

Role of Administrator (Mutawalli) and Wakf Property in the Valley of Kashmir

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Abstract: *Mutawalli is the manager of the wakf property. He supervises and takes over the management of Wakf. There is a vital role of Mutawalli in the Wakf because he is the responsible for management, development and protection of Wakf property. The utilization of wakf property and funds can be done in a proper way when we have Honest, trustworthy and purely religious as the mutawalli (Administrator) of the Wakf. So that we can uplift the poor and needy category of our society.*

The property of Wakf has been mismanaged and it can be thoroughly discussed in this paper. So the need of an hour is to install proper and trustworthy persons as the administrator of wakf. So that the accountability and transparency will improve in our wakf Board.

Keywords: Mutawalli, Mismanagement, Transparency, Accountability.

I. INTRODUCTION

The term waqf literally means "confinement and prohibition" or causing a thing to stop or stand still. The legal meaning of Waqf according to Imam Abu Hanifa, is the detention of a specific thing in the ownership of waqf and the devoting of its profit or products "in charity of poor or achieve other develop and include other good objects". In the language of law, waqf means detention of a property so that its produce or income may always be available for religious or charitable purposes.

It is an important 'concept' of Islam for the welfare of the needy and the poor. Waqf is a common phenomenon in the Muslim world as well as non-Muslim world.

Wakf property involves donation of movable or immovable objects like a building, Plot of land or other assets for the purpose of charity, with no intention of reclaiming the assets. The person making such donation is known as *Donor* (Waqif).

Wakf Act 1954 defines Wakf as, "the permanent dedication by a person professing Islam, of any movable or immovable property for any purpose recognized by Muslim Law as religious, pious, or charitable."

Mutawalli is known as the manager of waqf property. The role of Mutawalli (Administrator) is very important because he is responsible for managing, maintaining, developing and protecting the waqf properties. So, on the appointment of Mutawalli it is mandatory to install honest, trustworthy and knowledgeable religious persons as the administrator of waqf board.

In other words, the person who is responsible for setting up and maintaining the system or server is called the **administrator**. The role of administrator is **integral to the organization in which he works management and maintaining well-administration**. The main problem, in respect our state, is the lack of proper management of waqf properties.

II. OBJECTIVES OF THE PAPER

- Role of Mutawalli.
- Obligations of Mutawalli
- Wakf Property

2.1. Role of Mutawalli:

Mutawalli is the manager of the Waqf property. He must be true believer. He has the religious and moral obligation to take care of the waqf- property and preserve the it as per the Islamic law. He has no self interest in the property of waqf. He must distribute the funds according to the directions of Islamic law. Any mismanagement or negligence on his part may amount to disobedience towards Allah. There must be persons who look after sincerely and with dedication the waqf property on behalf of Allah.

2.2 Obligations of Mutawalli towards Waqf

A person who is a major with sound mind, capable of performing the functions of the wakf as desired by the wakif can be appointed as a mutawalli.

- Mutawalli must be honest and trustworthy.
- He must be full of Islamic Knowledge.
- He should be able to safeguard the property of the Waqf.
- He must keep proper records of all the income and expenditure of the Waqf properties.
- He must follow the dictates Shariah regarding the running of the waqf.
- He should be God fearing and consider himself accountable for every cent.
- He should give due priority to efficient management as well as its other associated facilities.

2.3 Waqf property

J&K Muslim Waqf board, the premier organization that handles the affairs of Muslim religious shrines and properties in the State, has the distinction of being the second largest body in Jammu and Kashmir after the State government. It is the custodian of 47 Holy shrines in the Kashmir Valley. (*As per the report national editor Greater Kashmir Dt:-21th January 2017*), "the Board owns huge property including 1453 shops, 2160 Kanals of orchard land, 99 Kanals of paddy land, 242 Kanals of maliyari land, 6840 Kanals of forest land, 32 Kanals of marshy land and 63 Kanals of Eidgah. It gets tremendous income from the Nazar -Niyaz (Donations) and from others sources. But the main problem with the Board is that it fails to manage and maintain the waqf assets properly due to the gross mismanagement in the system. That is why, despite generating tremendous income one fails to witness any remarkable done by the waqf. Even many shrines lack proper management. As regards transparency and accountability. The objective of this paper is not to pass judgement on its functioning but one would like it to be transparent and accountable because it is the custodian of public property.

During my frequent visits to many shrines in district Bandipora, I found the general public criticising the functioning of the Muslim Waqf Board. At Shrine of **Baba Shukur Din Sb Watlabr Bandipora**. For instance, devotees were highly critical of sheer negligence shown by the Board in managing the shrine. They condemned the Board for its failure to ensure cleanliness and provide proper infrastructure like furnishing and bedding. The structures at the Shrine site have been constructed by local committee before 2003. The Waqf Board has only constructed a store room 10×14 in dimension there. However, a public school upto secondary level is being run by the Board near the Shrine. The estimated yearly income of about 35 lacs goes to salary of the employees-2.57 lacs per month - and other expenditures- about Rs.5000 per month.

The shrine of **Hazrat Sultan Ul Arfeen Ahamshreef Bandipora** presents a slightly different picture. It is situated on a piece of land measuring about 60 Kanals. The Shrine also owns 60 kanals of paddy land in Bonakoot Bandipora. The double story shrine building, Double story Masjid Sharief, some bathrooms, one room office and a school up to 8th standard are managed and maintained by the Waqf Board. The construction work on the said structures is still on. Here also, the devotees face a lot of difficulties for lack of any residential structure including kitchen or any rest house (tin-shed). There is absolutely no arrangement for night stay. The devotees are, as such, forced to stay for night at the home of locals. The locals want this shrine to be developed on the Pattern of Darga-e-shareef Srinagar. Out of an estimated yearly income of Rs 37 lacs, the salary its employees consume about 1.80 lacs rupees per month. About 7000 rupees per month are spent on other expenditure.

There are many other shrines in District Bandipora, which are not yet registered under waqf board. They are also generating huge income from donars. But it is not known where that money goes. So, the need of an hour is to register these shrines under waqf board, like

1. Peer Baba Tragbal Bandipora
2. Dasgeer Sb Plan Bandipora
3. Hazrat Sultan Ul Arfeen Pur Bandipora
4. Ded Moog Batu Ahamshreef Bandipora
5. Syeed Zaffar ud Din Bukhari Sb Ajas Bandipora

III. CONCLUSION

Waqf Board is generating tremendous income from the Nazar -Niyaz (Donations) and from others sources. But unfortunately, the Board fails to manage and maintain the waqf assets properly due to the gross mismanagement in the system. If Board constituted to help the needy and the poor and to establish school, colleges, Health centres and Islamic Madrasas, then why the needy of our society are wondering and begging for their livelihood, and why Board is not funding Islamic Madrasas, and to establish residential schools and Health centres in every district.

If all the responsibilities of Shrines have been taken over by J&K Muslim Waqf Board then why the saints (Reshi) compel the devotees for donation. This exercise needs to be banned at every shrine.

I am not going to pass any judgement on the functioning and management of J&K Muslim Waqf Board, but as a citizen of J&K, I want transparent system of operation in the J&K Muslim Waqf Board, because it is the public property, which manages it. So, in my opinions, the proper management, transparency accountability and proper utilization of Waqf assets improves, when we have:

1. Honest and trustworthy persons as the Mutawalli of Waqf Board, because there is vital role of mutawalli in managing, maintaining, developing and protecting the waqf properties.
2. He must have religious and moral obligations to take care of the Waqf- property and preserve it as per the Islamic law.
3. He has no self interest in the property of Waqf.
4. He should be able to safeguard the property of the Waqf.
5. He must keep proper records of income and expenditure of the Waqf properties.
6. He must follow the dictates Sharia regarding the running of the waqf.
7. He must distribute the funds according to the directions of Islamic law.
8. He should be God fearing and consider himself accountable for every cent.
9. He should give due priority to efficient management as well as its other associated facilities.
10. Every shrine to be developed on the modern patterns, including proper management, proper arrangement and proper maintenance.
11. Free Education to be on priority for the needy and the poor.
12. There should be also yearly audit of its income and expenditure and this information to be published in the newspapers and also uploaded on the official website of J&K Muslim Waqf Board.

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