

Case studies of Awqaf Properties and their development in Bangladesh

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Abstract: Waqf system is one of the most effective resolutions of Islam for social welfare of humankind. Waqf is the only kind of charitable system where working capital remains undiminished. Waqf system had been in effect in different Islamic State from the early age of Islam. It is found to be prevailed in Bangladesh also even before the advent of Islam in the region. But no informative, organized and authentic research on the Waqf Management had been carried out here due to lack of historical evidence, documentation and proper initiative. The objective of this research work is to depict the scenario of overall Waqf System of Bangladesh abridged. The brief introduction to Waqf, present scenario in the country, important stakeholders, the relevant laws prevailing waqf model in Bangladesh, inception of cash waqf in the country – in a nutshell, gross overview of waqf management in Bangladesh, its challenges, do's and don'ts in its developments etc. have been discussed here. Most of the information has been extracted from secondary sources except essentially in some cases from primary sources. Due to inadequacy of information, overall scenario of waqf system of Bangladesh could not be depicted completely. However, propagation and practice of waqf system holds a bright prospect in Bangladesh as compared to other countries of the world due to the fact of 90% among 16 crores of its population being Muslim. If joint initiative is taken by Government, national & international organizations, hopefully induction of Waqf System would be gradually increased in Bangladesh.

Keywords: Awqaf Property, Waqf System, Waqf management, Waqf Administration, Cash waqf and Bangladesh.

Introduction:

Waqf is a very important dispensation of Islam. It can be the cause to lead a Muslim towards achieving temporal and eternal success. Islam, the religion of the wellbeing of

humankind, prescribed various revolutionary provisions in resolving socio-economic problems out of which *Waqf* is very important one apart from the provisions of *Zakat*, *Ushar* and Donation. The basic difference of *Waqf* from as usual donation is its perpetual impact. The reward of *Waqf* can be increasingly multiplied unremittingly even after death, whereas other as usual donations may be diminished after a while. *Waqf* had been predominantly prevailing in a great deal in all Islamic territories at all ages, as Islam considers it very emphatically for its strong social impact. In Bangladesh *Waqf* is believed to have been introduced just after the advent of Islam here. Especially in Sultanate age observance of *Waqf* was in increasing trend in this territory that continued in Monarchical age. But the British rulers gradually confiscated all the *Waqf* properties after assuming in power in this country that led the educational and charitable activities to a stagnation which was completely dependent on those *waqf* properties. The effort to restore the *waqf* system to its former state was in vain during Pakistani tenure. After the independence of Bangladesh, *waqf* system has been even deteriorated and *waqf* properties have been lessened due to illegal occupation and lack of proper supervision.

Presently traditional old *Waqf* system is being prevailed in Bangladesh despite its historic role in this country. In the recent years some of the Islamic banks have been trying to introduce cash *waqf*, but could not attract the attention of the mass people. Most of the *waqf* properties enlisted by *Waqf* Administration are illegally occupied. In some cases Government itself have built Government office and buildings on *waqf* land. In this article, an effort has been made to present a short overview of *Waqf* system in Bangladesh. The brief introduction to *Waqf*, the historical-political-economic factors in its practice in Bangladesh, its evaluation and present state in the country, stakeholders and internal functional management related to *waqf* system, relevant laws and prevailing *waqf* model in Bangladesh, inception of cash *waqf* in the country – in a nutshell, gross overview of *waqf* management in Bangladesh, its challenges, do's and don'ts in its developments etc. have been discussed here.

Introduction to Waqf

Lexical meaning of Waqf

Lexical meaning of *Waqf* is stopping, stop(page), halt(ing), estate, cessation, discontinuation, giving up, leaving up, leaving off, desistance, desisting, refrainment, refraining, abstention, abstaining. Rohi (1999)

The meaning of *waqafa* as verb-to come to a standstill, comes to a stop, to stand still, to place. Wehr (1980) Initially the words *Sadaka*, *Habs*, *Ahbas* were used to represent

Waqf. But later on *Waqf* has been used extensively replacing those words. Though in some of the African countries ‘*Ahbas*’ is still used to mean ‘*Awqaf*’. (www.alifta.net 26/9/2014)

Terminological meaning of Waqf

Fuqaha (scholars of Fiqh) defined *Waqf* as under,

“To donate somebody a property from which he can enjoy the full profit share out of it or get benefitted. This benefit can be extracted permanently or temporarily.” Kanduj (2009)

Famous *faqeeh* Abu Jahra defined thus,

“To acquire land property as per the condition of *Waqf* in such a way that nobody can sell it anywhere, donate or enjoy it as inheritance.” Maida (2002)

According to dictionary of Legal Terms, “Extinction of the proprietor’s ownership in the property and the creation of trust of the property for religious purposes.” Agarwal (1975)

Islamic Encyclopedia introduces, “*Waqf* is such a property which is disowned by the owner or condition that a trust will own that property and its profit would be utilized in a noble purpose. The process or method which conducts this donation can be termed as *Waqf*.” A Rahim (1989)

Clause no. 2(10) of Bangladesh *Waqf* order 1962 defines *Waqf* as under,

“*Waqf* is the donation of any property by any Muslim with a view to accomplishing religious or charitable activities.” A Hamid (2009)

The statistics of *Waqf* property in Bangladesh

Historically there exists huge property obtained through *Waqf* in Bangladesh. From early age of dynastic realm Muslim ruler of the country and rich people donated their mentionable property on *Waqf* basis for the purpose of religious and general education, orphanage, hospitals and socio-economic development activities. The contribution of *Waqf* property is commendable in Bangladesh like other Muslim countries of the world.

Since independence in 1971 there was no particular statistics of millions of *Waqf* property. After long delay in 1986, Bangladesh Bureau of Statistics (BBS) conducted a survey on request of the then Ministry of Religious Affairs. According to the survey of 1986, total number of *Waqf* estate of the country was 150,593. Each *Waqf* estate was used in different purposes like managing the affairs of mosque, madrasa, graveyard, Eidgah (place of Eid prayer) etc. Statistics conducted in 1983 shows that total number of the mosque of the country was 131,641 among which 123,006 were founded and

running by *Waqf* property according to the survey of 1986. BBS (1987). More than 8 thousand educational institutes are running by *Waqf* property. Faisal (2012) According to the statement of *Waqf* administration, the total amount of enlisted land under the *waqf* estate of Bangladesh is 6, 31,297 acres. *Waqf* Administration (2019)

Total number of *Waqf* estate of the country was 150,593 whereas the number of registered *Waqf* estates of the *Waqf* Administration is 22,805. A big number of *Waqf* estates are not registered and a huge number of lands are occupied. As a result Bangladesh Government is losing huge revenue and *Waqf* property cannot contribute that much in development. BBS (1987).

The nature of *Waqf* practiced in Bangladesh (considering the fact of funding)

After the advent of Muslims in Bangladesh, basically land *waqf* was in practice at large. Till then the present updated & modern *Waqf* models were not practiced. Land *Waqf* was mostly practiced in Bangladesh which is followed by properties *waqf* afterwards. Recently cash *waqf* is on outset in the country. Apart from these, there is no more *waqf* model in Bangladesh.

The Laws related to *Waqf* in Bangladesh

During the British tenure in India, the *Waqf* was administered by the Muslim personal law. The Privy Council would also give some verdicts occasionally in emergency cases which give an idea about involvement of Privy Council in law making and judicial system related to *Waqf* Management. But in the context of declaring an *Ahli* of *Waqf* illegal by the Privy Council in a verdict related to *Ahli* of *Waqf*, the Muslims of India considered as the violation of Muslim personal law and hence expressed their resentment and issued an allegation to the Govt. of India against Privy Council. To that end Muslim *Waqf* Validating Act was endorsed in 1913. In 1934 Govt. formed “*Waqf* Act of Bengal 1934” as a separate *Waqf* law for the preservation and take care of *Waqf* properties for the first time. (Banglapedia <http://en.banglapedia.org/index.php?title=Waqf>). In 1947 present Bangladesh was a part of Pakistan during the separation of India & Pakistan. That time an ordinance was formed and enacted in 1962 for the *Waqf* Management in then Pakistan. This ordinance was adapted along with other laws of then East Pakistan as per the article no. 5 in the constitution of Bangladesh in 1971 after independence. (Muhammad Fazlul Karim, PROBLEMS AND PROSPECTS OF AWQAF IN BANGLADESH: A LEGAL PERSPECTIVE) This ordinance is still functional as the principal law of *Waqf* in Bangladesh in the name of “Bangladesh *Waqf* Ordinance: 1962” which have been amended in 1988 and 1998. In 2013 this was further amended

in the name of “Waqf Ordinance Amendment Act: 2013” and at last in the same year “Waqf (Property Handover & Development) Special Act: 2013” has been formed and enacted. Presently “Bangladesh Waqf Ordinance:1962” and “Waqf (Property Handover & Development) Special Act: 2013”; these two acts are in effect in Bangladesh and all Waqf related activities are conducted as per rules of these laws.

Waqf Administration in Bangladesh

There is no separate ministry for Waqf Management. But there is an office named “Office of Waqf Administration” under the ministry of Religious Affairs by which Govt. conduct all the Waqf related activities. Its Head Office is located in Dhaka and its local 38 branches conduct Waqf related affairs throughout the country. Apart from this organization, there is no further authorized Govt. institution to conduct Waqf related affairs. The brief introduction to the Waqf Administration, its vision and mission, organizational structure and activities etc. are stated as following so as to give an impression of how the Waqf Management of Bangladesh conduct its activities.

Vision: To ensure social welfare and religious betterment through the proper management of waqf property

Mission: To carry out philanthropic activities in the direction of Islam by the Waqf-earned properties through its well fashioned management and overall development.

Organizational Structure: Bangladesh *Waqf* administration is situated in its own building in Dhaka at 4, new Eskaton Road. According to the organogram the number of approved posts of the Head office is 48: 1 (one) *Waqf* administrator, 2 (two) sub *Waqf* Administrators, 7 (seven) Assistant *Waqf* Administrators and 38 supporting stuffs. Besides there are 21 district offices each having 3 manpower including 1(one) inspector, 1 (investigator) and 1(MLSS) summing up the total number of personnel to 63.

Fund: The number of enlisted *Waqf* estates of the *Waqf* Administration is 22,805. The main source of income of the *Waqf* Administration is 5% annual subscription of the estates. In the fiscal year 2017-18 total collected subscription was 6, 53, 22,248 BDT.

Activities: Presently following activities are conducted under the supervision of *Waqf* Administration according to the *Waqf* ordinance 1962 since its inception.

- a) Identification of *Waqf* property of the *Waqf* estates on conducting survey.
- b) Management of *Waqf* estates and taking necessary measures to form committee as required for utilizing the fund.

- c) Appointment of *Mutawally* in vacant post and even elimination of *Mutawally* if necessary for any kind of mistrust, ill-management, unfair activity, forfeiting of fund etc.
- d) Giving permission of handing over any parts of its property for its development and welfare.
- e) Giving advertisement for the administration, control, management and looking after of the *Waqf* property like Majar, Eidgah and others.
- f) If any case is filed in High court Division or Appellate Division of Judge Court or Supreme Court against any order of *Waqf* administration then to conduct the case on behalf of the Govt.
- g) Application of power of the administration by District Commissioner or other representatives according to the clause 36 of *Waqf* ordinance – 1962.
- h) Taking initiatives for the enlistment of the unlisted *Waqf* estates.
- i) Taking decision whether any property is donated as *Waqf* or not according to *Waqf* ordinance – 1962.
- j) Investigation on the report of income and expenditure submitted by any *Mutawally* and giving necessary order on the audit report.
- k) Taking necessary initiatives to expel the illegal intruder into the *Waqf* property and taking legal actions against the people disrupting the activities of the estates.
- l) To collect the annual 5% subscription from the *Waqf* committee of the *Waqf* estates.
- m) To ensure the proper investigation and utilization of the *Waqf* fund according to the clauses of 73 and 74 of *Waqf* ordinance 1962.
- n) To file case if necessary in defending *Waqf* property.
- o) Taking initiatives of the investment of the property confiscated by the Govt. and buying property in the name of the estates.
- p) Accomplishment of all necessary activities for controlling and proper management of the estates.
- q) Arranging necessary workshop to prepare Database, modernization and computerization of the estates to ensure the better service, time-befitting and dynamic *Waqf* administration.
- r) According to the 76 section of *Waqf* Ordinance 1962, *Waqf* fund is audited by the Government. As per the provision, *Waqf* fund had been audited thus up to 2016-17 fiscal year and 13 audit non-conformities are under resolving process.

- s) Own website www.waqf.gov.bd has been formed for the proliferation of information technology with a view to found digital Bangladesh. 5 years of the Development, (2009-13)

The Waqf Estates Controlling policy of Bangladesh Waqf Administration

- To determine the nature and amount of waqf property, to investigate its account and return and to seek for other relevant information.
- To ensure of serving its purpose of utilizing its earned properties by doing betterment of certain group of people for which Waqf is dedicated and destined to.
- To give directions for the better management of Waqf properties.
- To include the honorarium of the Mutawalli in the waqf indenture if not mentioned.
- To invest the money as obtained from the reimbursement if confiscated.
- To take legal actions against Mutawalli for any sort of unlawful deeds.
- To evict any intruder into the waqf property with an evil motive.
- To decide whether a property belongs to waqf or not.
- To face, conduct or supervise any case if it is in progress.
- To take necessary steps for the preservation and control of Waqf properties and doing all essentials in support of waqf administration. Waqf Administration (2019)

Cash Waqf and Waqf in SME sectors in Bangladesh

Social Islami Bank Limited (SIBL) first introduced cash waqf account in the history of banking in Bangladesh. To go even further, not only in the banking history of Bangladesh, it is SIBL that introduced first ever cash waqf system in the entire global banking history. They introduced cash waqf project in the name of “Cash Waqf Certificate” in 1997. The founder chairman of the bank and globally acclaimed Islamic economist Professor Dr. M. A Mannan evolved the concept of cash Waqf in his book “*Cash Waqf: Enrichment of Family Heritage: Generation to Generation; A new horizon of development*” which was published in 1998. Afterwards he explained various positive aspects of cash waqf in different national and international seminars and symposium. Renowned economists and bankers from the different corners of the world appreciated this profoundly and acknowledged this as the Multi-dimensional dynamic product.

Cash waqf opens a new horizon in the Islamic Banking sector. Social Islami Bank Limited (SIBL) is strengthening the family system on the basis of partnership by introducing three dimensional exceptional banking models, such as Formal, Informal and Voluntary sectors. As a part of strengthening the voluntary banking sectors and giving it a strong base in the capital market, SIBL first time introduced the cash waqf certificate scheme in the banking history which was followed by many other Islamic Banks and financial organizations in home and abroad. In Bangladesh, Islami Bank Bangladesh Limited (IBBL) was the second bank to introduce Cash Waqf Deposit Scheme on 1st July 2004. Al Baraka Islami Bank Limited and First Security Islami Bank introduced Cash Waqf account in 2008 and 2009 respectively.

Presently Islamic banking activities are being carried out by 8 complete Islamic banks and 27 windows of 17 traditional banks. Among these most of the Islamic banks and some of the traditional banks are involved with Waqf management through Cash Waqf account. Being the largest commercial bank of the country, Islami Bank Bangladesh Limited (IBBL) is playing the greatest role in terms of the amount of Waqf Fund. Since the commencement of the cash waqf project in 2004 the total deposit has been amounted to 75.26 crores in 2016. SIBL is in second position in term of amount of deposit. Since the beginning of inception of the waqf account in 1997, the total balance of waqf deposit of the bank is 23.69 crores as of 2016. Among the Islami banks Al-Arafa Islami Bank Limited, Exim Bank Limited, Shahjalal Islami Bank Limited and among the traditional banks A B Bank, Agrani Bank, Trust Bank and Asia Bank introduced Waqf account. These nine banks mentioned here could accumulate 105.63 crores as cash waqf deposit till the year 2016. (Iqbal Kabir Mohon, 2018)

Here is a table of bank wise cash waqf deposit for 5 years (from 2012 to 2016)

SL	Name of Bank	2012	2013	2014	2015	2016	Stability
01	Islami Bank Bangladesh	36.70	45.59	53.30	65.85	75.26	71.24%
02	Social Islami Bank	6.89	8.46	9.93	17.88	23.69	22.42%
03	Al Arafa Islami Bank	0.49	0.54	0.76	1.71	1.88	1.78%
04	Exim Bank Limited	0.91	1.21	1.62	2.47	3.56	3.37%
05	Shahjalal Islami Bank Limited	0.29	0.30	0.33	0.36	0.39	0.36%
06	AB Bank Limited	0.02	0.25	0.00	0.01	0.60	0.56%

07	Agrani Bank Limited	0.00	0.00	0.00	0.01	0.01	0.09%
08	Trust Bank Limited	0.00	0.00	0.00	0.07	0.08	0.07%
09	Bank Asia Limited	0.00	0.01	0.12	0.16	0.17	0.16%
	Total	45.30	54.36	66.06	88.52	105.63 (crores)	100%

On 2019 this amount has been raised to about 200 crores BDT. This amount is comparatively very insignificant. But cash waqf is gradually being popular in Bangladesh. For this proliferation of the concept is a crying need. Moreover, stability in the banking sector has to be ensured eradicating all the instability and unrest therein.

Selected Case Studies on Waqf Institutions in Bangladesh

Haji Muhammad Muhsin Fund (Syedpur Trust (Waqf) Estate)

Haji Muhammad Muhsin Fund is one of the famous waqf funds in Bangladesh. In Eighteenth century Land Lady of Guglee District Maryam Khanam was a very pious woman who was popularly known as Monnujan Khanam. Her father willed all of his property in her favor during his death. Thus Monnujan inherited huge property from her father Aga Motahar and Husband Salahuddin. Before her death she also donated all of property to her beloved foster brother Muhsin.

Muhsin thought that, he would donate all these properties for betterment of distressed people in the purpose of their religious education. With that in mind pious Muhsin formed a trust and appointed two Mutawalli to lead the trust in 1806. He divided the properties into few number of shares among which he kept three for utilizing in religious affairs, four share for pension, scholarship and charitable activities and two shares for salaries and honorariums of Mutawalli.

The territory of the land-lordship of Munnujan was extended up to Khulna and Jessore District. One-fourth of this was termed as syedpuri Land-lordship. This waqf was popularly known as Syedpur Trust Estate.

Sectors of Expenses:

- To help the brilliant but poor students.
- To establish school, college and madrasa and help in those institutions.
- Special grant (treatment and others)
- To help in religious programs (programs like waj, Milad, Maharram etc.)
- Helping in marriages (specially for those who are in difficulties with not being able marry off their daughters)
- For the expenses to conduct legal matters (specially to conduct the lawsuits for retrieval of the Syedpur Estate Properties)
- Relevant other expenses
- Salaries and honorariums officers/workers and others.

Muhsin took over the responsibility of leading the fund management himself for the Mutawwli forfeited the fund. After assuming power Govt. utilized the extended part of the earned properties in building different institutions. During the mid-nineteenth century, residential buildings, schools, colleges, madrasa, mosques, hospitals were among those constructions works.

Huglee English School was established with this Muhsin Fund in 1836. Yearly expense of the school was 50000 during that time. All the expenses including Honorarium of the teachers, grants for the students, house rent, library expenses etc. were met up by the earning of the Syedpur Estate. This institution has paved the way to the higher educations for the Countless number of students who afterwards contributed in flourishing arts-literature, social welfare etc. Numbers of Madrasa have been established in different districts of the country by this Muhsin fund. Calcutta madrasa was upgraded to college. The expenses of this institution was met up by this fund including honorarium of the teachers and grand for the students. A lot of schools, colleges and madrasas have been established in Jessore, Khulna and in other parts of Bangladesh. Doulatpur Muhsin High School, the first high school in Jessore and Khulna, was established on 2nd January 1867. Khalishpur Haji Muhammad Muhsin College and Doualtpur Mahila College have been established in 1969 and 1st July of 1972 respectively with a view to extending women education. Munnujan Balika Biddyaloy was established for the same purpose which was included within the government. There are residential dormitories in Rajshahi University and Khulna Government Brojral (BL College) in the name of Monnujan. A certain amount from this fund has been sanctioned for the Scholarship for the outstanding result of the students. Huge amount of money is spent for the scholarship of the students of various institutions of Jessore and Khulna. 61 % of the money of

this sector is sanctioned for the students of Khulna and the rest 39% is for that of Jessore district.

Method of Implementation:

There is a 9 member committee with the District Commissioner of Khulna as the president to lead the Muhsin Fund which is known as Syedpur Trust Estate. District Commissioner is the trustee and deputy collector revenue member secretary. Head assistant of the office of District Commissioner, dealing assistant, record keeper, district surveyor and two office assistants are the members among others. All the discussions are taken in periodic meetings. Executive committee includes: President < Member secretary < general members.

Haji Muhammad Muhsin is an exemplary illustration in the history of benevolence and social welfare who set countless examples of how to spend money for the cause of the greater humankind. He will live in the hearts of people forever as an ideal philanthropist. The light that he lit up will be ever enlightening in the sector of waqf and social welfare. (Philanthropy practice in Bangladesh, 2007)

Islamic Development Bank-Bangladesh Islamic Solidarity Educational Waqf (IDB- BISEW)

One of the great initiatives in waqf sector in Bangladesh is Islamic Development Bank-Bangladesh Islamic Solidarity Educational Waqf (IDB-BISEW). From the income of the endowed IDB building and the computer market housed in the building, this waqf initiative spends USD 4 million every year for vocational training, IT (information technology) scholarship course and technical education in madrasas.

To run the waqf project, IDB-BISEW has formed a committee of mutawallis (trustees) with three high ranking officials from the Islamic Development Bank and three high ranking officials from the Bangladesh Government.

Under the supervision of this committee, the initiative runs six educational programs. Its IT scholarship is a fully-funded year-long programming course for non-technical background graduate students. Launched in 2003, this course has produced 10,500 efficient computer-programmers, 92 percent of whom are now satisfactorily employed.

The course is certified by international vendors like Microsoft and Oracle which ensured their employment, even abroad. According to Zahid Al Mahadi, program coordinator of IDB-BISEW, "Our course is rigorous and we assess our students through third-party consultants who arrange exams and assess our students. This is how we

ensure quality of our training. And, we also have a placement cell that helps our students to get a suitable job. We also preserve a copy of their appointment letter to make sure of their recruitment,” he adds.

IDB-BISEW's vocational training has also ensured employment for 512 high school dropouts since 2012. These students, who could not complete their secondary education, are awarded scholarships from the waqf fund to receive six weeks intensive training in selected trades.

“Their food, accommodation and other expenditures are covered from the waqf fund for the entire training period and they also receive a monthly allowance of BDT 500 per month. 102 organizations are regularly hiring our students of vocational training programs,” says Mahadi. Besides, IDB-BISEW has established six technical madrasas where students get vocational education along with their regular religious education under Bangladesh Technical Education Board.

“This initiative targets a particularly neglected and vulnerable section of the student population and enhances their skills to secure their proper employment in the job market. We want to transform this massive young population into productive manpower who can contribute to the economic growth in a sustainable manner,” he adds.

IDB-BISEW's waqf initiative for providing quality technical education for disadvantaged youth is a stark example of waqf's massive development potential if transparency and proper maintenance can be ensured. (<https://www.thedailystar.net/star-weekend/waqf-reviving-its-true-spirit-1541980>)

Apart from this, some mention worthy Waqf Estates are playing very significant role in charitable activities such as:

Hazrat Shah Ali Bagdadi (R.) General Hospital, located at Mirpur has been offering free medical treatment under the shade of the Waqf Administration.

Hamdard Laboratories (Waqf) Bangladesh has been playing pioneering role in the sector of herbal treatment.

Moreover, Hajiganj Boro Masjid Waqf Estates- Chandpur, Haji Golam Rasul Saudagor Waqf Estates-Chottogram, Pagla Masjid Waqf Estate- Kishoreganj and other mentionable Waqf Estates are spending substantial amount of money in propagating religious education-all aimed at the target of pleasing Allah SWT. Waqf Administration (2018)

Challenges in waqf system

There are many challenges in waqf sector in Bangladesh. A brief discussion of some of them is given below:

Corruption in Waqf Administration

Bangladesh is in vulnerable state in the global corruption index. As per TIB report, charitable sector is the most corrupted sector of Bangladesh and among the charitable sectors, Waqf Administration is notoriously renowned for its corruptive malpractice as the system most often compels the concerned to take resort to the corruption. The head office located in Dhaka and the some other regional offices of Waqf Administration are reported to have such allegations of corruption. The then Assistant Commissioner of Bangladesh Waqf Administration Mr. Motahar Hossen Khan was caught red handed and arrested last 5th November 2017 by Anti-Corruption Commission while taking bribe of 50,000 BDT in the exchange of issuance of permission to one of the members of Mosque Committee for selling the land of Waqf Estate. (Monthly Dudok Dorpon (Monthly Magazine of Anti-corruption commission of Bangladesh), Issue-7, Number-17, November 2017)

This is merely one example of the event of this kind and further investigation will unveil such more incidents. Regional offices also witness this kind of instances of corruption.

Grabbing of Waqf Property

There are total number of registered waqf Estate is 22,085 which counts one lac ninety three thousand two hundred and forty nine acres of land out of that Waqf Administration has no control over one lac twenty thousand two hundred and ninety four acres of land. Although the *Waqif's* (donators) donate the properties for religious and charitable purpose, these are rather being exploited by influential politicians, land grabbers and local terrorists. Most numbers of the waqf properties are in Dhaka Division which are numerically 85109 acres of land lion's share of that are forfeited which amount to 84663 acres of land. In Dhaka Division, 72000 acre land of Shazadi Waqf Estate and 12000 acre land of Ainuddin Haydar & Fayzunnesa Waqf Estate is out of control of Waqf Administration. Moreover, at *Panch Vhai Ghat* Lane of Sutrapur in Dhaka, 8.39 acre land of Dr. Bahadur Ali Waqf Estate; 43.89 acre land of Jafar Ali Khan Waqf Estate in Tangail; 12 acre land of Abu Taher Miyan Waqf Estate in Kidshoreganj and 96 acre land of Khan Bahadur Moyzuddin Biswas Waqf Estate are out of control of Waqf Administration. (<http://bonikbarta.net/bangla/news/2016-10-20>).

These properties are being occupied by dint of political influence and with the aid of *Mutawalli* (caretaker). *Mutawallis* (caretakers) of different Waqf Estates are allegedly found to be colluding with the local miscreants to record the land of the Estate in favor of the desired group of people during the land surveying by the Government in exchange of financial benefits. This is the way most of the Waqf properties are being ousted and fraudulently documented.

Loopholes of legal framework

Waqf law of Bangladesh basically refers to that of 1962 although that law has come across succeeding amendments with the addition and enactments of some new laws. There was no provision of sale of Waqf properties as per the Waqf rule of 1962. As per that rule, those properties were inherited by the successors. But the 4 (A) clause of Special Waqf Act-2013 included a provision of handover of the Waqf properties through sale. After the inclusion of the amended law there was an overwhelming sale of Waqf properties in different plea. Formerly Waqf properties were occupied forcefully defying the laws despite having no legal provision of handover of Waqf properties. But, now Special Waqf Law amendment-2013 allured the land grabbers to destroy the Waqf properties, this time more secured and safely through the loopholes of the legal framework. Having the flaws in the law, miscreants are fraudulently getting the properties in their possessions with no scopes of legal steps against them. If filed any case against them, they get rid of it through the loopholes of the laws.

9.4. Shortage of Manpower

Waqf Administration is running with far fewer number of manpower than actually required to ensure the development of the Waqf Estates registered by the Waqf Administration, let alone the ones those are unregistered. Presumably this results in inefficient run of the waqf Administration. In 2016, Waqf Administration office has given requisition for 1048 manpower to the concerned ministry with the demand unmet when the administration consisted only of 111 people. Waqf Administration has mentioned this in its report as the population to be insufficient to carry out the overall activities of such large administration. Former Administrator of Bangladesh Waqf Administration and Additional secretary Mr. Foyez Ahmed told that they had no sufficient manpower to look after the Estates and to retrieve the properties of the Estates which were already occupied by the miscreants. Without appointment of sufficient manpower in the administration it is almost impossible to face this challenge.

Misuse of Political Power

Illegal possession of Waqf property is one of the major misdeeds which are perpetrated by the use political muscle power. Waqf Administration, *Motawalli* and local executive committee of the waqf Estate are the hostages to the local politicians who are primary subjects to the allegations for creating undue influence upon the executive committee for selling or illegal occupation of the Waqf property. And Government itself has added only the sufferings to these worries by illegally occupying innumerable Waqf Estates and Waqf land by the misuse of state power. Banga Bhaban of Dhaka, Secretariat, Rail Bhaban, Police Head Quarters, Dhaka South City Corporation Bhaban (Nagar Bhaban) etc. buildings all have been built up on the occupied land of Waqf properties.

Negligence of the Government to protect Waqf Property

Although there is no separate ministry to take care and preserve the Waqf properties of the country, Bangladesh Waqf Administration is working in this regard under the supervision of Ministry of religious affairs. But due to the lack of sufficient manpower, unbridled corruption and negligence of all the concerned thousands acres of land have been occupied by the greedy and malicious group of people. No effective steps have been taken for the appointment of the required manpower despite repeated requisition from the Waqf Administration to the concerned ministry. Government has not been paying heed to some essential matters such as setting up of special tribunal for resolving the thousands of cases held up for over the years; appointment of sufficient solicitors in the Waqf administration etc. which are urgently required. Government does not seem to be serious to retrieve the beyond-control properties, because all the ruling party personnel get involved in massive plundering of the properties aided by political muscles. We have found in our research work that the Government is not sincere in preserving the greater interest of the Waqf properties and its development as a whole.

Lack of literature related with Waqf

The lack of literature related with Waqf in Bangladesh is creating barrier against the development in this sector. There is no institutional endorsement in term of syllabus on Waqf Management in school, madrasa, college, university or any other level. It is a matter of utter dismay that, in the immensely prospective country on the ground of Waqf, there is not even a single research or reference book written on Waqf in Bangla which is worth a mention. A few of the research works that have been conducted in university level are of elementary stage and full of obsolete information. Waqf Administration of Bangladesh which is believed to be the most authentic and reliable organization in the regard of Waqf affairs has not taken any initiative to publish any research

book or literature that can mentor the people in relation with the history, tradition, contribution, present and past, problems and prospects of the Waqf Management. So, it can be easily deduced that, the lack of literature regarding Waqf is one of the biggest challenges for the sector.

There are some other challenges in this sector like, Identification and enlistment of all the Waqf properties in Bangladesh, the most of people are unaware about waqf, Different Waqf estates are in charge of long term lawsuit in different courts and so on.

Prospects of Waqf in Bangladesh

It is possible to multiply the income of waqf administration by setting up multistoried modern state of the art commercial and residential building and industries in capital city Dhaka, Bangladesh and commercial city Chittagong utilizing waqf properties scattered around the country.

It can contribute a lot in poverty alleviation and advancement of the life of many people by offering stipend with the money earned by the investment of Islamic Solidarity Fund evolved from the Waqf properties.

Necessary arrangements can be made for shrimp culture on waqf land of the coastal area which may be proved to be effective as that can beget huge foreign currency by exporting shrimps to abroad. Commercial production of salt may be a good idea on plain land of waqf estates of coastal area which may in turn yield decent profit for the estates.

Planting fruit tree in the hilly regions of Sylhet and Chittagong may have dual effect of saving environment and at the same time creating socio-economic impact by producing fruits in abundance. Similarly, orchard may be set up in the waqf estates of Rajshahi, Dinajpur and Chapainwabganj region. Formation of tea garden in hilly regions of Waqf estates can also help accelerating the earning of the estates.

Moreover, there are bright prospects of cash waqf in Bangladesh. It can help in raising necessary fund.

This money can be utilized for the development of education, poverty alleviation, and other philanthropic and social welfare activities. It may also create a remarkable change in socio economic development of the country.

Recommendations for the development of Awqaf property

The *Waqf* management of Bangladesh is encompassed with different problems. If the existing *Waqf* management is analyzed it is found that the methods which govern the

Waqf management of the states are faulty. Various problems of the *Waqf* managements have brought those on the verge of extinction.

In spite of different steps taken by the Government it is not succeed for some local terrorists. The complaint raises even against the *Waqf* Administration. Solving these problems is difficult but not impossible. So if the authority desires to solve all problems and remove corruption from the *Waqf* sector, it may help a lot in socio economic development of the country.

Now we like to mention some recommendations for the development of Awqaf property.

Enhancing activity and sincerity of local *Waqf* Management committee

The local administration such as the mosque management or *Imam* can play a significant role towards spreading *Waqf* assets. They can take many projects by increasing earning through better utilizing the space of mosque and permanent *Waqf* donation by *Musallis*. There are millions of mosque in cities and proper areas of Bangladesh. The management of these mosques may sanction a little space for income generating purposes. From that income the mosque can be self-sufficient. On the basis of income it can be used for *Maktab* or *Madrasah* or any other social welfare activities. If such initiative is taken then it can serve the purposes to develop waqf system.

Conducting proper Training of manpower from both spiritual and worldly perspective.

The personnel who will act as employee at the office of *Waqf* administrative have to receive proper training for development of their skill and morality as well. Working environment and management should be encouraging and helpful for enhancing efficiency and ensuring honesty, sincerity and so on.

Waqf Administration can arrange such a training program centrally and locally. Different NGO also can organize such a training program with the support of the Government. Famous Islamic scholars, lawyer, educationist and other specialists will be present as trainer in this training program.

Appointment of necessary manpower

The activities of the registered *Waqf* administration in Bangladesh have almost come to a standstill because of the shortage of necessary manpower. So with a view to achieving the desired target and to accelerate the activities of the administration, necessary

manpower like inspectors and accountants should be appointed at the head office and at 138 local offices.

Formation of the ministry of *Waqf* affairs

It is not possible for existing *Waqf* administration to manage around 2 lacks *Waqf* states and to fulfill the objective of *Shari'ah*. So formation of the ministry of *Waqf* affairs is a must to achieve the goals of *Shari'ah* just as the way it happens in the different Middle East countries like Saudi Arabia, Kuwait and Egypt etc. It can play significant role to alleviate poverty from the country and to achieve objectives of Islamic Shariah.

Formation of Advisory Board

An advisory board can be formed under the Ministry of Religious Affairs consisting specialist scholars, lawyers, economists, managers, administrators and researchers who will provide necessary advice to concerned authority of the government. The government will ask for the approval of the board as required. The decision will take effect only after their approval. This board will make necessary recommendation after observing the activities of the administration, project for the development of *Waqf* property, implementation of *Waqf* law and so on. Thus, if an independent board is formed with certain rights and responsibility then it can be a better way in reducing mismanagement from *Waqf* management in Bangladesh.

Bond Production

Bond production can also be used at the inside and outside of *Waqf* property sale which have higher returns. It is practiced in many countries successfully.

Dissemination of knowledge about *Waqf*

Most people of Bangladesh are neither aware of donation of *Waqf* and nor of *Waqf* management. *Imam* of mosques and Islamic scholars can disseminate about significance of *Waqf* through lectures, writings and Medias. This continuous propaganda can raise the awareness among mass Muslim population. Such initiative can accelerate *Waqf* system in Bangladesh.

In spite of the above recommendations some more recommendations are given herein.

- a. The complete and detail survey of existing *waqf* asset.
- b. After discussing the law, preparing an amendment proposal with *Shari'ah* specialist, Administrator and lawyer.
- c. Proper and effective management to rescue the encroached *Waqf* property.

- d. To study the *Waqf* management strategy of different countries and its application in Bangladesh.
- e. Setting up office of *Waqf* Administration in every district of the country.
- f. Redecorating the *Waqf* Management of Bangladesh.
- g. To get the *Waqf* administration free from corruption.
- h. Granting Government scholarship in theoretical and practical research on existing *Waqf* estates.
- i. To spread the cash *Waqf* in all Islami Banks and dissemination of its approval in *Shari'ah* and benefits.
- j. Organizing more seminar, symposium, workshop for the development of *Waqf* Management and to determine policy for ensuring its best use for the welfare of human being.
- k. To get all *Waqf* assets tax free.
- l. To settle the *Waqf* related case in priority basis.
- m. The topic *Waqf* should be included in text book.
- n. Setting up modern technology to accelerate the *Waqf* management.

Conclusion

Bangladesh is a very much suitable country for implementation of *Waqf*. From the prehistoric age *waqf* had been in practice in this country. Many of the old *Waqf* States have been either occupied or destructed. Recently peoples' interest to Cash *Waqf* is being raised although at slow pace. *Waqf* is being confined within the premises of Mosque and Madrasa, whereas major portion of the social welfare activities could be executed by *Waqf* property. Bangladesh Govt. is paying heed to *waqf* for last couple of years. An effort to modernize of *Waqf* system through amendment of prevailing *Waqf* laws is being made. There is no Ministry of *Waqf* Affairs in Bangladesh although it happens to exist in other countries. That is why *Waqf* Management could not draw attention. However there is a bright prospect of proliferation of *waqf* system in Bangladesh to a great extent. It is possible to alleviate poverty and ensure social welfare by proper utilization of *Waqf* property through proper management and raising awareness about *waqf* among rich Muslims and inspiring them regarding the matter could put it way forward.

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