Chapter-VI

Administration and Management of Leading Muslim Educational Institutions of Wakf Properties, (With Special Reference to the State of UP): An Empirical Study
Chapter-VI

ADMINISTRATION AND MANAGEMENT OF LEADING MUSLIM EDUCATIONAL INSTITUTIONS OF WAKF PROPERTIES

An Overview

The great threat to Waqf properties arise due to encroachment on the property as a result of long term neglect and indifference to the same. Connected with the encroachment, there are the parallel issues of leasing the Wakf property on long term basis or renting it out. Though, this is obviously being done with a view to generating resources for sustaining the property, very often it leads to long adverse possession ending in litigation with hardly any one to do pairvi in the best interests of the Wakf property.

There is the question of renovation and development of wakf property not giving adequate returns. With the recent changes in the law exempting wakf properties from the purview of the Rent Control Act, a number of improvements in the wakf properties can be expected. It will be found that most of old wakf properties are in the most expensive areas and at prime locations. Owing to neglect and due to insufficient rents these properties have greatly deteriorated and have mostly turned into eye sores. Mutawallis have now filed cases in the law courts for the release of these properties. The question now arises that once the properties return to the possession of the wakf how best they can be developed for improvement of the waqf. In the very nature of wakf properties no charge can be created nor the properties

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mortgaged and so Bank’s or other financial loaning for improvement of these properties would be difficult.

However, at present, the management of Wakf properties is seriously impaired both due to high incidence of litigation and poor management. Often important Wakf cases, and thereby valuable properties, are lost because of lack of financial and administrative resources. Therefore, strengthening Wakf Boards administratively with necessary financial and legal back-up is absolutely necessary. High legislative, administrative and judicial priority should be accorded to Wakf in order to improve the management of about five lakh wakf properties spread across India. Governments both at the centre and in the states have, perhaps, because of their heavy preoccupations, found it fit just to maintain the status quo, without realizing the high potential of Wakfs for generating wealth and meeting the welfare requirements of the poor and the needy. With appropriate legislative and legal empowerment as indicated in this chapter, the management of wakf properties can be revitalized so as to make them not only financially viable but also rewarding.

The Muslims lack not only political leadership with proper vision but also socio-cultural leadership thoroughly committed to the cause of socio-economic progress of Muslims. Though many Muslims cannot afford education because of poverty but there are community resources available both internally and externally. There is a great need for proper management of wakf properties which run into crores of rupees. Unfortunately, the wakf properties have not only been mismanaged by incompetent officials but also sold at throwaway prices by the corrupt politicians. The Bohra wakf properties run into millions of dollars but these properties are controlled by a single family of the Bohra high priest Syedna Muhammd Burhanuddin. In several states like Rajasthan,
Madhya Pradesh etc. where there are huge Bohra wakf properties, the Bohra priestly family has entered into illegal agreements with the corrupt wakf Board officials on nominal annual fees and got exemption from inspection and control of the Wakf Board. This results in huge losses to the Wakf Boards.\(^2\)

Even Sachar Committee came out with a suggestive vision of far reaching consequences to make wakf institutions a viability for the uplift of socio-economic backwardness of Muslims and not a liability upon them. The Chairman and Members of the State Wakf Boards can be selected from a list of eminent persons in each state. The Government should create a new cadre of officers with knowledge of Islamic law to deal with the specific affairs of the Wakfs efficiently. A National Wakf Development Corporation and State Corporations should be established. The lease period of Wakf properties may be increased up to 30 years where the property is used for education, health care and other purposes consistent with the objects of the wakf provided the lessee is a registered society or a registered trust doing charity work. Wakf properties should be exempted from Rent Control Act and Land Acquisition Act. Wakf Tribunal should be manned by full time presiding officers appointed exclusively for Wakf purposes. The Public Premises Eviction Act should be applied to remove encroachments from Wakf properties. Failure on the part of the state and statutory bodies entrusted with safeguarding Wakf properties has caused disquiet in the Muslim community.\(^3\)

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Wakf: Administration and Management

The institution of wakf continued to develop with Islam and assumed rigid legal form in the second century A.H. During this period, however, some fundamental differences in the juristic concept of wakf had arisen between the various exponents of the Islamic Law. Gradually many wakfs came into existence. Their supervision and administration were totally in the hands of Mutawallis. During the times of Umayyads, however, the supervision over the administration of wakfs was entrusted to Kazis. According to Hitti, sometimes Kazis directly administered "pious foundations and the estate of orphans and imbeciles". The opinion of Hitti is supported by Von Kremer, the distinguished German orientalist, who includes the supervision and administration of wakfs in the list of duties which were assigned to Kazis. He further shows that the Diwan un-Nazar fil Mazalim (Board for the Inspection of Grievances) established by the Umayyads to set right any miscarriage of justice, was also entrusted with the supervision of wakfs. Under the Abbasids too, the duties of Kazis remained the same that is in addition to their normal duties, they also looked after wakfs. The number of wakfs became so large during the times of Samanids that a separate department - Diwani-i-wakf was established for their effective supervision. The latter Muslim Kings, particularly of India, followed the system of administration of justice perfected by the Umayyads and Abbasids.

5. Ibid.
Wakf: Rules of Muslim Law

Under Muslim Law a wakf is ordinarily to be managed by a Mutawalli. The Mutawalli of a wakf is its superintendent. He is different from a trustee in as much as the wakf property does not vest in him. The legal position of a mutawalli as distinct from a trustee is well understood in India and the courts have aptly explained the same. They have asserted that:

- the Mutawalli does not own the wakf property;
- He is only its manager and supervisor; and
- His functions resemble those of a trustee but do not make him one.

It is the duty of a mutawalli to administer and protect the wakf property in his charge to the best of his capabilities. He must discharge his responsibilities with diligence, honesty, caution and integrity. The wakf property belongs to God; the Mutawalli is its bailee (amin) and must act as such.

Wakf Management in India: Issues and Concerns

The question of state responsibility for the proper functioning of the wakf is still a debatable issue. Particularly now that the government is gradually trying to pass on the responsibility of all welfare measures to the community and the concept of welfare state is being replaced by welfare society. The history of the development of the wakfs clearly indicates that the state has right from the beginning made some attempts to regulate the functioning of the wakfs. However, the British Government was somewhat hesitant in the beginning, as the Religions Endowment Act of 1863, indicates to interfere in the religious affair of the local people. By the passing of this Act, the government has washed its hands of the responsibility of managing the properties attached to mosques, temples and such religious establishments,
which at that time were under the superintendence of the Board of Revenue or local agents. The endowed properties were transferred to trustees, managers or superintendents. Local committees were appointed to exercise the powers of the Board of Revenue and local agents.\(^6\)

The management of Wakf Boards is unsatisfactory due to inadequate empowerment of the State Wakf Boards and Central Wakf Council. Encroachment of Wakf properties by the State is a common practice. The attitude of the State Governments and their agencies has resulted in large-scale abrogation of the cherished objectives of the Wakfs. A number of Wakf properties have been acquired although compensation was not paid. High legislative, administrative and judicial priority should be accorded to Wakf matters in order to improve the management of vast untapped resources in the form of Wakf properties spread across India.

The main objectives of Wakf are welfare of the people in the nature of giving financial help to the poor, scholarships to the outstanding meritorious students, help to widows and the orphans, maintenance of mosques, madarasas and graveyards.\(^7\) The properties of Wakfs in the state of Uttar Pradesh are governed by the Wakf Boards. Survey of the properties is conducted by Commissioner or Wakfs. Besides a Wakf Vikas Nigam was established in 1987 for the development of wakf properties and help to generate adequate income by the wakf properties through out the state. It is doing a good job in this field and being looked as a nodal agency in the field.\(^8\)

The effective functioning of wakf demands dedicated, and qualified mutawallis who are appointed either by the Boards or nominated by the

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8. Ibid
Muslim community or elected by the local people. During the study it was found that 69.57% of Mutawallis were appointed directly by the Boards. It was also found that 56.52% of the mutawallis have passed 12 standard only and some of them were totally illiterate. However, most of them (69.57%) had experience of upto 10 years. Some mutawallis were serving the wakfs unofficially without having formal appointments. The Mutawallis do not get any salary or honorarium because of the charitable nature of work.

Most of the beneficiaries (60.20%) said that benefits being given to them were not adequate. Mismanagement and financial constraints of wakfs has been cited as reasons for this state of affairs. To redress their grievances most of the beneficiaries approach mutawallis and very few approach the Boards and courts. It is interesting to note that most of the mutawallis do not take any action and at best they give verbal assurances only. On rating the overall performance of wakfs, almost half of the beneficiaries were not satisfied.9 Generally wakfs are managed by committees and very few by mutawallis and administrators. Most of the mutawallis while assuring their performance said that the achievement rate was average; however, only 26.08 percent said that performance was very good.10

It was found that most of the wakf property has been encroached by general public, government and sometimes by the wakf officials themselves. This encroachment varies from 25 percent to hundred percent in different wakfs. To save the property from encroachment and to recover it, certain measures were taken by the mutawallis, like fencing of graveyards and agricultural lands, out of court negotiation and in the extreme cases filing cases in the courts. However, the mutawallis frankly admit that the recovery of property is very low11. Wakf administration is beset with many problems. Most of the mutawallis cited administrative problems e.g. ineffective role of

9. Ibid.
10. Id.
11. Id.
Central Boards, unwillingness of local wakf officials to take action etc. Significant percentage of them identified low income of wakfs as a great financial problem.

Wakf Institution: Facts and Fallacies in Administration and Management

The Indian Constitution provides for a federal republic with socialistic approach of secular nature. The country is a unique example of unity in diversity, not only in religion, language, colour and creed, but also in laws, customs and traditions. The variety of laws, some times, creates confusion, complexity and certainly confrontation in certain quarters. However, every law commands equal status in the eye of the Constitution of the country.

The Board is empowered under the Wakf Act, 1995 (32(1)) “to ensure that the wakfs under its superintendence are properly maintained, controlled and administered and the income thereof is duly applied to the objects and for the purposes for which such wakfs were created or intended”. The Act while touching upon the matter of “wakf land”, provides that “where the Board is satisfied that any wakf land, which is a wakf property, offers a feasible potential for development as a shopping centre, market, housing flats and the like”, it may direct the “mutawalli” to execute the development works. Such a provision provides more scope for discretion of the Board and hence every possibility to deviate from the “pious, religious or charitable” purposes.¹²

Further, the Act gives blanket powers to the Board by empowering it to accord sanction for gift, sale, exchange or mortgage of the wakf property even not containing it in the wakf deed. Section 51 (1) of the Wakf Act, 1995 legitimises this authority of the Board by incorporating the provisions that “notwithstanding anything contained in the wakf deed, any gift, sale,

exchange, or mortgage of any immovable property shall be void unless such gift, sale, exchange or mortgage is affected with the prior sanction of the Board”.

The Act 51(2) further gives discretionary powers to the Board in making transactions of the property. The Act purports that while according the sanction the Board has to satisfy itself that such transaction is ‘necessary or beneficial to the wakf’ and “consistent with the objects of the wakf” and ‘the consideration thereof is reasonable and adequate’. Such discretion on the part of the Board leaves very scope for judging the use of property for ‘pious, religious or charitable purposes. Now, coming to the role of the Union Government, Sec. 96(1) elaborates the powers and functions of the Central Government for the purposes of “regulating the secular activities of wakfs”. Such a provision is contrary to the meaning of ‘wakfs’ which is created for the ‘pious, religious or charitable’ purposes. Under the situation, regulating the ‘secular activities’ of a religious wakf is nothing but hobnobbing in the Personal Law of the community. It seems an unrealistic approach by a Government having no official religion to determine the ‘secular activities’ and ‘secular function’ of the wakfs which are created under a special law. The Act further worsens the situation while including ‘social, economic, educational and other welfare activities’ under “secular activities”.

The role of the State Government is also exhaustive. The State Government has power to “remove the chairperson of the Board or any member” (Section 20), while ‘the members of the Board present at a meeting convened for the purpose to elect one from amongst themselves as the chairperson’. The power of removal instead should have been given to the members by two-thirds of the votes. So, some more democratic method should be adopted. More so, the State Government may supersede the Board in case of non-compliance of the directives of the Central Government issued

13. Ibid.
in connection with the "Secular activities" and "secular functions". Such a determination leaves scope for various criticisms.\textsuperscript{14}

It is an irony that the Act does not touch upon the issue of increasing income of the wakf properties by way of raise in rent, fee, cess, etc. It does talk about the developmental activities. It has been experienced that a large number of wakf properties are let out for a meagre amount. This adversely affects the maintenance of these properties. The need of the hour is to increase the rent or fee etc. of wakf properties and pay attention towards their proper maintenance rather waiting for their collapse and then plan for various developmental activities like constructing shopping complex, housing colonies etc. This aspect deserves much attention of all concerned. Moreover, a large number of wakf properties are encroached upon or illegally occupied. This causes great loss of income to these wakfs. It needs to be handled strictly. Further, the wakf properties need a proper study and documentation. Of course the Act provides for survey of wakf properties, but it is not sufficient. A large number of wakf properties are either unidentified or unregistered.\textsuperscript{15} The State Government should undertake an intensive and exhaustive survey to identify the wakf properties, only then any comprehensive action can be taken for managing these properties. These are some of the important factors which need to be taken care of while administering the wakfs and managing the wakf properties in the country.

Sunni Awkaf and Wakf Board of Uttar Pradesh: A divided and distorted House

During 1994-95 there were 14,754 Auqaf in U.P. as registered at U.P. Sunni Central Board of Waqf, which was based upon the survey of 1976. The recent survey during 1995 reveals that U.P. has more than 1.5 lakhs Awkaf and the Wakf Board so far remained in dark. Over and above the

\textsuperscript{14} Ibid.

\textsuperscript{15} Id.
considered opinion of people is that the number of Auqaf in U.P. is not in lakh but may touch a million if properly surveyed.  

The following table reveals that western region has maximum Auqaf, i.e. 58.7 percent of U.P. and also it is having maximum paying Auqaf. Bundelkhand has least Auqaf in U.P., i.e., 3.4 percent. The concentrations of Auqaf are correlated to the concentration of Muslim population. There are slightly higher proportion of Auqaf than the proportion of population in Central region, Western region and Bundelkhand. Whereas in Eastern region and Uttarakhand the proportion of Auqaf is less than the proportion of population.  

<table>
<thead>
<tr>
<th>Region</th>
<th>Muslim Population</th>
<th>Total Awkaf</th>
<th>Awkaf with Income</th>
<th>Awkaf Without Income</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eastern</td>
<td>3364717 (22.6)</td>
<td>2714 (18.4) (100.0)</td>
<td>702 (18.1) (25.9)</td>
<td>2012 (18.5) (74.1)</td>
</tr>
<tr>
<td>Central</td>
<td>2493488 (16.8)</td>
<td>2726 (18.5) (100.0)</td>
<td>627 (16.1) (23.0)</td>
<td>2099 (19.3) (77.0)</td>
</tr>
<tr>
<td>Western</td>
<td>8436799 (56.7)</td>
<td>8666 (58.7) (100.0)</td>
<td>2389 (61.5) (27.6)</td>
<td>6277 (57.7) (72.4)</td>
</tr>
<tr>
<td>Bundelkhand</td>
<td>345489 (2.3)</td>
<td>497 (3.4) (100.0)</td>
<td>84 (2.2) (16.9)</td>
<td>413 (3.8) (83.1)</td>
</tr>
<tr>
<td>Total</td>
<td>14875196 (100.0)</td>
<td>14754 (100.0) (100.0)</td>
<td>3884 (100.0) (26.3)</td>
<td>10870 (100.0) (73.7)</td>
</tr>
</tbody>
</table>

Note: Figures in parentheses are percentages.

Causes of Downfall of Awkaf

As stated above that the concept of charity is one of the pillars of Islam, and its functioning and management which is called Waqf had started during the life time of the Prophet. In India throughout the Moghul period the Awkaf

17. Ibid.
were managed by the *Khanqahs* voluntarily and without much expenditure contrary to formal institutions like Waqf Board. Almost its entire income was utilised for upliftment of the needy population and their institutions. During British period in order to weaken the community the Auqaf were systematically and cleverly destroyed by various unfounded pretention. Khanqah properties were confiscitated by the British Raj and in absence of its life-line, the Khanqah died its own death and the remaining Auqaf were left unmanaged and sometimes unclaimed. After Independence, the final blow came from *Zamindari* Abolition Act of 1952, which finally seized the wakf and Khanqah lands and thus the volunteers of Khanqah who were managing the waqf charity ran out for their own livelihood.\(^\text{18}\)

Since the Awkaf properties were left orphaned, the government organizations and people encroached upon them. For example, in Lucknow few Auqaf are stated below which are partially or fully encroached upon by the government organizations and despite of agitations by Waqf Board and the community the Waqf lands are not spared and vacated till date.

<table>
<thead>
<tr>
<th>S. No</th>
<th>Name of Auqaf</th>
<th>Encroached Illegally</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Qabristan Talkatora No. 390</td>
<td>U.P. Avas Vikas Parishad</td>
</tr>
<tr>
<td></td>
<td>Qabristan Asiamau No. 417</td>
<td>U.P. Avas Vikas Parishad</td>
</tr>
<tr>
<td></td>
<td>Waqf Mahmood Husain No. 44A</td>
<td>U.P. Avas Vikas Parishad</td>
</tr>
<tr>
<td></td>
<td>Qabristan Mohibullapur No. 522</td>
<td>U.P. Avas Vikas Parishad</td>
</tr>
<tr>
<td></td>
<td>Qabristan Chitwapur No. 337</td>
<td>U.P. Avas Vikas Parishad</td>
</tr>
<tr>
<td></td>
<td>Masjid, Qabristan Talkotara No. 443/488</td>
<td>U.P. Avas Vikas Parishad</td>
</tr>
<tr>
<td></td>
<td>Masjid and Sarai Shahdara No. 405</td>
<td>U.P. Avas Vikas Parishad</td>
</tr>
<tr>
<td></td>
<td>Masjid and Maqbara Nadan Mahal NO. 393</td>
<td>U.P. Avas Vikas Parishad</td>
</tr>
<tr>
<td></td>
<td>Takia and Qabristan Golaganj No. 463</td>
<td>U.P. Avas Vikas Parishad</td>
</tr>
<tr>
<td></td>
<td>Waqf Teela Shah Pir Mohammad N. 212</td>
<td>LDA, Irrigation Deptt. and KGMC</td>
</tr>
</tbody>
</table>

*Source: Annual Report, 1987-88, UP Sunni Central Board of Waqf, Lucknow*

\(^{18}\) Ibid.
The awkaf of historical places like, Agra, Fatehpur Sikri and quite a few in other towns are managed by the Archaeology Department and their income does not go for the community upliftment. Thus Wakf Board is deprived of such awkaf which are giving a good income from tourists.

**Waqf Board’s Image of Dependency**

Since Auqaf are supposed to be linked with certain pious reasons and managed within the Islamic traditions, i.e., through Khanqahs, it had a little chance for its mis-utilisation. But recently their management is taken over by government machinery, i.e. Wakf Board which is empowered with a few Acts, which are easily defied in absence of any spiritual or traditional background. In this background the wakf board is generally kept under dark by Mutawallis about their income, justification of expenditure and their appointment itself. Also due to absence of spiritual and traditional compulsion, the real beneficiaries, especially the tenants of wakf properties play hide and seek through the courts in order to defy payment of rent according to the market rate. That is the reason that whatever the meagre amount is fetched from the Auqaf are spent over maintenance of Auqaf and community upliftment programmes become impossible. Also due to this reason the wakf Board’s income is quite affected.¹⁹

Wakf Board has no judicial power that is why it has to depend upon judiciary even for simple decision and wait, even for more than a decade. Merely keeping the account and statistics of Auqaf the existence of Wakf Board is meaningless, unless it is empowered with judicial, planning and implementation to function independently. *ad-hoc* appointment of Secretary does not lead for full hearted efforts in management and functioning of Wakf Board as required to serve the

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¹⁹. Ibid.
community. Unless this position is raised to Commissioner level along with judicial, planning and implementation powers it would remain where it is and community would continue to be deprived.20

**Appointment of Mutawallis**

In many cases Mutawallis are appointed by the Wakf Board on account of weight and pressures, who are only interested to their own benefit. Even the history sheetars occupy such important positions who even help the encroachers and grabbers of wakf properties on graft. For such Mutawallis the proper management of Wakf properties and serving the community interest has no purpose and meaning at all. The Mutawallis who inherit the Auqaf sometimes lack the managerial aptitude in absence of proper training and at all level loss on account of complicated official and judicial procedural system. Wakf Board has no systematic approach to guide and compel the Mutawallis for their proper functioning towards development of Auqaf and chalkling out the priority for community development programmes, such as education, health or employment oriented training programme for orphans, widows and extremely downtrodden.21

The most basic problem of wakf administration is to put a check on the erring Mutawallis. Though, there are conscientious Mutawallis too, yet there are instances where Wakfs are treated by Mutawallis as their personal properties. From dargahs the offerings are sometimes appropriated by them. In any case, Mutawallis are classically known for not coming forward to seek grants or loans from the Central Wakf Council or Wakf Boards for the development of the Wakf properties. Proposals for educational institutions are replaced by them for construction of shops. Rent is negotiated at low level in lieu of

20. Ibid.
21. Id.
extraneous considerations. The only check placed by the Wakf Act is the supervision through Boards. But for so doing, the only course open to the board is to file a suit under section 41 against such Mutawallis. However, the section does not cover cases of wrongful destruction or alienation of wakf property and misappropriation of wakf funds by the Mutawalli. Further, the management of the Wakf Boards and the properties remain unsatisfactory due to inadequate empowerment of the State Wakf Boards and Central Wakf Council. Wakf properties which sub-serve the larger public interest should be protected as such. Such a policy will lead to effective social cohesion and economic development. Therefore, an effort should be made not to include such properties in land acquisition.

The records of Wakf properties are not well maintained and are prone to the vagaries of weather, mutilation and lose. This calls for immediate remedial action. These should be digitized under a Government programme. The Central Government may consider special grants through the Central Wakf Council to undertake this task and supervise the quality of documentation. In spite of listing of Wakfs in statutory surveys often the properties are not registered as Wakfs in revenue records and in the records of the Local Self Governments. These lacunae and inaction on the part of the state governments are the source of prolonged litigation.

Encroachments on the Wakf properties are made not only by private persons but also by the government and its agencies across the country.

The encroachments are in two forms -

- An absolute usurpation of property with no rent and
- Those where the occupying party pays a nominal rent, which has not been revised for decades.

The number of private encroachments is very large, they are scattered all over the country and are often involved in litigation. Focussed attention is, therefore, called for on encroachments by the State that is the custodian of the Wakf interests. It would be seen that the attitude of the state governments and their agencies has resulted in large-scale abrogation of the cherished and charitable objectives of the Wakfs for which such endowments were created. In fact encroachment by the State on the Wakf lands, besides causing embarrassment to the authorities and emboldening private encroachers, has stood in the way of reform and reconstruction.

To attain the objective of putting the Wakf properties to optimum use, fresh institutional support is essential. Presently state Wakf Boards comprise Muslim MPs, MLAs and some others. They may not be necessarily equipped with the technical expertise and knowledge required to exploit the Wakf resources optimally. The presence of politicians itself, truly speaking, shows the state of affairs of wakf properties. The importance of strict monitoring of the Wakf management in general and the vacation of encroachments in particular cannot be overemphasized. The respective state governments have remained indifferent for many years and the matter once again received the Parliament's attention and a Joint Parliamentary Committee was constituted during 1996-2006.

Mosques occupy a central position in the religion of Islam. According to Islamic Shari'ah Muslims cannot worship effectively
without a mosque, and so compulsory acquisition of mosques cannot be allowed neither legislatively nor judicially. The acquisition cannot also be justified on the ground that the Act allows the acquisition of places of worship of other religions too. The land acquisition Act of 1894 is a piece of colonial legislation and it now calls for reforms. Without bothering to probe into the sanctity of mosques in Islamic Law and unmindful of the apparent untenability of the idea of compulsory acquisition of mosques, the Allahabad High Court in Mohd. Ali Khan v. Lucknow Municipality,24 held that graveyards and mosques could be compulsorily acquired under the Land Acquisition Act 1894. The court held that mosque was not an integral part of the right to profess and practice religion as guaranteed under Article 26 of the Constitution. Mosque as such is therefore not essential for the offering of namaz, which could be offered anywhere, even in the open.

In the landmark judgment of Ismail Faruqi v. Union of India,25 the Supreme Court held that a mosque like any other place or property could be compulsorily acquired under the Land Acquisition Act of 1894; and also upheld the acquisition of Babri Mosque, under the Land Acquisition Act, 1894 26.

**Sachar Committee: Findings on the State of Wakfs in India**

To tap the economic potential of nearly 5,00,000 Wakf properties in the country, the Justice Rajinder Sachar Committee has advocated the setting up of a National Wakf Development Corporation with a revolving fund of Rs 500 crore coupled with creating a new cadre of officers with knowledge of Islamic law to deal with the specific affairs of the Wakfs efficiently. The committee has suggested increasing the

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24. AIR 1978 All 280.
26. Ibid.
maximum period of lease of Wakf properties from three years to three decades to facilitate its use for education, healthcare and other purposes. It has for an amendment, exempting Wakf properties from the Rent Control Act. Regretting that the current annual income from Wakf properties is only about Rs. 163 crore amounting to a meagre rate of 2.7 percent the committee noted that the market value of Wakf properties could be put at Rs 1.2 lakh crore. If these properties are put to marketable use, these can generate at least a minimum return of about Rs 12,000 crore annually.

The report put a caveat stressing that optimum utilization of Wakf properties would require proper administrative backup by the Central and State Governments. The Committee said the management of the Wakf Boards was unsatisfactory due to inadequate empowerment of the State Wakf Boards the Central Wakf Council. The attitude of the state and their agencies had resulted in large-scale abrogation of the charitable objectives of the boards. The report desired that the “Centre may revert to the status quo and undo the trifurcation of the erstwhile Punjab Wakf Board”. The Wakf resources were pooled together and utilized for the people of undivided Punjab. This provided flexibility in fiscal matters particularly provisions for educational, vocational institutions and medical facilities. The trifurcation of the board entailed enhancement of administrative expenditure as now there were three boards and the corresponding administrative infrastructure. There were 11,000 Wakf properties in Punjab but not many Muslims to take advantage. Haryana had a huge Mewar belt where a large number of Muslims were among the most backward but they could not enjoy the facilities of prime Wakf properties in Punjab. The people of Himachal and Chandigarh were bereft of the welfare measures. The committee felt there should be at least two women each in the
Central Wakf Council and Wakf Board, “Failure on the part of the state and statutory bodies entrusted with safeguarding and administering Wakf properties has caused disquiet in the Muslim community” it added.27

**Wakf as an Instrument of Educational and Economic Development**

Every wakf has to function in terms of its deed and to support the institution for which it was created. There are, however already quite a number of Wakfs which are supporting schools, colleges, institutions or granting scholarships. In their case, all has to be seen that these institutions function properly and efforts are made to develop their finances further. In addition, there are a large number of Wakfs dedicated for general charitable purposes. There will also be quite a few whose objects are not evident from any written instrument or the other objects for which they were created have ceased to exist. In the latter case the Boards are authorized to direct the utilization of their incomes in consultation with the Mutawallis thereof The Wakf Amendment Act, 1964 has conferred further powers on the Board to direct the utilization of the surplus of Wakfs consistently with the wishes of the Wakif and in accordance with the Muslim Law. The Muslim law certainly permits such purposes and holds them dear. So, wherever possible, there can be no better utilization of resources of such Wakfs or those for general charitable purposes than to utilize their funds for promoting education and economic development. If the Boards were to examine all such Wakfs as well as Wakfs which have surplus funds, their resources can be utilized in this manner. While scrutinizing their budgets the Boards can ask the Mutawallis to make provisions for such purposes in the budgets. There would be nothing better if all such funds can be pooled

together but that the present insuperable difficulties the Boards can certainly give directions to the Mutawallis and a watch over the utilization of funds.\textsuperscript{28}

The primary function of a State Wakf Board is no doubt, to ensure that Wakfs are properly administered by the Mutawallis concerned. One has, however, to go deeper and find out why it is necessary to ensure that the Wakfs are properly administered. These dedications are generally meant for the support and maintenance of various religious and charitable institutions and for the promotion of education, cultural, social economic development of the community. If the Board were to take steps on its own to promote and develop these very objects, it cannot be validly argued that action of the Board is either alien to the institution of the wakf or the spirit of the enactment.\textsuperscript{29}

If the wakf properties are scientifically and honestly managed they can generate great deal of revenue which in turn can be utilized for establishing educational institutions and professional colleges. An example of course has been set by Gulbarga Sharif in Karnataka where the Dargah authorities have established educational institutions from the revenue earned through the offerings at the mausoleum. The Ajmer Dargah of Hazrat Moinuddin Chishti has great potential in this respect. If the trustees of Tirupathi Temple can run a university why can’t those of Ajmer Dargah Sharif run an educational institution provided the funds are properly utilized. These are but only a few examples. The wakf properties in India are capable of generating massive internal resources for the benefit of the Muslim community.

\textsuperscript{28} Hussain, Athar and Khalid Rashid, "Wakf Laws and Administration in India", 2nd ed. 1973, p. 100.
\textsuperscript{29} Ibid.
Management of Wakf Properties of Aligarh Muslim University: Facts and Realities

The Aligarh Muslim University is the cradle for imparting secular education for all communities in India. It has been so for over a century. It was the efforts of Sir Syed Ahmad Khan and a considerable number of his colleagues who strived to bring this idea into reality. Since then numerous scholars have been nourished and groomed in this cradle of education. Its stature is rising day by day. Its fame is expanding beyond reproach. More and more students are applying for seeking higher education in this institution of knowledge.

Keeping in view this status and position of the University, religious minded and progress oriented Muslims often granted huge endowments for the growth and promotion of the educational interests of the Muslim community. These have since long been used for the maintenance and upkeep of the University. However the recent trends of administration and management of these properties depict a neglected attitude on the part of the University authorities. Thus the properties are dilapidating persistently and without repair. The result is that vast untapped resources are soon falling into disuse and decadence. The university is making no effort to utilize these resources optimally as an additional economic lifeline.

An empirical study was made to find out the position of existing Wakfs in the University. The result as obtained from the survey reveals a very grim picture so far as the administration and management of the wakf properties are concerned.

The study was made under the following heads:

- Name, place and year of Wakf
- Details of property
- Existing beneficiary
- Existing Mutawalli
- Registration
- Control
- Present position and litigation
- Income accruing from the wakf

Mohammed Habibullah Khan Wakf

This wakf property is situated at Wilayat Manzil, A.M.U. and was made wakf in the year 1920 in the month of August. It consists of a Kothi spread over 6 Bighas and 19 Biswas of land. The beneficiary of this Wakf is Aligarh Muslim University and Aligarh Muslim University is its Mutawalli at present. It is now under the full control of A.M.U.; however it is earning no income at this time. But the Faculty of Theology is being run in this building.

Prof. Moinuddin Wakf

This property was made wakf in the year 1928 and is situated in Meerut and Aligarh. It consists of a building. It is a registered wakf. At present the Picture gallery known as University Canteen is under the control of A.M.U. but the rest of the property is not under the control of A.M.U. University Canteen is being run in the Picture Gallery, which pays Rs.10,000/- per month as rent to the University. There is no specific head where this amount is spent. Surprisingly, the property located at Meerut never came into the possession of the University. University authorities never made any effort in this regard and no proper records are available in the office.

Ameer Mustafa Khan Wakf

Wakf was made in the year 1926, the Ameer Mustafa Khan Wakf known as Kankar Wali Kothi. It comprises of a Kothi stretching over 6
bighas and 5 Biswas. It is a registered wakf under the full control of A.M.U which is its major beneficiary. It earns a meagre income of 1725 rupees per month from thirty tenants. Now a working women's hostel has been constructed in the premises of the Kankar Wali Kothi

**Bibi Fatima Begum Wakf**

The Bibi Fatima Begum Wakf, also known as Nishat Kothi, is a registered wakf (wakf no: 198), made on the 13th of July 1926, since then it has been under the Mutawalli ship of A.M.U. for the benefit of A.M.U. itself. The wakf initially consisted of a Kothi but presently the main Kothi has been demolished and Sir Syed Educational Development Society constructed Aligarh Public School in the premises of Nishat Kothi. Some residential quarters are there but no rent is being received by A.M.U. The only income that comes from this wakf is a small rental amount of 1000 rupees from Aligarh Public School. Incidentally this appears on the face of it to be in somewhat better position as compared to other Wakfs, but the truth of the matter is that overall eight cases are pending in various courts. The university has filed various eviction cases against the tenants which are pending in different courts. Some tenants have also filed cases against the University. The four cases are pending in Judge of small causes courts (JSCC) namely - AMU v. Shahid Husain, AMU v. Shan-e-Raza, AMU v. Mubeen, AMU v. Habibur Rehman. Two cases are pending before the ACJM VIII namely - Shan-e-Raza v. Sir Syed Educational Society and one case is pending before ACJM (I) i.e. AMU, v. Sakhawat Husain and lastly one case is pending before UP Sunni Wakf Board Lucknow i.e. Javed Rais v. AMU. Most of the cases are at the stage of evidences. However, evidence is completed in Javed Rais v. AMU and it is at the stage of final hearing.
Dr. Wali Mohammed Wakf Aligarh

This property was made wakf twice once in 1940 and later in 1946. It consists of one residential house and land. It is registered wakf. It earns no income. AMU is its Mutawalli and is its sole beneficiary. To some extent this property is being properly utilised as a boy's hostel named Nadim Tarin has been constructed on it and the residential houses are allotted to university employees. Total land areas are consisted of 8 bigah. Some cases are pending in relation to this vacant land. The details of cases are as such that AMU v. Shagufta Ajmal, AMU v. Murshid Husain and Murshid Husain v. AMU are pending before district courts in Aligarh. A case relating to plot No. 161 measuring two biswa is also pending before the Board of Revenue, Lucknow. Having analysed the files of these cases, it may be said that there is no satisfactory progress in any of the above stated cases.

Prof. Hameeduddin Wakf

This wakf property located at Tar Bungalow Aligarh. It was made wakf in the year 1962. A.M.U. is its sole beneficiary and the property is under the full control of it. The property being a registered wakf property (reg. wakf no; 67), consists of a Kothi and is presently earning no income.

Abdur Rehman Wakf

It is one of the oldest wakf properties in favour of A.M.U. Dedicated in the year 1913, and consisting of a building known as Bal Biradari and vacant land on the other side measuring 3 bigah 7 biswa. The wakf is now partially under control of A.M.U. The wakf has been registered but it generates no income. Some cases are pending in District Court, Aligarh relating to plot Nos. 1/27 and 1/28. University should take the possession of vacant land with the help of district administration. But
the University authorities show no keen interest in this regard. In this way, the number of cases will increase day by day on the vacant land as it is on prime location.

Sheikh Abdullah Wakf

This property was made wakf in the year 1951, with A.M.U. as its beneficiary. It consists of a Kothi and is under full control of the University. It is not registered. Mrs. Birjees Kidwai, the daughter of the wakif is its Mutawalli. University is also tenant of one half of the portion of this building measuring four bigah and six biswa and therefore University is paying Rs.5000/- per month as rent to the Mutawalli. The University will become its Mutawalli after the extinction of the line of descendents of wakif.

Hamid Educational Wakf

This property is not under the administrative control of the University. However, University is its beneficiary. It generates no income. It is highly disgusting that no record is available relating to this wakf and no effort ever made for the maintenance of proper records.

Ameer Nishan Wakf

The Ameer Nishan wakf in Aligarh was dedicated as wakf in the year 1941 and consists of a Kothi measuring 5 bigah 10 biswa. It is a registered wakf (wakf no: 47-A). Although A.M.U. is its major beneficiary but it is not in its control. The property generates no income. At present Mr. Khalid Ahmad Khan is its Mutawalli. There are number of litigation are pending relating to this wakf and the progress in different cases is not satisfactory. When I perused the files, it apparently seems that there is no proper pairavi in the cases. I find number of adjournment taken by opposite parties on various fake grounds. The purpose is to linger on the cases. With regard to this
wakf, three cases are pending before the civil judge (SD) Aligarh namely - AMU v. Sunni Central Wakf Board, Lucknow, Khalid Ahmad Khan v. UP Sunni Central Wakf Board and AMU v. UP State Electricity Board, Lucknow. And one case is pending before ADJ (V) i.e. Khalid Ahmad Khan v. UP Sunni Central Wakf Board, Lucknow.

**Nawab Dr. Moulvi Haji Mohd. Habibur Rehman Khan Wakf**

This property is located in Habibganj Aligarh. It was made wakf in the year 1945 and the property consists of books. The wakf is lawfully registered (Wakf no: 46-A) with the AMU as its Mutawalli. A unique feature about this wakf is that it is not a charitable wakf. The university is its beneficiary but the property generates no income.

**Mohd. Fateh Shah Khan Wakf**

This wakf property is not located in Aligarh. It is situated in Najibabad, Bijnor. The wakf is registered but there is no official registration number available. AMU is beneficiary but Mutawalli is not known. The property consists of a Bagh at Alipore, one Haveli and six shops. However the present state of the wakf is that the building mentioned in the wakf does not exist on the spot. The property was auctioned as custodian property. Lastly, seventy one refugees have taken the property in their claims and have constructed a new colony. No efforts ever made by the University to take the possession and receive the income from the property.

**Agha Syed Ghazanfar Ali Wakf**

It is situated at Bulandshahar and the property was made wakf in the year 1926. It comprises of four houses, eight shops and one mosque. This property has no Mutawalli and is not duly registered. The university is its beneficiary but no benefit in fact accrues from this property. It is under litigation and fourteen cases are pending in the
Bulandshahar district court and one appeal is pending in the Allahabad High Court. Presently, it is under the occupation of several persons who are paying no rent. The cases which are pending in Bulandshahr are Krishna Kant v. Nagarpalika Bulandshahr, Mirza Zakir Baig v. Raj Kumari, Amarjeet Singh, v. Hoshiar Singh, Sangeeta Mittal v. AMU, Mahendra Singh v. Virinda Singh, Allah Rabbul Aalameen v. Afsar Sultana and others, AMU v. Sanjay Mittal, Abdul Shakoor v. Krishna Kant, AMU v. Krishna Kant, Zubaida Khatoon v. Hoshiar Singh and others, Krishna Kant v. Babu Khan. Conditions of files show that no proper care is being paid by the concerned authorities. However, the opposite parties are successful in their aim. Their aim is only to delay the progress in the pending cases.

**Abdul Qadri Maroof Wakf**

This wakf located at Gonda was made wakf in 1930. It consists of two houses and one Bagh. Its beneficiary is A.M.U. and its Mutawalli is Fasiur Rehman Khan. The wakf is duly registered and generates no income. The wakf is subject to constant litigation which can be inferred from the fact that six cases are pending in the court of Gonda. Further, the court has allotted this property as custodian property to the refugees who have constructed 30 houses over this property.

**Mukhtar Begum Wakf**

Located in Agra the property was dedicated as wakf in the year 1943. All property is in the shape of land. It is not registered; it generates no income and has no Mutawalli. A.M.U. is the beneficiary of this wakf. The property under the possession of several persons. University has made no efforts to recover the property. Carelessness has reached to its zenith as there even no litigations are pending.
Fazle Haq Wakf

The only data available with regard to this property which is located at Badaun is that it is in the form of FDR and its beneficiary is A.M.U. It is neither registered nor generates any income. The year of wakf is also not known. It is highly surprising that the details of the wakf are not available in the office. Every concerned person is unknown to the matter. Moreover, they never tried to bring it in the notice of higher authorities.

Nawab Mohd. Azmat Ali Khan Wakf

This wakf property is located in Kamal, Muzzaffarnagar. It was made wakf in the year 1908. It is not under the possession of the University. I find no record regarding this wakf, the only record is that the university received a cheque of Rs.38000/- once in the capacity of beneficiary. By this cheque University came to know that there is some wakf property in the name of AMU located at Muzaffar Nagar. The sorry state is that the University never tried to identify this property.

Smt. Saeedunnisan Wakf

There are three sites of this wakf property i.e. (a) two residential banglows situated at Mount Abu, Rajasthan (b) Land situated at Delhi and (c) land located at Village Ahrampur, Dist. Sirohi, Rajasthan. It is a registered wakf. AMU is its beneficiary but the Mutawalli is not known at present. At present the banglows at Mount Abu are under the possession of Rajasthan Government. AMU and Govt. of Rajasthan have come to an agreement or compromise resulting that AMU received Rs. 175000/- from the State of Rajasthan and left the claim of these banglows. Is this compromise beneficial or not is a big question? As for as land situated at Delhi and Sirohi are concerned, there are no
records available in the office and every body is reluctant to answer the questions regarding these properties.

**Hakeem Nizamuddin Wakf**

This property comprises of eleven shops and one upper storey building for residential purposes situated in the street named *langarkhana* in Ajmer, Rajasthan. It has no Mutawalli and the property is under the control of old tenants. It is not registered and no income is accrued by the beneficiary of this property that is the Aligarh Muslim University. A case was filed by the tenants in lower court, Ajmer and the same was decided in their favour. University appealed in High Court Rajasthan and that too was decided in favour of tenants. An Special Leave Petition was filed in the Supreme Court and the same was dismissed. Tenants forged some documents in their favour. On the basis of those documents, they could be able to get the case in their favour. It is nothing but a complete failure on the part of the University authorities.

**Nigar Villa Wakf Aligarh**

This wakf property is in the form of a Kothi measuring 4 bigah 18 biswa. The Aligarh Muslim University is its beneficiary. Mrs. Zheena Begum is its Mutawalli. The property is duly registered. However no income is generated by this property as several cases relating to the property are pending in the civil court. It is not under the control of University. There are seven cases pending in district court, Aligarh, as AMU v. State, Farhat Ali v. AMU, Zaheena Begum v. AMU, Haji Abdul Aleem v. AMU and AMU v. Haji Abdul Aleem. On the perusal of files of the cases, there seems no satisfactory progress. There is nothing except adjournment on the files. It is a horrible and disgusting situation for the future of this wakf property.
Dr. Ziauddin Ahmad Wakfs

This wakf though a registered wakf is not under the control of A.M.U. It only exists without generating any income. This is a wakf Al-al-Aulad and the descendent of wakif are using this property. The university will become its Mutawalli after the extinction of line of descendents of wakif. So there is no controversy in this property as such.

Bibi Amiru-un-Zamani Wakf

This wakf property is not under the control of University and possessed by several unknown persons. Surprisingly, details of wakf property are not available in the property office. Moreover, no efforts ever made to collect the information regarding this property.
<table>
<thead>
<tr>
<th>S.No</th>
<th>Name and Place of Wakf</th>
<th>Year of Wakf</th>
<th>Detail of property</th>
<th>Beneficiary</th>
<th>Mutawalli at present</th>
<th>Registered or Un-registered</th>
<th>Control</th>
<th>Rental Income</th>
<th>Present Position</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>01.</td>
<td>Mohd. Habibullah Khan Wakf Willayat Manzil, A.M.U., Aligarh</td>
<td>18.8.1920</td>
<td>Kothi 6 Bigha 19 Biswa</td>
<td>AMU</td>
<td>AMU</td>
<td>Registered</td>
<td>Under full control of AMU</td>
<td>No Income</td>
<td></td>
<td>The other property in Meerut never came into possession of the University. Moreover there is no record available in Property Office,</td>
</tr>
<tr>
<td>02.</td>
<td>Prof. Moinuddin Wakf (Known as Picture Gallery) Aligarh and other property in Meerut</td>
<td>10.11.1928</td>
<td>1. Building at Aligarh 2 bigah 1 biswa. 2. Residential building &amp; shops in Meerut</td>
<td>AMU</td>
<td>AMU</td>
<td>Registered</td>
<td>Picture gallery known as University Canteen is under control but the other property in Meerut is not under control of AMU</td>
<td>Rs.10,000/- per month</td>
<td>AMU Students Canteen exists thereon.</td>
<td></td>
</tr>
<tr>
<td>03.</td>
<td>Amir Mustafa Khan Wakf (known as Kankar Wali Kothi) Aligarh</td>
<td>03.7.1926</td>
<td>Kothi 6 Bigha 5 Biswa</td>
<td>Major Beneficiary AMU</td>
<td>AMU</td>
<td>Registered Waki No. 199</td>
<td>Under full control of AMU</td>
<td>Rs.1725/- per month from 30 tenants</td>
<td>Constructed Working Women's Hostel in the premises of Kankar Wali Kothi</td>
<td></td>
</tr>
<tr>
<td>04.</td>
<td>Bibi Fatima Begum Wakf (known as Nishat Kothi), Aligarh</td>
<td>03.07.1926</td>
<td>Kothi</td>
<td>AMU</td>
<td>AMU</td>
<td>Registered Waki No 198</td>
<td>Main Kothi demolished 1. Sir Syed Educational Development Society constructed Aligarh Public school in the premises of Nishat Kothi. 2. There are some residential quarters but the rent is not being received by the AMU</td>
<td>8 cases are pending in the Court</td>
<td></td>
<td>The university has filed various eviction cases against the tenants which are pending in different courts. The details of the suits are as such: The four cases are pending in the Judge of small causes court (JSOC) namely - AMU v. Shahid Husain, AMU v. Shams-e-Raza, AMU v. Mubeen, AMU v.</td>
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<tr>
<td>05.</td>
<td>Dr. Wali Mohd, Waf Aligarh</td>
<td>17.1.1940</td>
<td>17.1.1946</td>
<td>1. Two residential house</td>
<td>AMU</td>
<td>AMU through VC</td>
<td>1. Residential house allotted to University employees</td>
<td>No Income</td>
<td>Some portion is under litigation.</td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>2. land in Aligarh measuring 08 bigha</td>
<td></td>
<td>Registered Wakf No. 44 (A)</td>
<td>2. Constructed the Hostel known as Nadim Tarin Hall</td>
<td></td>
<td></td>
<td></td>
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</tbody>
</table>

Habibur Rehman. Two cases are pending before the ACJM VIII, case No. 43/98, 275/96, Shane Razza v. Sir Syed Educational Society and the one case is pending before ACJM (I) AMU v. Shakhawat Husain (OS No. 226/99) and lastly one case is pending before UP Sunni Central Wakf Board, Lucknow, Javed Rais v. AMU (6/07). Most of the cases are at the stage of evidence. However, one case i.e. Javed Rais v. AMU is at the stage of final hearing.

Following cases are pending before various courts of district Aligarh:

a) AMU v. Shagufta Ajami (JSCC No. 63/2001)
b) AMU v. Murshid Husain (case 167/2002)
c) Murshid Husain. V. AMU, EOG No. 145/96

A case relating to plot No. 161 measuring 2 biswa.
<table>
<thead>
<tr>
<th>No.</th>
<th>Name of Wakf</th>
<th>Creation Date</th>
<th>Location</th>
<th>Wakf Details</th>
<th>Status</th>
<th>Income</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>06.</td>
<td>Prof. Hameeduddin Wafq Kothi at Tar Banglow, Aligarh</td>
<td>06.09.1962</td>
<td>Kothi</td>
<td>AMU</td>
<td>Under full control of University</td>
<td>No Income</td>
<td>situated in Nadeem Tareen Hall is also pending in the Board of Revenue, Lucknow.</td>
</tr>
<tr>
<td>07.</td>
<td>Abdur Rehman Wafq Balbradari, Aligarh</td>
<td>7.11.1913</td>
<td>Building 03 Bigha 7 Biswa</td>
<td>AMU</td>
<td>Registered Wafq No. 60 Ex-2</td>
<td>It is under control partially</td>
<td>No Income</td>
</tr>
<tr>
<td>08.</td>
<td>Sheikh Abdullah Wafq, Aligarh</td>
<td>22.5.1951</td>
<td>Kothi at Marnis Road, Aligarh 4 Bigha 6 Biswa</td>
<td>AMU in future</td>
<td>Mrs. Birees Kidwai D/O Wafq</td>
<td>University is tenant of the 1/2 portion</td>
<td>University is paying Rs.5000/- per month as rent to the Mutawalli</td>
</tr>
<tr>
<td>09.</td>
<td>Hamid Educational Wafq, Aligarh</td>
<td></td>
<td>Kothi</td>
<td>AMU</td>
<td>--</td>
<td>--</td>
<td>No Income</td>
</tr>
<tr>
<td>10.</td>
<td>Ameer Nishan Wafq Aligarh</td>
<td>22.8.1941</td>
<td>Kothi 5 Bigha 10 Biswa</td>
<td>Major Beneficiary AMU</td>
<td>Mr. Khalid Ahmad Khan</td>
<td>Registered Wafq No. 47-A</td>
<td>Not in control</td>
</tr>
<tr>
<td></td>
<td>Name</td>
<td>Date</td>
<td>Description</td>
<td>Registered No.</td>
<td>Income Status</td>
<td>Remarks</td>
<td></td>
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<tr>
<td>11</td>
<td>Nawab Dr. Maulvi Haji Mohd. Habibur Rehman Khan Wakf Habibganj, Aligarh</td>
<td>23.5.1945</td>
<td>Books</td>
<td>AMU</td>
<td>Not charitable</td>
<td>No Income</td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>Mohd. Fateh Shah Khan Wakf, Najibabad, Bijnore</td>
<td>25.4.1932</td>
<td>22.7.1932</td>
<td>AMU</td>
<td>Registered</td>
<td>The property under the possession of several person</td>
<td></td>
</tr>
<tr>
<td>No.</td>
<td>Name of the Wakf</td>
<td>Date of Registration</td>
<td>Type of Property</td>
<td>Ownership</td>
<td>Type of Claim</td>
<td>Income Status</td>
<td>Status of Case</td>
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<tr>
<td>14.</td>
<td>Abdul Qadri Maroof Wakf, Gonda</td>
<td>16.7.1930</td>
<td>2 houses 1 Bagh</td>
<td>AMU</td>
<td>Registered</td>
<td>No income</td>
<td>Under litigation</td>
</tr>
<tr>
<td>15.</td>
<td>Mukhtar Begum Wakf, Agra</td>
<td>03.11.1943</td>
<td>Land</td>
<td>AMU</td>
<td>-</td>
<td>No Income</td>
<td>-</td>
</tr>
<tr>
<td>16.</td>
<td>Fazle Haq Wakf, Badaun</td>
<td>-</td>
<td>FDR</td>
<td>AMU</td>
<td>-</td>
<td>Rs.4500/- bond deposited in the bank</td>
<td>No Income</td>
</tr>
<tr>
<td>17.</td>
<td>Nawab Mohd. Azmat Ali Khan Wakf, Kamal, Muzaffar Nagar</td>
<td>09.11.1908</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>No Income</td>
<td>-</td>
</tr>
<tr>
<td>18.</td>
<td>Smt. Saeedunnisaan Wakf, Sirohi, Rajasthan</td>
<td>15.5.1946</td>
<td>Two residential Banglows at Mount Abu, land situated at Delhi, Land situated in village Ahrampur, Distt. Sirohi</td>
<td>AMU</td>
<td>Registered</td>
<td>No income</td>
<td>AMU and Govt. of Rajasthan through a compromise received Rs.175000/- from the State of Rajasthan. No proper maintenance of record regarding the property in Delhi &amp; Sirohi. The compromise may not be called as beneficial for AMU. University should take care of the property situated in Delhi &amp; Sirohi.</td>
</tr>
<tr>
<td>19.</td>
<td>Hm. Nizamuddin Wakf, Ajmer, Rajasthan</td>
<td>28.9.1966</td>
<td>11 Shops 1 Upper story for residential purpose situated in</td>
<td>AMU</td>
<td>-</td>
<td>Under the occupation of old tenants</td>
<td>No Income</td>
</tr>
<tr>
<td>No.</td>
<td>Name of the Wakf</td>
<td>Address</td>
<td>Trustee</td>
<td>Status of Wakf</td>
<td>Income</td>
<td>Remarks</td>
<td></td>
</tr>
<tr>
<td>-----</td>
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<td></td>
</tr>
<tr>
<td>20.</td>
<td>Nigar Villa Wakf Aligarh</td>
<td>-</td>
<td>Kotbi 4 Bigha 18 Biswa</td>
<td>AMU</td>
<td>Mrs. Zakeena Begum</td>
<td>Registered Wakf No. 2134</td>
<td>Not under control (under litigation)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>21.</td>
<td>Dr. Ziauddin Ahmad Wakf, Aligarh</td>
<td>12.5.1939</td>
<td>-</td>
<td>AMU</td>
<td>-</td>
<td>Registered Wakf No.126</td>
<td>Not under control</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>22.</td>
<td>Bibi Aminum Zamani Wakf, Daulatpur Kalan, Jahangirabad, Bulandshahr</td>
<td>5.5.1930</td>
<td>Shops, residential house and land</td>
<td>AMU</td>
<td>-</td>
<td>-</td>
<td>Not under control</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>23.</td>
<td>Wakf Suhani Begum, Lucknow</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>24.</td>
<td>Wakf Hamid Ali Khan, Cannaught Place, New Delhi</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>No record is available</td>
</tr>
<tr>
<td>25.</td>
<td>Wakf Syed Mohd. Husain, 29 Kanpur Road, Allahabad</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>No record is available</td>
</tr>
</tbody>
</table>
There is no record available for the wakf Suhani Begum Lucknow, Wakf Hamid Ali Khan, New Delhi and Wakf Syed Mohd. Hussain, Allahabad. The situation may not be worse than that the University knows about the wakfs in such important cities, but it has no record. It goes without saying about the market value of Wakf Hamid Ali Khan as it is situated at Cannaught Place circle D. Wakf Syed Mohd. Hussain is a banglow located at Kanpur Road, Allahabad. Amazingly, University does not know about the location of wakf Suhani Begum at Lucknow.30

Wakf Properties: Muslim Educational Institutions in Gorakhpur31

There are many properties which have been dedicated to various religious institutions like Imambara etc. in Gorakhpur, whereon Muslim Educational Institutions are running but these educational institutions unfortunately do not enjoy ownership rights over these wakf lands which are exclusively in the control of Imambaras. Nevertheless, Muslim educational institutions have been established on these wakf properties of Imambaras and these colleges are paying rent to Imambaras. Thus, there is no wakf property owned by the colleges rather wakf properties are owned by these Imambaras.

Wakf No. 67 is in favour of Imambara and whatever wakf properties are there, they are in favour of Imambaras in Gorakhpur. Following four educational Institutions are being run namely:

(i) Imambara Muslim Girls Inter College, Gorakhpur.
(ii) Syed Jawwad Ali Shah Imambara Girls Degree College, Gorakhpur (Now P.G. also).
(iii) M.S.I. Inter College, Gorakhpur.
(iv) Islamia College of Commerce, Gorakhpur.

30. Courtesy: Property Office; Aligarh Muslim University, Aligarh
These above mentioned educational institutions are being run on the land owned by the Imambara and they pay rent to Imambara. Apart from this, Mazharul Uloom Madarsa is also run on the wakf land in favour of Imambara located in the lower district Maharajganj. This institution also pays rent to Imambara.

All the aforementioned Inter Colleges/Degree Colleges are running in profit at present. But how much profit is generated, there is no proper record available in this context. Whatever shops etc are being run on the Wakf property, generate profit of around 45-50 thousands rupees per month.

Wakf No. 67 which is in favour of Imambara is free from any dispute but there are 40 to 50 civil matters are sub-judice before the local civil court of Gorakhpur relating to shops on the land of Imambara.

Presently, Syed Adnan Faruukh Ali Shah is managing the affairs of Imambara Muslim Girls Inter College as Mutawalli and he is also Secretary of the Syed Jawwad Ali Shah Girls Degree College, Gorakhpur.

There is no dispute relating to wakf land of Imambara and colleges run thereupon, nor any dispute with regard to the office of the Mutawalli. Entire wakf property is dedicated to the Imambara and same has been given to College but exclusively controlled by the Mutawalli.

There is one case at present relating to the administration and management of the Syed Jawwad Ali Shah Imambara pending before the Allahabad High Court but it is at the verge of final decision.

Role of Awkaf in the Development of Education in Uttar Pradesh

32. Courtesy: Tāawun Trust, New Delhi
This part of the chapter is based on the analysis and interpretation of the collected data. All the efforts are directed to discover something new which must have the support of scientific reasoning and comes through experimentation. Analysis is related with the study of the tabulated material in order to determine its meaning. It involves breaking down the complex factors into simplest parts and putting them together in new arrangements for interpretation. The process requires an alert, flexible and open mind so that no similarities, differences, trends and outstanding factors may go unnoticed.

The present study is concerned with exploring the role of Awkaf in the development of Educational institutions of Uttar Pradesh. One questionnaire measuring educational achievement was administered on Madarsas and Maktabs. Another Questionnaire was administered on Wakf Board in order to collect the exact number of registered Awkaf in Uttar Pradesh. To avoid ambiguity those factors have been deleted which have not been attended or given response. Therefore, 20 factors have been presented in the tables.

These tables describe the results of the attempts made to achieve the following objectives.

(i) To study the number of registered Awkaf in Uttar Pradesh.
(ii) To find out the number of registered Awkaf, which have been donated for educational purposes.
(iii) To study the relationship of Educational Awkaf with their objectives.
(iv) To study the level of education of those Awkaf.
(v) To study the contribution of Awkaf in the development of education.

Accomplishment of these objectives demands percentage calculation on the each item of the variable measured by the Questionnaire.
Table-1 reveals total number of AQF (Awkaf) Madarsas, NFM (Not Functioning Madarsas), FM (Functioning Madarsas, ENL (Enrolment), Boys, Girls, PL (Primary Level of Education), UPL (Upper Primary Level of Education), RM (Recognized Madarsas), URM (Unrecognised Madarsas), Subjects QD (Quran and Diniyat), L (Language), SS (Social Studies), Sc (Science), MS (Maths) and Examining body SE or EE (Self examination or External examination).

The above table also depicts that only 4% of the total Awkaf have been donated for Madarsas in East Zone of U.P. out of which 92% are Functioning and 8% are not Functioning. Out of total enrolment in these Madarsas percentage of boys are 57 and that of girls is 43. The level of Education reveals that 95% is Primary and 5% is upper Primary, 84% are unrecognized Madarsas and 16% are recognized.

Table shows that Quran/Diniyat and Language subjects are imparted 100% while Social Studies is 20%, Science 23% and Mathematics 16%. Out of total number of Madarsas 84% are conducting self examination system while 16% have external examination system.

Table-2 reveals total number of Awkaf, Madarsas as well as their enrolment in Western Zone of Uttar Pradesh. Percentage of Madarsas, boys, girls, level of education subjects taught and examining bodies are also revealed in this table.

Percentages shown in Table-2 depict that only 0.4% Awkaf have been donated for educational purposes in West Zone of Uttar Pradesh, out of which 78% are functioning and 22% are closed. Out of total enrolment 63% boys and 37% of girls are studying. 97% Madarsas belong to primary level and 3% to upper primary level. 87% are unrecognised and 13% are recognised Madarsas. Quran / Diniyat and Language are taught in 100% Madarsas, 13% have SS, 10% Science and
13% Maths are taught, 87% Self examination system and 13% external examination system.

**Table-3** reveals the position of Awkaf of South Zone of Uttar Pradesh. It depicts that 0.3% of total Awkaf have been donated for the educational purposes out which 81% are functional and 19% are non-functional. 72% boys and 28% of girls form the total enrolment. 100% of these Madarsas belongs to primary level of Educational of unrecognised nature. 100% Quranic studies and 44% Maths are being taught. Examination system is 100% conducted by self examination.

**Table-4** reveals the total number Awkaf Madarsas with total number of enrolment in Central Zone of Uttar Pradesh. Percentage-wise distribution shows that only 0.4% Awkaf belongs to Educational category out of which 84% are running (FM) and 16% are closed (NFM). Out of total enrolment 68% are boys and 32% girls are studying in these institutions. 100% girls are studying in these institutions. 100% of the Madarsas are having primary level of Education with Quranic Studies and languages. 30% have Social Studies, 4% have Sciences and 30% have Math subjects, 89% conducting self examination and 11% external.

**Table-5** depicts the total number of Awkaf Madarsas and enrolment in Uttar Pradesh. It reveals that only 1.4 percent Awkaf of U.P. has been donated for Educational purpose, out of which 89 percent are functioning and 11% are not. Out of total enrolment of 85,000, fifty nine percent are boys and 41 percent are girls. 86 percent Madarsas belong to Primary level while 14% to upper Primary level. 85 percent are unrecognised and 15% are recognised. Quran and Diniyat and languages are taught 100% while Social Studies in 19%, Science in 14%, Maths in 22% of Madarsas are taught. Self examination system is prevalent in 85% and external examination in 15%.
The number of registered Awkaf in Uttar Pradesh, number has been produced in the table 1 to 5. Out of which tables 1 to 4 reveal Zone wise position of Awkaf. Table 1 shows that East Zone of Uttar Pradesh has 13760 Awkaf while West Zone possesses 21,122 number of registered Awkaf. This clearly depicts that West Zone has highest number than East Zone. Likewise South Zone’s position is revealed in tale-3. It shows that 4,363 Awkaf are registered in this Zone. Table-4 reveals 7560 Awkaf are registered in the Central Zone. These interpretations clearly shows that West Zone of Uttar Pradesh has highest number of registered Awkaf in UP while North Zone has lowest number of Awkaf. Table-5 reveals overall position of Uttar Pradesh and shows that total numbers of Awkaf are 46,805.

Table-1 shows that East Zone of the Uttar Pradesh has highest number of Awkaf which are donated for the educational purpose marked as "Madarsas" they are 521 out of total number of 13,760. In terms of percentage it reveals that 4 percent of the Awkaf are for the educational purposes, Interpretation of table-2 shows that only 79 out of 21,122 have been donated for Madarsas as in West Zone of Uttar Pradesh. In terms of percentage only 0.4% is for educational purposes. This number and percentage is very low in comparison of Zone. It is to be noted here that though West Zone has much higher number of Awkaf than the East Zone still the number of educational Awkaf is quite low as compared to East Zone. Therefore, percentage of Madarsas is less in West Zone that East Zone.

Table three reveals the position of educational Awkaf of South Zone of the Uttar Pradesh. Column 2 of the table-3 shows that only 11 Awkaf have been donated for Madarsas or educational purposes out of 4,363. Its percentage is 0.3% which is lowest among all the four zones.
It points out that South Zone had remained less educational conscious and proves to illiteracy.

Interpretation of table four is related with the Central Zone of Uttar Pradesh. It's column number 2 reveals that total number of Madarsas or Educational Awkaf are 32 out of total number of 7,560 registered Awkaf. Percentage of Madarsas in this zone is 0.4. This percentage is same as that of West Zone through number of Awkaf are less.

Findings of table five reveals the over all position of Awkaf as well as Educational Awkaf or Madarsas in Uttar Pradesh. Total numbers of Awkaf are 46,805 and Educational Awkaf is 643. The percentage of Awkaf used for educational purposes is 1.4. These interpretations clearly reveals that Awkaf are not contributing significantly in the development of education in general as the percentage of Madarsas are quite low.

Here it is to be cleared that word Awkaf means those Awkaf which are donated for educational purposes and "their objective" means need based education related with the all round development of the personality. Hence results of the table-5 have been interpreted in this reference and context. Columns 9 to 18 of the table-5 reveals that 86% Madarsas or education Awkaf are limited to primary level of education and upto 14% upper primary level. Their course content also do not cater to the needs of modern time because subjects like Social Studies, Science and Mathematics are being taught only in 19, 14 and 22 percent of Madarsas as revealed by the columns 14, 15, 16 of this table respectively. On the other hand it is worth appreciating that 100 percent Madarsas are maintaining their old age tradition of imparting education of Quran and Diniyat along with languages, but these alone do not
serve the purposes of education. The objectives of education cannot be achieved unless its all the activities are directed towards the all round development of the students.

Table 1 to 5 reveal that more than 80 percent Awkaf belong to lower level of education that is primary and upper primary. Secondary and Higher level of education are lacking in these Awkaf. The educational Awkaf are the institution of primary and upper primary level of education. Hence have low level of educational achievement.

This leads to the conclusion that Awkaf are not contributing significantly for the development of Education.

It is a matter of great satisfaction that majority of the Awkaf registered for the educational purposes are surviving right from the time of its donation and mostly they are established in the remote areas of the city or rural areas. People around it have faith in them. The only thing needed is a support from the outside agencies. This support should be in the form of finance as well as guidance so that their basic structure should not be disturbed and they may become competent in imparting modern education.
Table 1

SHOWING POSITION AND PERCENTAGE OF AWQAF AND MADARSAS IN THE EAST ZONE OF UTTAR PRADESH

<table>
<thead>
<tr>
<th>District</th>
<th>Total No. of AOF</th>
<th>Total No. of Madarsas</th>
<th>NFM</th>
<th>FM</th>
<th>ENL</th>
<th>Boys</th>
<th>Girls</th>
<th>PL</th>
<th>UPL</th>
<th>SL</th>
<th>RM</th>
<th>URM</th>
<th>QD</th>
<th>L</th>
<th>SS</th>
<th>SC</th>
<th>MS</th>
<th>SE</th>
<th>EE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
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<td>13</td>
<td>14</td>
<td>15</td>
<td>16</td>
<td>17</td>
<td>18</td>
<td>19</td>
<td>20</td>
</tr>
<tr>
<td>Basti</td>
<td>3,395</td>
<td>172</td>
<td>16</td>
<td>156</td>
<td>19,351</td>
<td>11,601</td>
<td>7,734</td>
<td>146</td>
<td>10</td>
<td>-</td>
<td>20</td>
<td>136</td>
<td>156</td>
<td>156</td>
<td>30</td>
<td>25</td>
<td>24</td>
<td>136</td>
<td>20</td>
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<tr>
<td>Sidartha</td>
<td>2,811</td>
<td>166</td>
<td>11</td>
<td>155</td>
<td>18,595</td>
<td>11,157</td>
<td>7,438</td>
<td>147</td>
<td>08</td>
<td>-</td>
<td>28</td>
<td>127</td>
<td>155</td>
<td>155</td>
<td>36</td>
<td>36</td>
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<td>127</td>
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<td>S.K. Nagar</td>
<td>3,305</td>
<td>152</td>
<td>12</td>
<td>140</td>
<td>17,032</td>
<td>10,219</td>
<td>6,813</td>
<td>136</td>
<td>04</td>
<td>-</td>
<td>24</td>
<td>116</td>
<td>140</td>
<td>140</td>
<td>24</td>
<td>24</td>
<td>24</td>
<td>116</td>
<td>24</td>
</tr>
<tr>
<td>Bahraich</td>
<td>2,945</td>
<td>17</td>
<td>03</td>
<td>14</td>
<td>4,776</td>
<td>2,010</td>
<td>2,846</td>
<td>12</td>
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<td>-</td>
<td>03</td>
<td>11</td>
<td>14</td>
<td>14</td>
<td>02</td>
<td>11</td>
<td>02</td>
<td>11</td>
<td>03</td>
</tr>
<tr>
<td>Sharawasti</td>
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<td>02</td>
<td>12</td>
<td>5,910</td>
<td>2,706</td>
<td>3,204</td>
<td>12</td>
<td>X</td>
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<td>02</td>
<td>12</td>
<td>X</td>
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<tr>
<td>Total</td>
<td>13,760</td>
<td>521</td>
<td>44</td>
<td>477</td>
<td>65,648</td>
<td>37,693</td>
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<td>477</td>
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<td>08</td>
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<td>-</td>
<td>57</td>
<td>43</td>
<td>95</td>
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<td>05</td>
<td>-</td>
<td>16</td>
<td>84</td>
<td>100</td>
<td>100</td>
<td>20</td>
<td>23</td>
<td>16</td>
<td>84</td>
<td>16</td>
</tr>
</tbody>
</table>

1. AQF = AWKAF  
2. NFM = Non Functional Madarsas  
3. FM = Functional Madarsas  
4. ENL = Enrolment  
5. PL = Primary Level  
6. UPL = Upper Primary Level  
7. SL = Secondary Level  
8. RM = Recognized Madarsas  
9. URM = Un Recognized Madarsas  
10. QD = Quran and Diniyat  
11. L = Languages  
12. SE = Social Studies  
13. Sc = Science  
14. Ms = Maths  
15. SE = Self Examination  
16. EE = External Examination
## Table 2

### SHOWING POSITION AND PERCENTAGE OF AWQAF AND MADARSAS IN THE WEST ZONE OF UTTAR PRADESH

<table>
<thead>
<tr>
<th>District</th>
<th>Total No. of AQA</th>
<th>Total No. of Madarsas</th>
<th>NFM</th>
<th>FM</th>
<th>ENL</th>
<th>Boys</th>
<th>Girls</th>
<th>PL</th>
<th>UPL</th>
<th>SL</th>
<th>RM</th>
<th>URM</th>
<th>QD</th>
<th>L</th>
<th>SS</th>
<th>SC</th>
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<td>14</td>
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<td>16</td>
<td>17</td>
<td>18</td>
<td>19</td>
<td>20</td>
</tr>
<tr>
<td>Meerut</td>
<td>2,995</td>
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<td>3</td>
<td>19</td>
<td>5,450</td>
<td>1,975</td>
<td>750</td>
<td>19</td>
<td>-</td>
<td>-</td>
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<td>19</td>
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<td>-</td>
<td></td>
<td>19</td>
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<td></td>
</tr>
<tr>
<td>Baghpat</td>
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<td>09</td>
<td>02</td>
<td>07</td>
<td>2,120</td>
<td>1,800</td>
<td>670</td>
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<td>-</td>
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<tr>
<td>Aligarh</td>
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<td>04</td>
<td>14</td>
<td>2,850</td>
<td>1,995</td>
<td>855</td>
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<td>-</td>
<td>-</td>
<td>02</td>
<td>12</td>
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<td>02</td>
<td>-</td>
<td>02</td>
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</tr>
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<td>Rampur</td>
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<td>15</td>
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<td>3,022</td>
<td>583</td>
<td>14</td>
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<td>15</td>
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<td>05</td>
<td>05</td>
<td>05</td>
<td>10</td>
<td>05</td>
</tr>
<tr>
<td>Bareilly</td>
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<td>08</td>
<td>01</td>
<td>07</td>
<td>655</td>
<td>440</td>
<td>115</td>
<td>06</td>
<td>01</td>
<td>-</td>
<td>01</td>
<td>06</td>
<td>07</td>
<td>07</td>
<td>01</td>
<td>01</td>
<td>01</td>
<td>06</td>
<td>01</td>
</tr>
<tr>
<td>Total</td>
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<td>79</td>
<td>17</td>
<td>62</td>
<td>14,680</td>
<td>9,232</td>
<td>5,428</td>
<td>60</td>
<td>02</td>
<td>-</td>
<td>08</td>
<td>54</td>
<td>62</td>
<td>62</td>
<td>08</td>
<td>06</td>
<td>08</td>
<td>54</td>
<td>08</td>
</tr>
<tr>
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Table 3
SHOWING POSITION AND PERCENTAGE OF AWQAF AND MADARSAS IN THE SOUTH ZONE OF UTTAR PRADESH

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<th>FM</th>
<th>ENL</th>
<th>Boys</th>
<th>Girls</th>
<th>PL</th>
<th>UPL</th>
<th>SL</th>
<th>RM</th>
<th>URM</th>
<th>QD</th>
<th>L</th>
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Table - 4

SHOWING POSITION AND PERCENTAGE OF AWQAF AND MADARSAS IN THE CENTRAL ZONE OF UTTAR PRADESH

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<th>ENL</th>
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<th>Girls</th>
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<th>SL</th>
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Table 5

SHOWING POSITION AND PERCENTAGE OF AWQAF AND MADARSAS OF UTTAR PRADESH

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<th>Total No. of AQF</th>
<th>Total No. of Madarsas</th>
<th>Total ENL</th>
<th>% NFM</th>
<th>% FM</th>
<th>% Boys</th>
<th>% Girls</th>
<th>% PL</th>
<th>% UPL</th>
<th>% RM</th>
<th>% URM</th>
<th>% QD</th>
<th>% L</th>
<th>% SS</th>
<th>% SC</th>
<th>% MS</th>
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