, in Sindh, *brahmins* were not numerous and they were mostly the Saraswats, who accepted food from the Lohanas, and also ate meat and drank alcohol.⁷ Although the Saraswat *brahmins* were their spiritual guides, Lohanas were mostly Daryapanthis or Nanakpanthis. As Nanakpanthis, they followed the teachings of Guru Nanak and mainly worshipped his son Shri Chand. They nevertheless practiced the *panth* as a part of the tradition of the *sants* and the *bhakti*, not in the way of the Khalsa. Daryapanthis were worshippers of Udero Lal, the Indus River God.⁸ Finally, Lohanas were also followers of Sindhi Sufi saints and a number among them were themselves Sufis, such as, for example, Dalpat Sufi (1769–1842).⁹ While the caste system of the Lohanas is not well known because of a lack of sources, British officers highlighted the integrative process by which they reinforced their network. Lohanas used to welcome any other Hindus, although this did not extend to outcastes, while at village level a unique elders’ council (*panchayat*) exercised authority over different Hindu castes, including the *brahmins*.

Among local Muslims, Khojas and Memons were mainly Sindhi and Kutchi, while Bohras were exclusively Gujarati. Memons were the most numerous in Karachi, and also in interior Sindh. Khojas were also settled in Lower Sindh while Bohras were confined to Karachi. All

⁵E. H. Aitken, *Gazetteer of the Province of Sind* (Karachi, 1907), p. 369.

⁶Hamida Khuhro and Anwer Mooraj (eds.), *Karachi. Megacity of Our Times* (Karachi, 1997), p. 40.

⁷E. H. Aitken, *Gazetteer of the Province of Sindh* (Karachi, 1907), pp. 182–183.

⁸See Lata Parwani, “Myths of Hhule Lal: Deconstructing a Sindhi Cultural Icon”, in *Interpreting the Sindhi World. Essays on Society and History*, (ed.) Michel Boivin and Matthew A. Coook (Karachi, 2010).

⁹Dalpat Sufi was the author of Sufi *kalams* [works] in Sindhi, Persian and Hindi. He was an *amil* from Sehwan Sharif, but he gave up his work in the Talpur amirs’ administration, and opened a shrine in Hyderabad where he spent his days in meditation. His poetry is still sung in the Sufi shrines of Sindh, especially in Jhok Sharif, a place he visited many times.

these communities had their origins in conversion from Hinduism, and since they specialised in trade, they were believed to be Lohanas who had converted to Islam at different times in the past. According to their own traditions, both Khojas and Bohras were understood to have been converted by Isma'ili *pirs* from the twelfth century onwards. Memons were said to have been converted from the fifteenth century by Sufi *pirs* belonging to the Qadiriyya order, hence their veneration for 'Abd al-Qadir Jilani, the Sufi saint from Baghdad. As in the rest of India, British officers stationed in Sindh believed that local Muslim merchant communities were still ruled by a caste system, albeit one less strict than the norms of Brahmanical Hinduism. The main features of these social organisations included belonging to the group by birth, marital endogamy, hereditary lines of profession and also acceptance of decisions enacted by community councils. Non-compliance with such rules could be punished by excommunication, exactly in the same way that it worked among Hindu castes.

British rule, coupled with the emergence of a modern capitalist economy, had a tremendous impact on local society, including religious representations within it. In 1853, Bartle Frere imposed a given dialect as standard Sindhi, and one official alphabet among the dozen then being used. He also established the first government school in 1855, headed by Narayan Jagananth, a Marathi from Bombay who was in charge of delivering a "new education" which included modern sciences such as mathematics or geography, and many textbooks and literary works were translated from English to Sindhi. The spread of printing, and the expansion of a publishing programme, contributed to the reshaping of religious traditions, beginning with Sufism. Frere ordered a German priest, Ernst Trumpp (1828–1885) to complete an edition of Sufi poetry, the *Shah jo risalo*, which was published for the first time in 1866.

The consequence of the process of colonial modernisation was the birth of a new elite in Sindhi society who belonged to the middle-class *literati*. The old dominant classes remained: *'ulama*, *pirs*, *pandits*, landlords (*zamindars*) and tribal headmen (*sardars*). The members of the new elite were educated in British schools, and they usually worked in British administration. While members of the new Sindhi elite were also drawn to the reformist movements that were expanding across India, they were more or less characterised by a similar quest for original purity, based on a return to the original texts, and a rationalisation which led to the erosion of practices linked in varying degrees to superstition and magical practice. Among them, some, such as the Arya Samaj, were also advocating a new society implying the suppression of the caste system. In the wake of the Brahmo Samaj, Bengali reformists like Keshab Chandra Sen (1838–1884) and Ramakrishna (1836–1886) were influential locally once some young Sindhi Hindus became their followers. Led by Sadhu Hiranand Advani (1863–1893), a group of Hindu reformists from Hyderabad sought the modernisation of Hindu traditions, challenging the ban on widow remarriage, the payment of dowry and child marriage, as well as calling for the right for girls to study. Meanwhile, those Sindhi Muslims who were becoming part of the new elite were attracted by Sayyid Ahmad Khan's reformism.¹⁰ The Sindh Madrasa't al-Islam was established in Karachi in 1885 by

¹⁰Sayyid Ahmad Khan (1817–1898) was a Muslim reformer who advocated the reintroduction of the primacy of reason in Islamic sciences. He was also convinced that the integration of European sciences into Islamic teachings could benefit India's Muslims. He launched the Muhammadan Anglo-Oriental College in Aligarh on 24 May 1875 which became a university in 1920.

his supporters, while in the same year a branch of the National Muhammadan Association created by Sayyid Ameer 'Ali was also launched in the city.

The Aga Khans and the Khojas

The Khojas, as one of the leading communities in Karachi, were among the first to be affected by the huge changes taking place in the city. Until the beginning of the nineteenth century, Khojas moving between Karachi and Bombay tended to be followers of the Isma'ili Imams. The lack of sources, however, makes it very difficult to be precise about the closeness of this link. For many, the Isma'ili Imam was just one spiritual guide among others, whether Sufi *pirs* or other *sants* related to different *panths*. Furthermore, Khojas were organised into a number of local castes, known as *jatis*, which were independent bodies whose authority was enacted by a council and acknowledged by all the members. Each *jati* was controlled by leading Khoja families, which were simultaneously the wealthier ones in the group, and, among them, a head (*mukhi*) was designated.

Given these realities, it is inappropriate to refer to 'Isma'ilism' as the 'religion' being practiced by the Khojas before the nineteenth century; indeed, the term was quite unknown in India prior to the famous Aga Khan Case of 1866. Nonetheless, as early as around 1825, the Iranian Shi'i leader Hasan 'Ali Shah, residing in Iran, decided to send his mother to India. The official reason for her visit was to propagate the Isma'ili creed, although she probably came to claim unpaid tithes.¹¹ Either way, in 1829, the Aga Khan, while still in Iran, entered a claim in the Sudder Court in Bombay against certain Khojas for non-payment of dues. This claim was the starting point of a longstanding dispute between the Aga Khans and those leading Khojas – the wealthiest members of the *jati* – who had refused to pay the tithe. But in 1830, the suit was dropped and the recusants were directed to appear before the community, where they were excommunicated. Later on, in 1835, a compromise was reached when the dissenters agreed to pay contributions in the future and gave 6,000 rupees in payment of arrears.¹²

In 1843, the same year that General Sir Charles Napier conquered the province on behalf of the British, Hasan 'Ali Shah settled in Sindh. He was the 46th living Imam of the Nizari Isma'ili Shi'as¹³. As such, he claimed descent from the Prophet Muhammad, through Isma'il, the second son of the sixth Shi'i Imam Ja'far al-Sadiq. After he had been posted as governor of Kirman, the south-east province of Iran, Hasan 'Ali Shah had rebelled and tried to create a kingdom of his own, but he was finally defeated by Muhammad Shah, the then shah of Iran. Once in Sindh, Hasan 'Ali Shah probably provided a cavalry corps for Napier, who defeated the *amirs* of Sindh at the twin battles of Miani and Daboo in 1843. Hasan 'Ali Shah then established his headquarters in Jherruk, a small but strategic town located between Hyderabad and Karachi, where he was officially posted by Napier. Hasan 'Ali Shah,

¹¹The tithe, known as *dasond*, was between 10–12 per cent of the followers' earnings. Many other taxes were to be paid by the Khojas for any action they performed in relation to the Aga Khans.

¹²Masselos, "The Khojas of Bombay", pp. 8–9.

¹³The two main branches of Persian and Indian Shi'ism are Isna Ashari Shi'ism, or Twelver Shiism, and Isma'ili Shi'ism. The first branch is commonly tagged as Shi'ism. On Isma'ilism, see Farhad Daftary, *The Isma'ilis: Their History and their doctrines* (Cambridge, 1992).

however, did not stay long in Sindh, and moved on to Bombay, which was by then already a cosmopolitan city in which a number of Iranian refugees were already settled.

After the British conquest, Sindh was initially a separate province with Napier as governor and Karachi the provincial capital. But when Napier left Sindh in 1847, it was incorporated into the Bombay presidency and administered by a commissioner. Hasan 'Ali Shah's son and heir, 'Ali Shah, Aga Khan II from 1882 to 1885, frequently visited Sindh and Karachi; indeed, one of his sons and his ultimate successor, Sultan Muhammad Shah (1877–1957), was born in Karachi. In the judicial sources, 'Ali Shah is referred to as "the pir of the Khojas". Such a title is not to be confused with that of Sufism: in Isma'ili parlance, the title of *pir* was given to the Imam's deputy in a given area, but after Pir Taj al-Din (fifteenth century?), it was bestowed on close family members of the Imam. Finally, in the nineteenth century, *pir* was the title given to the Imam's heir.

Oral tradition still relates a number of narratives involving 'Ali Shah when he was the *wali 'ahd*, the heir of Hasan 'Ali Shah. First, it is said that 'Ali Shah was strongly opposed to saint worship. According to Sher 'Ali 'Alidina, he himself destroyed a *dargah* in deltaic Sindh near Pir Patho and stated: "There is no saviour except the living Imam!"¹⁴ 'Ali Shah was obviously implementing a 'charismatic centralisation' in suppressing other places of worship that the Khojas used to visit, one that sometimes employed physical force as well as persuasion. According to oral tradition, 'Ali Shah was also concerned with the question of depressed groups, especially, in British colonial parlance, the "outcastes". It is said that he wanted to improve their situation by converting them to Isma'ilism. Although it is difficult to state whether these recollections are, or are not, parts of a historical reconstruction, it is nevertheless clear that Karachi and Sindh were important sites of focus for the Aga Khans' policy. Moreover, during 'Ali Shah's stay in Sindh, many new Khoja places of worship (*jama'at khana*s) were built. The *jama'at khana*, also known as *khoja khana*, was a place for worshipping the Aga Khans, and only Khojas could enter the building.

The judicial sources explored in this article are mainly drawn from two court cases. In both, the plaintiff was the Aga Khan III, Sultan Muhammad Shah (1877–1957). The first is the case "Mahomed Shah versus Nur Mahomed Lalan", reported in 1902.¹⁵ The defendant was Nur Muhammad Lalan, the son of Lalan Allahdino who was killed in 1879 by Aga Khani Khojas. Nur Muhammad was accused (along with his father) of having taken possession of buildings that were the Aga Khan's property. Interestingly, these buildings were all connected with Muharram ceremonies, such as the *landhi* (the shed), the *chabil khana* (the water place), the *thalo* (platform) and the *kotho* (the godown).

The second source is the Ja'far Fadu Case of 1910, published in 1925 by H. J. Lilley, Deputy Chief Officer of the Karachi Municipality.¹⁶ Ja'far Fadu was accused of having defamed the Aga Khani Khojas and the Aga Khan III in articles that he published in his two newspapers. Lilley's 212-page book presented a summary of the different cases fought by the Aga Khans against those Khojas who seceded and became Isna 'Ashari Shi'a. The Ja'far Fadu case thus

¹⁴S. 'Alidina, *Tarikh-i Imammat* (Karachi, 1952), p. 69.

¹⁵V. Utamsing, *Selected Decisions of the Sind Sadar Court Relating to the Local Laws and Customs of the Province of Sind* (Karachi, 1909–1910), pp. 391–430.

¹⁶H. J. Lilley (reported by), *Jaffer Fuddoo Defamation Case Containing Counsel's Addresses to Courts and The Connected History of the Assassins* (Karachi, 1925).

formed part of a bigger set of cases that, in both Bombay and Karachi, involved the Aga Khans and so-called deviant Khojas. It is also interesting to observe that, because the Ja'far Fadū Case hinged on the assassinations of secessionists by Aga Khani Khojas, Lilley in the subtitle of his book linked it to the history of the Assassins. There are also echoes of the Sadar Court Cases in that both involved the same Nur Lalan.

Furthermore, use is made here of documents connected with the Khoja Succession Bill, which have also been largely neglected by academic researchers. Although they are not all related to Sindh and Karachi, they provide a comprehensive picture of the general situation of Khoja communities and of their relations with the Aga Khans. The Khoja Succession Bill crystallised the issue of belonging to the Isma'ili or the Isna 'Ashari creed, and such issues impinged on matters beyond religious affiliation.

The Khoja Succession Bill

Hasan 'Ali Shah eventually settled in Bombay in 1845. In the 1880s, age compelled him to delegate Imami powers to his heir, 'Ali Shah, especially in remote areas of the Bombay presidency such as in Sindh. Indeed, 'Ali Shah acted as the Imam in Sindh for more than 15 years before he was officially the Imam of the Isma'ili Shi'a. The work completed by 'Ali Shah, Aga Khan II (1881–1885), was thus considerable. As early as the 1870s, Hasan 'Ali Shah gave his elder son extensive authority, which allowed him to implement the eradication of other potential saviors. He was also in charge of the harmonisation of the rules and regulations of the Khoja communities.

After the first disagreement between Aga Khan I and the Khojas, the dispute was supposed to have been settled by the Aga Khan Case of 1866. The judge Arnould had stated that the Aga Khan was the spiritual head of (all) Khojas, and that he was the owner of all communal properties. As followers of the Aga Khans, Khojas were thus compelled to give him the tithe. According to Arnould, the Khojas were “a sect of people whose ancestors were Hindus in origin, which was converted to and has throughout abided in the faith of the Shia Imami Ismailis, and which has always been and still is bound by ties of spiritual allegiance to the hereditary Imam of the Ismailis”.¹⁷ The most surprising development is that while previously Khojas had always been addressed by British officers as a caste, they were now, in Arnould's words, a sect. Social organisation was now superseded by an alternative terminology of religious organisation. The introduction of this religious terminology was no trivial matter. It at once implied that the Aga Khan's authority was spiritual, and also that, since the Khojas were no longer a caste, they were thus not a social body ruled by its own *panchayat*.

Such an audacious treatment given to the Aga Khan and the Khojas was possible because of lacunas in so called Anglo-Muhammadan law, which was largely based on Hanafi texts translated into English at the end of the eighteenth century. The translation of Shi'i legal texts had also been planned, but it was abandoned in 1808 due to lack of funding.¹⁸ Although important differences existed before Sunni and Shi'i laws were accepted as early as 1841,

¹⁷Quoted in J. C. Masselos, “The Khojas of Bombay”, p. 16.

¹⁸Michael Anderson, “Islamic law and the colonial encounter in British India”, in *Institutions and Ideology: A SOAS South Asia Reader*, (eds) David Arnold and Peter Robb, (Richmond, 1993), pp. 174–175.

it was not until 1865 that Neil Baillie in his *Digest of Muhammadan Law* added some Shi'i texts on law. Other Muslim communities, like Khojas or Memons, who adhered to Hindu law for inheritance, thus fell outside the scope of Anglo-Muhammadan law. It would take until 1922 before the definition of a Muslim was answered, when the Madras High Court stated that anybody claiming that Muhammad was a prophet and the supreme authority of the Quran would be accepted as Muslim.

Nonetheless, the Aga Khan Case did not persuade many Khojas, and consequently it did not put an end to the competition between the Aga Khan and Khoja caste leaders. Under these circumstances, 'Ali Shah with the help of the British decided to employ a new strategy. He was behind a bill that would greatly help to crystallise the membership (and thereby to reinforce divisions within the Khoja community) by legally defining the rules of Khoja succession and inheritance. But as the name suggests, all Khojas were involved, whether Sunni, Shi'i or Isma'ili. In an earlier case tried in 1847, the Sajun–Meer Ali Case, Hasan 'Ali Shah had sent his brother Muhammad Baqir to argue in favour of the rule for inheritance as laid down in the Quran¹⁹. It seems that the protests were issued by the Khojas. Indeed, the difference between Islamic law and Hindu law was significant because in the first, women inherited a half share and in the second, they did not inherit.

In 1878, the government of Bombay appointed a Khoja Commission, headed by Justice Maxwell Melvill. Among its members was 'Ali Shah, heir to the Imamate and the "pir of Khoja", as he is referred to in all the sources. Note that no Isna 'Ashari Khoja took part. A bill was drafted in October 1884. This was a technical document which consisted of 51 pages divided into eight chapters. After a preliminary chapter, the following three were devoted to the regulation of the estate of a Khoja who died without heirs. The fifth chapter focused on the succession of women who were part-owners of a property. Other issues were addressed by the bill, such as marriage and funerals.²⁰ Before enacting this as law, the Bombay government decided to ask British officials in the territories where Khojas were established, both within and outside British India, to conduct an investigation. In 1884, the proposed bill was sent to British officials in the Bombay Presidency, the Punjab, Zanzibar and the Sultanate of Oman. The officials had the task of "get[ting] input from the community of Khojas . . . on the provisions of Khoja Succession Bill".²¹ Opinions reported by officials proved to be far from harmonious. In the case of the Punjab, although the 1881 census quoted 61,297 Khojas as living in this province, the name "Khoja" was clearly attributed to people who were not of the same caste as the Khojas of Bombay. Hence the comment of C. L. Tupper, secretary of the Punjab government: "The bill applies to all India, and it applies to all properties of all Khojas. However, we do not find any definition of Khoja". The Khojas of Punjab were generally Sunni, and therefore inherited according to Islamic law. B. H. B. Powell, a district judge, went even further: "Why is it necessary to define and

¹⁹H. J. Lilley, p. 56.

²⁰"Bill to Amend and Define law as to succession to Khoja" Home Department, Judicial Branch, Proceedings 123–134 (A), National Archives of India, 1884.

²¹"Papers related to the Bill to amend and define the Law of Testamentary and Instate Succession to Khojas", IOR/L/PJ/6/163, file 1987, 1884.

set a custom [*sic*] for a small section of the population while the vast majority of Hindus and Muslims who do not follow Muhammadan law does not?”²²

Another interesting case was that of Khojas in Oman. According to Lt Col. S. B. Miles, British Consul in Muscat, who drew a detailed picture of their position, they all hailed from Sindh, especially in Hyderabad, and were therefore known as Hyderabadis but also as “Lootees”. With approximately 1,300 people, Khojas were divided into three groups: the Isma‘ilis, Twelver Shi‘as and Sunnis. The consul, however, recognised the merits of the bill as it was observed that existing laws of inheritance were generally vague, and that the interpretation given to them by the *mukhis*, the heads of local communities, was highly variable, which ultimately could lead to abuses.

Isma‘ili Khojas on the whole were not very interested in the issue: they just wanted to know if the bill was approved by the Imam, who was by then ‘Ali Shah, Aga Khan II. Once they had been satisfied on this matter, they could not see the benefit of discussing the bill. However, in Kutch, Khojas asked for one item to be changed: this was Section 48 of Chapter VIII “Miscellaneous”, which stated that if someone died without Khoja heirs, his property would go to the crown. Instead, they wished this section to be amended so that the assets went to the community to help the poor. Twelver Khojas did not discuss the bill but for other reasons. In 1872, they had indeed “signed a document in which they expressed their resolve to be guided by the Muhammadan law for all issues”. They therefore opposed this bill because they did not intend to “go back to the ancient custom of Khojas”. They also noted that no Twelver Khojas were represented in the Khoja Commission.

The most serious criticism of the bill was expressed by the Sunni Khojas of Bombay, who wrote a letter to the governor of Bombay in 1884, and organised a petition dated 1886 addressed to the Viceroy of India himself, Sir Frederick Hamilton–Temple. The author of the letter was anonymous and he signed with the significant pseudonym “impartial justice”. The authors of the petition expressed their surprise at having learned of the Khoja Succession Bill in the press in 1886. They continued by arguing that if this bill were passed, Khojas, who considered themselves as Muslim, would become infidels.

The argument advanced by the petitioners was well constructed. It summed up earlier legal decisions showing that Muslims had to be governed by Islamic law, beginning with the 1828 status. The petition mentioned the Sajun–Meer ‘Ali Case, in which Hasan ‘Ali Shah had sent his brother to uphold the applicability of the Islamic law of inheritance to Khojas. It ended with a reference to the declaration by Queen Victoria in 1857, after the Indian Mutiny, in which the sovereign recognised the right of her Indian subjects to practice freely the religion of their choice without government interference. The petition concluded with a scathing formula: “Therefore, the Khoja Succession Act should be more properly characterised as Kafir Khoja Succession Act”.²³

Given the importance of recriminations that made a consensus impossible, the Khoja Succession Bill was never enacted. The issue of Khoja inheritance was left to the discretion of local judges; and so in Karachi it was decided that it was possible for a Khoja who wished

²²“Papers related to the Bill to amend and define the Law of Testamentary and Instate Succession to Khojas”, IOR/L/PJ/6/142/2521.

²³“Papers related to the Bill to amend and define the Law of Testamentary and Instate Succession to Khojas”, IOR/L/PJ/6/163, file 1987, 1884.

to inherit according to Hindu custom could do so. Interestingly, the Khoja Succession Bill was drafted soon after the excommunication of Lalan, and it showed that the “Khoja” designation was an umbrella for a number of independent *jatis*. The result of the enquiry was thus opposite to its aim: rather than unifying a possible Khoja community, it emphasised that Khojas were divided into a number of *jatis*. Consequently, the Aga Khan would never be able to control all caste properties. Furthermore, it highlighted an inconsistency: namely, that a living Shi‘i Imam, or his heir, was seeking to impose a Hindu law of succession upon his alleged Muslim disciples.²⁴ The episode of the Khoja Succession Bill thus indicates the desperation of the Aga Khans to take control of the social structures of the caste. Furthermore, the astonishment of some British officers about the special treatment given to the Aga Khans and the Khojas throws light on the protection provided by the Raj to the Isma‘ili Imams.

The Aga Khans and the Khojas Before the Break

Before Hasan ‘Ali Shah’s advent in 1843, Khojas amounted to about one hundred of 14,000 inhabitants in Karachi. In interior Sindh, they were mostly settled in the south of the province, in the area located to the east of the western branch of the Indus delta. Some of them were already among the leading merchants of Karachi, mainly involved in the trade of fish or of leather dye.²⁵ However, these occupations suggested that they had originated from a low caste background, with leather dyeing especially performed by outcaste communities. After the strong earthquake of 1819, which was centred in Kutch, many Khojas migrated, with other merchants, to Karachi, after the main harbour Shah Bandar was deprived of access to the sea by the earthquake.

As stated above, the Khoja community of Karachi was Sindhi but also Kutchi. Kutchi Khojas migrated to Karachi after famines which occurred at the end of the eighteenth and beginning of the nineteenth centuries. Before the middle of the nineteenth century, it is difficult to be precise about the relations between Hasan ‘Ali Shah, Aga Khan I and the Khojas of Sindh. According to the judgement of Earnest [sic] Sands, City Magistrate, Karachi, Pirais were reformed Khojas and Panjbhais orthodox Khojas.²⁶ And in “H. H. Aga Sultan Mahomed Shah versus Nur Mahomed Lalan”, dated 1902, Judge McPherson stated that “Pirais . . . at the time of Moharram make a greater exhibition of grief than the party of the ‘Panjbhais’ do”.²⁷ It is also clearly stated that Pirais and Isna ‘Asharis are not to be confused: “As a Pirai, they must show allegiance to the Aga Khan; as an Isna ‘Ashari they threw off that allegiance”.²⁸

In Karachi, the critical period in terms of these divisions took place between 1876 – when the first major challenge occurred through the excommunication of a dissenter, Lalan – and 1905, when protesters officially rallied to Isna ‘Ashari Shi‘ism. The reading of the judicial

²⁴The exclusion of women from inheritance obviously made sense in a trader community, since it reduced the division of property.

²⁵H. B. Thomas (ed.), *Memoirs on Sindh*, (Karachi 1855), 2, p. 236.

²⁶H. J. Lilley, p. 92.

²⁷V. Utamsing, *Selected Decisions of the Sind Sadar Court Relating to the Local Laws and Customs of the Province of Sind* (Karachi 1909–1910), p. 400.

²⁸H. J. Lilley, p. 71.

sources nevertheless suggests one important fact: that the Shi'ite rituals of Moharram were largely practiced by all the Khojas, whether they were Pirais or Panjhbais. Mukhi Chandu, a former head of the Aga Khani Khojas in Karachi, stated that a first *chabil khana* was built in 1840, before Hasan 'Ali Shah's arrival. A new one was built in 1868 with Khoja subscriptions.²⁹ According to the rules provided by 'Ali Shah, the Khojas were compelled "to read mourning verses and religious histories".³⁰ The question, then, is whether Shi'i practices were performed by Khojas before the advent of Hasan 'Ali Shah. The *marsiyas* could have been popular in Sindhi communities at large, since the 'national' poet of Sindh Shah 'Abd al-Latif (1689–1752), devoted a chapter of his *Shah jo Risalo* to the tragedy of Karbala. Muhammad Muhsin (1709–1750) had already introduced Persian *marsiyas* in Sindh. Abstracts of Shah 'Abd al-Latif's Sufi work can be found in Khoja manuscripts, as well as *marsiyas* by Sabit 'Ali Shah (1740–1805), the first Sindhi author to devote a work to *marsiyas*. Moreover, during the reign of the Talpurs (1785–1840), who were Shi'a, a state-funded policy was also in operation. Finally, although it is not easy to trace, fragments of Shi'i culture were already permeating Sindhi culture from the late-eighteenth century onwards, and certainly by the time of the period under discussion here.

Under such circumstances, it is necessary to summarise the causes of dissent between the Aga Khans and the Khojas according to available judicial sources. In Karachi, the dissent can be related to four main causes. First, Khojas there stated that the Aga Khan was a *pir*, a spiritual guide, and not an incarnation of God as he claimed.³¹ The date of 1876 marked a turning point in this, since it was also the year when regulations were provided to the Khojas in the presence of 'Ali Shah. The second cause related to the teaching of the Quran in the Khoja community. In the Ja'far Fadu Case, witnesses claimed that 'Ali Shah objected to the development of education and teaching of the Quran among Khojas, because when he had been *pir* of the Khojas, he had banned the Quran from being taught to children. According to one witness, 'Ali Shah was opposed to education because, once educated, Khojas would not pay their tithe any longer.³² This was certainly one of the reasons which led to Lalan's excommunication. He had arranged for a *sayyid*, Nusrat 'Ali Shah, to teach the Quran to his own children, like other Khojas. Refusing to get rid of him as 'Ali Shah requested, Lalan was excommunicated on 17 February 1876. On 2 March, he was the victim of an assassination attempt, and eventually on 24 February 1879, he was murdered.³³ Nusrat 'Ali Shah was himself assassinated in 1896 in Karachi.³⁴ For others, the dissent was due to the fact that the Aga Khan banned Khojas from practising the pillars of Islam.³⁵

The third cause is the complaint that the Aga Khan had compelled his Khoja followers to give up their ancestral religious rites and to adopt new doctrines.³⁶ The clash occurred in

²⁹V. Utamsing, p. 407.

³⁰*Ibid.*, p. 411. For Richard Burton, they were specialists of *marsiyas*; the *marsiyas* are also well attested by the nineteenth-century Khoja manuscripts held by the Institute of Isma'ili Studies in London.

³¹H. J. Lilley, p. 108.

³²*Ibid.*, p. 20.

³³*Ibid.*, pp. 5–6.

³⁴*Ibid.*, p. 93.

³⁵S. A. Sadiq Ali, *A Short Sketch Historical and Traditional of the Musulman Races Found in Sindh, Baluchistan and Afghanistan, Their Genealogical Sub-divisions and Sects Together with Ethnological and Ethnographical Accounts*, (Karachi, 1901), p. 66.

³⁶V. Utamsing, p. 392.

1876 between a leading Khoja, Lalan, and ‘Ali Shah, who was then the “pir of the Khojas”. ‘Ali Shah excommunicated Lalan because he refused to return the keys of the sanctuaries where they attended the worship.³⁷ His son Nur Muhammad Lalan was very explicit as to the origin of the disagreement: the Aga Khan wanted to force them to abandon their ancestral religious rites and to adopt new doctrines.³⁸ Lalan and other secessionist were called *kara kutas* (black dogs), which is a significant insult since both “black” and “dog” refer to impurity. It is equivalent to exclusion from the community.

A last cause is expressed in the *Gazetteer of Sindh* published in 1907. Here the reason given for the break between Isna ‘Ashari and Isma‘ili Khojas was the procession of *tabuts*, miniature cenotaphs of Husain that are paraded for ‘Ashura.³⁹ A group of Khojas known as the Pirais (from *pir*, the Sindhi name of the place where the *tabuts* were stored) refused to abandon the practice after the Aga Khan forbade it.⁴⁰

Hence, it was Shi‘i rituals that lay at the core of the disagreement between the Aga Khans and a faction of Khojas in Karachi. It is equally striking that the leading Khojas of Karachi, who were also the wealthiest, wanted to ‘modernise’ and simultaneously to ‘Islamise’ their practices, probably under the influence of Islamic reformism in India, since they wanted to be taught in Quranic matters. This wish clashed with the agenda of the Aga Khan, which was to implement strategies for taking control of the caste as a whole. ‘Ali Shah himself was quite explicit: “They will not pay the tithe anymore”. But the focus of leading Khojas on scriptural sources of Islam allowed them to by-pass the Aga Khans’ authority, since the latter, as Muslims, were not believed to be able to claim priority over the Quran. Finally, Khoja leaders sought to preserve the caste’s independence as a social body. But in discarding the Aga Khans’ authority, they were also exempted from paying the tithe and the many taxes that were imposed on his followers.

The Birth of the Isna ‘Ashari Community

It remains unclear what was the exact nature of the relationship between the dissidents, known as Pirais, and the loyalists, known as Panjbhais, in the period from 1876 to 1905. Were they already separate communities? Although some were excommunicated, the majority of the Pirais remained in the bosom of the local Aga Khani Khoja community: for instance, Lalan himself was buried in the cemetery of Panjbhais. In addition, there were several cases in Bombay where excommunicated Khojas were later reintegrated into the community, after payment of arrears relating to tithes and other taxes. In 1876, however, one of the reasons given for the dispute between Lalan and the Panjbhais was that he wanted to build an *imamwara* (or *imambara*) near the Panjbhais’ *jama‘at khana*.⁴¹ They would have refused on the grounds that their religious feelings were offended by the teaching of heterodox doctrine

³⁷ *Ibid.*, p. 414.

³⁸ *Ibid.*, p. 392.

³⁹ E. H. Aitken, *Gazetteer of the Province of Sindh* (Karachi 1907), p. 176.

⁴⁰ Indeed, Isna ‘Ashari Khojas have retained that name in Karachi even though very few can explain its meaning today. The Aga Khan’s party is still usually named as the Panjbhais, or, Panjabhais, because the Aga Khan I should have been first defended in Bombay by a group of five brothers. The *varas* was the head of the Panjbhais.

⁴¹ The *imamwara* is a place devoted to the Shi‘i Imams, especially Husain, while the *jama‘at khana*, as we saw before, was a place devoted to the Aga Khan’s cult, and under construction during this period.

so close to their place of worship.⁴² But Pirais were still followers of the Aga Khan and they came to honour him in person every time he visited Karachi.

It was an Aga Khan's tour that provided an immediate excuse for the split. It was then a duty binding on Khojas to pay homage to the Imam when he visited: not attending was tantamount to committing a sacrilege. In 1902, however, a group of Pirais refrained from going to the *jama'at khana*. This act clearly meant that they rejected allegiance to the Imam. But while this does not tell us when the term "Isna 'Ashari" appeared in Bombay and Karachi, the position is clearer regarding the conditions of employment: "The term was apparently applied to everyone, whether Pirai or Panjbbhai, who rejected their allegiance to the Aga Khan, and who is voluntarily seceded or were excommunicated".⁴³ Between 1902 and 1905, the position of Pirai Khojas was a challenge for Panjbbhais. In 1902, the most radical Panjbbhais had stopped talking to them for not having "to eat or drink with them".⁴⁴ The Aga Khan himself did not share that position and he encouraged Panjbbhais to maintain relationships with Pirais. In August 1903, a group of 250 influential Panjbbhai Khojas petitioned the Commissioner-in-Sind to inform him that one Ja'far Fadu was a Pirai, and as such he could not be appointed as representative of Khojas in the municipality of Karachi.⁴⁵

The birth of Pirais as a separate community was on 15 October 1905, when the Husaini Bagh, the Pirai cemetery, was inaugurated. The beginning of the twentieth century was a very challenging period for the Aga Khan. In the same year, 1905, the Haji Bibi Case started in Bombay. The Aga Khan III was attacked by his own family, denying him the right to be Imam. It is thus significant that in the same year of 1905, S. G. Haji published a new official genealogical chart of the Aga Khan, on 21 August, which, it is said, cancelled the previous one dated 26 June. For the first time, the Aga Khan's genealogy officially traced his family back to the Prophet Muhammad through Husain, Hasan and 'Ali. The Hindu reference, in which he appears as an *avatar* of the Hindu god Vishnu, was withdrawn.⁴⁶

Such an Islamic normalisation was quite urgent. In practice, this Aga Khan was heir to the Muslim modernist tradition of Sayyid Ahmad Khan and others⁴⁷, and had become one of the leaders of the Muslims of India. In 1906, he headed the famous delegation at Simla asking the Viceroy to establish separate electorates for Indian Muslims. The construction of the Husain Bagh followed a formal declaration of Panjbbhais, according to which the burial of a Khoja was subject to a prior request for authorisation from the *mukhi*, the head of a local Aga Khani community, or his deputy, the *kamriya*. In addition, in early 1906, Panjbbhais issued a new resolution which excommunicated the Khojas "or sympathisers [who] were associated with Pirais and Ithnasharis".⁴⁸ It is clear that from this moment, the two terms of "Pirai" and "Isna 'Ashari" became equivalent. As the appeal of Ja'far Fadu in 1910 summarises: "At

⁴²H. J. Lilley, p. 23.

⁴³*Ibid.*, p. 92.

⁴⁴*Ibid.*, p. 80.

⁴⁵*Ibid.*, p. 25.

⁴⁶S. G. Haji, *Genealogical Table of H. H. the Hon'able Sir Aga Sultan Muhammad Shah Aga Khan* (Karachi 1905). This reference was nevertheless still expressed in the devotional literature of the Khojas; but the literature was kept secret – it was not disclosed to non-Khojas.

⁴⁷Sultan Muhammad Shah, Aga Khan III, had met him in Aligarh.

⁴⁸H. J. Lilley, p. 100.

the same time, the Pirais adopted the name of Isna ‘Asharis and seem to have definitely renounced all faith in Aga Khan”.⁴⁹

It was also during this phase of transition that Pirais endowed a new place of worship, the *mumbar*. A very common complaint against them was that they used to pray with the Twelvers in their *mumbar*. This term comes from the Arabic *minbar*, which refers to the chair found in a mosque where the preacher gives his sermon. In the Indian sub-continent, the Shi‘a sometimes used the term to designate a place devoted to Imam Husain. After the rupture, Pirai Khojas emphasised the intransigence shown by the Aga Khan against them. Aga Khani Khojas were forbidden to associate with them, as clearly stated in the *Rules and Regulations* elaborated in 1928.⁵⁰ Article 136 of the Chapter V “Miscellaneous Matters” is explicit: “Ismailis shall not take no part with secessionists in matters concerning religion. If any one does so the Council is authorised to punish him even to excommunication”.⁵¹

As we saw before, the Aga Khan III was the plaintiff in both the cases under scrutiny here, and, as such, he also represented Panjhbais. Interestingly, the targets of these cases were prominent Karachi Khojas. Nur Mohamad Lalan was the scion of a powerful Karachi Khoja family. His grandfather Alleeno was *varas*, as well as his great grandfather Jiand.⁵² Ja‘far Fadu (1867–1959) was a leading Khoja merchant in Sindh. He was the founder of a dispensary, located opposite the existing *jama‘at khana* at Kharadar, which is still in operation. Fadu published two newspapers in collaboration with Harchandrai Vishandas, *The Phoenix* in English and *Praja Mitra* in Gujrati, in which he outlined his grievances against the Aga Khan. He was thus excommunicated by the Aga Khani community and he also became Pirai.

Another excommunicated Khoja, Ghulam Husain Khaliqdina, was also an important figure in Karachi. He was a prominent member of the Karachi Municipal Corporation and was a founding member of the office of Sindh Madrasa‘t-ul-Islam. He created the Khaliqdina Hall and Library, which still exists on M.A. Jinnah Road. He was also the builder of the first public baths in Karachi, at Machi Miani. Khaliqdina, however, was condemned by the Aga Khan because he frequented the Pirais. He eventually became a follower of Twelver Shi‘ism. Meanwhile, some families were divided on the issue. The person who attempted to murder Lalan in 1876 was Basariya Fadu, Ja‘far Fadu’s brother. Basariya Fadu (1848–1918) would later be appointed *varas* (the Imam’s deputy) by the Imam, although the crime he had committed earned him a sentence of eight years in prison.

Later on, during the first decades of the twentieth century, some Khojas called themselves “reformers” but did not leave the Isma‘ili community. One year before the constitution was given to the Karachi Khojas, one Karim Goolamali published an “open letter” to the Aga Khan III.⁵³ In 1928, he published *An Appeal to Mr. Ali Salomon Khan*, which provides another summary of the history of the dissent.⁵⁴ Although Goolamali borrowed a number of pieces from Bombay court cases, the grievances were voiced very strongly when he

⁴⁹ *Ibid.*, p. 167.

⁵⁰ *Rules of the Shia Imami Isma‘ilis of Karachixe "Karachi"* (Karachi, 1928), p. 35.

⁵¹ *Ibid.*, p. 36.

⁵² V. Utamsing, p. 404.

⁵³ K. Goolamali, *An Open Letter to H. H. the Aga Khan* (Karachi, 1927).

⁵⁴ K. Goolamali, *An Appeal to Mr. Ali Salomon Khan* (Karachi, 1928).

claimed that the Aga Khan pretended to be God, and that the Aga Khani Khoja religion was nothing other than a source of income. While his words implied that all actions within the religion carried a fee, Goolamali was nevertheless never excommunicated; he, with his partners, would never convert to Twelver Shi‘ism. As such, the mechanisms of Isma‘ili Khoja belonging had apparently been relaxed.

Thus, the birth of the Isna ‘Ashari Khoja community in Karachi paradoxically contributed to the reinforcement of the Aga Khani Khoja community. Although it allowed a faction, which was a minority, to remain independent from the Aga Khans’ authority, it was also the starting point of the building of a new community that remained largely unchallenged. And when it was, as Goolamali’s case attested, this took place within the scope of the community. In the first decade of the twentieth century, Sultan Muhammad Shah finally forbade the Shi‘i rituals of Moharram among his followers. But with education by now broadly spread among Indian Muslims at large, he also started a publishing programme of religious books whereby the caste rituals were kept when they could be reoriented towards his own person, or, when it was not possible, simply suppressed.⁵⁵

The main clue to these developments provided by Karachi judicial sources is that the Khojas who led the dissent belonged to Khoja families that were dominating the caste. The negotiations that occurred throughout the period took place between the Aga Khans, spiritual guides who were trying to control a caste, and a caste as an independent social body, which was fighting a religious authority to keep its independence. The two leading families were those of the Lalanis and of the Fadwanis. According to the judicial sources, the Lalanis kept the keys of the caste buildings, evidence that they were ruling the caste in Karachi. The Fadwanis, probably a rival family, decided to stay by the side of the Aga Khan. They finally succeeded in ruling the caste, albeit in the name of the Aga Khan. Hence, although he was directly involved in the murder of a Lalani, a Fadwani was appointed as head of the community.

Conclusion

To conclude, as this brief study shows, the process of division between the Isna ‘Ashari and Aga Khani Khojas took place over the course of several decades, with the final break occurring around 1910 after many years of community relations between Pirais and Panjbhais. The dissent took a number of forms: the dissenters claimed that the Aga Khan was opposed to Islamic education, wanted to suppress their ancestral beliefs and practices (those that the judicial sources named as “the shared Shi‘i rituals”), and wanted to take over their communal buildings. This suggests that the reformers were expressing a resistance from the Khoja community as an independent social body – a caste – confronting a religious authority coming from outside, namely Iran, with a quite different religious culture. Finally, using Weberian typology, the Karachi judicial sources provide a picture of the process among

⁵⁵For a detailed analysis of the process, see M. Boivin, *Les Agha Khans et les Khojas. Islam chiite et dynamiques sociales dans le sous-continent indien contemporain* (Paris, 2013).

the Khojas of transforming from a caste, a body defined by social and kinship structures, to a sect, a term expressing a more religious affiliation.⁵⁶

The Karachi court cases clearly underline that so-called shared Shi'i rituals were largely practised by the mid-nineteenth century Khojas, and were clearly among the major features of the community's religious culture. While they also attest that the dissenter party refused to acknowledge the Aga Khan as a divine figure, the dispute crystallised over the matter of property in the shape of buildings, which appeared as the very symbols of the caste. Although, officially, the Aga Khan Case of 1866 recognised that the Aga Khan was the owner of all Khoja buildings, reformers stated that the buildings belonged to the caste itself. But it is not easy to investigate how exactly the cleavage between reformers and loyalists later played out: in other words, why some Khojas deserted the Aga Khan while others did not. This challenge is further attested by the fact that the dissenters were among the oldest Khoja families, probably those who were controlling the caste before the coming of Hasan 'Ali Shah in the mid-nineteenth century. Accordingly, the Karachi sources provide a fresh perspective on the community-building processes of Indian Muslim groups in north-west colonial India. <mboivin@ehess.fr>

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⁵⁶On this point, it is interesting to observe that the sources, including the *Rules and Regulations* of the Khojas of 1928, use the word "excommunication" rather than "ostracism": as Lilley puts it, excommunication is the "loss of eternal salvation". H. J. Lilley, p. 77.