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# **THE CONTESTED TERRAIN OF MUTAWALLI: THE EVOLVED NATURE OF ROLE AND RELEVANCE OF MUTAWALLI AS THE ADMINISTRATOR ON WAQF INSTITUTIONS IN KERALA**

**Abdul Hadi Y.M.**

Research Scholar in Islamic History, Dept. of Kerala Studies, University of Kerala

**Dr. P. Nazeer**

Supervising Teacher, Dept. of Islamic History,  
Mannaniya College of Arts & Science, University of Kerala

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**Abstract:** As Islam asks for diverse altruistic and humanitarian efforts for community welfare, the idea of *waqf* which is the practical manifestation of the same in the Shariah law has great relevance in any society where Muslims are along. Over time, the *waqf* became a positive element of development in the past as it created a vast network of infrastructure in education, health, shelter and other public amenities in addition to Islamic religious institutions. As these properties are capable of eradicating the economic inequality among people and poverty in society, their day to day administration has vital importance in Islamic institutional jurisprudence. So that, as the one entrusted to look after these properties, *mutawalli* has a vital role to play in the Islamic religious community and wider society. The present paper is an attempt to explore the major issues with regard to *mutawalli* in the context of socio-economic and political developments of Kerala which is one of the states in India with a considerable Muslim population. For that, the author used multiple research techniques for gathering maximum information possible and to develop rich inferences about the possibility of reforming the institutional administration practices of *mutawalli* in general. The paper reasons with the need of applying professional management techniques in the functioning of *waqf* properties for realizing better social impacts out of them; hence suggests specialised training for and regular up-gradation of *mutawalli*. A detailed bibliography is also provided for further reading.

**Keywords:** Waqf, Mutawalli, Islam, Administration of Waqf Assets, Income Distribution, Poverty Alleviation, Accountability.

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**Introduction:** Since the beginning of living together as a community, human beings started to care and be concerned about each other; such calculated cooperation for a longer period eventually resulted in better living conditions and subsequently into the formation of civilizations. But they, in general, and urban civilizations notably, were socially complex and hierarchical in nature (Bowden, 2015), which resulted in the discrimination of either individuals or groups of individuals. However, such exclusionary processes were neither peaceful nor constructive, and thus met with opposition (Rai, 2018). In history, the resistance created diverse as well as evolutionary forms of events and institutions. The new forms ranged from physical clashes within society to the movement of victims in search of new geographical regions on one side and to the establishment of fresh concepts like religion, promised land, ideologies, and many others on the other. But many of them eventually, as a historical contradiction, reproduced the same social distinctions based on various attributes related to birth, blood, colour, regions, etc. within. Religions, among them, were the most resilient revolutionary resistance to such socioeconomic and political intolerance in human history (Finke, Martin, & Fox, 2017). Thousands of religions have been created, flourished, and died out throughout recorded history. But some of them survived due to patronage, protection, and trust (Hazra, 1984). Even though they went through several contradictory phases and events, most religions in one way or other ensured the existence of some of their old

traditions, either through an alternative sect within religions or as part of a formal as well as widely accepted religious structure; the institution called *waqf* in Islam is one among them (Rashid, 2006).

The history of *waqf* was traced back to the emergence of Islam in Arabia during the first half of the seventh century, i.e. the time of the Prophet Mohammed (Saleem, 2010; Ahmad, 1998). *Waqf* has functioned a vital role in the flourishing of Islamic civilization from the very beginning, as it enormously supported charitable institutions. The *waqf* is an economic endowment, offered as a charitable move, in the form of both moveable as well as immovable properties, for creating viable resources both today and in the long period, to support collective welfare needs, particularly of those who are downtrodden in the society irrespective of any social identity. This economic endowment or property is called *mawquf* (Mohamad, 2018). Even though public philanthropic endowments have existed even before the advent of Islam, it was the Prophet who made such charitable activities in the form of an institutional arrangement. The Prophet himself demonstrated the creation of *waqf* to support several requirements in society, in addition to motivating others to do the same (Saleem, 2010). It helped to strengthen social and economic cooperation in society, in addition to financial discipline among people. This interdependence among people consolidated their care for and trust in each other, which later resulted in the expansion of Islamic civilization and the empire during the reign of the Caliphates (Rasool, 2018).

**Background of the Study:** Even though *waqf* is a civil institution in principle, it is a private establishment in all practical senses (Abdallah, 2010). More than that, the *waqf* is organizationally and financially envisaged as an independent entity, away from any governmental control (Siraj, 2012). Over the centuries, the institution of *waqf* delivered an extensive volume of prosperity in community building (Bearman, Bianquis, Bosworth, Donzel, & Heinrichs, 2002). In general, *waqf* deals with the social, economic, and religious life of Muslims (Hairul-Suhaimi, Nur-Suriana, & Nor-Suhaily, 2018), and specifically, the *waqf* property is expected to be utilised for the betterment of the socially and economically backward among the community (Zobair & Hoque, 2019). *Waqf* properties are in the form of mosques, cemeteries, educational and healthcare institutions, or orphanages, but usually a combination of more than one of the above (Hassan & Rashid, 2015). At the minimum, it is visualised that a *waqf* property should provide welfare to the downtrodden in society as much as possible (Mohsin, et al., 2016). Even though the beneficiaries of the *waqf* institutions are poor or marginalised among Muslims, they never exclude members of other religions. This universal appeal and the resulting impacts of *waqf* institutions make the running as well as management of them a very crucial one.

Any legitimate property dedicated in the name of Allah is called *waqf*. Essentially, it is a contract between Allah and the *waqif*, who is the donator of the *waqf*. *Waqif* can be a person, family, or an institution. Any property which was not accessed through any kind of illegal, illegitimate, immoral, deceitful, or fraudulent manner can be transferred as a *waqf*. Hence, a *waqif* must have the capacity to enter into a permanent contract which unambiguously dictates the religious or other charitable purposes behind the *waqf*. As *waqf* assets are both fixed and movable in nature; the permanent assets belong to the form of 'continuous charity' and they result in the vast economy of *waqf* in those societies where Muslims are significantly present. It is important to note that an economic dedication becomes a valid *waqf* only if the dedication is of a permanent nature. So that, once a property is declared as *waqf*, it is perpetual in nature and not possible to revoke or alienate further (Budiman, 2014). As stated in Sharia law, it is not possible to sell or dispose a *waqf* asset in any structure but a new *waqf* may be added to that domain (Cattan, 2008). Such a property should be managed and utilised as per the terms of the *waqf* deed called *waqfiyya*. The *Mutawalli* is the agency that performs that.

In Islam, *mutawalli* is the basic unit of administration. In Arabic, it means helper or administrator. A *mutawalli* is the one who is designated to protect, manage, and expand the *waqf* property with respect to the stated terms and conditions dictated by the *waqif* (Saleem, 2010). As a *waqf* is a dedicated property in the name of the Almighty, the ownership of the property is vested in the same; hence, as the administrator of the property, the status of *mutawalli* becomes a very revered one. A *mutawalli* may not always be an individual person, but an organisation or corporate body too (Hassan & Rashid, 2015). It is important to note that a *mutawalli* is expected to have administrative and financial skills in addition to

trustworthiness and religiosity. According to Islamic jurisprudence, a *mutawalli* is managing the particular *waqf* property for the exclusive benefit of Allah's creatures, so that he is not expected to have any beneficial interest in the property. Females are not traditionally served as *mutawalli* (Mohammed Sheik v. Mohammed F. Yousuff, 2000). A *mutawalli* is supposed to look after the wealth and income of the *waqf* by avoiding unnecessary expenses. Maintenance of a proper record of all the income and expenditure of the *waqf* is his responsibility. He has the obligation to preserve the property, to create and collect revenues out of it at the moment and in the future, to properly distribute them to those defined beneficiaries. *Mutawalli* has the authority to enact anything needed for sustaining, managing, and expanding the *waqf* property but is not permitted to sell, exchange, or mortgage *waqf* property or borrow money in order to spend it on *waqf* without the permission of the competent authority. In return, he is entitled to a fixed salary, defined by *waqif*, from the revenue of the *waqf* property itself. If a *mutawalli* is found to have failed in delivering his duties, the *qadi* (Islamic judge) has the power to replace him (Hassan & Rashid, 2015). But over the period of time, along with the transformation of the *waqf* institutions, there were modifications in the role, status, and significance of *mutawalli* too. Even though *mutawalli* is a religious identity, the socio-cultural and political-economic factors of the wider society influenced as well as shaped this changing space of *mutawalli*; but such a transition was neither smooth nor free from criticism. In this background, the scholar is attempting to carve out the contested role and relevance of *mutawalli* in contemporary India.

**Scope of the Study:** Many contemporary studies report that *waqf* properties are mismanaged in general everywhere, particularly in India which is the country with the largest network of *waqf* assets in the world (Taman, 2017). There were several reasons cited behind the destruction of *waqf* properties worldwide, like historical, administrative, as well as financial management. As per the official records, there were 5,74,491 registered *waqf* properties with around four lakh acres of land in India in October 2018 (Pandit, 2019). According to the Sachar Committee Report, the value of the *waqf* properties in the country is valued at around Rs.1058 billion (Ahmed, Mustafa, & Ogunbado, 2015). Even though it is reported that *waqf* boards are the third largest land owners in the nation, after railways and defense, a majority of them are either encroached upon or underutilised (Ahmed F. B., 2009). According to the Joint Parliamentary Committee report, this is primarily happening due to either lack of competence or corruption of *waqf* administrators, including *mutawalli* (Sinha, 2008). Nationalization of these properties was one of the prime impetuses that created a situation like 'tragedy of the commons' in general, which resulted in mismanagement of the property with protected wages to *mutawalli* (Shulthoni & Saad, 2018; Sait & Lim, 2006). It is estimated that several *waqf* properties are at risk of being lost forever due to the corruption of those who are supposed to protect them.

In addition, the nationalisation of these properties was one of the prime impetuses that created a situation like the "tragedy of the commons" in general. When the state enacted macro level regulation on the operations of *mutawalli*, sympathising with its bureaucratization, the genuine and characteristically pure drive to enhance the feasibility of a *waqf* got diluted in between. These legal reforms, which hardly incorporate religious doctrines, always lead to recurring confrontations between religious communities and the state administration. For instance, a *qadi* has the power to remove a *mutawalli* if he fails to perform according to *waqfiyya*. But it is applicable only if the *mutawalli* is a biological human being and not an organisation or corporate entity. In many countries, legal reforms discarded this aspect, and as a result, the removal of *mutawalli* became difficult where it was not an individual person (Hassan & Rashid, 2015). In places like Kerala, where sharia courts are not operational, in contrast to many Islamic republics, those complaints and legal disputes with regard to *waqf* properties were addressed and are expected to be settled outside religious frontiers, where non-religious or counter-spiritual concerns and ideas are definitely influential. Such counter-productive interventions were the result of the European-based legal structure's blind dominance over the oriental (Chembea, 2017). Discarding the unique mechanisms of jurisprudence like Sharia during the time of colonialism in the colonised regions destroyed or damaged many *waqf* properties there (Stockreiter, 2015). An equally important concern relevant here is the evolving public requirements of the present period, which were not possible to imagine earlier. Similarly, many *waqf khayri* deeds (public charitable *waqfs* for the overall prosperity of society) might become irrelevant nowadays as they are not required in the changed

circumstances. So it is urgent to develop a comprehensive mechanism to revise the *waqfiyya* (*waqf* deed) without compromising the real spirit and vision envisioned by the original *waqif*.

**Statement of the Problem:** Like today, there were problems of income inequality and poverty in the long past too. The modern facilities of NGOs or state mechanisms were absent in those times. It was religion and community initiatives at the local level that addressed such concerns then. *Waqf* was one among them. They were highly pertinent in the context of India at that point. The earliest evidence of *waqf* in the Indian subcontinent is traced to Ghurid Sultan Muhammed Ibn-Sam in the north western region. The Delhi Sultanate witnessed the flourishing of *waqf* properties in India. The Arab traveller Ibn Battuta mentioned the presence of *mutawallis* during the time of Sultan Muhammed Bin Tughlaq (Faizi, 2016). During the period of the Mughals, the word *waqf* was used to refer to financial support provided even to non-Islamic entities, which subsequently made the word a reference to any endowment in any religion (Kozlowski, 1985). It was in the last quarter of the eighteenth century that *waqf* properties began to be regulated by non-religious agencies, i.e., the colonial state. Considering the pressure from Muslims, the colonial government made the Muslim *Waqf* Validating Act in 1913, which restored most of the rights and powers of traditional *waqfs*. Later, due to partition, several *mutawallis* and other *waqf* administrators left for Pakistan leaving their *waqf* properties behind. Illegal occupation of several *waqf* is also reported throughout the northern and eastern parts of India. This led to the enactment of the Central *Waqf* Act in 1954, which was amended in 1959, 1964, 1969, 1984, and 1995 to make *waqf* institutions more efficient and transparent. But expected results were never met due to the adverse performance of *mutawallis* (Rashid S. K., 1997). Even the Sachar Committee pointed out the underutilization of *waqf* properties throughout India (Obaidullah, 2012). Policy makers and experts in the area strongly believe that *mutawallis* can address and resolve this concern most effectively.

But as time evolves, the status and relevance of *waqfiyya* also changed. Hence, the interchanging circumstances for social, economic, political, and cultural reasons, will influence either constructively or unfavourably the functions of any *waqf* institution. In some cases, it will jeopardise the very existence of the entity. To prevent this, the institution of *waqf* is expected to gradually adapt to the changing conditions without giving up the spirit of the original *waqfiyya*. The experiments within Islamic management practises are a constructive method developed in order to negotiate with this dilemma. Consequently, such experiments ensured the adoption of modern market practises without surrendering religious substance. In a country like India, where Islam is confronting structural oppression, religion based productive resistance is the most vigorous and prosperous way to address these issues. The present paper is an attempt to understand the knowledge and willingness of *mutawallis* in Kerala, a state within India, to apply such Islamic management tools to expand the potentiality of *waqf* institutions.

**Objectives and Research Questions:** Even though those principles and codes that govern religious institutions are hardly variable from time to time, the wider advances in socio-economic and political-cultural spaces do affect and influence the established foundations of religion in the long run. That also influences the availability of resources required for the functioning of the *waqf*. In that context, the present paper is an investigation into the prominent issues faced by *mutawallis* of Kerala in administering *waqf* properties. Plus, it investigates the different methods adopted by the *mutawallis* to mobilise resources here. The research questions of the present paper are:

1. What are the prominent issues faced by *mutawallis* of Kerala in administering *waqf* properties?
2. Whether the *mutawallis* of Kerala adopt traditional resource mobilisation methods like *Istibdal*, *Hukr*, *Al-Ijaratain*, and *Al-Mursad* for *waqf* activities or not?
3. Whether or not Kerala's *mutawallis* use modern resource mobilisation models such as Venture Philanthropy, Value-based Capital, and Social Enterprise Fund for *waqf* activities?

The present study has two hypotheses. Firstly, it is hypothesised that *mutawallis* of Kerala are facing diverse issues in administering a *waqf* institution. Secondly, it is hypothesised that the *mutawallis* of Kerala are consciously adopting both traditional as well as modern Islamic resource mobilisation methods for smoothly running *waqf* operations.

**Literature Review:** As an integral part of the much-contested status and scope of *waqf* institutions throughout history, *mutawalli* has received diverse as well as critical attention from scholars. Hence, there is a vast pool of literature related to *waqf* and *mutawalli*. But such studies on India are hardly available. A detailed scrutiny of them found that *waqf* institutions are managed very poorly, which resulted from the absence of basic repairs and maintenance (Ahmed & Khan, 1998) to even the dispute over the legal validity of *waqf* documents (Singh, 2012). Those scholars who probed into the relevance of such institutions argued that *waqf* cannot provide economic energy anymore to its surroundings considering their poor performance in present times. Among the cited reasons for such a condition, the administrative lapses and the lack of honesty and integrity of *mutawallis* are specifically highlighted (Shulthoni & Saad, 2018; Ali, Rahman, Ahmad, & Mahdzan, 2015; Hassan & Rashid, 2015).

There were several theoretical concepts argued in relation to the socio-political existence and relevance of *waqf* institutions and the counter responses against those adverse political moves in the history of diverse regions. The neighbourhood principle was greatly influenced by *waqf* tradition, as this principle states that any individual is expected to have reasonable care while delivering any service that affects other individuals, positively or otherwise (Hassan & Rashid, 2015). James Scott's 'theory of everyday resistance', i.e. forms like footdragging, non-compliance, feigned ignorance, slander, or similar ones, which use the common tools of resistance to oppose complete oppression. The gradual shift from supporting *waqf* efforts to supporting other kinds of philanthropic activities was observed among Muslims worldwide as a silent reaction to the dilution of Sharia law by the state administration (Chembea, 2017). This is interpreted as a turn towards establishing pure Islamic culture universally. Talal Azad's 'discursive tradition' as a discourse which seeks to instruct practitioners about the correct form and purpose of a given practise is relevant in that context (Chembea, 2017). The relevance of agency theory, developed by Jensen and Meckling, was also analysed in the context of *waqf* management (Zeni & Sapuan, 2017). An alternative Islamic corporate governance model was also developed wherein *mutawalli* is treated as an 'agent' (Lewis, 2014, 2005). Islamic values advocate transparency, accountability, fairness, and honesty in administration (Sapuan, 2016), which are also treated as the fundamental pillars of Islamic corporate governance.

Many studies suggest that corporate management styles should be incorporated into *waqf* governance (Zeni & Sapuan, 2017; Ahmad & Rashid, 2016). Those scholars who looked into the professional management of *waqf* properties proposed that the indoctrination of modern management practises into the *waqf* administration is not against the foundations of Islamic jurisprudence (Sait & Lim, 2006; Choudhury, 2003; Saad 2001; Basar 1987) and, moreover, it will make them more transparent and responsive institutions. Experts proposed several options to increase the utility of *waqf* properties, like *takaful* (Islamic insurance), *musharakah* (joint enterprises), *mudarabah* (capital and business know-how provided by two independent firms), and Enterprise *Waqf* Fund (utilization of cash *waqf* funds as venture capital) (Ahmed, Mustafa, & Ogunbado, 2015). There are *waqf*-based resource mobilisation models like Venture philanthropy (VPWM), Value-based capital (VBCM), and Social enterprise (SEWF) (Ahmed, Mustafa, & Ogunbado, 2015). Traditional tools such as *Istibdal* (Sulong, 2013), *Hukr* (Baer, 1997), *Al-Ijaratain* (Zarqa, 1994), and *Al-Mursad* were challenged by Islamic scholars based on their Quranic value. The possibility and challenges of employing organisations such as *Mutawalli* were also examined by researchers (Mutalib & Maamor, 2016). The similarities between *waqf* institutions according to the pure spirit of Sharia law and present day trusts were looked into (Abdullah, 2014). But it was the divergent blossoming of political philosophy that diverted the history of *waqf* in the late nineteenth and twentieth centuries. The formation of modern states, along with every other institution, necessitated the reframing of *waqf* too; so that they were brought into the ambit of the legal framework in all countries. The manner in which new legal interventions interpreted the appointment and responsibilities of *mutawalli* were discussed in literature with regard to particular nations like Sudan (Hasan, 2007), India (Cizakca, 2000; Ahmed & Khan, 1998), Pakistan (White, 2006), Bangladesh (Sadeq, 2002), Egypt (Tawfiq, 1998), Malasia (Siraj, 2012), Nepal (Khan, 2002), Sri Lanka (Marsoof, 2002), and Turkey (Eryilmaz, 2002) among others. Enactment of *waqf* acts in many countries transferred the administration of *waqf* assets to either *waqf* administrator or *waqf* commissioner (Ahmed & Khan, 1998) which ultimately resulted in the increasing inefficiencies of them (Saleem, 2010; 2009). Bureaucratic

inefficiency affected the administrative nature of *waqf* through this; hence returning such assets to private management will make them more professional in disposition (Baskan, 2002). As there are vast unutilized *waqf* properties reported (Ismail, Salim, & Hanafiah, 2015; Singh, 2012), they can play a vital role in the socio-economic transformation (Bellhachmi, 2004). In the same line studies that looked into the role, status and performance of *mutawallis* in the past and present too (Zeni & Sapuan, 2017; Sanjuan, 2006) were available. There were investigations about the accountability of *mutawalli* (Hairul-Suhaimi, Nur-Suriana, & Nor-Suhaily, 2018; Mohamad, 2018; Yasmin, Haniffa, & Hudaib, 2014; Hairul-Suhaimi & Hisham, 2011; Hidayatul & Shahul-Hameed, 2011). Most of those studies mentioned that *mutawallis* are not accountable which results in the deterioration of the value of *waqf* institutions (Ihsan, Sulaiman, Alwi, & Adnan, 2016; Hassan & Shahid, 2010; Rashid, 2008). The economy of *waqf* greatly depend upon the management of the properties over the time; hence the role of *mutawalli* is very crucial (Mohamad, 2018; Budiman, 2014). Similarly, there are religious perceptions on *mutawalli* too. As Allah is not a physically tangible entity, the community is considered to be the actual heir of *waqf* and through the appointed *Mutawalli*, controls its affairs (Ahmed, 2014). Within Islam, different schools of jurisprudence like *shafi*, *maliki*, *Sharia-ul-Islam*, and *Hanafi* has slightly diverse views on *waqf* institutions along with the status of *mutawalli* (Sherwani, 2015; Shatzmiller, 2001; Leeuwen, 1999). The historical records of *mutawallis* in accordance with different schools of Islam were also available in literature (Dale & Payind, 1999).

There are many studies that deal with the historical perspective of *waqf* in India in which *mutawalli* is discussed at large (Saleem, 2010; Rashid, 2008). Among them, the history of *waqf* and the slightly diverse characteristics of *mutawalli* as a response to the socio-political conditions of different regions and societies, like Delhi (Rasool, 2018), Punjab (Sherwani, 2015), West Bengal (Ahmad, 1998), and Jammu & Kashmir (Banday, 2009) were discussed. As there were many laws regarding *waqf* property and institutions in India, most of them touched *mutawallis* too. It is important to note that ensuring accountability of *mutawalli* was one of the prime aims of any legal reforms related to *waqf*. There were mutually disputable references with regard to appointment, power, duties, and removal of *mutawalli* in different legislations within India (Sherwani, 2015; Banday, 2009; Ahmad, 1998). Similar studies were done on other nations too (Saleem, 2010; Husain, 2008).

**Methodology:** The researchers used qualitative methodology to uncover the various aspects related to the established and newly added responsibilities and duties of *mutawalli* in the administration of *waqf* properties through the various literature available. Hence, the study relies on secondary data from various research journals, monographs, and theses'. Personnel association of the researcher with a regional *waqf* institution, which has a mosque, a school, a library, and a community hall, since childhood helped to conduct an ethnographic study on the given objectives. Along with that, detailed interactions were conducted with the *mutawalli* of three revenue taluks in the region, namely Varkala, Chirayinkeezhu (in Thiruvananthapuram district) and Kollam (in Kollam district), in addition to several community leaders and other stakeholders. These interactions were informal in nature and aimed to ensure the collection of maximum information from respondents. But the researchers also conducted semi-informal interviews with managers and chairpersons of different community organisations in the region about the relevance of modern Islamic management models in *waqf* governance and some common questions. To avoid the uncomfotability of respondents, the interactions were not recorded but their details were noted down later. Such a methodology was adopted because, compared to quantitative techniques, qualitative techniques hold the potential to bring out the different real-life situations (Vaus, 2013) of the present status and functions of *mutawalli*. The paper used separate tools for analysing different objectives. For analysing the secondary data, which includes both academic and non-academic literature, the tool of desk review of existing literature is used. The inferences gathered from the careful study of collected secondary materials were used to analyse information provided by different respondents during interactions.

**Analysis and Findings:** The ethnographic observations and detailed interviews, along with the vast literature review, helped researchers to collect large amounts of information on the relevance of *waqf* institutions in general and particularly in the context of Kerala. More than that, their stand on

developing the present structure of *waqf* into new multilevel activities and sectors was also gathered. Their response towards considering modern management techniques which are developed in the context of Islamic societies for raising new and continuous resources to finance institutional activities were also collected. The details and their analysis are given in the following.

The paramount importance of voluntary welfare service in an unequal world is accepted by all. All those people that the researchers interacted with agreed on the scope and contributions of *waqf* institutions in the current society. Most of them are aware of the increasing hurdles in continuing the assigned duties and responsibilities of their *waqf* in changed circumstances; and admit that they are seeking solutions to address them. Some of the people interviewed had a positive attitude and foresaw no threats to their social operations. But in those group interactions, it was revealed that all of them are concerned about the increasing pressure to identify new sources for successful existence.

The majority of the *waqf* institutions in the region are more than half a century old, and some of them started in the early years of last century. The aims and objectives envisaged by the *waqif* present both opportunities and limitations to *waqf* operations. Some aims mentioned in the deed became less and less relevant in the course of time. Supporting the families of jailed Muslims for opposing both colonial and kingship rule is one prime aim of the *waqf* in which the Chirayinkeezh is studied. But it is the late second and third generations of such affected people that are alive now. The perceived support visualised around eighty years ago for these families is not needed now. Even though the *waqf* was requested to incorporate the prisoners into the kinds of juvenile, political, women, and those in foreign prisons at different points of time, the deed technically remains the same. A similar incident is presented by a community leader from Alamcode. A vocational training institute for boys was started in 1961 as a *waqf*. Carpentry, plumbing, and type writing were used to teach there. But over a period of time, typing classes were stopped due to the absence of students. The two *mutawallis* since 1988 were reluctant to start any new course like IT or fashion designing and to enter female students also. The reason they cited was that those old courses were started by the *waqif* itself as the first *mutawalli*; hence replacing those courses and allowing entry of women would look like a lack of respect towards him. Similarly, the playground adjacent to a community hall in Kalluvathukkal was taken over by the government to widen the public road nearby. Instead of demanding an equal amount of land for making similar ground, the *mutawalli* and others accepted monetary compensation. Even though they specifically mentioned the preservation of that ground in the deed, the *waqf* representatives settled for a monetary reward here whose market value will decrease overtime.

The fieldwork revealed that many *waqf* institutions do not have sufficient financial resources to run them. The initial capital endowment in the form of land, buildings or a fixed deposit may not support the *waqf* institution in the long run. The challenge is not only the increasing operational costs but also the creation of unforeseen expenditure from many corners. One mosque associated with a *waqf* in Parippally required a lumpsum amount some years back to construct a compound wall. The mosque has a cemetery and madrassa along with it. The *mutawalli* struggled to raise the amount. As there was hardly any revenue from the given land, without donations the institution cannot run for a long time and arranging it is not easy for all. As new charitable organisations were established over the time in the region, the possibility of receiving donations were getting divided. When financial resources are insufficient to meet the different requirements of the *waqf* property, the chances of inactiveness is becoming high.

Inefficient use of available resources is another issue. Due to the lack of professionalism of *mutawalli* and others, sometimes the resources get wasted. In 2004, one of the heirs of a *waqif* in Kaniyapuram donated twelve cents of prime land to the *waqf*. As the land was close to the main road in a busy junction, it was better to utilise the land for a durable investment like rented shops, which would provide continuous revenue. But the land was used to construct homes for four homeless families. Even though it was a divine effort, the *waqf* institution ended up in financial crisis later. One of the interviewees observed that it was due to the absence of experts to consult or advise *mutawallis*. He suggested the formation of State *Waqf* Service may help here. Lack of funds is not a problem faced by all

*waqf* institutions. Those devotees living locally and working abroad extend donations often, but there is an imbalance at the receiving end. Depending on the importance of *waqf* property and the communicative skills of the *mutawalli* and other volunteers, some *waqf* institutions receive more funds than others. It was suggested that if there is a central agency to pool all these financial donations and to distribute it according to the needs of different *waqf* institutions, the problem may get diluted in between.

Lack of or reducing faith among people is observed as an obstacle to the crisis of *waqf* institutions. When faithful devotees decrease, particularly among educated young people, the accountability of *mutawalli* to manage the institution is greatly diminished. More than that, when faith decreases, spending on non-religious or non-community heads will rise; it will adversely affect both the present and future revenue of such institutions. When young Muslims lack interest in attending community prayers in mosques, it may lead to a denial of *zakat* by the time of their next generation. But when cross examined with others, everyone disagreed. Due to work and studies in distant locations, many devotees are not attending prayers at the mosque, but that does not equate with a lack of faith. Some others responded that the absence of youth in mosques is nothing new. Youth, particularly the educated ones, lack faith in God in general, but they always participate in other cultural and welfare programmes organised by the community. But some respondents complained about the lack of co-operation from some government officials, including those in the State *Waqf* Board. It affects the smooth functioning of the concerned *waqf*. The researcher too noticed such an attitude in some officers. They are not anti-Muslim but have partiality. They discriminate against some *waqf* institutions in support of others. Their attitude is capable of delaying some official papers and demoralising the concerned people. Without lobbying and diplomatic skills, moving along with such officers is difficult.

We need to accept that several *waqf* institutions are doing activities which are not included in the original *waqfiyya*. Considering the changed circumstances, several *mutawallis* went ahead with activities which are particularly required for existence. A *waqf* which was established even before Indian independence in Kaniyappuram added schools, a nursing college, a hospital, a public amenity centre, counselling and finishing school over the years, to the original mosque and madrassa. Even though it was not mentioned in the original *waqf* deed, the *mutawallis* managed it by making an informal understanding with the State *Waqf* Board and other stakeholders. According to Sharia law, only a qadi has the power to permit amendments in *waqfiyya*. But such attempts are not always successful. When a *waqf* in Meenambalam attempted to start a social science college, in addition to the original school, it was stayed by court after a complaint. The complainant accused corruption in that move. It took three years to settle the case outside of court.

It is true that mismanagement and corruption happens in the *waqf* institutions of Kerala. Illegal transfer of *waqf* assets has been reported several times in the state. Undue consumption of *waqf* assets for the personnel purposes of *mutawallis* and other concerned people is regularly happening. Appointments through commission in *waqf* related institutions and firms are very rampant. But another serious issue is the lack of awareness about alternative management techniques or the disagreement towards experimenting with them in meeting funds for routine and evolving requirements. It is important to note that several *mutawallis* are already practising these methods but not by theoretically knowing them. Similarly, they neither make a record of practising such methods nor inform the larger stakeholders about them.

The traditional Islamic practises of *Istibdal*, *Hukr*, *Al-Ijaratain*, *Al-Mursad*, and the modern practises of VPWM, VBCM and SEWF are considered here. *Mutawallis* are generally aware of all the traditional ones but hardly of the modern methods mentioned above. Regarding *Istibdal*, most of the *mutawallis* have the opinion that it is against the laws of Islam. Exchanging the assets of one *waqf* for another equally valuable or more valuable property to enable the present *waqf* to continue with the same kind of welfare activities is called *Istibdal*. From the interview, it is realised that *waqf* properties are getting substituted in Kerala, but mostly for cash. *Waqf* institutions are selling their properties to raise capital to finance their welfare operations. The researcher had a conversation with a buyer who participated in such a



transfer of land in Shakthikulangara. But some *mutawallis* believe that *Istibdal* should be used only as a last option. They pointed out the possibility of corruption in the deal when calculating the value of property, the value of the intended objective, and the recordal value of the property. Even though new properties are expected to be added to the original ones and receive donations for running them, the *waqf* assets are not supposed to be sold or exchanged, either completely or in part. Considering the absence of social auditing and professional management, the risk of corruption is very high here.

Except for two, all the other *mutawallis* disagreed with the *Hukr*. In this method, a *mutawalli* can sell the right to an asset for lease at a nominal periodical rent. The leased amount and the periodical rent are expected to be used for developing other *waqf* properties. As the lease is for a long period, the lessee is expected to develop the leased property at his wish and risk. While interviewing, two *mutawallis* from Pallickal and Mayyanad respectively expressed their preference for *Hukr* as it helps to develop the property in the long run without any cost and to make a lumpsum amount of money in a given time without losing the legal right over it. But others responded that *Hukr* is like any other ordinary lease where the owner practically loses all rights over the property for a given period. The lessee can use the property even for non-Islamic Haramic purposes. Similarly, as we see in the case of *Istibdal*, the effective use of the leased amount completely depends on the management of the *waqf* institution.

The third traditional method of resource mobilization, *Al-Ijaratain* is the renovated format of *Hukr*. Here, the lumpsum payment at the beginning of the lease is used for a particular construction or development within the leased property. The lease will technically start only after this value addition. *Mutawallis* generally have the opinion that *Al-Ijaratain* is beneficial only if the purpose of the deal is to construct a particular building within the land. But considering the prolonged period of lease, it is difficult to find a potential buyer who will legally agree to protect a building for specific purposes for such a long time. A *mutawalli* from Umayanalloor explained about his attempt to do an *Al-Ijaratain* in the early 2000s for an old ancestral home, which was part of the *waqf*, along with adjoining agricultural land. He failed to finalise a willing buyer and finally transformed the building into an old age home by leasing out the land only.

The fourth one, *Al-Mursad* is the loan given to a *mutawalli* by a lender on the collateral security of a *waqf* property. The *mutawalli* is expected to repay the loan only after a long period. The *mutawalli* can construct a building or develop the collateral property by using the loan. This is like an ordinary loan taken from a bank, but the repayment period is not specified. The lender may use the property for other purposes in exchange for a rent, but this will not affect what the *mutawalli* has built there. Many *mutawallis* agreed that such techniques were used in order to mobilise resources. When new activities or assets are added to the existing *waqf* property, it will help the *mutawalli* to mobilise more donations and *zakat*. This helps to repay the loan. One *waqf* even supports other institutions considering the ease and impact of *Al-Mursad*.

The knowledge about modern management practises of resource mobilization, which are prevalent in Islamic republics, is very limited among *mutawallis* in Kerala. Hardly any *mutawallis* interviewed were able to respond to them. But a community leader and an NRI businessman based in Riyadh were able to reflect on the relevance of these in the context of Kerala. The fundamental doctrine of Venture Philanthropy of Waqf Model (VPWM) argues that sustainable *waqf* operations will guarantee a continuous flow of revenue through philanthropic activities. Here, *waqf* operations are expected to create sustainable capital. According to this model, *mutawalli* and management need to actively engage in social work with the aim of developing a particular institutional activity like school. For a given period, the *mutawalli* and others are expected to collect funds by highlighting the welfare activities going on. In the next stage, the raised fund will get invested. Here the school will start functioning. In the final stage, the revenues created from previous investments will be used to continue and expand the ongoing philanthropic activities or to start a new one. It is like mobilising revenue from alumni of the school, along with donations and *zakat*, for further development. It is observed that this *waqf* model is very common in Kerala even though *mutawallis* are not technically aware about it. According to the Value-Based Capital Model (VBCM), a *waqf* institution will actively engage in welfare operations. These

operations are both revenue generating (community hall) and non-revenue generating (mosque). The cost of preserving both is calculated. Now the *mutawalli* is expected to preserve both kinds of institutions equally. For that, the *mutawalli* is expected to use all the *waqf* assets to generate maximum revenue out of them. This revenue is supposed to be used to preserve all those *waqf* activities mentioned above. From the field experience, the researcher observed that *waqf* management always tries to prioritise revenue generating activities over others. As the largest non-profit initiative in Islamic society, *waqf* operations are better suited to the Social Enterprise *Waqf* Fund Model (SEWFM) because it ensures sustainable resource mobilization. In comparison to VPWM, here the emphasis is on managing revenue generation and philanthropy rather than meeting external resources. Here, the ongoing *waqf* institutions have special importance because the *waqif* is giving funds to strengthen these institutions only. A *waqf* will have several institutions under it. They can mutually support each other. Along with this support, they will forward an amount that is more than sufficient to run the *waqf* to *mutawalli*. The additional amount is expected to be invested in new assets to create additional income in the future. Even though it is difficult for new and non-established *waqf* institutions, this model is widely accepted in Islamic countries as it is based on value creation on one's own resources and prioritising social prosperity. Very few *waqf* institutions, but established ones, in Kerala are attempting resource mobilisation by using SEWFM.

**Discussion of Hypothesis:** The analysis shows that the *mutawallis* in Kerala are facing diverse issues in running their *waqf* institutions. One of the fundamental issues is related to the present relevance of the objectives of old *waqf* institutions. Several previous studies identified similar problems due to *waqfiyya* (Singh, 2012). Lack of sufficient financial sources to support *waqf* operations is another issue. Inefficient use of available resources is another problem affecting *waqf* institutions in Kerala due to lack of professionalism in *mutawallis*. There were similar studies previously too (Shulthoni & Saad, 2018; Sinha, 2008; Sait & Lim, 2006). Lack of reducing faith among people is cited as a hindrance to resource mobilisation like earlier studies. Unneeded government interference and bureaucratic red-tapism are identified as issues affecting *waqf* operations worldwide (Baskan, 2002). Several studies have highlighted the mismanagement and corruption of *mutawallis* (Taman, 2017; Ihsan, Sulaiman, Alwi, & Adnan, 2016; Ali, Rahman, Ahmad, & Mehdzan, 2015; Hasan & Rashid, 2015; Hassan & Shahid, 2010; Rashid S. K., 2008; Ahmed & Khan, 1998). Based on this discussion, the hypothesis that *mutawallis* of Kerala are facing diverse issues in administering a *waqf* institution is accepted.

The above analysis also reflects on the stand of *mutawallis* on traditional Islamic resource mobilisation methods. The *mutawallis* of Kerala are attempting *Istibdal* as reported in other countries (Hisham, Jasiran, & Jusoff, 2013). But some *mutawallis* are considering it as not Quaranic like their counterparts elsewhere (Sulong, 2013). As observed in various investigations, the presence of corruption is accused in Kerala also (Rani, 2015). *Hukr* and *Al-Ijaratain* are not so popular here. But *Al-Mursad* is common among *mutawallis* in Kerala like those reported (Kahf, 1998). The knowledge of modern management techniques for resource mobilisation is rather limited here. Compared to SEWFM and VBCM, the most popular in Kerala is VPWM. The SEWFM is used by prominent and big *waqf* institutions here. It is important to note that *mutawallis* are aware of these modern techniques, even if not technically. Based on the discussion, the hypothesis that *mutawallis* of Kerala are consciously adopting both traditional as well as modern Islamic resource mobilisation methods for smoothly running *waqf* operations is only partially accepted.

**Limitations of the Study:** Even though the present paper is capable of shedding light on several aspects of *waqf* institutions in Kerala, it failed to reflect more broadly on the region. The paper failed to mention at least one reference to the *waqf* properties in Kerala. Similarly, the history and present economy of *waqf* in the state are also missing. Considering the relative prosperity of Muslims in Kerala (Prime Minister's High Level Committee, 2006), it is better to explain the impact of *waqf* institutions here. The relevance of *waqf* in the life of non-Muslim people is equally important to address here considering the social habitats of heterogeneous communities. But the biggest limitation is with the samples selected. The samples are not representative in nature as the three tehsils took here are

neighbouring ones. The paper takes only Islamic methods of resource mobilisation when several other avenues are vibrantly available.

**Conclusion:** For those who have close ties to religious institutions in their communities, a religion is more than just a belief system; therefore, sabotaging any individual component of it would have a far-reaching impact on their lives. *Waqf* is more than just a symbol of Islam; it was a catalyst that accelerated the entire socio-economic variables in respective regions, even crossing religious boundaries. Thus, as those entrusted to look after, maintain and develop *waqf* properties over time, the *mutawalli* has an extraordinary role and relevance in the local society. Considering the significant additions granted by the *waqf* institutions throughout the world, ensuring the preservation as well as enrichment of the same has rational ground. The same reason holds for addressing the conventional and contemporary challenges experienced by the *mutawalli* too. Among them, the most crucial skill is their ability to both administer and enlarge the available property according to the objective stated by the *waqif*. Considering the continuous transformation in the socio-economic and political circumstances in any society, it is necessary to constantly adapt to the new situation and modify the modus operandi of running the institution thereof. So a *mutawalli* is expected to professionally manage the state of affairs from time to time like an executive officer of a competent NGO. Understanding and responding to those relevant management models for equipping *waqf* institutions is expected from each of the *mutawalli* in that respect. Bridging the spiritual and managerial proficiency of *mutawalli* is a pressing need of the time considering the relative and absolute backwardness in countries like India. If not, the state intrusion will definitely culminate in the meaninglessness of *waqf* institutions.

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