

A Comparative Study of Waqf Properties' Management Before and After the Computerization

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Abstract

Waqf is the permanent dedication by a person professing Islam, of movable or immovable properties for any purpose recognized by the Islamic law as pious, religious or charitable. Waqf Management System of India is an integrated online workflow based Information System for the management of Waqf Properties under the supervision of the various State/UT Waqf Boards in pursuance of the central Wakf Act, 1995 and Waqf (Amendments) Act, 2013. Before computerization, the Waqf properties were needed a proper study and documentations. A large number of Waqf properties were either unidentified or unregistered. Hence, the Waqf properties were difficult to manage. Waqf properties are usually managed by Managers/Trustees (known as Mutawallis) since many-many years but current computerization process has improved the management method and also becomes more transparent.

Keyword

Wakf, Waqf, Wakf property, Waqf property, Trustee, Mutawalli, State Wakf Board, State Waqf Board, WAMSI, ORE DOCs, MDDS, DMS, BDU, Efficiency, Transparency, Management, Mosques, Madarsaas, Tombs, Graveyards, Orphanages, Shrines, Imambaraas.

I. Introduction

The concept of *Waqf* is rooted in Quranic injunctions and the Sunna of Prophet Mohammed dealing with charity. Islam's followers borrowed this concept of charity to set up the institution of *Waqf*. *Waqf* is a permanent dedication of movable or immovable property for religious, pious or charitable purposes as recognized by Muslim Law [1]. In consonance with the true spirit of their religion, Muslims generously dedicated properties such as land and its revenue rights to *Waqf* Institutions created through *Waqf Deed* with the aim of maintaining the Mosques, Tombs, Orphanages, Madarsaas (Schools/Colleges/Universities), Hospitals, Dispensaries, Skill Development Centres, and Disbursement of Scholarships to needy Students, Financial Grants to Widows, etc.

It forms an important branch of Muslim Law; it is interwoven with the religious life and the social economy of Muslims. Literally, *Waqf* means endowment of the moveable or immovable property by the Muslims for the welfare of the poor & needy and for maintaining properties dedicated to Mosques, Tombs, Orphanages, Shrines, Imambaraas and like [2].

Lack of technologies is a major bottleneck for State/UT Waqf Boards (SWBs) aiming to implement the Waqf Management System of India (WAMSI). Legacy systems may also represent the considerable obstacles to change. The demographic and geographic conditions of the different areas, accompanied by the distribution of the economic activities, may also represent a strong bias in the rollout of the ICT infrastructure. Management Systems, Records and work processes must be in place to provide the necessary data to support the move to the WAMSI.

The contribution of generated revenue from Waqf properties in supporting and sustaining the educational institutions has been rather nominal and is by far diminishing for the reason that the educational institutions have fallen into steep decadence due to mismanagement and misappropriation before computerization in India.

At the start of Computerization Process, Immovable Waqf Properties reported by 29 SWBs were 3,19,670. In order to ensure the transparent management of all the Waqf Properties and to computerize the core functions of all SWBs, Government of India has launched a "Scheme of Computerization of the Records of State/UT Waqf Boards" in December 2009. In this scheme, the central financial assistance is given to the SWBs for setting-up of ICT Infrastructure, deployment of Technical Manpower for initial hand-holding period for managing and operating the ICT Infrastructure and WAMSI Software Applications, and for imparting training and knowledge transfer to the staff of the SWBs. As a result, WAMSI On-line System have registered the data of 4,85,111 Immovable Waqf Properties as on March 31, 2016.

II. Waqf Properties' Management Through Computerization

Before the computerization, the management of the Waqf properties were difficult; many of the Waqf properties remained unregistered due to lack of technology. If any issue arisen then Hon'ble Court had to take an action regarding the Waqf properties. For example, in 1990s, Madras High Court in "N.R. Abdul Azeez Vs. E. Sundaresa Chettiar" [3] held that it is a fundamental principle of the Muslim Law of Wakf that when a mosque is built and consecrated by public worship, it ceases to be the property of the builder and vests in God. Hence, it is proved that before the computerization, the Waqf properties were mismanaged.

When the technology evolved, the management of the Waqf by computerization made the following objective with transparent management of Waqf properties:

- It maintains up-to-date correct inventories for Waqf Properties.
- It facilitates cross checking of Waqf Property Records with other databases maintained at State/UT level especially those of Revenue Records & Civic Bodies [4].
- It tracks the revenue generated from individual Waqf Properties by ensuring timely reminders for submission of Annual Returns by Waqf Properties' Managers.
- It transparently manages the leasing process of Waqf Properties and to monitor the pending payments from lessees thereof.
- It tracks the litigations on Waqf Properties by ensuring timely pleading of cases in the Hon'ble Courts [5].
- It digitally preserves the documents establishing the Waqf Properties' Ownership Rights.
- It facilitates easy retrieval of documents whenever required in case of litigations in Hon'ble Courts.

The digital technology used for the transparent management of Waqf properties has the following features:

1. WAMSI On-line System, for SWBs consists of the following modules:
 - Properties Registration Module
 - Annual Return Filing Module
 - Leasing Module
 - Litigations Tracking Module
2. WAMSI On-line System - Public Interface, aims to search Waqf Properties and their present status any time by any one. The Software and Hardware specifications are very much similar to the WAMSI On-line System.
3. WAMSI Off-line Document Management System (DMS) for SWBs consist of
 - DMS System
 - BDU Utility (Bulk Data Updation)
4. Location of each Immovable Waqf Property is identified on the basis of Census 2011 Geographical Location Codes designed by MDDS Committee for the said purpose headed by Registrar General of India.
5. GPS Coordinates of the Immovable Waqf Properties are used to help SWBs to locate their Waqf Properties on Map and to draw layouts and to find out encroachments (if any) over the period of time using Google Maps/Earth & ISRO Bhuvan APIs through different permutation & combination of searching parameters tightly integrated within the WAMSI On-line System.

III. Waqf Properties' Transparency After Computerization

It is estimated that India has the largest number of Waqf properties in the world with a rough figure of more than 6,00,000 in numbers. The estimated annual income from these assets, according to the Sacher Committee Report, would be close to Rs.1.60 billion. A Waqf development agency, National Waqf Development Corporation Ltd (NAWADCO) was also announced in January 2015, but it is still not clear if this agency will be a boon or a new mechanism to occupy and devour Waqf lands. The government hopes to develop a pool of the Waqf properties to their full potential so that the resources can be mobilised to build Schools, Colleges, Hospitals, etc for the Muslim population, which is the second largest population in the world after Indonesia.

After computerization, the Indian government is moving ahead to develop the country's Waqf properties and use the revenue generated there from to facilitate the socio-economic uplift of the Muslim community.

Table 1: Latest Registered Immovable WAQF Properties in India After Computerization

Year	Waqf Properties Registered After Computerization
2016	485111 (as on March 31, 2016)
2015	347143 (as on March 31, 2015)
2014	286009 (as on March 31, 2014)
2013	209615 (as on March 31, 2013)
2012	82294 (as on April 10, 2012)
2011	37795 (as on October 31, 2011)

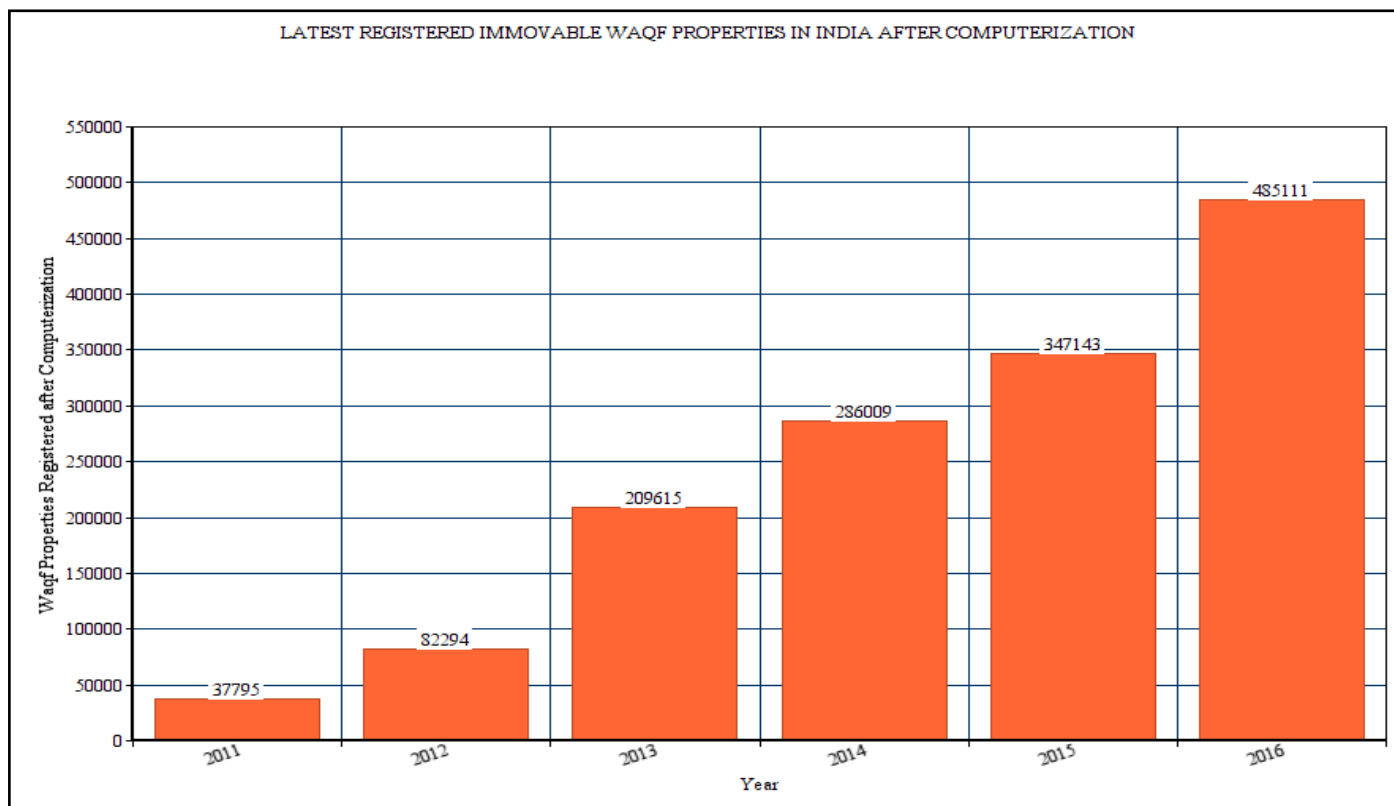


Chart 1: Registered Immovable Waqf Properties in India

Chart 1 shows how Waqf properties have been increased after computerization. From 1st April 2015 to 31st March 2016, chart shows highly increased in the Waqf properties registration. Hence, Computerization makes Waqf registration faster which in turn reduces the human effort, which in turn also increases the efficiency of the management and make it more transparent.

Computerization in management of the Waqf properties reduces the human effort due to which mismanagement of the Waqf properties were happening in past. After computerization, the management of Waqf properties improved which helped in the economic growth, but lack the human effort. In past, lots of people were engaged in the management of Waqf but mismanagement was there, after computerization human efforts lacked and economic condition improved to more transparency and efficient. Hence, computerization increased the transparency and efficiency of the Waqf properties management but recession in job for the people. Hence, the relationship between computerization (X) and transparency (Y) shown in equation (1):

$$X = \sigma Y \quad (1)$$

Equation (1) shows that as Computerization increases the Transparency does increase with some of the coefficient (σ). But the transparency doesn't justify the computerization i.e., Transparency in management of the Waqf properties cannot satisfy the computerized work is there.

Similarly, computerization and recession relates as Equation (2):

$$X = \frac{\sigma}{Y} \quad (2)$$

As computerization increases the less number of the person are required to manage the Waqf properties.

IV. Conclusion

Study is conducted in this paper how Waqf properties are managed efficiently. This paper explores different types of management strategies used for Waqf Properties by State/UT Waqf Board before and after the computerization. This study shows that the Waqf properties were not managed properly and efficiently before the computerization but after the computerization each and every parameter of Waqf properties' management has been improved. The computerization in Waqf properties increased the efficiency and transparency and it would be continued if computerization increased. But the computerization made recession in the market regarding the Waqf properties' management.

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