

Legal Framework of Waqf Management in Bangladesh: An Analysis of the Challenges and Prospects

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ABSTRACT

Waqf is a type of voluntary charity that is one of the foundations of the Islamic economic system. Islam not only encourages waqf organizations to construct mosques or shelters, but also approves of them in order to accomplish general advancement in terms of social, cultural, and financial appropriateness, as well as moral, spiritual, and religious superiority. Bangladesh is not exceptional in this regard that Muslim nations around the world uphold various norms for the administration of waqf property. It is often experienced by non-philanthropic and corporates that waqf in Bangladesh also deals with issues and sees opportunities through its administration and operations. Shortage of financial resources, a lack of waqf land, inefficiency, loopholes in the legal framework, unregistered waqf land, and waqf on leased land have all been factors in the growth of waqf. This research aims to highlight the problems and obstacles that occur with the waqf and prevent the advancement of waqf management and administration. The current waqf activity in Bangladesh will be given special consideration. In terms of concrete financial metrics and poverty alleviation, the study also makes an attempt to assess waqf's contemporary work in Bangladesh. However, the data collected through literature review from secondary sources indicate the Waqf institution in Bangladesh lacks appropriate management components that cause data imbalances. As a result, the findings of this study indicate that there should be serious consideration given to improving the nation's Waqf and introducing legislation that uses a combination of conventional religious doctrine and cutting-edge

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management techniques to better manage, unify, and organize the waqf properties in Bangladesh.

Contribution/Originality: This study contributes to the existing literature by critically examining the recent Waqf management in Bangladesh. Through analysis, it concludes that there is a need for serious consideration to introduce legislation that uses a combination of conventional religious doctrine and cutting-edge management techniques to better manage, unify, and organize the waqf properties in Bangladesh.

1. Introduction

In eternity, a waqf is a unique type of charitable act. It entails giving a permanent asset that can bring about a profit or advantage. Afterward, certain beneficiary categories are served by the income or benefit that was earned. Waqf is a solid Islamic economic tool, meaning religious endowment in the true sense, and is considered a gift of strictness, piety, charity or donation (Sano & Kassim, 2021). It may be the best source of public welfare dedicated to the general progress of Muslim society (Laallam et al., 2020). In this way, Waqf emerged as a basic institution in Muslim society, effectively distinguishing between different Islamic and social associations, just like helping the helpless among the people, and greatly reducing poverty (Hasan & Siraj, 2016). Its advantages are not limited to Muslim community, but go beyond social, racial, cultural and religious boundaries restrictions (Kahf, 1998). It started all the way back to the moment of the Prophet (peace be upon him). He practiced and progressed it himself, and some of his companions followed this glorious task. The main appearance of waqf in Islam is the foundation of "Masjid al-Qubā" near Medina, followed by "Al Masjid al-Nababi", which was built by the Prophet (pbuh) himself. Almost every Muslim country is actively trying this approach along these lines, but the arrangements of executives, associations, and organizations are slightly different. Bangladesh, the third-largest nation on earth by population (87 percent), is a Muslim-majority nation (Hossain, 2016). As a Muslim nation, there are Islamic institutions like Zakah, Waqf, and others. Waqf has a lengthy history in the nation as an institution. In Bangladesh, the majority of waqf holdings consist of mosques, madrasahs, edghas, mazars, darghas, medicines, lands, outlying regions, minor hills, and real estate. In the recent past, the nation has seen a growth in protected innovation "cash waqf (Ahmad, 2015). Waqf is supervised by the Ministry of Religious Affairs (MORA) through its cooperative agency called "Waqf Bangladesh". In 1986, the Bangladesh Bureau of Statistics carried out an inventory of Waqf properties. It was discovered that the registered Waqf estates earned a total of 708,293,652 Taka every year, or about \$8,853,670 in US dollars (Hasan & Siraj, 2016). Although there are still a lot of Waqf properties that have not been registered, this payment is solely from a bequest from a registered Waqf. Private waqf institutions are in charge of them. However, due to some problems, waqf has not been regarded as a viable tool for poverty alleviation in Bangladesh (Jalil, et al. 2020).

The important part of this poverty reduction has ignored Zakah and Waqf's ability. Waqf is a common and unique foundation compared to Zakah, but by generating uninterrupted wage growth, it has considerable ability to eradicate poverty. Its commitment to human development in the Islamic region is extremely large, far beyond ordinary foundations (Hoexter, 1998). The registration of waqf property in Bangladesh may be classified into three broad types. The first is that waqf is registered with the Office of the Waqf Administration (OWA); the second is that waqf, which is a private

trust, is not recorded in the Waqf Administrator's Office of the Ministry of Religious Affairs; and the third is that waqf is managed by Mutawallis or the management but is not linked with OWA. Only the waqf property belonging to the first classification belongs to the waqf administration management of the public authority. Since the second and third categories of waqf properties are not enlisted, they are not directly controlled by the Waqf Administrator's Office because OWA is not directly related to the different types of transactions, dynamics and daily exercises.

There are around 21,000 waqf lands in Bangladesh of which only 12% of waqf lands have been fully progressed (Hoexter, 1998). Due to the inability of waqf experts to record, in addition to no reliable information, there are still loopholes in the rest. Of course, the improvement of waqf land also further elaborates the problems and difficulties, such as lack of monetary assets, lack of inefficient waqf land, attached conditions in the legal framework, unregistered waqf land and waqf on leased land. Furthermore, there is a source of social assets, which is worthless economically and politically. This is the cash waqf under the Islamic financial philosophy. Cash waqf is a new advancement that allows individuals to provide appropriate gifts to Waqf institutions. In Bangladesh, cash waqf classification and management are done through several Islamic banks. Donors can open a waqf cash account by keeping a substantial amount or by providing a basic amount that they are not allowed to withdraw every month. These stores are usually placed in risky choices in accordance with Islamic teachings, and the benefits are given to recipients through contributors or according to their outline.

The very first part of this paper gives a verifiable summary of Waqf in Bangladesh, and then it briefly describes the Waqf Administration and development history responsible for overseeing Waqf in Bangladesh. The last part discusses contemporary issues and challenges that affect Waqf's effective management to change poverty in Bangladesh. When describing different issues, involving management and information leakage issues, the legal framework tends to provide key knowledge for various partners. At the end of this article, the possibilities and ideas are presented to propose a standard waqf law. Taking into account each of the issues identified in the paper, legal framework for the waqf land management should be developed.

2. A Brief History of Waqf Management in Bangladesh

The enormous national waqf assets of Bangladesh, which include a sizable quantity of untapped money, have the potential to greatly influence their socioeconomic advancements. There was an extremely rich "waqf" custom in Bengal during the Mughal period. The most notable public religious organization is the Mohsin Fund started in 1806. The majority of waqf was governed by Muslim personal law (Islamic law), which was in charge of the waqf estate under the British rule. The chief of one area, Qadi, was once a protector bequeathed by waqf estates within his jurisdiction. Despite this, the chief district judge lacks both legal authority and a well-organized mechanism for handling and processing waqf property. The Bengal Waqf Act, 1934 was still in operation and was used to handle waqf in East Pakistan (now Bangladesh) after Pakistan was created in 1947. Then, in 1962, the Waqf Ordinance was passed without removing the Waqf Act of 1934. In line with section 5 of the Bangladesh Laws (PO48 in 1972), which are in effect in the nation, Bangladesh's public authorities kept and modified the Waqf Ordinance 1962 after gaining independence. In 2013, a law called

"Waqfs (Transfer and Development of Property) Special Provisions Act, 2013" (Act No. v of 2013) has been recognized as waqf.

At first, the waqf of Bangladesh was under the Ministry of Education. Then, in 1972, it was placed under the jurisdiction of the Ministry of Land Reform and Land Administration. Currently, the waqf in Bangladesh is managed by the Ministry of Religious Affairs. The government authorities designate a Waqfs administrator for a term of five years in line with the ethics of section 7 of the Waqfs Ordinance of 1962. He ought to follow Islam. A Waqf committee was also created by the ordinance to assist the administrator. Similar arrangements that the deputy and assistant administrator can designate under the Ordinance might be deemed significant. The capital, Dhaka, is where the Office of the Waqf Administrator (OWA) is situated because section 12 of the Ordinance specifically calls for and arranges for it there. There are four departmental offices in Dhaka and 24 district-level offices in addition to the Chief Administrator's Office. With this, there are now 29 offices nationally that deals with waqf concerns.

The ordinance approve penalties for mutawallis who neglect to register their waqf at the waqf office, in any case, many mutawallis are not enlisted and violate discipline in some way or other the waqf propertise are not monitored by Mutawallis according to the arrangement of the waqf contract (Karim, 2010).

The waqf organization in Bangladesh was eventually run by a waqf administrator with assistance from 111 other officers and employees. The management of various religious and socioeconomic organizations, such as 10,000 mosques, 500 Islamic schools (Madrasha), 10 orphanages, 5 charitable pharmacies, etc., falls within the purview of this department and all of its asset restrictions (Ahmad, 2015).

The Waqf estate in Bangladesh is functioning hard to help the religious institution (Karim, 2010). This is really predictable because the Muslim benefactor bears religious mind or respect his/her mind, so the customary goal is to formulate waqf in detail. All waqf heritage in Bangladesh is supervised by an established committee. In fact, the management of the waqf estate in Bangladesh by the heirs is particularly unexpected, as the estate of these heirs may hinder their cruel, smooth and practiced activities/management.

In Bangladesh, there are two types of waqf resources: registered and unregistered. Depending on its enlistment status, it is under control. All registered waqf properties are under the exclusive trusteeship of the Ministry of Religious Affairs. Even Waqf Bangladesh, a state-owned organization established to support the Ministry of Religious Affairs, has a responsibility to handle the heritage of the waqf. The waqf administration was set up to test all the dynamics at the Waqf Bangladesh central office in Dhaka. Due to unregistered waqf property, a trustee chosen by waqif is in charge of overseeing the property (donor). In 1989 and 1983, respectively, the Bangladesh Bureau of Statistics carried out two separate surveys titled "Census of Waqf Estates" and "Mosque Census" to ascertain the value of waqf assets (Hasan & Siraj, 2016). Most of these resources were dormant and either unregistered or improperly documented. These significant properties have occasionally been neglected, rented for mere pennies, or sold for dirt cheap (Ahmad, & Safiullah, 2012).

The Waqf Ordinance 1962 (East Pakistan) was last amended by the then Bangladesh government in 1972. The laws in it were obscure and inadequate, and there were no

practical obstacles to truly understand Mutawallis and officials corruption. It turns out that although there are a staggering 1,50,593 mosques kept up by waqf property among the approximately 200,000 mosques, only 15,300 have joined the government's "Waqf" administration department. Following these lines of thinking, this is an ideal opportunity for Bangladesh to enact a law that relies on a mix of obvious traditional waqf rules and management tools in order to better manage, organize and administer Bangladesh's waqf property.

3. Waqf Management and Administration

There were no fixed and obvious philosophies or potential rules to manage waqf property at first, but with the rise of huge waqf property and its corresponding complexity, the researchers of traditional Islamic Shariah law wanted to form definite principles and tools to guide their management, administration and organization, and finally brought a large number of books, works and reviews (Hossain, 2019). Nevertheless, Muslim countries all over the world are observing different religious belief management principles. Bangladesh does not have this exemption. As a Muslim country, Bangladesh participates in the supervision and management of waqf property in order to eliminate poverty for hundreds of years. According to the Department of Waqf Bangladesh, the Waqf Validating Act 1913, the Waqf Validating (Amendment) Act 1930, the Bengal Waqf Act 1934, the Waqf Ordinance 1962, the Waqf Administration Rules 1975, the Bangladesh Waqf Admin Employees Service Rules 1989, and the Waqfs (Transfer and Development of Property) Special Provisions Act, 2013 are the current standards and regulations pertaining to the operation, control, and management of waqf property. The 1962 Ordinance requires all waqf properties to be registered by the trustee or mutawalli in the administrator's office for their prosperous time (Rob, 2015).

During the British occupation, waqf estates were once controlled by Muslim Personal Law (Islamic Law), which governed key parts of waqf. The chief Qadi of a region was once the guardian of the waqf properties in his region. Despite this, the district chief judge did not have proper control and effectiveness, and everywhere expressed the norm and deal with religious beliefs (Ahmad, et al. 2017). In the case of *Abul Fata Mohamed Ishak v. Rusomoy Dhur Chowdry*, the Privy Council ruled that the property commitment for family settlement through waqf was illegal due to a lack of control and governmental regulations, particularly with reference to family waqf. Muslim communities across the Indian subcontinent are deeply concerned about the contentious ruling in this historic case. As a result, in 1913, the Waqf Validating Act was issued. The main objective of which was to remove constraints brought about by the Privy Council's decision. This is how the government started to oversee waqf property in Bangladesh (then known as Bengal).

Nevertheless, funding waqf groups with state funds at the time would not have been feasible in Bangladesh, so it is interesting that the government passed a unique authorization in 1934 called the Bengal Waqf Act 1934. A legally autonomous institution headed by a person identified as the Bangladesh Waqf Administrator is adopted to oversee and safeguard the waqf field. Protecting the waqf field from mutawallis mismanagement, theft, and erratic protests concerning waqf organizations is one of the key objectives of the Act.

However, section 103 of the Waqf Ordinance 1962 stipulates that this ordinance will have an impact regardless of any conflict with any court records, announcements or

requirements, contracts, or authorizations other than these regulations. Along these lines, according to the integrity of section 103, in the event of a disagreement between an arrangement and the ordinance, the Bengal Waqf Act 1934 must be superseded by the provisions of the ordinance. Some of the major changes achieved by the Ordinance are included; immediately and interestingly, the waqf commitment for uniform speed has been confirmed. More importantly, the actual position of Waqf Commissioner was re-designated as Waqf administrator, giving him some semi-legal and managerial power. Section 47 of the Waqf Act 1962 requires that Bangladesh's Waqf bequests do not have mandatory registration measures. According to these principles, they can be recruited verbally and regularly under any circumstances. The administration of the waqf will be a tremendous challenge for the nation if it is nearly guaranteed that the formal registration of waqf estate is not enforced (Karim, 2010).

4. Challenges of Waqf Management

The management and improvement of Waqf have always been a major concern of Muslim researchers. Through misuse, poor administration, theft, infringement, unlawful seizure of waqf property, and the corrupt phenomenon of waqf management can be seen throughout the history (Qurrata, et al. (2021). Bangladesh cannot be exempt from this situation. The growth and reform of waqf in Bangladesh have been hampered by a number of issues. Unregistered waqf property, inadequate staff, a lack of provisions in pertinent legislation, societal unawareness, unlawful occupancy, lack of a Shariah advisory board, lack of Mutawalli's integrity and competence, abuse of waqf property, and malfunctions are a few of these (Hasan & Siraj, 2016). These issues had a significant negative impact on donor confidence and hindered Waqf's ability to make a difference in Bangladesh's poverty reduction.

A large part of waqf property in Bangladesh is not properly recorded rather neglected, unmaintained and inactive. They are lacking maturity and do not have any strong development plan (Hossain, & Nepa, 2022). The lack of any legal paperwork in the majority of old waqf holdings is also blamed for the bad administration of Waqf that is prevalent throughout Bangladesh. There are complaints against Mutawallis regarding personal use of cash payments obtained from waqf property in Bangladesh. Mutawalli's often overlooked waqif's intent to manage waqf's legacy, which reduced waqif's trust. Despite the aforementioned situation, the abuse of waqf alal awlad by making waqf for son and depriving girls of their due share of inheritance is very usual in Bangladesh (Ahmad, & Safiullah, 2012).

To manage waqf, the absence of suitable law is one of the challenges in Bangladesh. The key regulation that lays forth specific guidelines for the right to regulate is the Waqf Ordinance 1962. The administration aspect of Waqf is covered in chapter three and four of the Ordinance, while chapter four of the Ordinance provides a description of the recording or registration procedure. These sections provide some fundamental guidelines for Bangladeshi Waqf accounting practices. The Ordinance stipulates that only Mutawalli must report to administrators for account statement, which allows arbitrary responses to other stakeholders. At present, annual records are ready and disclosed to internal management. Therefore, the evaluation of Waqf organization is not feasible for stakeholders. The lack of information on Waqf management has caused people not to realize the progress of these areas in the entire population, which may become a window for the Waqf estate to deceive (Nabi, et al. 2019). The inaccessibility

of economic reports may affect donor trust in Waqf, which may affect the sustainability of this Islamic endless charity tool (Mizanur Rahman & Nurul Islam Sohel, 2019).

4.1. Understaffed

Fewer administrators are in charge of the waqf sector than the total waqf estates. A substantial number of skilled personnel are required in this industry in order to lawfully arrange and administer the numerous waqf estates dispersed across the nation. Only 29 of the 64 districts' workplaces oversee waqf sites due to a paucity of personnel, and each of these districts has one administrator who is responsible for managing almost 800 waqf estates.

4.2. Unregistered waqf property

There are still unregistered waqf holdings in excess of 33% of Bangladesh's total land area, despite section 47 of the Waqf Ordinance 1962 requires that "all waqfs existing at or created after the commencement of this Ordinance shall be enrolled at the office of the Administrator." Only 97,046 of the 150,593 waqf estates in the nation were enrolled, 45,607 were verbal, and the other 7,940 were waqf by tradition, according to the Waqfs census (Ahmad & Karim, 2019). These show that more than 53,547 waqf properties have not been registered. Nevertheless, this is most likely due to different causes. First, especially those living in rural, many individuals are unaware that waqf organizations exist. Second, it could decide to abstain consciously to avoid being restricted by the waqf organization. Third, avoid paying the 5 percent charge that is required of every waqf estate included in the administration.

4.3. Illegal occupation and misappropriation of waqf property

Numerous waqf properties have been unlawfully held by private individuals, public organizations, and even government offices (Huq & Khan, 2017). A lot of waqf properties are plundered, while many others are underused and rented out at extremely cheap rents (Zohora, 2006). There are countless cases of infringement and illegal occupation. There is actually no scheme to distinguish this and restore property in and out of official courts (Karim, 2010). There is no social cost associated with this recovery. A single national waqf committee is unable to carry out ongoing, thorough inspections to stop misuse of waqf property without an adequate number of qualified staff or members. The 5% of the waqf contribution that turned to the committee undoubtedly did not help the country. Almost all the money is spent on the organization.

4.4. Uncollected debts

Another innate issue is the recovery of unmet commitment duties. In section 71 of the Waqf Ordinance makes provision for this restoration. In addition, it also provides corrective strategies for acknowledging commitments. Nevertheless, despite these rules, there have been a significant number of measures that have not lived up to their commitments during the last few years. Neglected pledges must be immediately fulfilled in order to balance the Waqf committee's finances. In this regard, it is possible to consider the encounters and the strategies adopted under the Indian Waqf Act 1995.

4.5. Operational inefficiency and dispute impediments

Another issue is the absence of regulatory and organizational capabilities to make the best use possible of available or potentially financial and human resources. Numerous courts and waqf administrators' offices adjudicate waqf-related issues, and the number is growing daily (Ahmad, 2015). The Waqf administrator received disputes that were believed to involve improper attribution or transfer of waqf property, misuse, mismanagement, etc. He directs the hearing like a judge and communicates the verdict, which is restrictive unless the appellate court dismisses it. When waqf property is moved or owned illegally, or when waqf estate administration is unlawfully obstructed, the administrator of the waqf approves its request with the assistance of a district level administration of government. The outcome is that the waqf organization is troubled by several instances and many other major issues that need to be properly considered because slow and inefficient behavior results from this (Ahmad & Karim, 2019).

4.6. Disintegrate and unqualified Mutawallis

Unethical circumstances may be wrong income records, forged vouchers for unspent amounts, failure to represent membership, illegal alienation from waqf property, high rents recognized by residents but lower receipts, and the balance pocketed as black money etc. The Ordinance has various provisions to prevent such incidents. For example, without the administrator's endorsement and the hardship court's authorization, the Mutawalli were suspended from making compromises in any litigation or proceedings concerning of any waqf property. The Ordinance also accommodates the inconvenience of fines for clumsy Mutawalli. However, it is worth noting that the Ordinance has given the court the power to impose fines in order to follow up with the opposition raised by the administrator. Therefore, for each of Mutawalli's breach of contract, they need to bang at the entrance of the court, where the process of protest, counterclaim, and clarification consumes a lot of time and cash to a large extent. This is usually the reason; experts don't really want to make penal regulations (Karim & Murad, (2010). This can sometimes open up dirty entrances of corruption.

4.7. Unapproved transfer of property

This Ordinance forbids the relocation of any waqf property by mutawallis with stable capacity within a predefined time frame without the administrator's approval. Regarding the recovery of such property, the Administrator may file a lawsuit in court or continue the trial in accordance with section 83 of the Ordinance. In addition, the general approach generally followed has all of the following characteristics: if mutawalli or an outsider challenges this arrangement, the administrator may send a request to the deputy commissioner of the property arranged in his ward and transfer the ownership of the property to him. After receiving such a request, the deputy commissioner will take action. Anyone who is distressed by the requirements of the deputy commissioner may be inclined to attract district judges whose property is in their location. The judgement of the district judge in the case of appealing, the decision of the high court will be decisive. Of course, the above system includes cost and delay.

4.8. Personal use of waqf income

It is a common belief that the government retains the money from waqf properties for its own purposes. According to the ordinance, any cash receivable for waqf property acquired in conformity with the 1894 Land Acquisition Act or other legislation in effect at the time must be given to the administrator and held in the waqf fund until it is deposited for the purposes outlined in section 74 (3).

4.9. Lack of progressive and innovative ideas

Sadly, there is practically little proof that innovative and progressive ideas have altered the situation and increased waqf estate, whether they originate in the public or private realms. The potential for human interest, i.e., the potential for upgrading Muslim human resources through instruction and training, has not been taken into account. Most waqf contracts do not keep up with the basic arrangements of property.

4.10. Centralised waqf management

Every decision and order within the Waqf organization in Bangladesh is made by the administrator at the central office (Ahmad, & Safiullah, 2012). This demonstrates the need for the Office of Waqf Administration to regularly meet with complainants, offended parties, visitors, protective measures, inquirers, recruited seekers, and individuals with more critical and unimportant issues.

4.11. Inadequate census and shariah advisory board

In 1986, the first comprehensive census of Waqf Estates was carried out under the leadership of the Bangladesh Bureau of Statistics. The country has not given entire attention on Waqf assets since then. Besides, no sharia committee exists to investigate, assess, or promote waqf administration, or to keep track of how Shariah law is being followed in all areas of activity, such as organization and investment.

4.12. Lack of appropriate legislations

Due to a lack of appropriate restrictions in governing legislation and a lack of qualified personnel in all district headquarters, waqf administration departments are quite weak (Taifur, 2011). In addition, the vesting order of waqf land has not been standardized. Problems include with the ownership and registration of waqf, neglect of the role of waqf and their institutions and limited fund. Additionally, there is no social understanding of the real capacity and utility left by waqf (Hasan et al. 2022).

The sad event stated earlier makes one wonder about the suitability of the existing waqf laws, the waqf organization that operates under them, and the manner that waqf property is administered. The issues stated above have a long history. The waqf organization is still a long way from being excellent and proficient. This law is not sufficient in its existing form for Bangladesh to adopt it as waqf model legislation. It has to be swapped out for another. Legal and regulatory analysis is crucial in this regard.

5. Prospects and Way Forward

The Waqf institution certainly will be viewed as one of the most effective ways to promote the pride, dignity, and unique values of Islam since it addresses a wide variety of difficulties in the social component of the shift from financial to human development. As a result, within the general framework of Islamic foundations, a particularly significant issue cannot be permitted to proceed on its own initiative without adhering to any preset tactics, laws, or logical management structure (Khan & Hassan, 2019). In this way, the use of expert management concepts and standards, as well as contemporary prescribed procedures, and the adoption of a suitable and time-based waqf framework provide a prerequisite for the completion of general productivity and feasibility tasks (Chowdhury et al. 2012). Based on all unavoidable assessments, in view of the problems recognized in the organization and management of waqf, and the possibilities expressed by the waqf property experts in Bangladesh, the accompanying endorsements can be provided for planning a sustainable policy in this way.

5.1. The new waqf Act

Despite the current needs, the present guidelines and provisions were created as an ineffectively drafted legislation. Its organizational structure established in Pakistan's long-term martial law is currently inconsistent with Bangladesh's framework (Ahmad, 2015). Most importantly, waqfs should keep up appropriately. Therefore, it is self-evident that a practical new method is needed in the waqfs space. The regulations are no longer up to the task and are no longer sufficient given the present shifting conditions (Hassan et al. 2019). Ideal law is necessary going forward. This is a great chance for the beneficiaries of the Mazar, Dhargah, and Mosques as well as the Waqf administration to pass a new legislation governing how to handle these problems and make better use of their resources, particularly for the benefit of Muslim society and loose human culture. The Waqf administrative organization also lacks any guidelines for policing Cash-Waqf (Sarker, 2019). In order to define the policy in this manner, it is feasible to go into more detail and designate a knowledgeable advisory board with specialists in legal, financial, and Shariah law to finish the creation of the suggested strategy within a given time frame. This can be accomplished through negotiations with the government, or the government authorities may decide to give the Waqf administration full ownership of all property, with or without payment.

5.2. Waqf tribunal and lawyers panel

Waqf conflicts and their objectives are another area that has to be rectified. The creation of the Waqf tribunal will thus be a significant step in realizing the objectives of waqf. Under its single supervision, arrangement, and location, it will be especially skilled at handling and administering waqf-related laws and prosecutions. There should be a free lawyer panel or a dedicated legal adviser for it. If only litigations are used to solve such problems, it would be a waste of time. Before the dispute may be brought to court, a mediation and assertion questioning meeting that should go to the waqf tribunal is likely to be required. Then, court expenses and enlistment fees should not be collected from waqf entities. Any legal action taken against a religious or charitable waqf should ideally be safeguarded at the state's expense on the grounds that the state is the protector of the public interest and waqf is a subject of public concern (Billah, 2020). It is only the case that is agreed with the family waqf that the actual beneficiaries should take care of it, because it is their private matter (Karim, 2010).

5.3. Decentralization and legislation making

To strengthen and improve, the Waqf administration should decentralize and democratically distribute authority. Local or regional governments should be granted the authority or independence to operate independently, although clearly, this must be discussed and approved by the central organization. A complex organization may also aid in Bangladesh's effective handling of waqf. Waqf management should not be content with just receiving its contribution from the waqf, but rather should provide clear guidelines for the mutawallis of the waqf on where, how, and at what rate they should contribute the waqf revenue that is within their control. Even the smallest negation of the original deeds of waqifs should not be done. Examining the rules thoroughly in this way will help mutawallis to supervise waqf and ensure their best use.

5.4. Establishment of waqf advisory board

No Shariah board exists to research, assess, or advise the Waqf administrative body to adhere to Shariah law's principles throughout its operations including organization and speculation. The International Waqf Conference at Cape Town in Southern Africa, 2007 also stipulated that a Shariah Advisory Council should establish to provide waqf institutions with basic skills regarding Shariah consistency and related issues. To collaborate in the management of waqf organizations going forward, Bangladesh should form a board to advice on Shariah law or a national waqf advisory council. It may become into an influential think tank and a significant power (Ahmad, 2015).

5.5. Regular census of waqf property

The overview and assessment of Waqf property should be governed by a detailed process that specifies an exhaustive census and update the property's status. The waqf administration does not have any up-to-date data on the correct number of Waqf properties and mosques regulated by waqf. For example, the Waqf administration department may take new measures to measure family waqf to investigate whether these are regulated by shariah and state laws, and whether the waqf's primary purpose in this way is consistent. It may form a law and additional strategy, as affirmed in section 49 of the Waqf Ordinance 1962, was adopted in this way by an institution that included shariah researchers and legal advisers. The waqf assets of the metropolitan in the occupied commercial area have huge possibilities for improvement. There are no plans to cultivate these properties. These properties are safer and financing may be easier to obtain. To develop these waqf assets with their cooperation, the government had to have access to certain qualified engineers. An appropriate measure may be incorporated to the future Waqf Act to prevent the promotion of funds by financial institutions using waqf assets as collateral from taking so long (Nabi, et al. 2019). The administrator can bargain with different financial institutions both locally and globally to obtain important funds for such efforts. In order to give access to crucial funds, Waqf administration should also be able to offer bonds and debentures. The improvement of urban waqf properties should therefore get serious consideration.

5.6. Improving illegal occupied properties

Progress should be made in reclaiming properties that are being illegally occupied, and those who are stealing waqf funds should be punished harshly. This will allow the waqf administration department to firmly decide to implement a substantive legislation

prohibiting the sale or transfer of any waqf property and will also allow it to take a very strong stance against the use of the land for commercial purposes. In addition, waqf administration may adopt a method to recover illegally involved waqf properties. The Bangladesh Government and Local Authority Lands and Buildings (Recovery of Possession) Order, 1972 authorizes that the deputy commissioner can instruct illegal occupant to clear land or work within 30 days with the help of notification, or notify illegal occupant within 7 days with public interest, regarding any illegal occupation after obtaining the satisfactory information. The deputy commissioner can evict land or work by destroying or clearing buildings based on the vows or disappointed consent of illegal occupation. This is protected and speedy, because litigation to restore any infringement of the waqf estate is very cumbersome and costly. In any case, section 57 of the 1962 Waqf Ordinance stated that the administrator's power to authorize relocation may be amended because it is very persistent that any exchange or sale of waqf properties is prohibited to check and close any available restrictions for any vested quarter.

5.7. Social awareness

Waqf development is a social responsibility (fardhu kiffayah). The waqf board in Bangladesh should use this method to explain the value of these properties financially to the populace. It is essential to encourage wealthy individuals to create waqf; else, this instrument would eventually stop working. Ulama, which includes mosque imams, and religious educators should thus take immediate action since people trust them and value their influence greatly. If they do this, and if they tell the rich of the benefits of waqf that are both worldly and spiritual, the masses may experience real improvements. Additionally, wherever feasible, Islamic scholars should write on and provide speeches on this topic (Khan, 2001).

5.8. Training and development

The Waqf governing body may offer training for its representatives, mutawallis, and officials throughout Bangladesh, teaching them the fundamentals of Islamic law as well as the most recent laws and regulations for waqf management (Ahmad, 2015). It can be noted here that most mutawallis and surprisingly some people who are identified as waqf administrators are not completely with proper education/training regarding Islamic teachings and the current (legal and non-legal) rules of the waqf organization. Mutawallis must be taught and fully prepared. Giving the necessary knowledge and guidelines for the practical use of waqf qualities is the goal of this course. Additionally, trainings ought to inform them of the trusts they uphold and encourage them to behave more honestly. Regular training camps at the district and divisional levels can accomplish this. The Waqf Administrator's Office can provide brochures and handouts containing enlightening materials and distribute them to mutawallis free of charge. In addition, the lack of access to social protection, adequate salaries and other employee benefits, this unsatisfactory situation neglects to attract young and talented people to this field (Saiti et al.2019). Similarly, there is no insurance plan that can help workers in different occupational situations.

5.9. Harmonizing zakah and waqf

Although the government of Bangladesh has interest on alleviated poverty quickly, it has never regarded zakah and waqf institutions as a public system for poverty alleviation (Khan, 2001). However, there are history that the need of the world was eliminated

through the joint activities of waqf and zakah. So the government should really be thought and coordinated in this way. The microfinance effort is also commonly recognized as another strategy for eradicating poverty and making development and using waqf to support activities can reduce financing costs and increase the rationality of these institutions (Sulistyowati et al. 2022). Therefore, Islamic microfinance institutions based on waqf should be established.

5.10. Waqf certificate of poverty alleviation

The Waqf management department's activities and promotions should be included on the webpage, along with updated information and design. Additionally, it could include write-up on the spirit and development of waqf management. Employment generating projects, clinical offices and frameworks are the foundation for poverty alleviation. In this way, the waqf certificate may be helpful in funding basic and secondary projects of extreme poverty. With accessible Waqf properties, the Bangladesh Waqf institution can establish more such lowest-cost emergency clinics to help the most unfortunate and lowest-income groups in the country. Along with construction of orphanage homes, mosques, religious institutions, or Madrasha, as well as schools, colleges, etc. public hospitals in Bangladesh may get a share of the Waqf property's income, which they can utilize to improve care for underprivileged patients and offer free medical assistance (Uddin & Mohiuddin, 2020). Without a doubt, this should get started under the severe evaluation and unanimity control of all relevant parties.

In addition, there are several further possible areas in which Bangladesh waqf institutions can provide management power to the country's most unfortunate Muslim peoples. The Waqf institution in Bangladesh has the financial resources to rebuild or restore homes that have been damaged or destroyed by catastrophes, as well as to construct multi-story structures on land and in coastal locations to accommodate impacted families. Many Bangladeshis lack the resources to afford legal representation (Karim, 2010). The waqf institution in Bangladesh can also use the financial resources it has at its disposal to pinpoint such grave socioeconomic issues (Hoque, 2020). In Bangladesh, a lot of impoverished and needy parents ask for financial assistance so that they may allow their wedlock children to get married, which will solve such a deep established social problem (Al Zobair & Hoque, 2019).

5.11. Further research and publication

There is no extensive study into the waqf sector in Bangladesh. Researchers should concentrate on solving this problem and maintain waqf's vocation in alleviating poverty. To continually explore the ground-breaking theories of waqf administration and advancement, it may establish a research department. The waqf administration should maintain a well-rounded library where it compiles different waqf management publications from throughout the world. Experts may use this library for free study. Similarly, waqf management institutions should publish articles and magazines under the habit of introducing the methods, progress, new registrations, management, records, ordinary and special activities of Waqf organization. It may also contain comments to motivate individuals to engage in more rigorous enrichment and charitable activities. Conferences, symposiums, seminars, and workshops can be held both internationally and domestically by the waqf management institutes and also can arrange round-table dialogues and discussions including strategy or policy makers, ordinary individuals,

academicians, experts, legislators, and rigorous researchers with the goal to develop new arrangements, policy, frameworks of waqf management and progress.

6. Conclusion

Bangladesh has a large amount of waqf property that can be used to pull helpless people out of widespread poverty. Thus, it should establish fundamental objectives with an emphasis on the development of waqf throughout the nation, and cooperate and coordinate the institutions that serve these goals. The test of Bangladesh following these lines is to seek to establish the foundation for the aforementioned waqf-related institutions to serve the more noteworthy ummah and to promote and consolidate the reasons for Islam. The centralization of the waqf organization in Bangladesh may bring imaginable results of communication barriers, abuse of force, and waste of supervision. In addition, Mutawalli's skill and ability to successfully monitor waqf's legacy to create consistent asset progress for its manageable future is equally sketchy. These difficulties raise real concerns about the management design of waqf institutions in Bangladesh, which are critical to the future development and supportability of such institutions. Waqf institutions should improve their practices to set up banks, administrative finance agencies, insurance (takaful), and cash waqf to provide financing and advances to poor people. Waqf organizations can ultimately avoid the disintegration of their income and livelihoods by this decision and the action that follows, and seek their charitable goals, including reducing poverty, meeting the needs of maturity, frailty, and troubles, as well as the advancement of religion and education. And it is beneficial to different local uses. In addition, waqf can become a successful framework for poverty alleviation by further developing non-compensation perspectives in extremely undeveloped areas, such as accommodation, education, aids, works and infrastructure offices. In order to locate the same chosen source, the waqf estates should use their present and available property or resources as the expansion of remuneration, with the goal of supporting and assuming the functions of alleviating national poverty and financial progress. It is required to develop national legislation in this situation. There is a great need for a substantial method for waqf to assume the verifiable part of the cited solution, accept other parts to explore, and immediate execution.

Ethics Approval and Consent to Participate

The researchers used the research ethics provided by the Research Ethics Committee of Universiti Teknologi MARA (RECUiTM). All procedures performed in this study involving human participants were conducted in accordance with the ethical standards of the institutional research committee. Informed consent was obtained from all participants according to the Declaration of Helsinki.

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