ADMINISTRATION AND MANAGEMENT OF WAKF PROPERTIES OF LEADING MUSLIM EDUCATIONAL INSTITUTIONS, (WITH SPECIAL REFERENCE TO THE STATE OF UP): AN EMPIRICAL STUDY

Introduction

This study deals with the management of awkaf in U.P., and the past, present and future measures for their administrative and statutory control. Wakf means dedication of movable and immovable property in the name of Allah for religious, pious and charitable purposes. It is unconditional and permanent dedication of properties in the ownership of God in such a manner that the property rights of the owner are extinguished. It is only managed and the manager is simply the custodian, he is neither the owner nor a trustee.

The numbers of Acts have been passed since 1913 relating to wakfs. But, the most comprehensive, consolidated and the latest Act is the Wakf Act, 1995 in which deficiencies of earlier Acts have been removed.

The instant research makes an attempt to investigate, analyse and critically appreciate the state of affairs of Awkaf property of Muslim Educational Institutions in the state of Uttar Pradesh but thrust of the study is wakf properties of Aligarh Muslim University, Aligarh. As AMU is considered to be the most important Muslim Educational Institution not only in UP but all over the country. AMU always attracts the attention of the entire Muslim community to its functioning, affairs and anything which may have any impact on its existence.

Awkaf can become a strong instrument not only for the preservation of religious and charitable institutions, but also for the educational and economic development of the community being the large number and potential of their resources. Wakf which constitutes a national asset,
support Schools, Colleges, Technical Institutes, Libraries, Charitable Institutions, Dispensaries and Inns etc., which benefit the public irrespective of their religion, caste or creed. It is the most important that the wakfs should be maintained properly and their resources should be utilized for the objects and purposes mentioned by the wakif. But unfortunately, many of the existing wakfs have not escaped the process of destruction and decadence brought due to the negligence, misuse and mismanagement by the concerned authorities.

The contribution of awkaf in supporting and sustaining the Educational Institutions has been rather nominal and is by far diminishing for the reason that the educational institution have fallen into steep decadence due to mismanagement and gross misappropriation. This study therefore, concerns itself to the contemporary position regarding management and administration of wakf properties in educational institution and conducts an empirical survey of the wakf properties in UP generally and in AMU particularly.

Choice of the Topic

On the one hand, Educational Institutions have always been in need of financial assistance, on the other, it has been found that the wakf institution is highly mismanaged and badly administered institution. The income from the wakf properties can be a major resource to fulfil the requirements of the educational institutions, if they are properly managed. This has prompted me to undertake the present research study.

Object of the Study

In the age of economic globalization, the study of wakf administration of Muslim Educational Institutions attained a quite new dimension.
The wakf institution is not functioning properly in the country. Moreover, it is badly crippled in U.P. and the situation is not much better in Aligarh Muslim University. The income of wakfs is not being used according to its object. The pious institution urgently needs to be streamlined.

**Hypothesis**

The Central and State Governments have taken many legislative steps to tone up the affairs of wakf administration. Yet the legislations passed by the State are limited in scope, devoid of objectivity and there are specific instances of its being abused and misused. The maladministration in educational wakf institution and illegal encroachment have caused grave concern to Muslims. Generally, wakf properties are encroached by the private individual. But, the disturbing fact is that the illegal occupation is on the part of Mutawallis themselves and the government. Judicial system in our country not conducive to effective enforcement of law, as a result the laws have failed to achieve their objectives.

**Scope of the Study**

The area of this study is mismanagement and maladministration of the Educational Institutions and Laws thereof. How this sorry state of affairs can be remedied and what measures in order to examine the existing mechanism can be arrived at are to be submitted. This is an area which has been left unattended over the last many years.

Uttar Pradesh has a unique and discernible position in the scheme of educational upliftment of the Muslim Community and their educational institutions. Moreover, Uttar Pradesh is the most densely populated and politically sensitive state where it has become a political fashion to
put everything to procrastination and attempts are always made to divert community’s attention from the real issues which are plaguing it. Mal-administration and mismanagement of wakf properties of Muslim Educational Institutions has become a contentious issue in the state. It is an emotional, religious and allegedly a political issue which needs a pragmatic and sincere solution.

There are various prominent educational institutions. The Muslims in the state who wish that immediate attention and redressal of the maladies plaguing wakf properties of Aligarh Muslim University must be attended at the earliest. Aligarh Muslim University is an institution of such a nature that Muslims are religiously and emotionally attached to it. This institution has always been in the eye of storm but for the wrong reasons. Muslim of India attached a very high regard to this institution for its being a major establishment of modern education for Muslims in India. But, on the other hand, its wakf properties are highly mismanaged and victim of mal-administration. Litigations are also multiplying day by day. Consequently, university is incurring a lot of expenses. This sorry state of affairs can only be understood, examined and remedied by way of undertaking an empirical study in this regard.

**Impact of the Study**

Since the subject matter of the study exhaustively deals with problems, difficulties and solutions, the impact of the study would be to add the existing pool of knowledge, so as to be of use in the present as well as in the future. This research study will leave definitely an impact of high magnitude on the working of the wakf institution. The important, practical and effective suggestions have been made for any legislative exercise which may be taken by the government for making wakf institutions more accountable, transparent and result oriented in future.
Methodology

Methodology adopted is doctrinal and analytical. Study relating to the management and administration of wakf survives on a programmatic and in-depth analysis of the nature and scope of the law relating to wakf as well as the effect of these laws on the institution of wakf.

In this study, light will be shed on the functional aspect of the institution of wakf which is entrusted with the management and administration of wakf in the State of Uttar Pradesh. In a number of cases, Mutawallis or officials appear to be encumbering the wakf properties by sale or granting lease or creating tenancy without taking care of the interest of the wakf. Such acts have also resulted in unnecessary litigations involving the wakf estates of various Muslim educational institutions and therefore, an attempt here will be made to pick up a number of wakf estates in Uttar Pradesh for examination and data, therefore, have been collected for arriving at conclusions in consonance with research variables. Therefore, an empirical as well as doctrinal method of research has been employed in order to substantiate the hypothesis.

Chapterwise Introduction

Chapter-I Introduction

It has been captioned as Introduction, which embodies problem, scope, object, hypothesis, impact and research methodology.

Chapter-II: Wakf Institutions: Origin, Definition and Development

It deals with the origin and development of Wakf Institution in India. It encompasses an evaluation of charitable trust in Islamic Law by involving the contributions and interpretations of various jurists of
Islamic jurisprudence on wakf in classical and contemporary understanding.

**Chapter-III : Institution of Wakf and its Religious, Socio-Economic and Political Relevance in Contemporary India and other Countries**

It is devoted to investigate the institution of Wakf and its religious, socio-economic and political relevance in contemporary India and in other countries. In this chapter, the working of the institution of wakf in major Muslim countries has been critically appreciated alongwith India.

**Chapter-IV : Central Wakf Act, 1995 and its Evaluation**

It evaluates the working of the Wakf Act, 1995. It is a consolidated and comprehensive legislation wherein many deficiencies of earlier Acts have been removed and enforcement of this Act brought uniformity in respect of Wakf administration throughout the country. But there are still some problems in its application and the same have been examined hereunder.

**Chapter-V: Judicial Response**

It is relating to Judicial Response in respect of the implementation of laws relating to wakf properties in India. In this chapter, judicial response has been analysed in two components. First, one is dealing with pre-1995 position of wakfs under the judicial scanner and the second is dealing with post-1995 position of the wakf properties thereunder.
Chapter-VI: Administration and Management of Leading Muslim Educational Institutions of Wakf Properties

It is about the Administration and Management of Wakf Properties of Muslim Educational Institutions in Uttar Pradesh wherein the administration and management of the wakf properties of Muslim Educational Institutions have been critically examined. Maladies and problems have been identified alongwith legislative gaps and judicial silences despite the passing of the Wakf Act, 1995. The present study is concerned with exploring the role of awkaf in the development of educational institutions of Uttar Pradesh. An attempt has been made to achieve the objectives as such to study the number of registered awkaf in Uttar Pradesh, to find out the number of registered awkaf which have been donated for educational purposes, to study the relationship of educational awkaf with their objective, to study the contribution of awkaf in the development of education.

Moreover, the recent trends of administration and management of wakf properties of Aligarh Muslim University, Aligarh depict a neglected attitude on the part of the University authorities. The properties are dilapidating persistently and without repair. The result is the huge economic resources are soon falling into disuse and misuse. The University making no effort to utilise these resources optimally as an additional economic life line. An empirical study has been made to find out the existing position of wakf properties in the university. The result reveals a very grim picture so far as the administration and management of AMU wakf properties are concerned.
**Conclusion and Suggestions**

Conclusion arrived at and pursuant thereto the important suggestion made – to provide Technical Advisory Body for development of wakf properties both at the State and National levels, a full time President of Central Wakf Council should be appointed instead of a Union Minister who occupies the position as an ex-officio President, a new cadre of Officers should be created to manage the affairs of the State Wakf Board and Central Wakf Council, all the wakfs should be brought under the scheme of financial audit, the definition of encroacher should be amended, an amendment exempting the wakf properties from the purview of the Rent Control Act within the Wakf Act is urgently needed, all wakf properties should be treated as public properties, in educational institutions the person In-charge to look after wakf department should be compulsorily made accountable for the negligence on his part while dealing affairs relating to wakf property, the wakf property of AMU need a proper study and documentation, the AMU Administration should undertake an intensive and exhaustive survey to identify the wakf properties and to take those properties under its possession.