

New Fiqhi Research

Waqf Role in Development

(Collection of opinions and academic Fiqhi articles presented at the 14th Fiqhi Seminar held at Hyderabad from 20-22 June 2004 on importance and procedure of Waqf in solving the financial and educational backwardness of Muslims in the present time)

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In the Name of Allah the most Beneficent the most Merciful

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Introduction

All the rules related to the Islamic Law are based on two things: Obedience and worship of the creator and love and honor with the created. Worship to god is the main objective of human being: "I created the Jinns and the humans for nothing else but that they may serve me" (51:56). However along with it there is also importance of service, love and better treatment with the creation of God. The Prophet Mohammed (PBUH) has made the good moral behavior the standard of a good human being. Rather if you see in some places, Islamic Law has given the same status to the worship and service to the humanity. Therefore, in some of expiation or atonement, Fasts are required and if it is not possible then it is required to feed daily for every fast.

Human service is either temporary or long-term and chronic. The second one is better which in narrations mentioned as ongoing charity. Waqf is also one case of ongoing charity that means a thing is specific for a non-profit management in a way that the actual thing remains the same and the profit arising out of it is spend on its account. This type of Waqf is counted in the distinction of the specialties of Islam and the Islamic Jurisprudence by the Western Scholars. The original Waqf is present in the guidance and work of Prophet Mohammed (PBUH). There is a saying of the Prophet for

ongoing charity which is mentioned is the basis of Waqf being prescribed. In the same manner the Prophet's saying in which he has denied the legacy of his belongings which is evidence that his entire belongings were waqf dedicated to Allah. Then there are clear scenarios of Waqf in the immovable wealth of Hadrat Othman and Hadrat Omar (RAA).

In the later periods of Islamic history there was a general interest for Waqf where on one side where people have made Waqf on Mosques, seminaries and graveyards and on the other side Waqf was also done on charitable works which also includes Waqf on orphans, patients, passengers, widows and old. Even the Waqf was made on the attendants of the patients by some people and also on the food of the birds.

These days when Muslims are facing educational and economical crisis and hardship, Awqaaf can be used to eliminate them. For this, on one side present Awqaaf has to be made profitable and a need for its right utilization and on the other side a need for new Awqaaf for charity and educational purpose. Even our country India, if the Awqaaf of Muslims are liberated from useless disposal and occupation and is made profitable with good intention and used for constructive purpose then many problems can be solved and great works to educate and train the new generation of Muslims, and to help the widows, orphans and other helpless peoples can be accomplish.

That is why Islamic Fiqh Academy (India) from the beginning has been giving special focus on the issues of Awqaaf. The founder of the academy, Maulana Qazi Mujahidul

Islam Qasmi ^{RA} had written some important articles on this issue which the academy has published. The Academy in its 10th fiqhi seminar held at Mumbai from 25 - 27 October 1997 had made a topic of discussion along with great importance on the issues of Awqaaf wherein important questions were set up keeping in mind the different issues related to Awqaaf in present time and also the different complexity born out of the Indian background. Various important scholars from India and abroad had participated in this seminar and they passed such resolutions which had solutions to present problems, basic teachings of the Islamic Law related to Waqf and keeping in mind complete rebate, moderate and balance of its principles and goals. These articles have been published in Urdu along with brief views of Indian scholars in Arabic by the academy.

Another side of discussion related to the issues of Waqf which was brought to light at the 14th Fiqhi Seminar held at Hyderabad was that which type of Awqaaf should be formed to solve the present problems of Indian Muslims in the present age. The articles which were presented in this seminar are very important in the background of the present conditions. This collection of the same articles in brief and speeches is presented to you. Most of the articles in it contain encouragement of Waqf and its importance in the present conditions and also to specify important directions. The talk of Dr. Abdul Ghaffar Shareef, a virtuous Arab associated with Ministry of Awqaaf, Government of Kuwait was based on Fiqhi side. However, this collection is a very important in its

topic as if it is a completion of the Magazines related to Waqf which has been earlier published by the academy.

Readers should be thankful to Mr. Mohammed Hishamul Haq Nadwi for the services rendered aptly for setting this collection in a better way. May Allah accept this effort and may guide Muslims to make Awqaaf profitable and to form new ones. Allah is the source of strength.

Khalid Saifullah Rehmani

(General Secretary)

Date: 2 Safar Al-Muzaffar 1428 AH

Date: 20 February 2007 AD

Chapter 1

Questionnaire and Decisions

Decisions of the Academy:

Waqf

Waqf has got a very great importance in the Islamic History and many great cultural, civilization, welfare and charitable work have been accomplished through it. Keeping this reality in mind, Seminar had set the following Issues:

1. To release the government and private unauthorized occupation of Muslim Awqaafs in India, new prospects of Awqaaf properties and to increase it keeping exceptions of the regulations of Islamic Law, making it profitable and to try to make investment in it.
2. To form new Awqaaf to answer the needs of the widows, divorcees, orphans, patients and other needy people.
3. To form a 'Fund for Educational need' to provide scholarships and financial support to needy students.
4. To form a 'Fund for Religious Centers' to support Religious centers and Islamic seminaries.
5. The well to do people should participate in all these departments with open heart which would be, if god willing, an ongoing charity for them.



Questionnaire:

**Formation of Awqaaf to Solve the Serious
Issues of the Society**

Islam is a religion of nature. Its teachings are a guarantor for the success of human being in the world and the hereafter. From beliefs and worship to conduct and affairs in every field the teachings of Islam is so comprehensive and complete that on implementing and opting it not only there is assured success in the hereafter but also in different field of the world, a man's life becomes pleasant, peaceful and satisfactory. There is no need to mention that Islamic teachings related to economics and economy are so comprehensive and complete that on practicing it there would be a economical balance in the society and the financial need of every class can be fulfilled in a nice manner.

Islam has brought many various such teachings to uplift the indigent and helpless people and to fulfill their needs which when implemented on individual and at the mass level can give support to weaker section and people, to become worthy to stand on their feet and not only their standards of economic rises but also their standards of academics and intellects.

Waqf has been given a primary position in the financial system of Islam. Its importance has been mentioned in different traditions of the Prophet and books. It has been encouraged and

termed as an ongoing charity. In every period of Islamic History, Islamic Awqaaf has played a vital role in fulfilling the needs of the poor, to make them self-sufficient financially, to equip Muslims with science and art, fulfilling the needs of the patients and distraught, and to make financially self reliant. In every period wealthy Muslims had formed big and small Awqaafs for the various purpose of social, charitable, intellectual, religious reasons and through these Awqaafs many such work were accomplished which in the present time are done by ministry of education , ministry of health and others.

It is strongly felt that there is a need to create a trend among Muslims to form new Awqaaf apart from protecting the ancient Awqaaf. In fact efforts should be made to make this trend inspired so that the tradition of this Awqaaf (which have numbers of benefits of not only the Muslim society but also the human society) gets continuous development and progress. In the present time, such various fields have emerged on the national and international levels for which Awqaaf have to be formed and a need for its stable system is required. With this realization, you are presented with the following questions so that benefits are taken on it by your studies and thought and in the light of these some suggestions can be presented at the 14th Fiqhi Seminar which can guide the Community related to Awqaaf.

1. Awqaaf for Widows and Divorcee:

In the present age the important issue is that of widows and divorcees who are financially weaker and helpless. Because of

lack of practice of Islamic maintenance system in Muslim Society has led to non performance by those relatives who are responsible for sponsoring such women financially and are able to do so. As a result, many times divorcees and widows of not only the poor family but distinguished and wealthy people also suffer from economic plight. Hence, showing them the silver lining of financial prosperity they are directed to wrong ways. Sometimes they are grabbed by the so called organizations championing the cause of women liberation and through them target Islamic teachings in National Press and International court. Would not it be better that Awqaaf be formed in different cities of the country through which such poor and starved women get ensured respected finance and are not forced to stumble here and there.

2. Awqaaf for Educational Purpose:

Percentage of education in Muslims is very low compared to others. Due to ignorance and illiteracy, Muslims are involved in different types of social problems. It is generally felt that percentage of Muslims in respect to education is very low and also the level of education compared to other communities is very low. Our children are deprived of religious education and their level in the field of modern education is also very low. Although, due to god gifted intelligence and knowledge and intellectual ability, the children and youth of this community are not less than of those of other community. In a normal manner, due to financial deprivation, our intelligent children who can invent new things in various fields

are not equipped with education. In this context, it is often realized that if we had organized Awqaafs and were better managed and governed so that none of our child gets deprived of world and hereafter education due financial constraints and we can provide such complete resource for higher education of our intelligent children by which they can take the game away from other communities. In this background you are requested to note down what is in your mind on the importance of Awqaaf education and its various forms.

3. Awqaaf for Patients:

In the present time, a major chunk of the human salary is spend on health care. Day by day the treatment cost is increasing. Even the well to do families is finding it difficult to pay the expenses. Especially the costs of medicines of some fatal and serious diseases (like Cancer, AIDS, etc.) are extra ordinary for which the treatment is impossible for middle class family of the society. There has been a constant increase in the number of such patients in our society who are unable to go for medical treatment. Islam is a religion of mercy. Service to humanity and relief is an important part of its teachings. Awqaafs had been formed for the patients in period of Islamic rule. There has been a decline in it. It is generally felt for a need of formation of Awqaafs for those who cannot bear the cost of treatment for serious and fatal diseases like Cancer. Under this, Hospitals, medical clinics, etc. should be formed where satisfactory treatment can be ensured. Please note down the suggestions in your mind in the light of Islamic Jurisprudence, Quran and

traditions related to formation of Awqaaf in the field of medicine and health and managing the same.

4. Awqaafs for protection of Islamic Law and Preaching:

Apart from the above mentioned purpose and other purpose such as preaching, journalism and media, defense of religion, etc. Awqaafs can be established. Conclusion is that in the present age, need of establishing the Awqaaf for goals in the light of situations and requirements and to make it profitable, opting these ways and identifying them and to benefit from precious research and views on this matter.



Chapter 2:
Preparatory points related to Waqf

Need of Ijtehad in the Islamic Rules Related to Awqaaf

Philosophers say that need is the mother of all inventions. This is the rule of Human society whether it is habitat by Muslim or non-Muslims. This need forces scholars for Ijtehad. That is why most of the rules related to rebels and hijacker came into being as a result of war between companions of the prophet or war between them and Khwarij. You might know that when Imam Shafi'i went to Egypt from Iraq, many of his views changed. Arguments and principles remain the same, however, due to the new incidents, new custom and other cultural issues which he did not face in Iraq or Hijaz, and which he faced in Egypt, he reviewed many arguments and many doors opened for him which were not till now. Among them is variation that would happen in the rules of waqf and hence there are differences between scholars on Waqf being temporary and permanent. Majority says that waqf is permanent. According to Imam Abu Hanifa, waqf can be temporary however some issues like Mosques and graveyard are exempted from it. Similarly, there are differences between scholars of fiqh regarding waqf of Movable items, cash and profit. According to Imam Malik, in contrast to the majority of Fiqhi scholars, anything taken on rent and the profit on it can be made waqf. According to him specification is not needed for waqf. In the last days of the Ottoman Empire and in the same

manner that of Mamluk Dynasty of Egypt when the government became weak then many Awqaafs was lost and wasted. Once, by the help of these Awqaafs schools, hospitals and many affairs of finance, social, health and education were accomplished. Muslims were so civilized that they had given their property as waqf even for animals. The present Municipal Stadium in Damascus, Syria was once a waqf property for ill and old horses of the soldiers. It was called 'Land of the Marjah'. After this also many Awqaafs of Muslims were wasted. I come to know the reason of this through the book of Wanashreesi titled '*Al-mayar Al-Muarrab fi Fatawa Ulama Afriqiyah wa Al-Maghrib*' (Standards expressed in Fatwas of the African and Moroccan scholars). By Africa here it is meant Tunisia. It was called Africa because it was the point of entrance to Africa. Spanish traders used to export their products to Europe and Africa. These business products use to come to the sea port. In those days there use to be a custom duty on them and sometime these taxes would exceed the value of the products. These traders pondered over this also and consulted with their leader Shah Bandar. It came to a consensus that a fund would be setup and Shah Bandar would be responsible. Every trader would deposit a fixed fee in it. If a trader meets with an accident or comes under heavy taxes then it would be paid from this fund. This fund got developed and people started invested in this fund. Those investing in this fund asked this concern from the scholars of Spain who gave the fatwa that this is waqf. In this way, Commercial Insurance and Investment Insurance were started by our fore fathers.

Europe came to know this much later and in the present time this has come to us again from Europe.

Due to the decline of Ottoman Empire, there was a decline in Awqaaf as well. Scholars, with regards to Awqaaf, by using Ijtehad derived '*Ahkar*' and '*Ujaratain*', etc., Rules of contracts. Most of the rules of waqf are judgmental which are based on interests and rules. In Kuwait when General Secretariat for Awqaaf was formed, the situation was that for a very long period the revenue use to be mere 4%. That means the annual revenue used to be zero. Awqaaf buildings used to be there and rent use to come from it and spend on its Shari'i expenses. Due to buildings being, no one was interested to take it on rent and the Awqaaf ministry did not had enough money to renovate the buildings and develop them. In this situation, as in other parts of the Islamic world, we used to give them on ordinary rent. '*Wisdom is the lost property of the believers*'. Our friends went to the US and the UK. They saw the system of trust which is similar of that of waqf. It is derived from the Islamic System. The trust is charitable. Money is deposited in it and it is invested in every department. However, it is run with a business and investment mind. It also has a fund to support poor students. The revenue generated from Awqaaf is spend on these universities. Our friends benefitted from this western experience. They went to Malaysia where they saw a developed project called '*Tabung Haji*'. It is an organization of Malaysian nationals. Muslims in Malaysia were penniless. Business was in the hand of Chinese and the Industry under Indian which were mostly non-Muslims. Muslims were either

governor or laborers. A small section was in power and most of the people were working as laborers under Chinese. They wished to go for Hajj Pilgrimage but they did not have money for it. In this case they thought why not they fix an installment amount according to the status of the person wishing to go for Hajj. Then setup a fund with this collection and invest with it. Then every year send 10, 20 or 100 people whoseever number comes, goes for Hajj and the remaining amount is made waqf for others.

Today this organization 'Tabung Haji' is the biggest financial organization in Malaysia. It runs many companies and is a partner or shareholder in many others. It has established many Islamic Banks in Malaysia and has emerged as a qualified economic power in the country. Any person who wants to setup an Islamic company wishes to have Tabung Haji as its partner or shareholder.

This thought shifted to Kuwait and when our friends focused on establishing an organization, in the light of these experiences, for the development of Waqf amount, it realized that most of the wealth of waqf needs renovation and change over. We see that the scholars of Fiqh are on two extreme sides: One extreme is that change of waqf is not allowed in any situation. Even if any waqf building and gets demolished or cannot be used, it cannot be sold. It would be left as it is not known when and who would renovate it or re-construct it. Due to this view many waqfs got destroyed and wasted. In contrast to this, the scholars of the sect of Imam Ahmed ibn Hambal say that any waqf even a mosque if not be able to use or gets

demolished should be sold and this amount can be used in a mosque at a different place. In fact some scholars of this sect like Shaikhul Islam Ibne Taimiyah and Ibn Qazi Al-Jabal say that it is permissible to use less profitable waqf for those which are more profitable. Only the judge or the caretaker of the waqf can assess the level of profit between the two or can be done as per some rules. The justification of exchange in no means correct or else waqf would become pastime.

Not applying an appropriate method has led to many Awqaaf getting wasted and destroyed in Jordan, Palestine and India. To take care of the holy places, there started cooperation between the Islamic Bank and the Ministry of Awqaaf. For this purpose, the way of Muqaradha and Mudharaba bond was opted which is actually specific with business however due to many Fiqhi Ijتهads it is also valid for non-business matters.

We always do not follow any one sect of our academies, organizations, Dar-ul-Ifta and even the Shari'i boards of the Islamic companies. We benefit from all the Islamic sects and do not come out of their scope of Ijtehad. We take the recent appropriate opinions on the basis of time and place of these sects and Ijتهads only if it does not contradicts the clear text. There cannot be a possibility of interpretation of the main text and such text can never conflict with any Theoretical or Fiqhi rules.

All praises to Almighty Allah, we have observed and felt that Awqaaf gets development by this procedure. Issues of many Awqaafs in India, Palestine and Jordan which need renovation or investment; their issues can be resolved with the

cooperation of Islamic Development Bank. Muqaradha bonds can be opted. In that case, the status of the ministry of Awqaaf or the Awqaaf management would be that of 'Mudharib'. This organization would collect money from the people and release bonds in this regard. These bonds will be similar to shares of companies. If it is in cash then the rules of 'Bai Sarf' would be implemented and if it is in Debit then the rules of debit would be implemented. If it is a collection of cash and debit then the rule would be implemented on the basis of majority. With this money we would promote Awqaaf. A larger share of this revenue would be given to the owners of the bonds. There would also be a time that these owners of the bond would like to sell them and waqf would buy them. Then the shares of the waqf would increase and more investment can be done with it. Over a course of time, the actual position of the waqf would be restored and partners would like to separate from the investment by taking their share of profit and they can do so.

Now, the ministry of Awqaaf, Kuwait has developed so much that it has assets and cash worth nearly 160 million Kuwaiti Dinar. Any person wishing to establish an Islamic company, he invites it to partner. We are in the companies and sometime we are in the management. We establish companies and are in a position to force our terms on other companies. In this way, it becomes a strong partner in these companies. This helps waqf earn revenue which is more than a mere building. All praises to Almighty Allah, we have taken fatwas from scholars and Fiqhi academies in this regard that if the revenue of a waqf is more than its need then it can be invested. If left

unutilized then the value would depreciate and lead to loss for the waqf. We buy shares of the companies with this money. We can buy at any time and we get a good value out of it. In this way not only the capital income increases but also it becomes a pretext to gain revenue from another one. In this way, praise be to Allah, the value and price of the Awqaaf has increased.

We should think and consider the new ways in wider context to promote Awqaaf. We have used 'Aqd-e-Intifaa' (utilization contract) and with it the Islamic companies have earned huge revenue. Without any prejudice, we should put in our efforts to resolve new issues in the light of principles of Fiqh. For the marriage of youth also Awqaaf should be established. If in India it is not possible to make waqf investment directly with foreign countries, then it can be done through different charitable and welfare organizations like Jamiat-us-Shaikh Abdullah Al-Noori, etc. In such a case, these organizations will invest and pay you the profit. If the rule does not protect the social interest then to opt a trick against it is against the Islamic Law.

We hope that we would mutually cooperate for the interest of Islam.



Formation of New Awqaafs: Issues and Practical Solutions

Islamic Fiqh Academy (India) has given interest to the issues of Awqaafs. It has also conducted a seminar on this issue and also published a book each in Arabic and Urdu. It has also published a pamphlet of Late Maulana Mujahidul Islam Qasmi related to promotion of Waqf.

This is not the time for discussion or debate on the Islamic rules related to Awqaaf. On this occasion, when his Excellency the secretary general of Awqaaf Public Foundation, Government of Kuwait is present among us, we should utilize as much as we can from his experiences related to promotion of promotion of Awqaaf. He is expert of this art and his opinion weighs on it.

A study of different periods of Islamic History and travelogue of famous Islamic travelers such as Ibn-e-Batootah and Ibn-e-Jubair shows that in the past how extra ordinary effective Awqaaf has been in promoting scientific movement of the Islamic World. We have so much diversity in our Awqaafs and there has been so much enthusiasm of helping others that even after so much development, the west is not able to come to that level. Although Awqaaf is famous for Mosques, seminaries and Monasteries, it is also unprecedented for taking care of lost dogs or feeding the cats or for those

servants who have broken some utensils and there is a fear of revenge from their masters. This type of Awqaafs in difficult times becomes generous for these people without support. A scholar of West has written a book in two volumes in Arabic on Awqaaf which has collected much information related to various types of Awqaaf. Apart from this, many books have been authored by many authors on the Awqaaf related to hospitals. In this regard, the standard of Muslims was so high that after the discharge and recovery of patients, there were arrangements of music and anthem to give mental and psychological rest apart from special foods. In the same manner in the era of Caliph Mamoon, all the educational seminaries were under the Awqaafs and similarly the intellectual, academic, cultural and civilization development of Islamic World are courtesy to Awqaaf. After this period, the downfall of Awqaaf began.

The trustees and the government have misused it in the current era. Muslims ruled India for 800 years. There are big chunks of Awqaaf lands in every state including Hyderabad and Delhi and other cities and villages. The government or its trustees who unfortunately who are Muslim have occupied illegally on it. This is termed by jurists as Injustice and Tyrants.

As per survey reports, in some states 20%, 70% and in some 70% lands are waqf lands. In Delhi alone, there is 1046 and in Bihar 22080 registered Awqaaf are there. However, waqf board does not have enough capital to their annual expenditure. The government uses these Awqaaf and they remain wasted in front of it. Main issue is their survival and protection.

In the near past the organizations and the governments of the Islamic World has started taking interest in Awqaaf and Ministry of Awqaaf, Kuwait have taken lead on them. All have given evidence that Government of Kuwait in its nature has taken unprecedented experience. This has proved as a milestone for Awqaaf in other countries. How can Awqaaf be promoted in this era? How can they be increased in numbers? How can the present Awqaaf be protected? Many seminars have been conducted in and outside Kuwait on all these aspects. Benefits were taken from debates on substitution of Awqaaf of ancient scholars and different ways of investing Awqaaf were initiated. Now, we have ample intellectual stock related to these issues which may be needed in India in a published way.

Although a seminar has been conducted on this topic there is a need of a debate on this aspect as well. The fact is that Muslims are in large numbers in India and their scope of needs is vast. In this regard, if the numerous Awqaafs present in India are invested, then not only the needs of Muslims would be fulfilled but also a full government can be run.

Sometimes ago, a seminar was conducted in Kuwait related to issues of Awqaaf. In this 'pledged Waqf (Waqf Marhoon)' was discussed. Most of the opinions of the jurists for example Sheikh Mukhtar As-salaamy, Sheikh Siddique Mohammed Ameen Al-Dhareer, etc. were that these Waqf should considered wasted and left aside. But my opinion was that this should be seen in Indian context. There exists an example in India wherein a Waqf property worth one million

Kuwaiti Dinar is in mortgage to a Hindu for as less than one hundred thousand rupees or even less. So should we leave it in this scenario and do not try to take it back.

There is a need to establish Awqaaf on the Kuwaiti model here as well and also establish different funds like Technology fund, Educational fund, Quran fund, fund related to orphan, widows, prisoners, lost and martyrs, etc. When our history is full of incidence where there was Awqaaf for cats and dogs there is an urgent need of these for orphans and widows.

In this seminar, there is a need for decision related to establishment of such fund which would help to incur expenses of litigation for recovering of Awqaaf lands and properties, whether these cases are fought against occupied governments or different groups.

In the end, I would like to forward an advise, and fortunately the secretary general of the Awqaaf Public Foundation is also present, that our scholars who travel to Kuwait and other Arab countries for their seminaries and educational center and line up at the offices and residences of businessmen and investors is not appropriate of their designation. Many a times unpleasant situation occurs. In the same manner there has been ban on aid and donation for educational center and seminaries post 9/11. There is intense pressure on aid committees and organization related to this. Considering all these aspects in mind, my advice is that, instead of adopting these methods for donation, an Awqaaf should be established for different seminaries and centers. For this a fixed amount as waqf in the name of these seminaries should be

given to Awqaaf Public Foundation, Kuwait for investment and the income from it should be utilized for their expenses. One such agreement has taken place by Islamic Fiqh Academy (India) under the supervision of Maulana Qazi Mujahidul Islam Qasmi and Awqaaf Public Foundation, Kuwait and another agreement between 'Al-Ma'ahad Al-Aaali Lil Quzaat Wa Al-Ifta' Patna and Awqaaf Public Foundation, Kuwait took place.

My intention is to focus on the struggle for the formation of new Awqaafs under the new terms and conditions. My Allah give you good reward.



Chapter 3:
Waqf – Need and Importance

Cash Waqf

Reviving Waqf's Role in Our Contemporary Life

Welfare works that are asked in Islamic Law to carry them out, waqf is among of them and it has a significant place. It is seen as an important role in which money to be expanded for charitable purpose. The proof of it is that Prophet Mohammad (Peace be upon him) advised Hazrat Omar that the best way of spending money is that it is to be made in the way of waqf. That is why and the importance of it there was not a single person, who was eligible to pay, from the colleagues of Prophet Mohammad who did not expand the money in the way of waqf. (Ibne Qudama, Almughanni, new Riyadh liberary, Riyadh, 1401H -5-599, Alqrafi, Aldakhira 36,323 Darul Gharab Allislami Bairut, 1994). Likewise, every Muslim kingdom and every era witnessed hundreds and thousands who always intended to spend their money in the way of waqf.

Due to this importance, waqf left its impacts on economy, civilization, forum and politics. Even we say, without any exaggeration, that waqf was the most significant and powerful Islamic institution in every era even in the era of rise and fall. According to contemporary situation, Waqf has become an import thing because it plays a huge role to fulfill basic needs of individuals and societies. Though, it played a significant role in rising Islamic society and its building in past,

once again Islamic society is in need of waqf to play its role. At present, waqf is on fall and passing through critical times, though, it is in need and of huge prospects. It is the tragedy of our contemporary Muslim world.

Now, the question is what is the role of Waqf in our current life? What are the reasons that caused its fall and got it weakened and preventing it to perform its required role? How those elements would be addressed and overpowered so the waqf can be healthier. In this article, the efforts will be made to seek their answers. Some answers will be of slight views. Some of them will discuss certain issues and some of them will have detailed answers. Some of them will have details of medium level.

It should be kept it in mind that the subject of this article is “Cash Waqf”. Other issues will be mentioned to complete them. Main subject will remain dominating on above three questions and their answers. Due to those three questions and their answers, this article will be divided into two types.

First Type will be on the bad condition of waqf and its needs.

And the second type will be on cash waqf, its issues, investment, management and impacts of it.

First Type: Weakness of waqf and strong requirement for its development.

1. Waqf’s weakness in current era:

Regardless to prove with any proof how much waqf has become weak in contemporary Islamic world. There are so many things prove it. For example, quantity of ceased property

and their proportion in national investment, average annual growth (if it exists), its comparisons of growth of national income, profits of ceased properties, its rate in national assets etc are enough to understand the reasons of weakness of waqf. It is a natural thing that such work requires complete research. Here, we will throw some lights only and that will state how bad the condition of waqf is in contemporary Muslim world. Waqf's growth and development in certain countries do not change the criteria; Kuwait is on top of them.

When we say that Awqaaf is on fall in current era, then we mean to state the differences between waqf of past and today's waqf. Apparently, this difference is big. The second aim of it is to bring current position of waqf out before us and what kind of changes could be made be clear to all of us.

2- The elements of fall of waqf in current era:

Every situation has some reasons and elements. What are the reasons of waqf's condition? Answers of this question need a complete research because reasons are different, difficult and have mushroomed with various elements.

In this article, all reasons cannot be counted, nor it is the subject of this article. However, some lights will be thrown on certain reasons and elements. Though, the reasons and elements are different and diverse, they can be divided in certain parts.

For example: Lot of people does not know much the meaning of waqf's jurisprudential ways. Many among of them are educated people and jurists. Some unknown things about Waqf's provisions have mushroomed, most of them are

wrong in jurisprudence of waqf. Due to these misunderstandings, various kind of weakness came in waqf. Instead of going into details, certain important things are being mentioned here because if we go into details then the articles will go away from the subject.

- A) It has been known that only fixed properties such as lands and properties can be made waqf and not moveable properties. It means cash money cannot be made waqf, though, this is not true as per jurisprudence. As all Islamic jurisprudential schools have their agreements that fixed properties can be made waqf, even various jurisprudential schools and some Scholars of some jurisprudential schools allow making moveable properties waqf. Even they clearly allow the waqf of cash money and its income considering it as a property that can be waqfed. The result is that the things that are known, are not true and right as per jurisprudence.
- B) It is also known that waqf will be forever and not for temporary. This is totally wrong as per jurisprudence. The right thing is that this is the view of certain schools, while other schools are in favor of temporary waqf.
- C) This view is also common that waqf is mandatory not allowed, that is why reiterating from it or holding it or adding any kind of condition will not be lawful though all the things have a place in jurisprudence.
- D) This also known that waqf is an individual action. A person can make waqf something to a person depended upon as per jurisprudence the right thing is that one who make waqfs can be one and many. Likewise a

person to whom waqf is made can be one and many. Various books of various Islamic schools make things clear on this subject.

- E) Likewise, this is also known that no changes can be made on dimensions of property made waqf or the person to whom waqf is made. Though various jurists allow it saying that according to the situation and for protecting of waqf as well as for the purpose of donation, there is possibility of it. Even certain Islamic schools have more capacity in this regard
- F) This is also known that a person who makes waqf cannot make worldly profits from that which he has being made waqf though jurists allow it.
- G) This is also known that whatever the conditions of who makes waqf will be respected, if they do not invite sin. I do not know whether any reader heard this paragraph or not: 'Conditions of the person making waqf is like text of Islamic Law'. As per jurisprudence, this is true that the conditions of the person making waqf will be accepted, if these condition are according to the rules of Islamic Law as well as they are comply to purpose of Islamic Law otherwise they will not accepted. There are so many examples in jurisprudence in which the conditions of the person making waqf not only be abolished but also it become mandatory to abolish it.

These are examples of some wrongly circulated perceptions. Jurisprudence of waqf does not know about them. It means that there are so many cognitive complexities are found about jurisprudential angles of waqf and negative

impacts of these complexities on waqf are natural thing. Lots of properties are kept out of waqf despite of the fact that waqf has an important role in current era. Lots of people no lands and properties but little cash is found with each person. Some people do not donate them as they think that they are in need of them, or they are required in future. So above misinformation play a key role in keeping them away from donating completely or partially. Who are to start alone project of education, health, housing or anything related to religion? There are very less people who can do such work while majority cannot do that. Although, it is possible through combined efforts but the perception of individually waqf prevents them to do that. Likewise, this thought that waqf cannot be changed in any circumstances played a key role to put waqf on the way of fall, preventing people from making things waqf as they knew the bad condition of waqf. Therefore, the purpose of aim of the person making waqf goes away. Accepting the condition of the person making waqf compulsorily and ignoring his diversity, paves way for government to interfere in waqf , to organize Awqaaf, to make law for them and to slap ban on some of them. On the other hand, the condition of person making waqf paves way for placing lot of waqf on evanescence.

Implementation of conditions of waqif is an important issue because it makes people to donate. This aspect is respected in jurisprudence with this condition that those conditions are appropriate and fulfill the purpose of the person making waqf and to whom it is made waqf and the society. It means that people know about them, and the interference by government

or kingdom should be as per need of it. Unawareness among people on lawfulness of waqf's profits is affecting and preventing it to expand its circle. In Mailiki's jurisprudence it is made clear that profits are also known as property and remain to exist like notables. Its importance is not less than notables, even its existence in notables, it gets economic importance.

Contemporary ways to carry out waqf affairs such as organization, investment and supervision etc. are unavailable this time or at least ordinary people do not know about them. Though according to current era and as per the atmosphere of new era, there is need that new approach be adopted. Various Islamic governments have adopted laws that prevent people from donating something for waqf purpose.

The result that appears after this huge detail and discussion is that there is much softness in jurisprudence of waqf that help it to mould itself according to the circumstances specially when we keep waqf's religious importance. Is it a religious and devotional act or it is a religious act that is appropriate and that has an importance and aim. Its goal is to get waqf and the person to whom waqf is made profited. It means that according to the situation it can face difficult situation and can develop according to needs and environment.

In other words, will considerable interest interfere in making policy of waqf? If the answer is yes then it will be according to the jurists. Analysis of Shiekh Abdullah Bin Beeh (previous reference) state much softness should be respected in waqf's affairs so that it can be made as per circumstances.

3) An urgent need of an active role of waqf in current era:

In previous lines we mentioned the bad condition of Awqaaf and some effective steps needs to be done for possible revival of its role. For this purpose, certain things could be discussed here. For example:

1. In current era Kingdom's social and economical role has been weakened. New tendencies have reduced the national economic into private sector. The whole social life has gone into the grip of people, civil and private institutions. Therefore, it is possible that the institution of waqf play a key role in fixing social, economic and individual needs.
2. Let us add one more thing in above tendencies which have reduced the financial resources of state as it does not get much tax as it was getting in past. The result of it is that various economical and social needs is fulfilled outside the budget of the government and is completed by civil and volunteered economic private sector. Waqf through its own form and financial ways could fulfill various needs.
3. In current atmosphere, various governments had to get help from outside to meet financial needs. Loses of such financial help are apparently evident.
4. In current era, Islamic world has been languishing behind in education and research work. The budget to be adopted by Muslim governments for this purpose is much less and this increases its deteriorating situation. This fall is in the field of economy, education and

science. Giving educational economics, which are called new economics, top priority in basic development of contemporary nations is known and common. In case of getting less general income how do Muslim governments provide capital and stock to social institutions and centers? Should this work be left for private sectors that focus only on projects that give more profits to them? Apparently, scientific research and educational institutions will not accept this. Should these be left on external financial institutions whose purpose and actions are not evident or the right way here is that awaqafs be used in the fields positively and constructively as it was used in the past and that had created a huge educational development that is accepted by the whole world.

5. The gulf is increasing day by day in Islamic world over division of wealth and assets. Poverty is on rise there, and at present more than 60% of population of Muslim world has been living in poverty in Islamic world (Annual report of Islamic development bank 99-2000). In current atmosphere, the new tendencies of global and national globalization and specialization indicate degraded condition of poverty and the gulf will increase in dividing wealth. This is upon whole world to face such situation that is not only a threat to its security and stability even it is a challenge for its existence. By the grace of Allah on the Islamic world that it has an adequate source to face such situation which is waqf provided it is followed with better way.

6. Wrong division of wealth and extreme poverty are preventing common people to get better treatment and facilities because if government run hospital and medical centers are on fall then, on the other hand, they do not provide updated facilities and good management. The hospitals and private nursing homes being run on the basis of investment are costlier forcing ordinary poor people to live without taking any benefit. Diseases spread and decrease the level of income of poor people leading to increase in their poverty. To handle such situation, there is no way but to take help and assistance from charitable institutions. In this sector, the role of Awqaaf always shines and it today can play better role.
7. Besides points mentioned above, we need an urgent way which has economic dimensions along with spiritual and moral angles, so that we could able to register development from all angles, economically, morally and spiritually. Waqf has ability to provide us such progress.

From all and every corners it is cleared how much is the need of waqf in this time. Now, in the second part of this article, one type of Awqaaf to which importance is invisible to us will be discussed. This is the cash Awqaaf

Second Type: Cash Waqf

There are so many possibilities in cash waqf. It can bring various charitable purposes fulfilling various aims. That is why giving focus on cash waqf and the efforts for its development can play basic role in reviving waqf. Some important points of it are as follows:-

1. Meaning of cash waqf

The meaning of cash waqf is all kind and types of cash money, the meaning of it is that a waqf in which person to whom waqf is made is cash money.

1. Provision of cash waqf

After so much thinking on this topic, the views of Islamic jurisprudence schools are as follows:-

1. There is not a single jurisprudence school where scholars have Ijmaa on unlawfulness of making waqf of cash money. Each school has people who are in favor of it. The Maliki School is on the top. All famous and reliable books of it are clear in lawfulness of cash waqf. Then the number of Hanafi School comes. Many scholars of this school are in favor of lawfulness of it, even a famous scholar wrote a book on lawfulness of cash waqf. Almost the same instance of Hanbali school even Sheikh Al Islam Ibn Tamiya said that its lawfulness is best. It seems that there are fewer things about its lawfulness in Shafi'i school. As far as the study of Shia jurisprudence that I have made, there are no such details that say something on Islamic Law's provision on cash waqf. However, there is a text if it is proved then it will state the lawfulness of it. Imam Murtaza says the condition of donated money is to get profits keeping its origin. This study states that this condition has been proved in cash waqf. This is also appropriate to indicate that donating anything in cash

was common practice in past in various countries. Even, some scholars discussed through the reference of zakat of cash ceased money, and not on the basis of lawfulness or unlawfulness of cash waqf, its mean that its lawfulness was confirmed before them.

2. We did not see any clear saying on unlawfulness of cash waqf. The study of saying of jurisprudents and Islamic schools states that cash waqf did not exist in the era of Prophet Mohammad (PBUH) and Khilafate-Rashida. But waqf of lands and properties were available in that era. The Tradition of waqf is that original things to be held and to spread its fruits. It is not possible in cash waqf because actual lawful profits could be gained from using original things. The answer of it is that making moveable property waqf in the beginning of Islam cannot prevent from making other things waqf. The correct thing is that waqf was not depended only on immovable properties however most of the time it was because Hazrat Khalid (May Allah be pleased with him) had made waqf his armor and battle weapons that are moveable properties. Prophet Mohammad (PBUH) held it without any changes, as its authenticity is proved from agreed upon traditions. Cash is also moveable property. It is also acceptable that this is the way of waqf that original thing be held gaining profits from income. But we cannot accept that these things cannot be in cash waqf because cash are optimal and are like original and does not come into

effects from implementation. Its substitutes take their place too. This is also true that legal benefits want cash to be changed or converted but not necessary to spend its original thing as it always remains existing. (Various jurists have clarified it). It seems that those who are disagree of cash waqf see that one person makes cash waqf to another person or party or source and gives them cash and the issues is finished. The right thing is that such action is like a normal charity not waqf as neither original thing exists nor benefits remain in action. However, those who allow and support cash waqf don't mean it. They mean that the things that have been made waqf cash be treated like original and the profits to be gained from it keeping the original safe as it will be made clearer in coming details. Cash waqf be invested and their fruits are divided on whom the waqf is made. For example a tree of date to be waqfed, its profits and fruits to be served on anyone, what is the difference if a tree of date gets fruitless after being old. Therefore, jurists have said that its seeds must be sowed by purchasing it in order to keep dates saved for longtime. Now, the question remains that the date tree which will remain, will it be the tree that was made waqf. Though, optimal in cash remains more in comparisons of a tree of same origin. Then, making cash waqf also does not break the law of eternity of waqf because it will remain for longtime even in comparison of lands and properties. In fact, waqf

properties are not to be counted but its organizing system. Mismanagement leads to destruction of every kind of property and wealth without any difference. These details state that various jurists allowed making cash waqf. Also, there are so many profits and gains that are not found in most precise waqf as we will see in upcoming details.

3. The elements of giving cash waqf an important place in modern world:

In the beginning, it is necessary to let you know that due to the sources of cash waqf and keeping my focus on cash waqf does not mean that we are reducing the importance of precise waqf as some people claim saying that precise waqf is not supportive in current economic development. The right thing is that legal waqf with its whole diversity help in development. We can say only that its diversity makes differences according to waqf, such as an environment supports it.

The aim of this discussion is to bring out the importance of forgotten diversity of waqf cleared and getting the attention towards it. This does not mean that it is substitute of waqf precise, but it supports it and it is its basic part, particularly for the objectives that are as follows:

1. Mostly people have cash money regardless of the quantity. Ordinary people have money while many of them have no lands and properties.
2. For establishing common waqf or collectively waqf, cash waqf is more appropriate than other kinds of waqf. Collectively waqf is more important than individually

waqf according to the needs of the era as it has lot of sources that could help in making economic and collective projects.

3. Its ways of investment, fields and culture are divers therefore profits too are more.
4. Its aims and circles are different without any limitation and hindrance.
5. Cash Waqf is also relevant to the current rule for the provision to generalize finance.
6. It has more impacts in investment as it helps in various angles and ways of production, as on the basis of cash money taking part in such projects and activities are much easy. These are some adjectives that state the importance of cash waqf and its place.

4. Giving shape to cash waqf :

Cash waqf sometimes is individual, for instance any person or party makes waqf alone and nobody participates in ceased property. It happens usually when a person's financial condition is good and the thing being made waqf be specific and limited type. Hence such waqfs despite of its importance are of limited in nature. (Though, it exist as per Dr. Showqi Fanjari had made waqf for students and Islamic jurisprudence and such as Saleh Kamil who made waqf for centre of Islamic economics of Jamia Al Azhar.)

The cash waqf which is individual or common is like a limited group or unlimited group with participation, establishes a waqf fund or establish a funding institution that collects individual waqf such as some banks that get individual

Awqaaf. They make it a fund if purpose is same so that its investment and the profits that come through investment occurred by waqf person or if the person making waqf did not specify any party than the profits to be given to various charitable institution.

Sometimes, this fund is made by waqf 's checks with a specified amount and presented for sale to general public through a system, sometimes, these checks are being given by charitable institution or bank or by governmental institution in a way or system approved by government and Sharia.

5. Investment of cash waqf

The aim of investment of any thing is to get it engaged in work so that the profits can be gained. Such as, putting lands and houses on rent to earn profits or giving anything on wages. It is known that cash are rigid and static. It cannot deliver any profits itself. Changing it, moving it or converting it into different forms of investment is very necessary then itself or its profits to be converted into cash. For example, it is possible that some items to be purchased through it, then sold it out after getting profits or permanent lands and properties be purchased and earned profits, for instance, houses, factories shares etc. We have indicated earlier that to have cash waqf correct it is necessary to convert it into work. Profits would be gained and it remains. In most of the situation it asks us to put into investment, such as, it kept safe forever and the profits and earning to be used in different fields.

On this occasion, it is appropriate that light to be thrown on one of the types of cash waqf as mentioned by

jurisprudents, then, forms of investment cash waqf be mentioned. Jurisprudents say that cash can be made waqf to pay loan, debt. For example, a person makes an amount of cash money waqf to pay debts to needy people. Needy people fulfill their needs taking these debts, and then return it to waqf's owner or trustee. Can anybody say that what is preserved and where are its earnings?

The answer of it will be that original cash will be reserved. It will remain for the debt. Income will be the profits that the debtor gets it from cash amount, obviously debtor receives profits, or else there no reason for getting debt. It means that a fund can be established to give better debt and this is an important thing that has no substitute. Here it can be said where has the cash amount being invested? The answer is that there is no investment. Do we get separate profits and different income from every waqf?

Scholars say that income can be gained from certain forms of Awqaaf and some of them do not produce any income. Example of first thing is a home being waqf for rent and example of second is a house waqf for living. Here, the question should be asked that sometimes debts are never paid then how the expences of trustee will be settled? If these issues are not settled correctly then the sources of waqf, properties and fund will not remain and this is against the purpose of waqf and it's Sunnah. Likewise, the purpose of the person making waqf that to keep waqf safe and to whom waqf is made gets profits from it forever and getting eternal reward will end. With the necessary measures like bail, mortgage and sponsorship, consideration of justification on the issues that debater pay

their expenses in the light of adopted rules and norms should also take place. My opinion is that the trustee of waqf should invest a limited part of waqf being in knowledge of the person making waqf and the expenses of trustee be paid from the profits of it. Some parts to be kept for bad debts, remaining amount to be used as investment and it been kept in fund of debt. Jurisprudents have made it clear that some part of waqf property is sold out, and this income be used on the remaining parts. Such as, they made clear that income can be gain from one part of waqf property, then that income can be used for the other parts of waqf property. (Jurisprudents say; the expenses of a slave that was waqf for the service of any other person will be borne by the person who wanted to get this service. Here, cash amount is waqf for the service of citizens; therefore, all the things that are necessary for their existence will be borne by them. This is because there is no way to keep waqf safe and the profits to be made from it. This is also necessary that the fund of waqf that was established to provide debt be discussed by jurisprudents for its investment and growth. For the purpose of more income, it can be analogued on the investment of residential homes. The purpose of cash is to use its income on whom waqf is made. It requires investment then its income be used, or one part of it be used on whom waqf is made. Old jurisprudents have made it clear.

If the person making waqf did not specify any special way for the waqf then lot of ways and sources can be used for investment with this condition that it is more profitable and fulfils his purpose as per norms of Islamic Law provisions. If it does not happen then waqf's trustee can use other ways that are

similar to the needs. In current era, there are so many ways before the organizers of waqf, even some of them have been used by Islamic banks, such as direct investment, giving on rent, venture, association, grant, Murabha sale, preparation of items, purchase of currency notes, establishing fund for investment and participating in it etc. As Awqaaf property is like property of other items and various can be adopted with norms of Islamic Law, even, when person making waqf make clear the illegal ways. Likewise, this is also a condition that advantages of investment be discussed and kept in mind to protect waqf's property and also to get more income and profits. As waqf's property is like a property of orphan and property of exchequer, an extensive effort has to be made for its investment. It will be better if general interests are not ignored so that getting economic interests for waqf is possible. Waqf is a charitable work, therefore, the perception of welfare and helping people should be maintained in all its steps and it should not be seen as embezzlement of the rights of whom the waqf is made which is the sole purpose of waqf. It can be understand through this example that cash waqf is made to any hospital or university, and there are only two projects to use its income of investment. First project is the rehabilitation of general public. The second project is for rehabilitation of middle or high class. The profit gained from first project will be low in comparison of other project. But first project would bring benefits to poor people who need a place for living. In this condition, where would waqf property be used by the organizers of waqf? The answer of this question is not simple.

First place has collective benefits, in second place, Mawqoof alaihim get more profits. For investment of this property in appropriate field, an extensive and distinguished difference between division of profits and investment of waqfed property, mawqoof, maqoof alaih will be profitable. Such as, addressing of interests of Mawqoof Alaihim, specially, when they are needy, should be maintained, such as, caring of interests of common expenses is itself a collective work and interests. Help can also be taken from Kingdom that it should recognize preferences of projects and waqf's fund in diverse field of investment. It will help in bringing a new form that will help in gaining profits from common and particular ways.

6. How cash waqf be organized and managed?

There is no difficulty in organizing of individual cash waqf. It can be made by person making waqf himself, or he can give the responsibility to any experienced institution of investment with an agreement. Either he takes the responsibility of its supervision or can be made through other institutions. But collective cash waqf, in which check, funds and good financial institutions that itself make investment, or get it done through other institutions, requires a complete administrative system. Likely, there will be a problem as to how it can be supervised by people making waqf to check whether waqf's property is being used through better ways and its profits are being used honestly. Either person making waqf make a fund managed by some of them and cooperating with various institutions of investment carrying it out, others will

make a general society, sometimes, they will take help from any financial institution which will prepare fund on behalf of them and will use its income into work through commission or venture or rent.

In that condition, the important thing is that an organization be established that would supervise people making waqf by either joining the administration of fund or at least join general society of people making waqf. After all, better arrangement in today's developed management is not difficult, as financial and administrative management have mushroomed. It is also important that kingdom in the light of rules and norms interfere in issues like this one.

7. Fields of funds of cash waqf:

As we have indicated that Islamic world is unable to meet the challenges and needs of life and has failed in providing education, medical treatment, employment, and residential places to its citizens. We have also indicated that to fulfill these needs of life it requires huge investment that is not available with governments. Private sector that is dominating on economics does not much pay attention on it, therefore, now, there is only one way which is to be done through voluntary institution of civil sector by getting help from private sectors.

For this purpose, the need is that various personalities and institutions be prepared economically and collectively on it to make investment to provide needy things. For this, there is nothing important than religion to boost them on spending money voluntarily. Islam can boost this tendency through its

teachings and provisions of waqf and charitable property. The purpose is to first boost this passion, awareness be created and addressed to all so that everyone understand it and every step and angels be clear to all. First, the importance of Awqaaf is discussed, and then religious, social and economical importance of it is also made understood. All its forms and ways are discussed clearly, general people to be told how their interests will be fulfilled and those who take part in it will get favor from Allah. Kingdom should assure its people that their Awqaaf and charity will remain secure through laws and they will be protected to use them in their places, and even get protected from occupation and encroachment.

This is also important that private financial institutions and government agencies establish funds for waqf. This fund will do its work for rehabilitation of society, solve the problem of education, employment, medical treatment, research and settlement etc. They should also encourage people to spend in this cause. In this way the purpose of people making waqf will be valid and its direction will be towards the real work and not to worldly affairs. Ibne Tamiya said that making things waqf in illegal ways will be considered false and invalid. This is not only lawful according to Islamic Law but also right thing economically.

The End:

Basically, this article throws light on cash waqf. In preface, basic steps are mentioned. The aim is to strengthen the role of waqf in current era. In this article, the definition of

waqf's institution is clarified. Then, its role is clarified in current era. The first part of waqf is related to above things. The second part of this article is related to cash waqf. In this part, definition of waqf is clarified, jurisprudence angels are discussed, and waqf's features, sources, its formation, and some form of investment are discussed. At the end of this article some administrative aims related to waqf are mentioned.

Some, basic things came up with this whole discussion, please see below details:

- 1- Awqaaf of Muslim world have been facing very destructive situation over a long time. Though, some good efforts are made to reactivate them in some places.
- 2- The reason of this destructive situation is misunderstandings related to Islamic Law provision of waqf. Though, there are is so much capacity in Islamic Awqaaf. '*The things that are being, used making it waqf is legal*'. This text makes us understand clearly. Therefore, there is a need for new forms of jurisprudence of waqf be brought out and formed with new ways.
- 3- Social, economic, and political atmosphere of contemporary Muslim world demands a serious focus is put on Awqaaf and to develop it by using new ways and technologies so that waqf can play required role and to face this difficult situation.
- 4- In the process of development of waqf, it is also important that cash waqf be taken into consideration. Because cash waqf has many sources and characteristics as well as various Islamic schools and

jurisprudents are in favor of its lawfulness. It has been proved by previous discussions that in various era and different countries work are being done on Cash Waqf. It is also in complete accordance of needs of contemporary era.

In the light of above details, my recommendation is that Fiqh Academy issues the decision of lawfulness of the both forms of individual and collective Cash Waqf and show some flexibility and easiness in placing Islamic financial system and norms be implemented. Also to work on the saying of Imam Qarafi : *'Waqf is a best way to get favor and its condition should be easy'*. Also the Academy should recommend Muslim government to review its laws and procedures to get publics' attention toward Awqaaf.



Place of Waqf and its Role in Solving Social Issues

Preface:

Allah says: "O you who believe! Fear Allah as He should be feared and die not except in a state of Muslims" (Qur'an 3: 102)

He says in another place: "O mankind! Be dutiful to your God, who created you from a single person (Adam) and from him (Adam) he created his wife, and from them both he created many men and women and fear Allah through whom you demand your mutual (rights) and do not cut the relations of the wombs (kinship). Surely, Allah is ever an All-Watcher over you" Qur'an 4:1)

"O you who believe! Keep your duty to Allah and fear Him, and speak (always) the Truth, He will direct you to do righteous good deeds and will forgive you your sins. And whosoever obeys Allah and His messenger, he has indeed achieved a great success" (Qur'an 33:70-71)

Allah has sent Prophet Mohammad as messenger of mercy for the whole world. He says in Quran: "We have not sent you but as a Mercy to the worlds" (21:107). Such as, He says; "There has certainly come to you a Messenger from among yourselves. Grievous to him is what you suffer; [he is] concerned over you and to the believers is kind and merciful." (Qur'an [9:128](#))

It is favor on part of Allah for Muslims that he ordered for helping each other in good and piety work. "And help each other in righteousness and piety, and help not one another in sin and transgression and remain fearing Allah. Undoubtedly, the torment of Allah is severe" (Quran 5:2)

Allah made Muslims brother for each other so that every brother likes for his brother to the things he likes them for himself. "None of you [truly] believes until he loves for his brother that which he loves for himself".

This is a great pleasure for me to write an article accepting the request of officials of Islamic Fiqh academy on waqf's importance in Islam, its need for development of society and its role in solving social problems of society. This article is also being written as these people want to establish an Islamic Awqaaf to solve current problems and issues that are being faced Indian society. Issues of widow, divorced women and orphan are on top in the issues mentioned above. In the same way, treatment of sick people, needs of various social sections, health, education and training, Dawat-o-Tabligh etc are among them.

This is a fact that waqf is one of the famous tradition of Islam in the field of spending in the way of Allah. It is a unique Islamic system depending upon its reality and methods. It is, as a matter of fact, an ongoing charity and source and sequence of charity as its method. This is the precise source of charity that is made with high level of religious teachings. This teaching helps people in problems of life. Waqf has played a vital role in development and solidarity of Islamic society in various era of history. It is able to place its same role in every place and era, if it

is implemented on the principles of Islamic Law and accordance to the ways of Prophet Mohammad (PBUH) and his companions (May Allah be pleased with them).

This article throws light on below studies:

First Study: - Waqf's Jurisprudence: In this chapter, jurisprudential angles are discussed in brief. The purpose of it is clarification of jurisprudential judgment as well as, claiming that in waqf's problems, there is flexibility in the views of scholars and their schools.

Second Study:- Place of charitable waqf in society's development: In this, getting Muslim society developed, boosting it, place of Awqaaf in cooperation and with people are clarified. This is also mentioned that Awqaaf can play this role in Islamic society.

Third and fourth studies have some specific subjects. Third topic has discussion on sick people, orphan, widow and Awqaaf's role in their rehabilitation. Specially, Legal Islamic provisions of societies' above classes are discussed.

Fourth Study throws some light on waqf's importance in Dawat-o-Tabligh and educational fields. Place of education is clarified. It has also been mentioned that it needs collective effort for its promotion and also what was the role of waqf in establishing Darul Uloom, libraries and publications?

At the end of discussion, some recommendations related to establishing Islamic Awqaaf for social, economic and developmental problems that Indian Muslims have been facing are discussed.

We are pray to Allah to accept this work and may bless all to move on the way of Quran and the tradition.

First Study: Waqf Jurisprudence

At the time of discussion on waqf's need and its important in Islamic society and its role, it would be important to indicate that Muslim Community is one that follows and not innovates. Therefore, it is necessary to gain some knowledge regarding some jurisprudential provisions of waqf. It is also required because Islamic Fiqh Academy wants that those who are interested in needs of Indian society establish Islamic Awqaaf. These fields are health, development, education and Dawat-o-Tabligh. Obtaining knowledge of waqf's jurisprudential provisions is necessary to establish Awqaaf on the basis of Islamic Law, Quran, traditions and as per the work of Companions (May Allah be blessed with them), because establishing Awqaaf on the basis of Islamic Law is important thing and a guarantee for its existence. Good start delivers good result. Therefore, some jurisprudential angles related to waqf will be discussed with short details. For example, waqf's lingual and modern definition, proofs from Law, Quran, traditions, act of companions, waqf's pillars and condition etc.

1- Waqf's lingual and idiomatic definition:

A. Lingual definition:

The definition of waqf in dictionary is that it is the source of وقف يقف, the meaning of it is to cease, hold, تحبب and تسبيل are equivalent of it. It is said, I held the house for poor people, I held vehicle, but saying اوقفت is not correct. It is not fluent or good language. Linguists dislike it. Therefore, Firozabadi says that in better sentence اوقف either it comes in

meaning of سكت or امسك and أفلح. Johari said that there is only one meaning of اوقفت like '*I stopped from what I was doing*', Raghib says; its meaning is to hold. As per dictionary, it is sensitive, for example, *the door was made waqf*, sometimes, it comes in meaning of virtual, *and it means I made waqf my efforts on reformation of people*.

B- Idiomatic definition:

Jurisprudents have differences of definition of waqf as various jurisprudential schools have differences on conditions of waqf. Here, we will mention some definition of four Islamic schools.

Hanafi School:

Meaning of waqf according to Marghinayi is: Detention of anything given into the ownership of Allah, and making its profits charity.

Maliki School:

According to Aqrab Al Masalik, giving the profits of something by its owner for rent or its income with certain phrases which he considers an appropriate time.

Shafii School:

According to Ramli: Detention of a property with which profit can be gained, keeping original property without any possession of its ownership for lawfulness and legal purpose.

Hanabali School:

According to Ibne Qudama: Detention of original thing and making waqf its profit in the way of Allah. This definition

is taken from saying of Prophet Mohammad (peace be upon him) that he said to Hazrat Omar (May Allah be blessed with him): *'Hold origin of thing and use its fruits'*.

In Islam, waqf is one of the legal issues therefore its practical meaning will be accepted and not of words and alphabets. Here, the discussion is on the definition that is compatible with practical and transaction forms. The definition that I understand better is that “Owner in his owned thing holds his own action and make charity of its income or profits”

2. Waqf's legality

Waqf is one of the better ways of profitable, reward of favor and spending in the way of Allah. Various texts are mentioned in Quran and tradition on its lawfulness. Almost all scholars are in favor of its lawfulness. Majority of scholars are in favor of lawfulness and compulsory.

This is one of the features of Islam, because it is charitable work, and one of the big worship by which Muslims get closer to Allah.

Ibne Qodama says: Predecessors and most of scholars are in favor of rightfulness of waqf. Only Sharih is not in favor of waqf. He says that Allah has specified rights on money; ignoring and stopping them is not legal

Ibne Rushd says: Waqf is ongoing tradition, Prophet Mohammad (PBUH) and Muslims have remained in action. Qura'an, Sunnah, and Ijmaa are all in favour of waqf.

A. Proofs from Quran

Various texts and verses are in Quran that are in legality of spending and willing to do good work. Waqf is one the best charitable work. The texts and Quranic verses are mentioned here:

You will not reach piety until you spend from what you love. Whatever you spend, God is aware of it. (3:92)

O you, who acknowledge, spend from the good things that you have earned, and from what we have brought forth from the earth. Do not choose the rotten out of it to give, while you would not take it yourselves unless you close your eyes regarding it. Know that God is Rich, Praiseworthy. (2:267)

Your money and children are a test, and with God is a great recompense. Therefore, be aware of God as much as you can, and listen, and obey, and give for charity for your own good. Whosoever is protected from his own hedonistic desires, and then these are the successful ones. If you lend God a loan of righteousness, He will multiply it for you many fold, and forgive you. God is Appreciative, Compassionate. (64: 15-17)

What they do of good will not be turned back, and God is aware of the conscientious. (3:115)

O you, who acknowledge, kneel and prostrate and serve your Lord and do well that you may succeed. (22:77)

The example of those who spend their [money](#) in the cause of God is like a seed that sprouts forth seven pods, in each pod there is one hundred seeds; and God multiplies for whomever He chooses, and God is Encompassing, Knowledgeable. (2:261)

B. Proofp from Traditions:

Various Traditions came in favor of lawfulness of waqf. They are generally or particularly are in lawfulness of waqf. These traditions are in words and deeds. Khassaf has mentioned various texts of them in his book '*Provisions of Awqaaf*'.

Some of them are here as follows:-

Bukhari and Muslim have narrated from Hazrat Ibne Omar, he says; Hazrat Omar got a land in Khaiber, to get advice for it he went to Prophet Mohammad (peace be upon him) and said to him; O messenger of Allah, I got a land in Khaiber. This is very good property that I have got, what do you order about it, Prophet Mohammad said, if you want then make it charity holding origin of it. Narrator says that Hazrat Omar has made it charity with this wish that its origin will neither be sold out nor be purchased, nor inheritance will come into effect nor be given gift. This waqf was for poor people, relatives, slaves, in way of Allah, passengers and guests. Its trustee according to system was allowed to get something from it, to feed poor friends was also allowed in it. (Bukhari)

Navavi said in its explanation that this tradition is a proof that waqf is legal. Even it is free from shadow of ignorance, this is our and majority's thought. It is a Muslim consensus that making waqf of Mosques and Source of water are also rightful.

Muslim narrated from Hazrat Abu Hurairah that Prophet Mohammad said (peace be upon him):

"When the son of Adam dies, he loses benefit from his deeds except from three. A charity that is continuous in benefit, knowledge that is beneficial, and a righteous son that supplicates for him." Navavi wrote in its explanation that this tradition proves rightfulness of making waqf.

C. Proof of waqf from Consensus:

Scholars agree on its lawfulness, it is made by Rafei and Ibne Qudama.

Rafeyi says that the words and deeds of the companions are famous.

Ibne Qaudama says: Jabir said that there was not a single rich person among the companions who did not make anything waqf. His consensus is that everyone who was able, made waqf, and it became famous. Nobody raised objection, therefore, consensus was proved.

Tirmizi says in tradition of Omar that this is saying is correct. Companions and other educated person agreed upon that, we did not find any difference in favor of waqf's land (Sunnan Tirmidhi)

2. Wisdom of legality of waqf:

Keeping this faith is obligatory that Islamic laws insist on making relation with Allah powerful. It should be on pure oneness of Allah, praying to him, and all actions should be made for Him only. The purpose of all commands revealed by Allah is that Muslims should strengthen their relation with each other for the sake of Allah.

The sources to keep Muslims attached with each other, enquiring about each other and answering needs are waqf. Its wisdom and aims are great. These aims and wisdom gets completed in the private and common interests of Muslims. Islamic texts clearly throw light that Islamic Law is made for the interests of human beings. Allah says:

‘Messengers as bearers of good news as well as of warning so that the mankind should have no plea against Allah after the Messengers’. (4: 165).

'We did not send you except that you are a mercy for the whole world'. (21:107)

In Islam the rules are based on the objectives of Shariah related to human beings protection. There are three objectives:

1. Important
2. Need
3. Commendable

The meaning of important objectives is that they are needed to complete the interests of world and the hereafter. These would be protected by two things: First, by which its provisions and rules can be strengthened and secondly, by that source by which an occurred or would occur problem can rectified. That means exception of target for easy accessibility.

Important are of 5 types:

1. Protection of Religion
2. Protection of Life
3. Protection of Generation
4. Protection of Money
5. Protection of Brain

As far as needful objectives are concerned, it means when required for the purpose of expansion and by which hardship can be removed which majorly leads to wrong and hence misses the requirement. If they are not regarded then the assigner faces difficulty and problem although these difficulties do not come in the category of mischief related to general interests.

Commendable objectives are to take good habit and nature and to avoid which the good memory stop from bad things. It also includes moral conducts on which important and Needy objectives apply and on these also commendable also

apply. For Example Nafil and Sunnah prayers, beauty, good work and charities.

In these things waqf is included as per social conditions and circumstances of the society.

Expenditure in Waqf, charity, Zakat, gift and alms, etc is different.

Islamic law has given Muslims the option to select and ways of expenditure permissible. However the best way of expenditure is where there is general benefit and which remains and continues. Waqf has general benefit and profit. Hence it became part of those worships by which one gets closer to Allah. Quran has aroused many a times for it in many verses. Hence says: 'Never will you attain the good [reward] until you spend [in the way of Allah] from that which you love. And whatever you spend - indeed, Allah is knowing of it'. (3:92). In the same way it says: 'The example of those who spend their wealth in the way of Allah is like a seed [of grain] which grows seven spikes; in each spike is a hundred grains. And Allah multiplies [His reward] for whom He wills. And Allah is all-Encompassing and knowing'. (2:261)

The Prophet (PBUH) said: 'When a human being dies, all his work gets discontinued except three, and among them he counted ongoing charity'. (Muslim) Two reasons distinguish waqf from other form of Sadaqah and Hadaya

First reason: Its continuity.

Second reason: It's Stability.

First reason: There are two reasons of continuity of waqf. First it is one of the charitable works to which favor remains in action. As mentioned in the above Hadith that when

a human being dies he loses all deeds except three, one of them is ongoing charity. This is the main purpose of person making waqf from it.

Second angle is continuity of piety work that does not disconnect despite of conversion of ownership. This is the purpose of waqf that is being enjoyed by the community.

Second reason: Stability of waqf which mean that waqf is a limited financial Islamic institution that takes responsibility of spending in the field for which waqf is made.

When Ummah faces serious problem, it plays huge role at that time. Waqf is a source of continuity of charitable work, as its role is big in relief work, educational needs and building of Mosques and Madarsas.

Waqf does not prevent the duties of Ummah that take place due to less income and less spending.

Jurisprudents have mentioned following reason of legality of waqf.

- 1- The principal of helping each other of Muslims gets completed through waqf
- 2- The needs of Ummah and its interests are being fulfilled though it helping it in growth and development.
- 3- Permanent profits can be made possible keeping property safe
- 4- It is the atonement of sins and getting rewards
- 5- It helps in carrying out piety and charitable work
- 6- Property can be saved from being misused through waqf, for example, wrong interference of relatives etc

Overall, goals are being fulfilled through waqf and huge work of charitable things can be made. Whatever are the needs and demands of Islamic society, waqf can be used through various ways. The reward of Allah remains to continue as well.

Fourth: Pillars of waqf

Pillar of anything is an important part of it, without it cannot be verified. Jurisprudents have differences over pillars of waqf. Hanafi school of thought says that it is the words which denote waqf. Majority has mentioned following things as pillars of waqf.

- 1- Person making waqf
- 2- On which waqf is made
- 3- The thing which is made waqf
- 4- Mode of making waqf

Ibne Najim writes in *Albahar Al Raeq* that waqf's pillar is the word that indicate to waqf.

Kharshi says: There are four pillars of waqf - aian moqoofa, mode of waqf, person making waqf, on whom waqf is made.

Navavi says its pillars are four: person making waqf, the thing made waqf, on whom waqf is made and mode of waqf.

In *Ghayatul Muntaha*, and its explanation *Matalib awla alnihaya*, there are four pillars of waqf: Parson making waqf, on whom waqf is made, the word used for waqf, ain mauqufah. Jurisprudents say there are two kinds of word through which waqf takes place.

First type: Clear words which means those words which indicate to waqf directly in such a way that they are used in the same meaning. These words are waqf, habas and tasbeel. The word waqf is always known to it. Tahbees and Tasbeel in customary law are known for waqf. For example, Prophet Mohammad (peace be upon him) said to Hazrat Omar, "Hold original thing and waqf its fruits".

It is written in Mukhtasir Khalil and its explanation Alsharah Alsagheer that fourth pillar is clear words, for example; وقف، حبس، او سلبت. Sherazi has written: وقف، حبس، and تسبيل are clear words. Ibne Qudama said in Muqney that clear word of waqf is سلبت and وقف، حبس. The same view of Hanafi school of thought is written above that it surrounds pillars of waqf into sections. Kharashi says if it is said that I made charity for poor people or for students then waqf is lawful, and will be for forever, provided there is no condition on it for not getting sold out or be gifted.

Sherazi says: The word tasaddaqa, is metaphor of waqf; because this word is common between needless and waqf. Therefore, making waqf with this word will not be correct. If intention of waqf or link any of given words for example; تصدقت به صدقة موقوفة، أو محبوسة أو مسبلة أو مؤبدة، أو محرمة، then waqf will happen, or mention provision of waqf with Tasadduq, for example he says this is a charity that cannot be sold out, nor it given as a gift, not given in inheritance, even though waqf will take place; because by these evidences no other probability remains.

Second type: Nominative Words in which beside waqf there is probability of other meanings for example; charity;

nazar; waqf will accepted with these meaning only when words indicating to waqf are mentioned with them.

Ibne Qudama says that metaphors of waqf are words such as تصدقت، حرمت، اور ابدت . Waqf through metaphors will not take place, except that it has intention for it or other words be mixed with it or waqf's provision is mentioned; for example someone says I endowed charity, or beside endowment uses words like مؤبدة or محبسة، مسبلة، محرمة، or says that it will not be sold out; neither be gifted; nor inheritance will occur in it.

Ibne Qudama writes in Alsharah alkabeer that if any three words are being used with metaphor then waqf will occur with them. These words are:

- 1- Waqif makes intention for waqf, and then it will be hidden waqf and not open.
- 2- Any word used with any of five words; for example he says sadaqa; mawqoofa; or mahbasa; or masbala; or moabada or moharrama.
- 3- Waqif explain waqf with its characteristics; for example he says that the charity cannot be sold, nor be gifted and cannot be inherited and he remains confined to it because the mention of the integral needs the clear mentioning of the Obligatory. Apparently any such words in specific directions will be used only by the person making waqf.

Fifth: Waqf's actual provision:

This study has relation with actual waqf. In this regard, Imam Abu Hanifa, Malik and Hanabla say that actual waqf will be proved if evidences that indicate to waqf. For example

person making waqf constructs a Mosque and allow offering prayers there.

Hanafi School:

Marghinaii says that by constructing a mosque will not affect his ownership unless he removes himself from it and does not allow people to offer prayer in it. If anyone offers prayer, then according to Imam Abu Hanifa his ownership will end. It is necessary to remove his ownership because it will not be specific to Allah. Offering prayer in it as per Imam Abu Hanifa and Imam Mohammad that submission is necessary. Submission is a condition that will be fulfilled only when prayer is offered in it. If occupation is difficult then the verification the intention take the place of occupation then offering prayer by one person will be enough. This is as narrated from Imam Abu Hanifa and Imam Mohammad. As action of whole gender is difficult, the condition of offering by a group is made. Masjid usually is made for this purpose. Imam Abu Yousuf says that his saying 'I made it for Masjid' will remove his ownership.

Maliki School:

In the footnote of Dasouqi Sharah Kabeer, Khaleel's opinion on **حيست ووقف** related to the section of Waqf says words that are substitute of **حيست ووقف** for example; make a Masjid private and make privacy between it and people although Masjid does not belong to particular people, neither specified whether Obligatory Namaz to be offered or voluntary. Therefore, constructing a Mosque and allowing

people to offer Namaz there will be included in waqf's clarification. Though, waqf or people are not specified, and as such if prayer being offered there is not confined to obligatory prayers then there is no need for anything and waqf's provisions will be slapped on it.

Shafi School:

Sherazi says waqf is lawful through saying only. Therefore, if a person making waqf constructs a Masjid, offered Namaz or allows people to offer Namaz there, then it will not be called waqf.

Navavi says, if he made a building like Masjid, or any kind of building made by him, allowed people to offer Namaz then it will not be called Masjid. Likewise, if he allows people for burial in his own land, then this land will not be a land for graveyard whether namaz is offered there or not or burial took place or not.

Hanabli School:

Ibne Qudama says that the purpose of school of Imam Ahmed is that actual waqf takes place through evidences indicate to it. For example constructed a Masjid, and allowed people to offer Namaz there, or made a graveyard and allowed people for burial, or made sabeel (spring of fresh water) and allowed people to have water from there. Because Imam Ahmed said as per a tradition of Abu Dawood and Abu Talib, in which a person made a home a Masjid and allowed people to offer Namaz there, that he cannot take back from it. The same provision will be for the one who made graveyard, sabeel, and allowed people to use it, as he will not have the right to return.

Most likely is that if evidences are being found then waqf will actually be proved as it is known and considered in tradition and custom, therefore, like words the waqf will also take place through customs. For example, anyone presented foods before guest, in tradition will be understood that he allowed guest to have food, anyone put a tube of water on the way, then it will be understood that he made it in way of Allah, if someone spread something before people, in tradition it will be known that taking from it is acceptable, such as entering bathroom and using water without his permission will be lawful in tradition, then, likewise, without saying something, sail happens through doing trade, and likewise present situation allows hiba and gifts, likewise, waqf too will take place.

Second Study:

Importance of Awqaaf's welfare work in development of society and its place.

There are so many blessings of Allah on sons of Adam. He says;

And if you count God's blessing/goodness you do not compute it, that God (is) forgiving (E), merciful.

In these blessings and goodness of Him is the blessing of Islam. Allah says;

They impress on thee as a favor that they have embraced Islam. Say, "Count not your Islam as a favor upon me: Nay, Allah has conferred a favor upon you that He has guided you to the faith, if ye be true and sincere (49:17)

Blessings of Allah in all circumstances, fields, and angels are diverse. These great blessings are huge and

countless. These blessings cover all the things of future, past and presence, hidden, open, small and big.

One of the great blessings of Allah for Muslims that He sends His Messenger that reads them His verses. He (Messenger) gives the teaching of wisdom; he came up from Allah with best equiponderant Islamic Law through which people correct their affairs of heaven and world guiding them to straight path. Allah says

It is He Who has sent amongst the Unlettered an apostle from among themselves, to rehearse to them His Signs, to sanctify them, and to instruct them, and to instruct them in Scripture and Wisdom, although they had been, before in manifest error (62:2)

Allah completed his religion for him.

“Today, I have perfected your religion for you, and have completed my blessing upon you, and chosen Islam as religion and a way of life for you.”[5:3]

Allah made him a best community created for people; Allah says;

You [true believers in Islamic Monotheism, and real followers of Prophet Muhammad SAW and his Sunnah (legal ways, etc.)] are the best of peoples ever raised up for mankind; you enjoin Al-Ma'ruf (i.e. Islamic Monotheism and all that Islam has ordained) and forbid Al-Munkar (polytheism, disbelief and all that Islam has forbidden), and you believe in Allah. And had the people of the Scripture (Jews and Christians) believed, it would have been better for them; among them are some who have faith, but most of them are Al-

Fasiqun (disobedient to Allah - and rebellious against Allah's Command). (3:110)

The completion of this religion is that it covers all angels, all moral and financial corners of life. It completes all requirements of needs and demands of a personality of human being. The reason is that creator of this world knows everything of human beings.

By the Soul, and the proportion and order given to it; and its enlightenment as to its wrong and its right; Truly he succeeds that purifies it, and he fails that corrupts it! (91:7-10)

Allah fulfils all needs of human being irrespective of color, language and generation. As Allah knows better what the things build humanity, and what they destroy it, therefore, all the things build it, He order to follow them, all those destroy, He forbids us, made Islamic system that completes religion. He made it as it works in each place and era. It organizes life's affairs, helps poor people, care of orphan, and creates feeling of solidarity in all human beings of society. This is great blessings of Allah that He is merciful and kindness. He sends His messenger to all human beings with last message so that Prophet Mohammad (peace be upon him) be a merciful for all worlds

We have not sent you but as a "Mercy to the worlds" (Surah al-Anbiya, 21:107)

This mercy has covered all angles of life; therefore, this is an important of all Islamic provisions. Mercy of Allah is apparent in Islamic Law. The Muslims, who are religious, follow Islamic laws openly and hidden can feel it. These teachings always make his breath and spirit purified. These

teachings always incite them to get Allah's mercy scarifying every kind of best things. Those who fear from Allah and follow His role, obey Allah's order and its teachings following religious teachings wishing from everyone to follow them.

Allah says:

Then will he be of those who believe, and enjoin patience, (constancy, and self-restraint), and enjoin deeds of kindness and compassion. (90:17) As they know due to their belief that they are bringing mercy of Allah doing mercy with Allah's creature. This endorses saying of Prophet Mohammad in which he said: Allah do mercy to those who are merciful. And Prophet Mohammad said; Do mercy with those who live on land, Allah do mercy with you in heaven. Through his belief and faith with endorsement of Prophet Mohammad, they understand that if they do not mercy with creature of Allah then they will live without kindness and goodness of Allah, even they will face tough days in worldly life, as Prophet Mohammad said, Kindness cannot live with wretched people.

Beside it, fruitfulness of equal cooperation of people in society is the unity. This is endorsed by the saying of Prophet Mohammad that example of Muslims in love, compassion are like a body , if any part of it becomes ill then the whole body feels its effects. Likewise, there is one reason too that instigate the passion of mercy advising people to use it. This is the wishes of Muslim that he likes for brother what he likes for himself as Prophet said; "None of you will be a true believer till he likes to his brother (or neighbor) what he likes to himself." [Narrated by Muslim]

Those who understand the aims and wisdom of Islamic laws to spend in the way of Allah, will know that none of the laws can reach to aims of Islamic laws, because laws made by human beings have errors and mistakes. Such Islamic teachings are based on two basic things. *Ajr-o-sawab* of all forms in the world and in heaven that is made by Allah for Muslims. *Awqaaf* is a part of chain of spending in the way of Allah. The aim of this *waqf* is to fulfill all needs of human beings. *Awqaaf* prevents human being from poverty, protect the dignity of him, and all these happen only a developed system that full all needs of him; Allah says; We had honored Adam's sons and daughters (17:70) These Islamic laws prevent human beings from the way of poverty and asking money etc that insult them and thrash their dignity, therefore, Law through its teachings and laws provided sources to fulfill the needs of everyone. With keeping the building of society and prosperity, these Islamic laws closed the sources that appear through needs and poverty of human beings even they make mistakes to meet the needs of their children.

Therefore, we find that Islamic guidelines and teachings in the context of spending in the way of Allah have moral and heavenly angles with the financial needs. Those who spend in the way of Allah understand it. We are given a best way by the Prophet Mohammad in which the guaranty is made forever for welfare of society and purification. There are so many ways of it. One of them and best is *waqf*. *Waqf* is a *sadaqah jariya* that is the most completed, maker of favor, fruitful through action, permanent and stable. As it protects power and solidarity of society, create relation between human beings, and instigate on

as more as fruitful work. That is why, waqf has given an important place in Islamic Law. It is called Suunat Moaakadah, and counted the best way in Sadaqah and spending in the way of Allah, as came in a Hadith narrated by Hazrat Abu Huraira that prophet Mohammad said (peace be upon him) "When the son of Adam dies, he loses benefit from his deeds except from three. A charity that is continuous in benefit, knowledge that is beneficial, and a righteous son that supplicates for him." The sunnah of Prophet Mohammad (peace be upon him) instigate the community to follow the order of Allah; Believe in Allah and His Messenger, and spend (in charity) out of the (substance) whereof He has made you heirs, For, those of you who believe and spend (in charity)— for them is a great Reward.

Allah promises to those who do welfare work that they will get whole profits. Allah says;

It is not required of thee (O Messenger) to set them on the right path but Allah guides to the right path to whom He pleased. Whatever of good ye give benefits your own souls and ye shall only do so seeking the "Face" of Allah. Whatever good ye give, shall be rendered back to you and ye shall not be dealt with unjustly. (2:272) And also said: You will not reach piety until you spend from what you love. Whatever you spend, God is aware of it. (2:267)

Those who study the history of waqf and its impacts on Muslims life will find that it presents fruitful solution for Islamic society in most all sections of life; such as, education, economy etc. Islamic civilization rose in various parts through waqf. Therefore, hospitals are made in Islamic cities. The arrangements are made for care of poor and ill people. Homes

are made for needy and poor people. Mosques are made, circles are made for Hifz, and libraries are made. These were the great fruits of waqf that left their impacts on whole Muslim world.

Through this, it can be seen what were the positive and fruitful impacts of Islamic Awqaaf in Islamic society, how it played vital role in developing Islamic civilization in various era and what kind the role waqf can play in the fields of economy, health, education etc.

Waqf can be made useful in building research institute, hospital for medical research and medical treatment, research work, libraries, education and training. It can play significant role for removing poverty, as those people are able to work they be given job and those are unable for work their needs be fulfilled, as well as, there are various fields in which they be used.

Through the angels of humanity, and developing angles we find that waqf has played key role in past in these fields too. This is the best and correct interpretation of sadaqa jariya. Passion for this sadaqah comes inside of human soul. This passion instigates on giving and spending for welfare work. No reason can play any role except the sake of Allah. Such as, cooperation and solidarity take place between Muslims in Muslim society; Allah says: Help ye one another in righteousness and piety, but help ye not one another in sin and rancor (5:2). Hence, the class of sadaqa jariya reaches to high level.

Above mentioned interpretation of Allah instigates rich people to spend in the development of Islamic society. These are the fields that cover all needs of Muslim society and play key role in certain sections. Care of orphans, helping poor people, care of widows and divorced women, providing

services to Madaras and Hifz-e-Quran etc all the sections that come under social service.

Islamic Awqaaf played human role in solving social problems. This human role distinguishes in all fields of health, education, and development. Such as, its role in calling people to Allah is apparent. Through this, the role appeared that is being followed in every era and place. Reviving of this role of Islamic Awqaaf will be fulfilled with we will come back to Prophet's sunnah. The need is that the efforts to be made to create sense and feelings on waqf's importance and its need in development of society. Likewise, those who spend in such fields their passion be respected, as well as, the need is that new forms and new ways to be laid down according to requirements of current era.

Third study:

Waqf's importance in taking care of widows, divorced women and orphans

Islam has diverted its full attention towards all these classes that are need to be taken care of. In this field, laws of it are much important. Therefore, it did not left them helpless to face extreme rigid circumstances of society to address the problems and dangerous results before they reach to extent and they do not take some steps that are against the tenets of Islam. Therefore, Islam wants laws to be made for each group that need to be helped protecting it social and moral difficulties. Sometimes, it instigated Muslim society on giving zakat and sometimes asked them to do spend in the way of Allah and various charitable work such as, waqf, sadaqa etc. The purpose of it is that Muslims follow the teachings of Islam and Quran.

If these Awqaaf be used as per the intention and direction of Allah, investment is made through proper way as well as if circumstances of temporal and spatial condition be checked that there will not remain a single group in Muslim society that is in need of help and assistance. The needs of each group will be addressed, dignity of anyone will not be crushed in helping needy people following Islamic laws and very strong relation of solidarity and cooperation will emerge between all people of Muslim society. Likewise the saying of Prophet Mohammad will be fulfilled. He said; "The example of the faithful in their mutual empathy, mercy, and sympathy, is like the [single] body, when one organ complains [from injury] the rest of the organs empathize through sleeplessness and fever." Likewise, no group will remain without cooperation and welfare.

The sections of society that got always attention of waqf in various era of history are mentioned here and their provisions. Like widows, divorced women, etc.

First- Taking care of widows and divorced women in Islam

Islam has made huge arrangements for divorced women, either it is related to protective measures or medical treatment. In the context of protective measures, Islam has made all efforts so that less amount of talaq take place and this exercise work in very unavoidable circumstances when no solution comes in. In this regard, two solutions are presented by Islam:-

1- Arrangements for less amount of Talaq

Talaq is a hated act that is not liked by Islam. As came in Hadith that Prophet Mohammad told that the most hated

Halal thing by Allah is Divorce (It is narrated by Bukhari and Abu Dawood)

Islam made effort to keep the things away that drive people towards talaq, so that it is to be protected before happening talaq. Islam has guaranteed that if spouses have good intention, want to make correction of situation and require Allah's sake then reconciliation is possible between spouses.

If ye fear a breach between them twain, appoint (two) arbiters, one from his family, and the other from hers; if they wish for peace, Allah will cause their reconciliation: for Allah hath full knowledge, and is acquainted with all things (4:35)

And also said:

O Prophet! Say to thy Consorts: "If it be that ye desire the life of this world, and its glitter— then come! I will provide for your enjoyment and set you free in a handsome manner." (33:28)

And Also Said:

O You who have believed, when you marry believing women and then divorce them before you have touched them, then there is not for you any waiting period to count concerning them. So provide for them and give them a gracious release. (28:49)

And Said:

Let the women live (in 'iddah) in the same style as ye live, according to your means: annoy them not, so as to restrict them. And if they carry (life in their wombs), then spend (your substance) on them until they deliver their burden: and if they suckle your (offspring), give them their recompense: and take mutual counsel together, according to what is just and

reasonable. And if ye find yourselves in difficulties let another woman suckle (the child) on the (father's) behalf. (65:6)

Encourage of Nikah in Islam

Islam has encouraged youths on marriage either it is virgin girl or widows; Allah says:

O You who have believed, when you marry believing women and then divorce them before you have touched them, then there is not for you any waiting period to count concerning them. So provide for them and give them a gracious release. (24:32)

Prophet Mohammad said;

"O group of youth whoever has the ability to marry then he should marry for verily this is a means of lowering ones gazes and protecting ones chastity. Whoever cannot do so then he should take to fasting for verily this is a shield for him." In the same manner he said:

"A woman is married for four reasons: for her wealth, her status, her beauty, and her religion; so try to get one who is religious, may you be blessed."

If a Muslim will follow the teachings of Prophet Mohammad (peace be upon him) then the rate of divorced women will be reduced. And such as, this problem can be taken under control. On the day of farewell Hajj, Prophet Mohammad (peace be upon him) made some advices in favor of women generally, and widows and divorced women particularly.

"Fear Allah in respect to women as you have taken them in return for trust of Allah. By the verses of Allah their

private parts have been legitimized to you and you are supposed to feed them and cover them as per them".

As far as widows are concerned they are generally in the section of women. But Islam where it encourages rehabilitation of poor and needy people, it encouraged to treat good with widow holding dignity and honor. Narrated by Hazrat Abu Hurairah prophet Mohammad said;

"One who strives to help the widows and the poor is like the one who fights in the way of Allah." The narrator said: I think that he (PBUH) added also: "I shall regard him as the one who stands up (for prayer) without rest and as the one who observes fasts continuously".

In every era, Islamic Awqaaf solved the problem of widow and divorced women and strived to fulfill their needs at the time of poverty specially, when all doors remain closed.

Awqaaf whose income was being used on them were for their needs, such as houses, allowances, and everything that fulfills their needs was being given to them. They were being cared of through correct Islamic teachings. They were helped to recite Quran, get Islamic education, the work that was appropriate for Muslim women were being given to them, even waqf's institutions were getting them married accordance to Islamic Law to protect their dignity and honesty.

2 - Taking care of sick people in Islam:

The class which requires more attention and help in society is the class of sick people that face these difficulties came in by Allah for some purpose. That is why this is the responsibility of other people of society to treat with them with

mercy, respect and sympathy. If they face poverty and have no ability to get medical care with illness then it affects other persons. As per difficulties, those who spend on ill people get more favor and sawab.

Islam as a merciful religion that covers all angles of life, covers all angles of humanity making a unique system through its general instructions that lead to unity, solidarity and cooperation.

Under these general instructions, helping of ill people and their taking care be counted even they get good health and mercy from Allah towards a healthy life.

As far as giving special attention to ill people, Islam respects courageous effort to care of them. It asked us that their courage to be respected helping them morally and financially till they come out from their illness.

We see that as our weakness, and illness, Islam has given much attention to our condition saying that ill people are eligible of our attention specially when they are poor.

Attention of Islam begins from medical treatment of ill people, caring of them until they healed and cured. Islam also encourages visiting ill people because visiting ill people leaves good impacts on patience; as Prophet Mohammad encouraged Muslims on it.

Al-Bara' bin `Azib (May Allah be pleased with them) reported:

Messenger of Allah (PBUH) has ordered us to visit the sick, to follow the funeral (of a dead believer), respond to the sneezer.

Abu Musa (May Allah be pleased with him) reported:

The Messenger of Allah (ﷺ) said, "Visit the sick, feed the hungry, and (arrange for the) release of the captive." [Al-Bukhari].

In another Hadith narrated by Abu Huraira (May Allah be blessed with him):

The prophet (peace be upon him) said: "whoever visits either an ill man or a brother (in Islamic religion), a caller (an angel) will call him saying 'you have done well, your steps are blessed and a place in paradise is prepared for you'." [Reported by At-Tirmidhi and declared good by Al-Albani]

In a Hadith Qudsi, Prophet Mohammad said:

Abu Hurairah (May Allah be pleased with him) reported: The Messenger of Allah (PBUH) said, "Verily, Allah, the Exalted, and Glorious will say on the Day of Resurrection: 'O son of Adam, I was ill but you did not visit Me.' He would say: 'O my God, how could I visit you and you are the God of the worlds?' Thereupon He would say: 'Did you not know that such and such a slave of mine was ill but you did not visit him? Did you not realize that if you had visited him (you would have known that I was aware of your visit to him, for which I would reward you) you would have found me with him? O son of Adam, I asked food from you but you did not feed Me.' He would submit: 'My God, how could I feed you and you are the God of the worlds?' He would say: 'Did you not know that such and such a slave of mine asked you for food but you did not feed him? Did you not realize that if you had fed him, you would certainly have found (its reward) with me? O son of Adam, I asked water from you but you did not give it to Me.' He would say: 'My God, how could I give you (water) and you are the

God of the worlds?' Thereupon He would say: `Such and such a slave of mine asked you for water to drink but you did not give it to him. Did you not realize that if you had given him to drink you would have found (its reward) with me?' [Muslim].

From above Hadiths make clear that there are so many instructions to treat sick well, visiting them. In this regard, there are other texts that encourage on mutual cooperation and merciful relations.

Awqaaf have played huge role in each era. In today's atmosphere, when many diseases are appearing that were unknown for us, Awqaaf's role can be revived and their system can be followed.

Though, today's medical treatment has advanced but expenses on medical treatment are not acceptable by needy and poor people.

Therefore, it is necessary, that Awqaaf be made for sick and hospitals, specially, to help needy and poor people Awqaaf's fund to be made.



Awqaaf's Importance in Education and Reformation

Education and calling people to Allah are two great fields that are made high by Allah and encouraged those who work in these fields. Both in world and in heaven Allah has promised of reward for them.

Islam's relation with both fields is remarkable even there is no such history in any previous system. A great honor for them is that the first verse revealed begins with read that call people to get education and knowledge.

Allah says:

Recite in the name of your Lord who created. Created man from clinging substance. Recite and your Lord is most generous. Who taught by pen. Taught man that which he knew not. (96:1-5)

The readers and thinkers of these Quranic verses will find that the article begins with word read, then pen mentioned, and pen is the source of writing and knowledge, then mentioned that Allah taught human being what he never learnt.

This makes clear that the direct way of working of Islam that it is a religion of oneness in the first place, after the is the education in which people learn affairs of the religion.

Allah says;

And there has to be a group of people from among you who call towards good and prevent from evil. (Verse: 3:104)

Allah Almighty also says:

Not fitting for it to go all the Faithful (to war). Why not leave each class among those few people to deepen their knowledge of the religion and to warn their people when they have been returned to him, so that they can keep him. [9:122]

Allah ta'ala has said:

"Say this is my way I call to Allah upon knowledge myself and those who follow me and glory be to Allah and I am not from those who make Shirk." (12:108)

So many texts came in Quran that treat scholars with high regards.

For example Quran says;

"Allah has raised the status of those who belief and those who have been blessed with knowledge by many ranks and Allah is fully aware of what you do."(58: 11)

Allah told us that scholar who is the one who fear from Allah through knowledge of what is Halal and what is Haram and following Allah's instructions in what the things are forbidden. Allah says;

"Those truly fear Allah, among His Servants who have knowledge: for Allah is Exalted in Might, Oft-Forgiving" (35:28)

And they obey Allah who says:

On no soul does Allah place a burden greater than it can bear. It gets every good that it earns and it suffers every ill that it earns. (Pray): "Our Lord! Condemn us not if we forget or fall into error; our Lord! Lay not on us a burden like

that which Thou didst lay on those before us; Our Lord! Lay not on us a burden greater than we have strength to bear. Blot out our sins and grant us forgiveness. Have mercy on us. Thou art our Protector; help us against those who stand against faith." (2:286)

In Islam, knowledge, Scholars, and education have so much significant place. Protection of religion, publication and spreading of religion, calling people to Allah and needs of them in Islamic society, Islamic Awqaaf played a huge role in all era of history as well as in calling people to Allah. These matters always got the attention of Awqaaf. So many expenses are made on them. The efforts are made for their protection, their leaders and workers got honor and dignity. Due to these reasons, they carried out required jobs in the fields of knowledge and Dawat.

Publication of Knowledge, specially, shariah education, the work made by Islamic Awqaaf cannot be discussed in this article that is not much big. However, it can be said that common thing between knowledge and Awqaaf was that Awqaaf was a back bone for them. In that era and periods, when government ministries, institutions and agencies were not exist like today's to spend money on education etc, Awqaaf were the sources to fulfill these needs and all of them were depend on the income of Awqaaf.

All sections were getting benefits from them. Even there was not any section that remained to get something from waqf.

According to history, either those who had been reciting Quran, of establishing of Islamic seminaries, the financial sources of them were waqf.

Various historical sources confirm that all educational institutions were under the administration of waqf in the beginning centuries of Islam.

Therefore, if the system of awaqf would not exit, then these Madarsas had been lost their identity and root specially in the periods of Mamlooki. The expenses were being beard by Awaqf were among of them building of Madarsas, salaries of teachers, requirements of students like books, ink, papers, foods, clothes, dresses etc. History says that Abu Saleh Ahmed Bin Abdul Malik Almoadhin Alnaisapuri was taking care of Hadith books and he was getting fund from waqf. Some Awqaaf were fulfilling needs of Mohadethin like ink etc.

There was waqf for Almadrasa Alomriya in Alqodus in which students were given one thousand bread daily, besides, clothes, kitchen accessories, lota for wadhu, oil for lamp, etc were being provided by waqf. Likewise, circles of knowledge, Madarsas, and other activities of education were being arranged by waqf.

In whole Islamic world, Big Masques were the center of Hifz-e-Quran, circles of knowledge, and publication of Islamic religious knowledge. For example, Masjid-e-Haram in Makkah Al-Mukarrama, Prophet Mosque in Madina Al-Munawara, Masjid-e-Basra, -Masjid-e-Qurtoba, Al-Jame Al Umavi, Masjid Umro Bin Alaas in Cairo, even some Mosques turned

into whole universities expanding educational circles. For example, Cordoba Mosque, Alazhar Mosque, Alqarvyeen Mosque, Alzaituna Mosque, etc. All these activities were being funded by above charitable Awqaaf.

In this brief article, above mentioned details get us moved to bring the previous role of Awqaaf back, specially, today's Muslim population has increased, expenses of education have become costly, and various Muslim countries are unable to bear the expenses of education of their cities alone. Therefore, these countries are in need of cooperation and assistance in this field. This cooperation can be gained through Awqaaf only. With Awqaaf that are attached in the field of education, every country's rich class plays its role in development of educational activities. It can bring educational activities back on track. Fund of Awqaaf, incomes will provide basically financial assistance to them.

Preaching and protection of Religion:

In the field of Dawat and protection of Deen, we see that Islamic Awqaaf had been playing vital role in all Islamic eras. In this regard, two elements have huge role that had been encouraging faithful to spend in mentioned fields.

First element:

First element is that waqf is one of the ways that are courage so much, spending in this field is purification as well as keeping good deeds. These are among the ways that are only

for the sake of Allah and sawab that is fruitful. As this way takes part in making society strengthen, unity and solidarity. It removes bad deeds from human hearts and creates love in all people of society. Quran and Sunnah are full of text that endorses good deeds of it in world and heaven.

Second element:

Second element is virtue of calling people to Allah. Being busy in it and its activists has a place as mentioned above. Getting religious education and pray, virtue of saying good thing and preventing from bad thing and reformation of society are all much important. Those who make themselves busy in these matters the promised has been made for giving reward in heaven. As they do this work only for the sake of Allah. Spending in the way of Allah, calling people to Allah, advising good things and preventing from bad things are all the work that being done only for the sake of Allah and those who use their funds and money in those ways they have been promised for great favor from Allah.

Now, it has been cleared that there were two elements that encourage people spend in the way of Allah and charitable work.

The favor that was promised to those who spend in the way of Allah was promoting encouraging people, rich persons to use their property and money in the way of Allah, promoting of Deen and protection of religion. Likewise, helping of coreligionists and looking into their needs are a matter of

sawab, as well as, calling people to Allah is also among and great work that promise favor and sawab from Allah. Allama Ibn Al Qayyem wrote clearly in this subject. He says;

Need of Islamic Law for people is most important thing than any other thing, even Sharia is much important than their breath. As if a person does not have food or water so he can die only while if Sharia does not exist then his soul and heart all will get rotten. There are huge differences between them. Death makes body useless, therefore, getting people learned about Prophet's message, his Dawat, patience, Jihad against those who go stray against Shariah until they come back to previous way, and building of world and its reformation all are cannot take place without Shariah.

Reformation of society, perseverance of strait path, protection of Deen of Allah, Removing doubt, getting people learned about sharia education and knowledge etc are great work whose favor in heaven etc are the reasons that led to a movement, even they increased properties of waqf, waqf's forms are increased, even waqf fulfilled various needs that people face in Dawat. Sometimes, incomes of waqf increased than their expenses. There is no place to go into details here.

In current era, we see that rich and faithful persons had been doing charitable work and trying to get Dawat work benefitted. It is great thing that Ummah of Prophet Mohammad has been following the guidelines of Prophet Mohammad, Sahaba and ancestors as this Ummah is created till the Day of Judgment. We find that various people have been participating

in race to provide expenses in building of Mosques, publication of religious books and other Dawat work.

Therefore, the need is that we follow their footsteps. In the light of Quran and Suunah, it is necessary we develop this charitable work and create new angles that are accordance to current era's needs. The way of it is that special funds of waqf be made that carry out waqf's work, so that these financial sources that are being used in Dawat and protection of Deen always remained active and useful.

We should do to open the door for all people of society in this fund as this way will leave better results on people and society getting reward in world and heaven.

We should think there are people around of us who waqfed how much properties for Christian churches and their missionaries even some churches budgets are exceed the budget of whole government.

End of the discussion:

At the end of this article, I recommend some recommendations so that when Fiqh Academy establishes new Awqaaf to meet the needs of education, health, and Dawah, takes benefits from these recommendations. These recommendations are headlines, Fiqh academy can implement them on the ground to protect Awqaaf, they work in right direction and the incomes come through these Awqaaf be used and fruitful to society.

- 1- First thing is that Awqaaf being established on Sharia principles that take benefits from Qura'an, Sunnah and action of Companions of the Prophet.
- 2- A media platform be established based on Shariah that tell people about waqf, its origin in Sharia, and how this image be established in Muslims.
- 3- To organize administrative matters of waqf, an administrative system be made that are accordance atmosphere of Muslims of India, in which social, economic, political and legal conditions be addressed.
- 4- This administrative system be developed, information be organized in a way in which these information are acceptable, new technologies and new ideas of new management be used to establish administration of Awqaaf as per their work and they carry out their work through effective ways and accordance of the conditions of waqfeen. New technologies and computer systems are used for this purpose. They will increase the performance of waqf.
- 5- Needs of society be studied with carefully, to recognize these fields in which Awqaaf will do their work, these needs be social, health, education and Dawah.
- 6- New ways of waqf and investment is made to meet these requirements that are mentioned above. There should be a standard so that people of society can able to participate in it. It means, these imaginations are allowing partnership so that most people participate in it.

- 7- Funds of waqf are made in the fields that are needed by society. For this, it should be looked after that which kind of help society needs.
- 8- Waqf's work be reviewed and be counted time to time to remove bad things, be learned news things to boost waqf. For this purpose, service of experienced management will be needed.
- 9- The relation with rich and trading class of society is strengthened. Various channels and sources are used for them to get moral and financial cooperation for waqf.
- 10- The conditions of those who make waqf be reviewed with scrutiny so that the income of Awqaaf is used in the fields waqf is for to achieve expenses based on Shariah.
- 11- Investment's power be increased and carry it out that is distinguished and work be carried out with the intention of favor of Allah and sawab



Fourth chapter
Fiqhi aspect of waqf

Establishing Awqaaf to Solve Serious Problems of Society

- 1- There is no doubt that Awqaaf is charity which is the original spirit of waqf. Allama Shami says, "Waqf is donation". Writer of Tanverrul Absar says, "To be an act of worship in itself". Shaikhul Islam Ibne Tamiya says, "He replied: Thankfully the main thing in this is that whatever the conditions of work to stop the business must be religious". The Awqaaf which does not have this basic thing that would be void.

Above phrases state that there should be capacity in Awqaaf for divorced women and widows. There is a fiqhi part, "The one who is divorced has also a part in Waqf". Waqf can be made to divorced women and widows.

Therefore, the solution of difficulties and problems mentioned in questions should be that waqf system by established to such needy women.

In the history of Islam, incomes of Awqaaf were being used in defense, poor people, promotion of education and culture and charitable expenses.

From the writings of Allama ibne Qudama, it appears that waqf for a woman etc is lawful, "All kind of waqf will be used in everything which has reward and favor".

- 2- The views of jurists and texts say that Awqaaf for education purpose is good and lawful. قال شمس الأئمة، فعلى هذا إذا وقف على طلبة علم بلدة كذا يجوز، لأن الفقر غالب فيهم

As well as, this is charitable work; hence making waqf in this field is lawful. الثاني موقوفة صدقة على وجوة البر والخير. أو اليتامي جاز مؤبداً كالفقراء

Such as, the tradition of making waqf for Mosques and Madarsas have being continuing since old era, thinking on that , various writers made waqf of religious books as both aims are reviving of Deen and providing knowledge.

وعن نصير بن يحيى أنه وقف كتبه الحاقالها بالمصاحب وهذا صحيح، لأن كل واحد يمسه للدين تعليماً وتعلماً وقراءة وجوز الفقيه أبو الليث وقف الكتب، وعليه الفتوى كذا في النهاية

Shaikh Abdul Mohsen Mohammad Usman writes; اما عن اهمية التعليم ، كل هذه الأمور جاءت التوجيهات الإسلامية فيها واضحة ومحدودة واعتبرها الإسلام من الضرورات وليست من الكماليات

He also writes وإذا كانت الأوقاف القريبة كذلك غير محتاجة ففي مصالح المسلمين الإجتماعية وأمورهم الدعوية والتعليمية أو في أي مصرف البر الذي يكون أنفع للمسلمين

Islam has indicated towards the importance of education and its great impacts even counted it in needs of human beings. If those who are eligible for waqf but they do not have objection on it then Awqaaf should be used in charitable work and Muslim interests.

Importance of education and knowledge should be considered from the saying of Shaikh Mohyeddin bin Sharaf Navavi in which he allowed women to appear before stranger for the purpose of education and knowledge. To prove his sayings he presented saying of Allama Tajudding Subki, قد كشفت كتب المذاهب فإنما يظهر عنها جواز النظر للتعليم فيما يجب تعلمه وتعليمه كالفاتحة

It appears from the study of books of jurisprudential schools that the things which are compulsory to be learnt and

taught for that seeing a stranger is lawful like Surah Al-Fateha. Those who have significant knowledge should ponder that which is profitable for Muslims. إن المفتي في سعة ان يفتي بذلك بشرط. أن يرى مصلحة المسلمين الإجتماعية ونفعهم العام كما تابع العلامة الشامي الإمام الحلواني والإمام أبا شجاع في نقل أنقاض المسجد.

It was the result of fiqhi insight of Hazrat Ayesha (may Allah be blessed with her) that when it is asked from her that the Ghilaf-e-Ka'aba has become old then she respecting what is in the interest of Muslims sold out it and spend its price on welfare work, while Ghilaf was waqfed for Ka'aba.

Fatwaa of Ibne Taymiya also endorse that those who make themselves busy in the field of Quran, Sunnah, and are Imam and Moaddin waqf can be made for them.

فاجاب قدس الله روحه، الحمد لله رب العالمين، الأعمال المشروطة في الوقف من الأمور الدينية مثل الوقف على الأئمة والمؤذنين والمشتغلين بالعلم والقرآن والحديث والفقهاء ونحو ذلك

3. With reference of Qaniya, Allama Ibne Najeem wrote this text in Albahar Alrayeq. This text endorses such expenses.

وفي القنية : وقف الأدوية بالتيمار خانه لا يجوز إذا لم يذكر الفقراء

Making medicines waqf in hospital will not lawful unless poor are not mentioned.

In the context of needy, rich people can be used. Here, many rich people are unable to bear the expenses of dangerous diseases, therefore, those rich will be considered as poor, and thus waqf can be used for such persons too.

4. We live in a country that is not an Islamic country and era is also not an Islamic era to ensure that a government level Awqaaf be established. Therefore, it

is the responsibility of Muslims that they establish system of Awqaaf to make arrangement of needy people and their education activities and medical care , moreover, the ways of protection of religion and Dawah be made and the difficulties Islam faces be defended.

At end, there are some recommendations and texts of jurisprudents are being presented here that can answer to almost all questions:

1. From absorption of issues of Awqaaf, it appears that there are two forms of Mawqoof Alahim. First whose mawqoof alaihim are existing, second whose mawqoof alaihim do not exist. In the first form, extra things of mawqoof alaihim that are not needed by mawqoof in present or in future those things can be used in expenses as mentioned in question. For example pallets of Masjid, oil etc these things are not required now in Masjid and nor in future. So, these things can be given to needy and poor people
2. Second are the things whose mawqoof alaihim do not exist or have gone disappeared. These waqf can be used in all the things that are in question. Because real purpose of waqf is sadaqa jariya.
3. Such as the waqf that were made to Madarsas and Mosques, now neither the Madarsas exists nor the Masjid, and people have left the place, then income of such Awqaaf can be used on needy and poor people
4. The Awqaaf which are famous as waqf but waqif's condition or expenses in court or waqf's board are not available then they too be used in above things.

These were the forms where Awqaaf were available from previous era and how they can be made more fruitful. Now, we present the images where Awqaaf can be established through new ways.

5. Waqf should be made on Madarsas and Masajids in such a way that the registration of above mentioned institutions as well as in waqf board are registered through bi-laws and their aims and conditions are mentioned in their laws. Assistance of divorces, widows, monthly pension, setting up of religions and modern institutions, medical treatment of sick, protection of Deen, calling people to Dawah, defense of Deen etc are made through registered committees of Madarsas.
6. Survey should be done for all Awqaaf of India. Those Awqaaf which are sealed, or they are less profitable, a request is made to central and state waqf's board to make them effective and useful.
7. Exchequer be established and Dirham and dinars be waqfed in it and to bring money under the ambit of waqf, Mudarbat be used so that waqf can be used for dirham and dinrdars. وقيل ، وكيف يدفع الدراهم مضاربة ثم يتصدق بها في الوجه الذي وقف عليه وما يكال أو يوزن يباع ويدفع ثمنه لمضاربة
8. Beside these forms a request should be made to Muslims and rich class through lectures, literatures etc that people save some amount from their monthly salaries and some people volunteer to collect them and surrender to the committee made for that purpose.



Establishment of Awqaaf

Solution of Various Problems Accordance to Shariah

1- Awqaaf for divorced women and widows:

We can find various examples of making waqf for needy and poor people. But we cannot find usually any example that waqf is made for divorced women and widows separately as there was no need because of existence of Islamic inheritance laws and expenses laws. If divorced women and widow are from rich family, they had got much in inheritance. Those do not get much in inheritance and face some difficulties there was a complete system of expenses for them. According to it, their care was the responsibility of Awqaaf.

Please see the details of it from Allama Ibne Nujaim:

“Expenses of a person unable to earn is considered to a level of richness is mandatory at par with inheritance. Limit for unable to earn for women is a whole however for men is blindness and inability, etc. In the same manner a healthy women expenses are on her guardian and only dependents is only considered”

But in current era, the situation has changed completely. Avoiding Islamic inheritance laws, women are being deprived from their inheritance, specially, in states like Uttar Pradesh where there are some legal hurdles. Those who implement this law can be count on fingers.

In fact, working on maintenance act has completely disappeared. If relatives take care of divorced women and

widow then they think that this is an act of charity. They do not do it as their duty. A huge number of people do not feel to carry it out. If someone wants to carry it out due to fear of people then they find themselves helpless due to fear of their wives. The result reaches to this extent that these helpless women can get something only when they crush their dignity.

This is our responsibility to make effort to active the Islamic inheritance law and maintenance act to solve this problem permanently. For a limited period, it is appropriate that they have been care of by Awqaaf. Their wound can be healed through waqf used on needy. Permanent Awqaaf be used for that purpose.

2- Awqaaf for educational goals:

Muslim Scholars should focus toward modern education

Scholars have made their aim of establishing religious centers to protect religion. They carried out the work of preaching through these Islamic seminaries. They got success in their fields. Any person who knows this field cannot deny it. Our ancestors have set up network of Islamic seminaries and offices all over India. But these people did not show their interests in building centers of modern education, nor did they feel any need. At that time, it was better and useful for them so that community's educated class show their ability.

However, this experience was very sour. Due to unwillingness of Muslim scholars in those fields, Muslims have been languished behind from their brothers. This cannot be said of the religious education as it can be seen that 80 percent Muslim youths go to colleges and only 20 percent

come to Islamic Seminaries. However the number of students of Islamic seminaries that can be seen everywhere doctors, engineers cannot be found like that.

Therefore, it is necessary for Muslim scholar to divert their attention to this field as well. So that we can make development in this field such that the fields of science, technologies, engineering, medicines, surgery and other higher education are nothing without our involvement. For that purpose centre for these fields should be established through Awqaafs.

3- Awqaaf for Patients:

History tells us that Muslims had developed a network of hospitals and nursing homes in every city when Muslims were dominating the world. In these hospitals every kind of diseases were being treated. Some were veterinary hospitals. Some permanent hospitals were made special to treat dangerous diseases and usually, the expenses of hospitals were being carried out by waqf that belonged to hospitals only.

Sadly, Muslims too have been languishing behind in this field similarly to situations in other fields. Christian missionaries, who are openly serving human cause and are actually preaching Christianity through it, have been running thousands of hospitals very successfully. However, there are very less community hospitals that are being run by Muslims successfully. First thing is that the number of such hospital is very less. If there are some hospitals then they are not as they called good hospitals as an example.

However, there are some private hospitals and nursing homes that are being run successfully and have been built for business purpose.

This also makes clear that a hospital can only run successfully only when it is under the management of any doctor. Therefore, before building any hospital, it is necessary to consult such doctors who have feelings towards the community and the work being made under progress as per their advices. Otherwise, Awqaaf that are built in this field for that purpose cannot become useful.

As far as building of goo hospitals for cancer and Aids, the efforts should be only when small types of medical centers are being run successfully. Then gradually, some centers for serious diseases be built and will be easy to handle them.

4- Awqaaf for protection of Islamic law and preaching of religion

Enemies of Islam have been spreading wrong perceptions about Islam. They are creating various doubts too using every kind of source.

Therefore, the need is that this kind of propaganda be fought through effective manners using all kind of source to remove such misunderstanding. No doubt, that such work is carried out easily through Awqaaf.

How Awqaaf be made fruitful?

In my view, it will be better if the help be gained from experienced economists. Then in the light of condition of Awqaaf as per their guidelines it would be easy to make Awqaaf more fruitful.



Importance of Awqaaf, Its History and Some Actual Condition for its Establishment in the Present Era

Importance of waqf and its history:

Waqf is a prayer whose rewards are continuous. When any kind of social or economic issue came up before Prophet Mohammad (peace be upon him) then Prophet Mohammad used to instigate people on making waqf and sadaqah. When Prophet Mohammad came to Madina Al Munawarah, fresh drinking water was not available. There was only one well known as Roma well whose water was very sweet. Prophet Mohammad (peace be upon him) made an announcement that who can purchase this well and make it waqf for Allah. This reward was written in the destiny of Hazrat Usman. Therefore, he purchased this well and made waqf for all Muslims. He himself used to go to the well and fetch its water, "I ask you in the name of Allah and Islam that you know when Prophet Mohammed (PBUH) came to Medina and there was no source of sweet water except Roma Well and he said that who can purchase it and waqf it for Muslims then I purchased with my own money and made my share in it similar to every other Muslims". Companions said, "You are speaking the truth".

As far as making property waqf in the way of Allah, no doubt that Hazrat Umar has occupied first place in it, when he

waqfed his land which was in Khaibar. It was common perception of general refugees that this is the first waqf that made in the way of Allah.

Hazrat Mara bin Saad Bin Muaz said, “We enquired on the first waqf in Islam. Refugees said that the first waqf was of Hazrat Umar however the residents of Medina said that first waqf was of Prophet Mohammed (PBUH)”.

As per the Waqidee the first land to be waqf in the name of Allah was by Mukhariq who was related to Banu Thalabah and was among the prominent Jew scholars. The preaching of truth overcame him. He called his people on the day of the battle of Uhad to fight alongside Prophet Mohammed (PBUH) as he was true prophet. His tribe refused. He himself participated, fought bravely and died as a martyr. He was a very wealthy person. He had seven gardens in Medina. He had said that if I was killed, my whole wealth should be given to the Prophet (PBUH). He can spend as he wished. He made the complete wealth complete for the waqf for Muslims and said, “Mukhariq was the best among Jews”. Hazrat Mohammad Bin Kaab Qarzi says that it was the first waqf in Islam.

If accepted the authenticity of this narration, and due to confirmed historical position of Waqedee not negating this narration then it makes clear that Prophet Mohammad did not only instigate people on waqf, but in fact he made waqf his own land. On the basis of it, waqf is practical and verbal tradition. Then after the death of Prophet Mohammad, all lands and

properties of him were treated as waqf. *(As if all the wealth left by the prophets are either sadaqah or made waqf for Muslims).*

It was the training of Prophet Mohammad that his companions always remained on top in this good work. Imam Shafii says, “A huge number of Sahaba and those who came later, was caring of his own waqf”. It makes clear that a huge number of people had made waqf some part of their wealth in the way of Allah. Hazrat Jabir Bin Abdullah Al-Ansari says, “*There was none among the companions of Prophet Mohammed (PBUH), both from Medina and the refugees who were well off and had not made waqf some parts of his/her wealth in the way of Allah which could not be purchased, nor gifted or inherited*”. After that a series started to make waqf that is not found in any history of any nation.

Imam Shafi'i says that waqf is the specialty of faithful which means the making waqf land and property. The era of ignorance (*Jahiliyyah*) has no example of it that anyone has made waqf his own land and property.

On Whom Waqf can be made:

Waqf can be made for every kind of people. The waqf made by Hazrat Umar was on the following types:

Poor, relatives, relatives of the person making waqf can be counted as well as the relatives of Prophet Mohammad too. First view is better.

In the way of Allah, those who fight in the way of Allah

For making slaves free

Guest

Traveler

Waqf made by Hazrat Usman was for common Muslims. Hazrat Ibne Umar has made his house waqfed for needy of Umar family. Hazrat Anas had waqfed his one home in Madina Munawwarah. When he used to go for Hajj he would stay there during his stay in Madina.

Hazrat Zubair had waqfed his some homes for his daughters who had got divorced or there was not any arrangement for residence due to death of their husbands.

After seeing all Hadiths and events, it is clear that Awqaaf cannot be made only for needs but it can be for comfort. It could be general, special, limited and unlimited. Specially, the action of Prophet Mohammad makes clear that rewards increases for making waqf at the time of need. Even, when Hazrat Usman had purchased the well of fresh drinking water and made waqf then Prophet Mohammad (peace be upon him) had given this good news to him of paradise and praised his action.

Care of social needs in Awqaaf:

Social needs always got special status in Awqaaf. Hazrat Maimoona (May Allah be blessed with her) had freed her own female slave. When Prophet Mohammad (peace be upon him) got this news then he said if you give these women slaves as gift to your maternal relatives and families, you would have been rewarded much more.

Here the discussion is on gift, but the main thing here is that sometimes social needs get more importance than priceless freedom. The issue of current era is more serious.

This common issue is directed to Islamic scholars and rich class. There is need to build Awqaaf that overcome this community out of difficulties looking forward to a better future.

1 Awqaaf for sick:

Islam insists on physical health considering it a personal right with the requirement of Islamic law.

Those Muslims who are most powerful and healthy are termed as the most loved and favored before Allah. In the same way it has also been stressed that body also has the right on the human being.

Even treatment of various diseases and their tips is proved from Prophet Mohammad. Various Mohaddethin have registered various Hadiths. Even scholars have written separate books on prophetic medicines. Our civilization, history and past has witnessed that there was an era where there was not a single big or small city in the Islamic world where more than one hospital does not exist. Huge properties were being waqf for them. Even in Cordoba, fifty big hospitals existed.

Hazrat Imam Shafeii had termed medical education the best after religious education. Religious education fulfils the need of soul and guarantees the existence of moral personality of human beings. Likewise, medical knowledge tries to make human body safe and comfortable.

Imam Shafeii says, "After the education of halaal and haraam there is no education better than that of medicines".

Works related to Awqaaf:

There are two fields of Awqaaf where there is a need to carry out works:

The first and the most foremost thing which is more important is that our previous Awqaaf whose most of them

were common and general be freed. Legal battle is fought. Corrupt people who have occupied it be removed from Awqaaf. Properties of people are made profitable. Those properties occupied by people be freed who are preparing the abode of hell fire by the burning the fuel of waqf. The total properties of Awqaaf only in Punjab, Andhra Pradesh, Madhya Pradesh, Karnataka and Bihar is more than one lack ten thousand, even more than this in which Madhya Pradesh more than 75 percent Awqaaf are under illegal occupation and in Punjab 60 percent are occupied

Apart from this, in each state, a huge part of Awqaaf either it is under government's illegal occupation or corrupt in-charge who have occupied it. To get Awqaaf freed, it is necessary that Muslim organizations work united then only some results are expected. Specially, a separate forum under the banner of 'Forum to free Awqaaf' should be made by Muslim Personal Law board. If it so happens, then there is hope that these properties can again be used in constructive matters.

Second work is that new Awqaaf be made.

Awqaaf for divorced women and widows:

This is a burning issue of society. Sadly, due to bad economic condition, various bad things have erupted in Muslim society in this era.

A majority of Muslim society has kept itself away from the system made by Islam to take care of divorced women and widows.

Accordance of Shafi'i school of Jurisprudence, the responsibility of financial care reaches exchequer systematically. If there is no arrangement of exchequer, then rich class of the region is responsible of it, if it does not carry out its duty then this responsibility expand it, even whole community becomes responsible of it. If any woman selects wrong ways to fulfill her needs then whole society will be responsible of it, therefore, to help widows and divorced women system of Awqaaf be made if there are no other systems of financial help. This work is so great and important that Prophet Mohammad said that those who carry it out are like those who fight in the way of Allah, who prays in night and fasts in day.

Abu Hurairah (May Allah be pleased with him) reported: The Prophet (PBUH) said, "One who strives to help the widows and the poor is like the one who fights in the way of Allah." The narrator said: I think that he (PBUH) added also: "I shall regard him as the one who stands up (for prayer) without rest and as the one who observes fasts continuously".

Hazrat Omar used to go to houses of those women whose husbands remain absent from homes temporally due to war. These days, such incidents are being read only in newspapers and there are only few people who actually believe in implementing.

How Awqaaf be made useful and effective:

As far as making Awqaaf affective and useful is concerned, the first step is honesty. Until this adjective

remained existing in the Muslim community, Awqaaf registered huge work. No doubt, Awqaaf has been carried out as a work of complete governance. Mosques, Islamic seminaries, schools, universities, hospitals, industries and factories, guest houses, wells, graveyards, bridges, residential homes, libraries, forts, etc who were the wealth of civilization and are not protected by Awqaaf, this form is not available. There is need of such honest people who are able to protect it. As per report of Advocate Salar Mohammad Khan that is related to system of waqf board in India, it can be seen that waqf's problems that are being faced by waqf is the occupation of waqf properties whose main reason is the dishonesty of the in-charges. Prophet's saying for such people is self satisfactory. Prophet Mohammad says, "Some people interfere in Allah's wealth, for such people there is fire in the hereafter".

When such warning is given for interference then it should be assumed what warnings would have been given to unwanted expenditure and forceful occupation.

The solution of it as some people say that if in-charge of waqf are dishonest then waqf properties be given under the command of those on whom waf is made. Because the profit of waqf is the ownership of those on whom waqf is made. Therefore, he/she be made owner of whole waqf. But this is not simple. Because if waqf is common, or those on whom the waqf is made are poor and needy then how would they take care of them. Second option is that when the ownership of waqf property be given to the one on whom the waqf is made, which is weak school of jurisprudence, otherwise, best school is that original ownership of waqf goes to Allah

Awqaaf for educational purpose:

Making waqf for Islamic Seminaries and Mosques has been started from the beginning of Islam. Some famous Islamic seminaries are Madarsa Nizamamiya, Madarsa Salehiya, Madarsa Zaheriya, Madarsa Salahiya, Madarsa Abbasiya etc,

All these Madarsas were being run by Awqaaf. It is mentioned about Madarsa Nizamiya in History of the Arabs, "It has been become clear that Madarsa Nizamiya was a standard seminary whose system was adopted by the intellectual schools of Europe that became university later" (Hitti-History of the Arabs p-260).

Imam Shafeii made a Madarsa and made waqf his own home for it. Seminaries and making Awqaaf for them increased in later centuries. According to famous tourist Ibne Jubair, when he visited Damascus, then there were four hundreds Islamic seminaries that were being run by Awqaaf.

Naeemy has mentioned some seminaries and the properties waqfed for them. According to it, only in Damascus, there were 52 seminaries for studying according to Hanafi School, 63 of Shafi'i school and 11 for Hambali School.

The greenest region of Damascus which was known as Ghouta was almost waqf specially for educational matters, as well as there were huge numbers of small schools. The waqfs were not only for student's residents but also their foods, medical treatment, caring of their children and wives were being arranged.

Seeing this generosity, Ibne jubair said, "There is overflow of awqaaf for education in the eastern countries, those who want to get education they can go there"

Abu Naeem Rizwan Alnasri laid down a seminary in Granada, he made arrangements for its expense, and made properties waqf for it. This seminary was an example in beauty, good looking etc. A separate way was constructed to get abundant water from the river for this seminary.

For development of education and knowledge and art, Mosques were used by Muslims and made waqf for them. These Mosques were not only for five time prayers but most of the time they were the center of educational center. Cordoba Mosque in Spain, Qazveen Mosque in Morocco, Azhar Mosque in Cairo, Umayyad Mosque in Damascus, Jame Al Zaituna in Tunisia were, in fact, Mosques that later turned into universities. There were many waqfs that were made to Azhar Mosque, Qazveen Mosque and Alzaituna Mosque. Their expenses were being carried out by these Awqaaf

Likewise, there were so many Awqaaf for libraries. These were not only just libraries, but they were the institutions of education and knowledge where researchers from world over had been heading towards them to get knowledge. Incomes of Awqaaf were being used with generosity. Those who come there to get knowledge get these facilities. There were unprecedented arrangement of Residences, scholarships, and cleanliness. For example they get bathroom facility that was not available for common man. There were medical services and special Doctors for them who would get their check up done from time to time. There were special hospitals for them, that means there were VIP hospitals available where they get all facility. Besides it, servants' facility was also available for them to carry out daily work.

These researchers work freely resulting in creation of great researches for which the world is proud of them.

Let us see some history of those libraries:

Fatmi Caliphates Library: This was the library of Fatmi caliphates. According to most of historians, there were 20 lakh books were available in this library.

Darul Hikma Library, Cairo: This library was built by Hakim Beamrellah, in 395AH, and there were around seven lakh books available in this library.

Baitul Hikma: It was built by Haroon Rashid. It reached to its high in the era of Mamoon. Various translations of books from Rome and Greece when made as per the direction of Mamoon and these books were kept in this library. It was a complete university, where researchers studied and exchanged ideas. It can be said that it was an unprecedented example of research and educational center.

Bani Ammar Library, approximately there were 20 lakh books in this library.

In these seminaries and libraries, modern education was also being delivered. A lot of Awqaaf was made for it. Muslims never discriminated between own and others. Others too got benefited from Awqaaf.

Historical personalities like Imam Ghazali grew up from these ceased seminaries and spread in the world. Imam Navavi who was also known as second Shafi'i was the product of these seminaries.

See the history of past and present scholars, you will find that their education was completed in various ceased

seminary. From this angle, in promotion of religious education, the role of Awqaaf cannot be ignored.

If permanent Awqaaf cannot be made for educational aims for any reason, then rich class can help temporarily. Rich class should be convinced that they take care of poor but intelligent students that do not get education due to poverty. Every rich person should at least bear the responsibility of one student. To spend his own life through comfortable ways, this is a very good and useful ways in which a person helps others. *“Allah continues to help his slave until he continues to help his brother”*.

Prophet Mohammad (Peace be upon him) had been doing this work before getting prophetic responsibility.

The words used by Hazrat Khadija for him, the first sentence of them are that, “He was bearing the burden of others, how Allah can let him down.

In the light of these traditions, any one trader can be asked to bear the responsibility of whole education of one of the students until he completed his education.

If property owner does not want to make his land or property waqf so at least such temporary work can be done. These small efforts will bring some positive results. Supposed, in any region there are 20 rich people, they educate 20 intelligent students and make them good citizens. Will these students not help and support other students? The need is to establish and maintain the system.

Rich companions helped poor companions and then the world saw many great personalities came in the world to which it is still unable to compensate.

Prophet Mohammad (peace be upon him) said that helping worker is also a good work.

In this era, knowledge is best thing. The main important thing is the passion to spend in the ways of charity should be encouraged which is a symbol of this community.



The Role of Awqaaf in Solution of Economic Problems

Importance of Waqf in Islamic Law:

In Al-Isa'af it is mentioned that prophet Mohammad (peace be upon him) had made seven gardens that was first goodwill waqf in Islam. These gardens were of a Jew named Mukhereeq. He was killed when he was fighting in Battle of Uhad alongside Muslims in 32th month of prophet's migration. He made will that if gets killed then his property would be for Prophet Mohammad. He would use as per the will of Allah. He was got killed on the day of Uhad while he remained Jew. Then Prophet Mohammad said that Mukhreeq was a nice Jew. Prophet Mohammad (peace be upon him) made these seven gardens waqf after taking their possession. After that, Hazrat Umar made waqf, then a chain of Awqaaf started by Companions.

Prophet Mohammad (peace be upon him) encouraged on Sadaqa Jariya whose purpose is that human being do a service that not only has temporary gains but after him also it continues and he continue to receive rewards of this work.

It came in Nailul Al-Awtar

Muslim narrated in Sahih from Hazrat Abu Hurairah that prophet Mohammad said (peace be upon him), ""When the son of Adam dies, he loses benefit from his deeds except from three. A charity that is continuous, knowledge that is

beneficial, and a righteous son that supplicates for him." [Reported by An-Nasâ'i and al-Albâni deemed it authentic].

Definition of waqf:

In dictionary, meaning of waqf is hold something. Then it became known as subject.

Imam Yusuf and Imam Mohammed had difference of opinion with Imam Abu Haneefa in the legal definition of waqf. Imam Abu Hanifa says that keeping ownership and making sadaqa its profit is waqf as per Islamic Law.

Imam Yusuf and Imam Mohammed among most of the scholars say that giving anything in the ownership of Allah and spending its profits in good work is waqf in Sharia.

Provision of waqf:

Provision of waqf as per most decisions is that Waqf takes place using word of waqf. Selling it, giving it as gift is illegal and unlawful.

In a Hadith narrated by Hazrat Ibne Umar: When `Umar got a piece of land in Khaibar, he came to the Prophet saying, "I have got a piece of land, better than which I have never got. So what do you advise me regarding it?" The Prophet said, "If you wish you can keep it as an endowment to be used for charitable purposes." So, `Umar gave the land in charity (i.e. as an endowments on the condition that the land would neither be sold nor given as a present, nor bequeathed, (and its yield) would be used for the poor, the kinsmen, the emancipation of slaves, Jihad, and for guests and travelers; and its administrator could eat in a reasonable just manner, and he

also could feed his friends without intending to be wealthy by its means."

Awqaaf for divorced women and widows:

Provision of waqf is to help poor people and for service of humanity. This is the duty of Muslims to establish waqf in each city and each part to help widows and divorced women so that widows and divorced women who are the victim of financial weakness are able to live honestly, and keep themselves away from spreading hands before others. الثاني

موقوفة صدقة على وجوه البر أو الخير أو اليتامي جاز مؤبداً كالفقراء

It is written in Alfiqha al Islami wa adillatohoo, "Beside Mosques, making waqf for other charitable work is lawful to create more space and facility for people

Awqaaf for educational purpose:

This is a fact that Muslim society is languishing behind in the field of education. This does not endorse not just Indian Muslims but this is the condition more or less of the whole Muslim community when compared to its population and in comparison to other contemporary nations is way behind. If the educational conditions of Muslims are reviewed then it will be known that their educational record as compared to its population is very disappointing.

There is a very good solution to this problem and that is waqf which is being carried out by Ministry of Education. Its importance has been discussed in Quran. It is called Sadaqa Jariya in Hadith. Prophet Mohammad encouraged people through various ways;

Allah says;

“O You who believe expend of that which we have provided you before the Day cometh wherein there will be neither purchase or sale or any reference”. (2:245)

Awqaaf for sick:

Islam is a merciful religion. Serving humanity and making it comfortable is basic part of its teachings. In old history, medical services of waqf have been proved. But these things are not available. While in current era, there are so many diseases that have appeared whose medical treatment is much costly that everyone cannot afford it.

Therefore, in that circumstances and accordance to Islamic law, it is necessary that Awqaaf be build, and then to run hospital and medical centers under certain principals where sick and patients get satisfactory medical treatment

Making medicines waqf irrespective of poor and rich is lawful. Usually, rulers too can make benefits and this is lawful.

The summary of whole discussion is that making Awqaaf to organize system of hospitals and medical centers, running them, providing medical treatment to poor people etc are not only lawful in Islamic law, but also a legitimate liability in Islamic Law. Performing this duty is necessary on every rich Muslims. Allah says,

“And on their existing property rights for poor people who ask, and the poor who do not ask”.



Role of Awqaaf in Solving Diverse Social and Economic Problems

Establishing of Awqaaf for widows and divorced women:

In current era, issues and problems of divorced women, widows and poor people have become very serious. Due to unpopular system of Islamic maintenance act, poor and bad economic conditions of poor people, divorced women and widows have become a common thing.

Therefore, it is necessary that the way of Quran, Sunnah, and way of life of companions (May Allah be blessed with them) be made an example and to help such needy and poor people by starting an organized movement and a system to be launched to sponsor their financial and economic activities.

Prophet Mohammad (Peace be upon him) had made a special system to take care of divorced women and widows.

Likewise, Prophet Mohammad (Peace be upon him), encouraging the community to take part in charity work more and more, said:

"One who strives to help the widows and the poor is like the one who fights in the way of Allah or as the one who stands up (for prayer) without rest at night and as the one who observes fasts continuously".

It was the result that after the death of Prophet Mohammad (peace be upon him) Islamic governments,

specially, the Caliphates had made arrangements on government level to take care of widows and divorced women and carried them out with beautiful manners.

On the request of a widow woman, Hazrat Umar had issued order to register her and her children names in exchequer as such he arranged a permanent solution of her economic problems

Before his martyrdom, he had said,

“If I lived, then widows of Iraq will not be dependent on anyone”.

In the light of above mentioned texts, we are right to say that it is not appropriate on rich Muslims but it is compulsory on them, individually, or collectively, to make arrangements to support widows and divorced women economically.

There can be various forms to help and support financially of widows and divorced women. Some of them are mentioned here.

A permanent and complete system to be made for their expenses and special packages is regularized for the good education of their children.

Some women want to be self –sufficient through homemade industries. They can be helped in their works, so that their home made industries boost and they able to make bright future of their children.

Knowledge of educated women can be utilized. These woman can deliver basic education to the children of neighborhood, their monthly wages be made through financial

institutions like Awqaaf, or teachers that are required in girl's hostel by appointing them and appropriate salary be set for their children.

Practice of marriage with widows and divorced women in Muslim society be made and to provide financial help for such marriages.

Awqaaf for educational aims:

In extending helping hand in education of intelligent children of the community, discrimination between rich and poor should not be made so that children of the community can focus only on their education without any tension and thinking. Our ancestors did not make difference between rich and poor in helping the students, scholars, Jurisprudents and judges.

For the sake of promotion of knowledge they issued salaries from exchequer without any discrimination. Hazrat Umar had issued a circular to all his rulers and officials to issue scholarships, salary to those who read Quran and publicize the education and knowledge of Quran. Some rulers informed them that some people are getting Quranic education so that they get financial help. Hazrat Umar advised to continue the scholarship.

This practice of giving scholarship to students and teachers was continued till the era of Omar Bin Abdul Aziz.

Imam Ghazali writes, mentioning the help and assistance of scholars, scholars of Hadith, Scholars of explanation of Quran, jurisprudents, Readers of Quran, and students”

“To help these people, there is no condition they are needy or not, but it is appropriate to get them helped because

Pious Caliphates have been helping dwellers of Medina and refugees without knowing their needs. At the time of helping them, quantity is also not looked but it will depend on conscientiousness of Imam”.

Higher education outside country:

Awqaaf for sick:

There is no doubt that a major chunk of human income is being used in medical treatment. Various dangerous diseases like AIDS, cancer have mushroomed.

Bearing these expenses are not possible even for rich class. In that dangerous situation helping of such is our moral duty as well as, passion of sacrifice and humanitarian assistance are a symbol of Muslim community whose order is given by the Islamic Law. Therefore, helping others at the time of disastrous and encouraging people on charity is good work. Hence it is important to provide medical expense through Awqaaf and Exchequer to those who are unable to bear the expenses of medical treatment and helping them is necessary so that to stop the daily death due to these diseases and also to end the disturbance and problems faced by them.

Awqaaf for protection of Islamic Law and to preach Islam:

Islamic Law and its principles have been on target from various ways. Enemies of Islam in every era and period tried and used moral, social, financial and other sources to wipe out Islam.

In today’s scientific era and when media is much active, enemies of Islam have adopted various ways to attack on Islam.

In the past, all available sources were used by our ancestors to defend Islam and got success in countering the attack on Islam through effective response. It is the result that we despite our mutual differences have been living under Islamic shadow; otherwise, what would have been our situation it can be imagined very easily.

It is upon every person of the Muslim community to take part in promotion of Islamic provision and protection of Islam as much as one can do. In this context, it is upon Muslim rulers and scholars to start a particular and organized way to defend Islam and its publication, because we can register success only by using all available sources of contemporary era.



Legal Expenses of Awqaaf in the Contemporary Era

For divorced women and widows who have been facing very tough time, awqaaf can be established in cities and villages to support these women, preventing them to select wrong ways to earn a living or forced to do wrong things.

Muslims have been languishing behind in education. Is their bad financial condition the main reason? In my view, bad financial condition can play some role for certain reasons, but it cannot be considered main reason of their backwardness in education and knowledge. There are so many reasons for educational backwardness, some of them are as follows:-

Unavailability of appropriate supervision at home.

Not giving much attention on education by land lords and capitalists.

Not making required effort by students.

Awqaaf should be made for sick.

Medical treatment to be made for Muslims and non-Muslims.

An arrangement be made for spiritual treatment with physical treatment.

Making Awqaaf is legal to protect Islamic Law and preaching religion. There are various forms of Protection of Islamic Law:

Publication of Quran, Translation of meaning of Quran, publishing them with waqf's money and distribution them with free of cost.

Getting translation of saying of the Prophet, explanation, extract, research and providing at low cost or free to students and scholars.

Likewise, getting books of arts and technologies published. If any researcher is doing any research work, and financial condition of him is not much strong then he be supported through waqf. In above works honesty is required with sincerity.

Waqf's properties to be used to translate Islamic books in various languages however translation work of Quran, Hadith and Fiqh should not repeated.

There can be one more activity of waqf such as Scholars prepare clear and logical response and get people reached through TV, Radio, newspapers and books on objections being raised on Prophets, Quran and Hadith,.

Scholarship to be given to scholars from waqf's properties and they do preaching work.

In this modern world, mind of officials off Awqaaf should be commercial and exploitative. Likewise, Awqaaf's officials make a budget of various Awqaaf and grab the attention of rich class that if money is invested in so and so project and you can make it waqf in your name by paying a specific amount.

For example; trading, agriculture, nourishing fish, nourishing hen, garden, Muzarabah, business of Jeep or Buss, establishing Library, publishing shop or Xerox shop, etc.

If someone gives property for any of the above mentioned things or incomes from old waqf exceeds then it can be invested and be used in same field.

If any property made waqf for specials purpose and its income exceeds from said purpose then it can be used in purposes like it



Establishment of Awqaaf - Needs and Scope

Place of Awqaaf than other sadaqa is big in Islam. Waqf comes in the ambit of sadaqa

jariya. This Hadith states the importance of this waqf.

Reported from Hazrat Abu Hurairah that Prophet Mohammad (peace be upon him)

said:

"When the son of Adam dies, he loses benefit from his deeds except from three. A charity that is continuous in benefit, knowledge that is beneficial, and a righteous son that supplicates for him."

Waqf is lawful or not, so basic thing in it is that it is from charity as well as its profits remain forever.

Awqaaf for divorced women and widows

There is no doubt in lawfulness of waqf in bearing the expenses of poor divorced women and widows as expenses on these are charity work. In addition to it there is a need and continuity

Awqaaf for educational purpose

Awqaaf for religious education is very old thing. Awqaaf for Islamic seminaries is also great. However, it is a matter of concern to be seen whether it is legal for worldly education and to get job.

Worldly education if it is in the context of religious education or Muslim schools is build in separate form, and higher education be given in it by bringing awareness about culture of other nations and Awqaaf were being built for this purpose then it will be considered a charity work. It would become the reason of lawfulness of waqf. Otherwise, only getting them passed making them away from religion and closer to the World will not be considered a charity thing and making waqf for such thing will not be lawful for waqf.

This thing will also be kept in mind for Awqaaf that in educational fields, poor and rich students both get benefits from waqf's hostels, buildings etc. However, the actual beneficiary of waqf's income and things will only be the poor. Waqf's income can be used in providing employment to poor students.

Awqaaf for Patients:

Expenses of medical treatment of poor sick people are the part of expenses of poor and needy. Therefore any waqf made to spend on poor people will be considered lawful.

As per needs construction of hospitals, dispensary, clinic, and nursing homes, and arrangement of medicines, diagnostic center are lawful. Either mentioned or not, treatment of rulers with poor people can also be provided poor people must get their rights.

Awqaaf for other purposes

There are so many sections of the religion which should be saved, their protection arranged and taking part in their growth and development is the collective responsibility of the

whole Muslim community. For example; preaching of the religion by Islamic scholars and reformists, propagation of Islam in non-Muslims and reminding the Muslims, promotion of virtue, and prevention of vice.

Arrangements of religious education in each village, appointment of a scholar to provide solution to problems as per the Islamic law, at least arrangement of belief, Nikah, funeral etc of Muslims.

Establishment of orphanage, sponsoring worldly and religious training of orphan.

Arrangements for new Muslims who face problems in the hands of their relatives and come to Muslims but their difficulties do not end.

Arrangements of public graveyards, their protection and arrangement of funeral of unclaimed body,

Collective incident, arrangement of food, drinking water etc for people who become homeless due to natural disaster or incidence etc.

Establishment of Guest houses, colonies and Water

Publication and building of Library

Establishing of courts and Darul Qadha

Distribution of clothes and necessary things, etc. to poor people at the occasion of Eid, ceremony etc.

Such religious services that are must and are disturbed as there is not Islamic government can be arranged through Awqaaf if there are no other sources. As per needs, those who carry out such work and are busy in them should be paid salary from income of waqf and will not be considered wrong. Because all these things fulfill waqf's purpose and would be cause of reward from Allah.

Some important problems related to Waqf:

In the context of recognizing the purpose of waqf and due to diversity in needs, the person making waqf should be advised not to categorize himself the purpose of waqf but he takes some broadminded steps or leave it on in-charge so that he should not feel bad the selection of waqf's purpose by going against the his aim.

Awqaaf is also a government department, and no doubt the most corrupt of all departments. Therefore the efforts should be made to keep Awqaaf away from their interference as soon as possible as well as, surrendering Awqaaf to government institutions is not necessary in Islamic Law.

To make Awqaaf strong and to make its arrangements better, one view of jurisprudent is that a supervising committee be appointed on the in-charges who are responsible for income and expenses of Awqaaf. This committee has the power to check that Awqaaf is being used in lawful purpose and not being wasted.

The expenditure of Awqaaf's income, some roles has to be followed to use waqf's income on it. For example; using of waqf's income in strengthening Awqaaf is lawful not in architecture and designing.

It will be the responsibility of waqf's in-charges or committee to present waqf's annual account details to the person making waqf or those who take benefit of waqf or before villagers, or Qazi when it is requested to present trying to keep himself away from any kind of doubt.



Written views

Establishment of Awqaaf for Various Religious Purpose

In Islam, charity and rehabilitation work is the responsibility government and waqf is a private organization that helps government in charity work.

A big advantage of waqf is that benefit is gained from income while keeping the original intact. This is a distinguished thing in Waqf. Therefore, every waqf is sadaqa, but every sadaqa is not waqf. Sadqa comes out from the ownership who gives it, while those who take it become its owner. But in waqf, Allah becomes owner of waqf and people always benefits from its income.

There is an urgent need of establishing Awqaaf as far as divorced women and widows are concerned and making waqf for them.

Divorced women and widows after deprivation of husbands become helpless. Therefore, there should be a waqf that help such women and support them in their work.

Building of Awqaaf for educational purpose is also necessary. Our children are forced to waste their capabilities as they are not getting appropriate education. Sometimes, these children select wrong ways as they do not get education and good training. Therefore, building of Awqaaf for educational purpose is very necessary.

Building of Awqaaf for sick is a tradition in Islam. Providing medical help to those who are unable to get medical help at a reduced cost is necessary for a healthy society. Not only treatment, but such camps be made where people be told about health.

Under Awqaaf of sick, organizing such camps and informing people about health will be fruitful.

There should be a permanent waqf for protection of Islamic Law, and preaching people to Islam. In Quranic verse:

وفي سبيل الله where people who fight for the cause of Allah are mentioned, those who carry out preaching and protection of religion are also mentioned. Therefore, if such Awqaaf is built then the work of religion will be carried out in an organized manner.

The main thing here is how to get a separate organization of Awqaaf get a legal protection apart from those Awqaafs which are made on state level according to act of Indian government. People have lost confidence on waqf boards that are made by government. Various suspicions about it have been mushroomed. But a separate organization, that will be public and would get legal protection and confidence of people. This fact should be considered by Muslim community that a condition to carry out its work with an organized system is very necessary for such work. Specially this has to be kept in mind that such financial works need more caution and getting suitable and good person.



Necessity of Establishing of Awqaaf For Educational, Rehabilitation and Religious Goals

Awqaaf for divorced women and widows:

For such purpose, building of Awqaaf in accordance to Islamic Law is need of the era.

Awqaaf for educational purpose:

Establishing of Awqaaf for educational purpose comes in the meaning of '*Barr*'

Awqaaf for sick people:

In comprehensive meaning of '*Barr*', which is in the goals of waqf and also includes financial help from income of Awqaaf is without doubt. Coming under the ambit of poor people, they would get financial support for treatment as well as building of hospitals where they can get medical treatment easily. Establishment of Awqaaf for such people is lawful.

Awqaaf for defense of Islamic Law and Preaching of Religion:

Such work needs much attention specially in India, and this comes in comprehensive meaning of '*Barr*'.



Necessity of Prevention in Establishing New Awqaaf

Provision to establish awqaaf for Empowerment of Divorced women and widows, Promotion of education in Muslims, to look after sick, and protection of Shariah is a very praise worthy work with no doubt. Likewise, other needs of the community should be recognized. As for as development of community is concerned so what can be best example for its importance that this good and charity work was started by Hazrat Umar (May Allah be blessed with him)

With the permission of Prophet Mohammad (peace be upon him) he made his land known as ‘Samagh’ situated in Khaibar be waqf in the way of Allah

In this context, the Sayings of Prophet Mohammad can also be discussed in which the need and importance of such work are mentioned. The details of it can be seen in the place of it.

On the basis of it, rehabilitation of destitute women and for other purposes, people can be encouraged in building of Awqaaf.

In current situation, while, there is a class whose living condition is much good and better, a way can be pitched for that.

In urban population, Muslims have huge buildings and Bungalows that are not needed by them. With little passion, they can make waqf in the way of Allah. In rural regions too, there are huge numbers of old buildings and Bungalows. These buildings are useless for their owners. A huge service can be paid for the

religion and the community making them waqf in the way of Allah, and rewards can be gained easily. Likewise, in both places; cities and villages, agricultural and planted lands can be made waqfed in the way of Allah for various goals.

In the perspective of Indian Muslims contemporary situation, and difficult atmosphere, the leaders and scholars of Islam can be attracted towards it and Muslim community would also show some response on the their call.

With above details, there is another problem and Muslim community must look at them. This is to create organizational power in Muslim Ummah. It will carry out work in the atmosphere of honesty, mutual consultation, sincerity and continuing work.

In this angle, the situation of Muslim community is very deteriorating and its all institution, forum, organizations are missing actual power and just a show work. If honesty, consultancy, organizational power be found in Indian Muslims, then today, various universities like Aligarh Muslim University can be established only through old Awqaaf of Punjab and Haryana,

Any the needs of Muslim Ummah are many and despite of existing Awqaaf, it cannot remove the need of new Awqaaf. However, with new Awqaaf, effective discipline be concerned from the start. If we cannot make this system, as per our old Awqaaf, our new Awqaaf too will be a victim of mismanagement.

As well as, the fingers would be pointed towards its supporters with the complain of mismanagement.

To look into these things, encouragement of building of new Awqaaf can be made through the platform of Islamic Fiqh Academy, India.

Need of Comprehensive Effort to Make Awqaaf Fruitful and Decisive

Thoughts of founder members of Fiqh Academy, and possible solution for Awqaaf are a welcome step. The problem is that in-charges of Awqaaf do not perform their duty rightly. Our ancestral Awqaaf if they are looked after, current rent revised, those which are old be build newly, and then various needs can be fulfilled.

There is need that awfaq's committee be made state wise and scholars be included in them who carry out a survey of old Awqaaf. Those in-charges who are corrupt, or not performing their duty honestly, then they can be removed from their jobs and the responsibility be given to a committee comprising of each class. It would strive to increase income, use them in their places, invite more people to make cooperation in it, either through waqf, or temporary support. The expenses that come under zakat, it should be obtained. When the committee is be made of scholars, religious persons and they carry out the job honestly, then Awqaaf will increase, and current Awqaaf will improve in performance.

Muslims today have lost confidence in their religious and world leaders. Therefore, the need is that their confidence be restored. If it happens, then such work will automatically be accomplished.

Sadly, scholars, Sufiya and leaders do not carry nation's responsibility. If Fiqh Academy performs this duty and hence the step should be taken, otherwise, wasting of nation's wealth, and carrying one more stain will not deliver any fruitful results.

You are most experienced than me and are aware about Awqaaf's condition.

Four questions that have been raised by you are necessary, but before taking any step, lot of thinking made.



Recommendations on Establishing New Awqaaf

For the completion of the needs of the community, encouragement on establishing of Awqaaf is very good prescription. If it is implemented honestly, and the arrangement is made to deliver incomes of Awqaaf to the needy and poor people then with no doubt huge work can be carried out. However, in actual and experimental life, such situation has erupted in our country that encouraging people on Awqaaf and to get their benefits is only useless and. Due to unavailability of Islamic government; more than 90 percent of Awqaaf are the victim of atrocities of Muslims and are being misused by Muslims themselves. For example, in-charge of Awqaaf interferes in Awqaaf's property as their owner, and they do not get their income used in their places.

Sometimes, corrupt in-charge with the conspiracy of some officials of waqf board sell out properties of waqf.

Those who occupy waqf's property do not leave it easily, and tenants occupy them generation to generation and interfere in properties as owners.

Usually, it is seen that a process of litigation between tenants of Awqaaf and in-charges.

This litigation remains to continue for decades with no result, wasting huge funds of the organization on it.

While reviewing the condition of Awqaaf's as per large institution like Darul Uloom Deoband and Madarsa Shahi, that

the litigations has been continuing between occupied tenants. Income from this department is very less while, risks and struggle is more.

Besides of above things, there is one tragedy. The more an organization has recognized sources of income through Awqaaf's property, the more would be the quarrel for power, and greedy people will misuse it by occupying power.

The main reason behind these failure and destructions that there is no powerful organization and government that would protect waqf in actual, protect them from corrupt in-charges, and save Awqaaf from misuse. Unless these things are not arranged, how can people be encouraged on Awqaaf?

If supposedly there is profit in any organization then what is the guarantee that this profit would continue? Therefore, before bringing any recommendation on encouragement of Awqaaf, it is necessary to take up their problems, and only after that, inspirational angle be adopted.

There is deep link between Islamic government and Muslim Awqaaf. There is a permanent chapter of waqf on Islamic fiqh and its protection. Some jurisprudents wrote some expanded books on this topic. But all issues of waqf end at ruler. In Islamic Law, a complete and powerful Muslim government is responsible for protection of Awqaaf. From the registration of Awqaaf to giving them on rent, supervising of in-charges of Awqaaf, punishing them on being corrupt and interrogation of them on failure are the responsibility of powerful Muslim government. The fact is that if governor does not interfere in this matter, then Awqaaf cannot be protected.

However, in non-Islamic country like India, there is no appropriate system of protection of waqf. Therefore, to fulfill the needs of Muslims and advising them to establish waqf and to fulfill the needs of Muslims is to open the door to waste properties. So that, in contemporary situation this recommendation does not seem to be good and fruitful as per the results. Likewise, Punjab waqf board is making income of Awqaaf with a systematic way. This income is being used in giving salaries to Imams and other organizations of Muslims. The efforts should be made to make such system in other states too. It will be great service of Muslim Community.



Plan of New Awqaaf be Extended to Villages

In this context, my recommendations are as follows:

The first recommendation is that this plan to be extended to villages.

Second recommendation is that Awqaaf be made in each village or one circle of maximum two to four villages and then Awqaaf is made, that is enough to fulfill the needs of that village or circle. Small cities to be considered a circle, so many circles can be made in big cities and in each circle Awqaaf be made.

Third recommendation is that one coordinator is appointed on every two to four Awqaaf. This coordinator prevents Awqaaf and supervises them.

Fourth recommendation is that a committee comprising five members to be made in each circle to review applications that come for help. This committee can take up cases every week and take decision honestly.

Fifth recommendation is that to establish a central waqf board which has an authority as senior administrator to organize and inter-connect sub-centers of Awqaaf.

