

WAQF: A FORGOTTEN LEGACY

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property under waqf estate, we cannot evict the citizens as they also have proper papers,” argues waqf administrator Md Shahidul Islam. “You have to face that reality that it is not possible to recover the entire estate. Most of the biggest waqf estates in Bangladesh now exist only in papers,” he states.

According to the Waqfs (Amendment) Act, 2013 a waqf property can never be sold, developed or transferred without full consent of the entitled trustees and for any cause except which is essential for the better welfare of the beneficiaries. And, the handover process of the property has to be executed through a special committee of 14 members which will be headed by the Administrator of Waqfs. And in the Waqf Ordinance of 1962, there was a strict bar on transfer or illicit development of waqf property. Barrister Mohammad Shazzadul Islam, advocate, Supreme Court of Bangladesh, argues “If it is proved that if the waqf property was acquired without following

In Dhaka division alone, Bangladesh's Waqf administration has lost control over 85,000 acres of land. Besides, 6,683 acres of waqf property in Chittagong division, 22,947 acres of property in Rajshahi division, 674 acres in Rangpur division, 755 acres in Khulna division, 1,406 acres in Barisal division and 5,162 acres of property in Sylhet division are

administration could not even register and enlist many waqf properties scattered all over the country. According to land records, there are at least 1,39,256 more waqf properties of different sizes which are not registered and maintained by Bangladesh's waqf administration.

The centralised, weakly manned and neglected Waqf administration can do little to maintain such a huge number of estates spread all over the country. Currently, the office of the waqf administrator supervises 70,955 acres of

building, the entire estate has been grabbed by the local chairman and his relatives. The Waqf administration did nothing and they don't give us any protection,” says Rahman. When referred this case, Waqf administrator Md Shahidul Islam says, “We have 421 such cases pending in different civil courts. Whenever we take any eviction drive, the occupants file a case in a civil court and it takes a long time to solve such cases.”

Najib's case is representative of most cases which lead to illegal occupation of



registered waqf assets with only 111 officers and office staff. They don't have any office in the district or even at the divisional level. If any property is transferred, developed or sold off illegally by someone, they cannot get any information unless a beneficiary informs them by filing an appeal. Again, they have to come to the administration office in Dhaka to file an appeal. Needless to say, very few people want to take on this hassle. For the dishonest trustees (Mutawallis) of the waqf property and corrupt political leaders, this shortcoming has turned out to be a blessing.

waqf property and reveals how helpless the Waqf Administration is. However, the administration earns quite a lot of revenue from the registered waqf estates as subscription fees. Every year, they collect five percent of the annual income of each estate as a subscription fee. In the fiscal year, 2015-16, the office collected BDT 5,86, 62,287 from 21,588 registered waqf estates. However, the fund is not spent for charitable causes at all. With this fund, the waqf administration pays the salary of its staff and all other establishment costs, loans, expenditure for running cases in the courts etc.

Besides, corruption is also rife in the office of the Waqf administration and the Waqf administrator himself confessed this. He says, “Our manpower is so scarce that we could not enforce transparency and accountability in the office. We don't have any officer to cross-check and monitor performance of the inspectors, other staffs and mutawallis.”

According to legal and religious experts, the entire system and the existing legal framework need to be overhauled to break the deadlock. “The law is outdated and does not describe how the rights of the waqf property will be protected. It only describes how the waqf administration will perform. We need a substantive law which will describe how the cases under the law can be handled and how crimes are to be charged,” asserts Barrister Islam,

The government amended the Waqf Ordinance, 1962 and passed the Waqf Act (Amendment), 2013 but that initiative brought little change. The religious scholars still have countless objections against the law and the decaying system. Maulana Mokhter Ahmed, assistant professor, International Islamic University,

There is no sharia board for investigating, regulating or advising the administration for

Najibur Rahman, trustee of a waqf estate in Satkhira district's Kaliganj upazila says, “Our waqf estate includes a mosque, a madrasa building and some agricultural lands in a prime roadside location. But local political leaders of the ruling party have occupied most of the land using sheer muscle power. At first, I informed the waqf administration and then I was threatened by our chairman and I didn't proceed anymore.”

“Except the mosque and madrasa

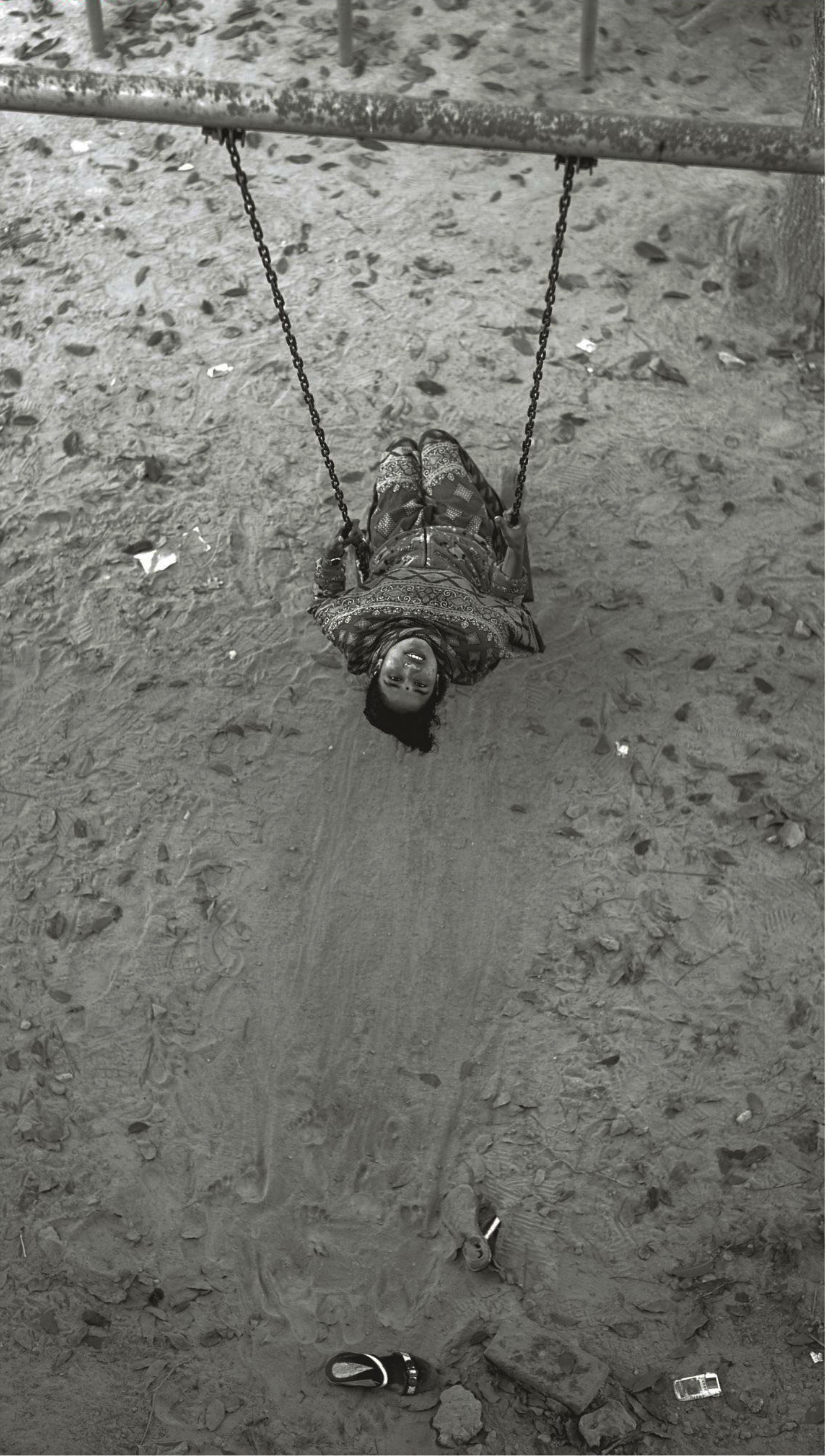
due legal procedure, the government will have to pay three times of the current market price of the property or donate an equal amount of land elsewhere as compensation which will be utilised for the causes mentioned in the deeds of the original waqf.”

However, most of the endowed estates in Bangladesh have been occupied by land-grabbers and not by the state. The waqf administration could do little to prevent this widespread malpractice. Such was the fate of Bangladesh's biggest waqf estate called “Shahzadi Begum Waqf Estate” which is comprised of vast swathes of land in Gazipur, Narayanganj and Munshiganj districts. This 72,000-acre estate is the biggest endowed estate in Bangladesh and unfortunately the

entire estate is now under illegal occupation. Due to lack of supervision from the government, the dishonest trustees of this estate, with the help of corrupt government officials and political leaders, registered those properties under their own names, sold those off and made fortunes.

In Dhaka division alone, Bangladesh's Waqf administration has lost control over 85,000 acres of land in this way. Besides, 6,683 acres of waqf property in Chittagong division, 22,947 acres of property in Rajshahi division, 674 acres in Rangpur division, 755 acres in Khulna division, 1,406 acres in Barisal division and 5,162 acres of property in Sylhet division are now under illegal occupation. However, the waqf

SPOTLIGHT



ERASED DESIRES OF DISABILITY AND SEXUALITY

SAAD ADNAN KHAN

Twenty-four-year-old Nayeem, a private university student, has a spinal cord injury. He often talks about his girlfriend, whom he has been dating for more than a year now. They study at the same university. They met on campus when Nayeem was selling coupons for a department picnic, became good friends and eventually started dating. Nayeem says that he loves her “with all his heart”.

He has shared his physical limitations with her. He has to wear a catheter all the time, is unable to have an erection, will not be able to move freely in bed and will need support during sexual intercourse. He tells her of his fear that he might never make her sexually happy. However, his girlfriend, resonating Nayeem's sentiments, thinks love transcends physical connections and that it is also about the emotional bonding and support.

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We have come a long way from understanding disability in the bio-medical framework. Disability is part of human diversity. PHOTO: SHEHZAD NOORANI