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**MANAGEMENT AND MOBILIZATION OF
WAQF RESOURCES IN SINGAPORE.**

BY

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ABSTRACT

The purpose of this thesis is to study and analyse the present *waqf* system in a non-Islamic state of Singapore (formally under the British government), where the Muslims are the minority. The thesis will also present, discuss and compare the literature of the *waqf* law from the year 1906 to the present.

The approach in writing this thesis is a case study because there are vast documents of *waqf* in Singapore that have not been studied and written before this. Furthermore there is no reference that can be referred to except the original documents kept at the Majlis Ugama Islam Singapura (MUIS), the legal custodian of all *waqf* property in Singapore. Thus the case study approach is important because only through the *wāqif* deeds that the objective of the *waqf* can be verified. In addition only through case study that this thesis can be written for the reason that the development of *waqf* properties is a new approach taken by MUIS to enhance the usufruct and the values of *waqf* properties. The case studies and examples given are concrete examples of those drawn from *waqf* documents or figures from MUIS Annual Account.

This thesis also sets forth to analyse different opinions of the four legal Muslim Schools with regards to the permissibility of the cash *waqf*. This is crucial to the Singaporean Muslims as Singapore does not have vast land to be purchased and to be created as *waqf*, hence, the introduction of cash *waqf* in Singapore is an important aspect of future creation of *waqf*. To find out whether Muslims in Singapore would contribute to the proposed cash *waqf*, this thesis has conducted a survey to find out the level of understanding by the respondents on the subject of *waqf* the management of *waqf* properties by MUIS, and finally whether they are willing to contribute to the cash *waqf*.

Finally this study proposes various measures and recommendations to revive the interest of the Muslims on *waqf* especially the cash *waqf*. A model for the proposed cash *waqf* management is drawn up where it is geared towards the capital accumulation justified by the mobilization of *waqf* resources including the proposed distribution percentage of the usufruct. It is hoped that the cash *waqf* will deserve an attention from MUIS as it is an important Islamic socio-economic institution.

ملخص البحث

الهدف من هذا البحث هو دراسة وتقييم نظام الوقف الحالي في دولة غير إسلامية وهي سنغافورة (قديما كانت تحت الاستعمار البريطاني) ، حيث إن المسلمين فيها أقلية . ويقوم هذا البحث أيضا بتقديم النصوص الواردة بنظام الوقف ومناقشتها ومقارنتها منذ سنة ألف وتسعمائة وست إلى الزمن الحاضر .

والمنهج المتبع في كتابة هذا البحث هو منهج دراسة القضية ؛ وذلك لتوفر الأوراق الرسمية عن الوقف وكثرتها في سنغافورة حيث لم تسبق الدراسة والكتابة عنها من قبل ، إضافة إلى عدم وجود المراجع التي يمكن أن يرجع إليها، سوى الأوراق الأصلية المحفوظة لدى المجلس الإسلامي السنغافوري ، والذي يعتبر الوالي الرسمي للأموال الوقفية في سنغافورة . لذا، فإن منهج دراسة القضية من الأهمية بمكان، حيث يتم من خلال عبارات الواقف تنقيح وتخليص الأغراض من تلك الأوقاف . بالإضافة إلى دراسة منهج القضية فكل هذا يمكن أن يساعد في كتابة هذا البحث ، وذلك لأن المجلس الإسلامي السنغافوري اتخذ الوجهة الحديثة لتنمية الأموال الوقفية من أجل تنمية أرباحها ورفع من قيمتها . والجدير بالذكر هنا، إن القضايا المدروسة والأمثلة المطروحة هي الأمثلة المثبتة تستخلص من الأوراق الرسمية للوقف والأعداد الواردة تُقطف من أوراق الحسابات السنوية للمجلس الإسلامي .

وهذا البحث أيضا يقوم بعرض الآراء المختلفة لدى المذاهب الفقهية الأربعة وموازنتها فيما يتعلق بمسألة تجويز الوقف النقدي . وهذه المسألة خطيرة لمسلمي سنغافورة حيث إن أرضها غير متوفرة للشراء حتى تتخذ وقفا ، من أجل ذلك فإن التعريف بالوقف النقدي في هذا البلد من الأهمية بمكان لإيجاد الوقف في المستقبل . وللبحث عن استعداد مسلمي سنغافورة لقبول الوقف النقدي المطرح ، أجرى الاستبيان لمعرفة قدر فهمهم واستيعابهم لموضوع الوقف ، وتدير الأموال الوقفية لدى المجلس الإسلامي السنغافوري ، وأخيرا عن رغبتهم للمساهمة في الوقف النقدي .


وفي خاتمة المطاف ، هذه الدراسة اقترحت المقاييس والمعايير المختلفة والتوصيات للحرص على الوقف عند المسلمين وبخاصة الوقف النقدي . والنموذج لتدبير الوقف النقدي المقترح يتم تصميمه للتوجيه نحو تركز رأس الأموال يؤيدها استغلال المصادر الوقفية بالإضافة إلى التوزيع المثوي المقترح للأرباح . ويرجى من هذا ، أن يكون الوقف النقدي مؤهل لجلب انتباه المجلس الإسلامي السنغافوري ، لأنه يعتبر من أهم المؤسسات الاجتماعية والاقتصادية .

APPROVAL PAGE
(For Master)


I certify that I have supervised and read this study and that in my opinion it conforms to acceptable standards of scholarly presentation and is fully adequate, in scope and quality, as a thesis for the degree of Master of Arts (Islamic Civilization)

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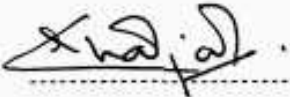
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DECLARATION

I hereby declare that this thesis is the result of my own investigation, except where otherwise stated. Other sources are acknowledged by footnotes giving explicit references and a bibliography is appended.

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Date 17th August 2004

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**Dedicated to my late father, Shaik Abu Bakar bin Diab and my mother,
Noor binte Ali:**

For their love and all their sacrifices.

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To spend of your substance, out of love for Him, for your kin, for orphans, for the needy, for the wayfarer, for those who ask, and for the ransom of slaves; to be steadfast in prayer, and practice regular charity: And those who spend of their goods by night and by day, in secret and in public, have their reward, with their Lord, on them shall be no fear, nor shall they grieve.

al Qur'ān, Surah Al'Baqara 2:177 and 274¹

INTRODUCTION

Waqf literally means to prevent or to restrain. In the *First Encyclopaedia of Islam*, the meaning of *waqf* is more than just to prevent or to restrain. It also means to protect a thing, to prevent it from becoming the property of a third person.² However in the *Encyclopaedia of Religion*, the term *waqf* (pl. *awqāf*) means 'stop', that is, to stop the property from being treated as an ordinary property by the owner.³ Technically, in the language of law, *waqf* is defined as a dedication or consecration of property, for any charitable or religious objects, or to secure any benefits to human beings.⁴ In a nutshell, *waqf* in Singapore is always defined as a permanent endowment, which was created by endowing property, the return from which is to be used for charitable purposes.

As we know, Islam encourages its followers to perform the voluntary act of charity. The charity should however be carried out with sincerity and for the sake of *Allah*, with the hope to be rewarded with happiness in this world and the hereafter. And one of the voluntary acts that Islam recognises as a good deed is the act of alms giving. This good deed can be rendered on an ad-hoc basis or for the continuous benefit for human beings without having an end, such as the formation of the

¹ 'Ali Abdullah Yūsof, *The Meaning of the Holy Qur'ān*, new Ed, Brentwood, Amana Corporation, 1992, pp.69 and 111.

² Heffening, *Wakf or Habs*, in *First Encyclopaedia of Islam*, 1987, p.8.

³ Williams John Alden, *Waqf in Encyclopaedia of Religion*, 1987, p.15.

⁴ Syed Ameer Ali, *Mahommedan Law*, (New Delhi: Kitab Bhavan, 1986), 1:194. Cited hereafter as *Mahommedan Law*.

institution of *waqf*. In verse 245 of *sūrat al-Baqarah*, *Allah* has promised a multitude rewards for the contributor to charity. This has encouraged many Muslims to create *waqf* while still alive.

In Singapore, the term *waqf* was commonly spelt and pronounced as wakaf among the Muslims in this country. But, the objective and the underlying concept of *waqf* are not fully understood by the society, and particularly the younger generation of Muslims. This is proven by the result of the survey, done recently for the purpose of writing this paper. It is believed that the secular environment of Singapore has contributed to such ignorance. Nevertheless, the development of some of the *waqf* properties in recent years has shed some light on the issue. The Muslim community is now aware that there is many *waqf* properties in Singapore created by their forefathers in their country.

The *waqf* institution in Singapore is wholly associated with immovable freehold property, unlike in Malaysia where land for the purposes of agriculture has also been endowed.⁵ Dr. Syed Othman Alhabshi, said "At the outset, it must be pointed out that there is virtually no complete listing of all *waqf* properties in any state as yet. Any attempt at estimating, or worse still, evaluating the *waqf* properties is at best only a rough estimate."⁶ Nevertheless, in Singapore a complete listing of

⁵ Dr. Syed Othman Alhabshi, "Case Study: Malaysia," paper presented at the International Seminar on *Awqāf* and Economic Development, Pan Pacific, Kuala Lumpur, 1998, p.3.

⁶ *Ibid.*

the *waqf* properties is kept by the Majlis Ugama Islam Singapura (MUIS),⁷ and is listed in their annual report. However, if we compare the present list with the list in the 1970's and 1980's we will notice that the list has grown shorter and the number of *waqf* properties has become fewer. This is due to the Land Acquisition Act that was enforced in the year 1966 by the Singapore government.⁸ The *waqf* properties, mosques and madrasahs were not spared in this exercise.

The acquisition of these properties has caused controversy, particularly among the Muslims. Most of them believed that the acquisition of properties, whether it is *waqf* or otherwise, is not acceptable. In addition, the fear that the acquisition and demolition of these properties especially mosques⁹ and madrasahs that would not be replaced caused further misunderstanding between them. However the stand taken by MUIS on the issue is that the acquisition of properties, whether it is *waqf* or otherwise, is acceptable only if the area acquired is required for national development. And this was used as grounds for some of the Muslims to oppose MUIS. When *waqf* property rights are violated the institution receives a mortal wound.¹⁰ This may be the reason why not even one property was endowed in

⁷ Majlis Ugama Islam Singapura (MUIS) and also known as The Majlis is a religious council established in 1968 as a corporate body to advise the government on matters relating to the Muslims and their religion in Singapore. This is to ensure that the interests of the Muslim community are taken care of. MUIS is given the authority to promote religious, social, education and cultural activities in accordance with the principles and traditions of Islam as stated in the *Qur'ān* and the *Sunnah*. The government has also given the authority to MUIS to administer *zakat* and *fitrah*, management and development of *waqf* property and issuance of *fatwās* in Singapore. MUIS has the power to act as an executor of a Will, or as an administrator of the estate of deceased Muslims, or as a trustee. To carry out these responsibilities, MUIS is managed by fourteen council members, headed by a president appointed by the state. The Majlis Ugama Islam Singapura shall be cited hereafter as MUIS.

⁸ Land Acquisition Act was enforced in Singapore in the year 1966. The act permits an acquisition where the private land is needed for development. Please refer Appendix 1.

⁹ At present there are about 70 mosques in Singapore managed by MUIS.

¹⁰ Similar violations occurred in Turkey and several other Islamic countries between the 1930s and 1950s. Please refer Murat Cizakca, *A History of Philanthropic Foundations, The Islamic World from the Seventh Century to the Present*, Istanbul, Bogazici University Press, 2000, p.86. Cited hereafter as *A History of Philanthropic Foundations*.

Singapore after the year 1973 resulting with the “personal abolition” of the traditional way of endowment in this country.

The other reason for the “loss” of endowment could be the availability of land. Land is scarce in Singapore, as the majority of it is owned by the state. However, the government usually leased out these parcels of land for 99 years for the purpose of development projects such as building of hotels, shopping malls or up-market housing estates. Moreover, the available parcels of lands are too expensive to be endowed by one person, and the idea of joint endowment was not introduced by MUIS until 1973. But the above reasons should not be the grounds for the Muslim community in Singapore to avoid the charitable act of *waqf*. The concept of cash *waqf*, which will be introduced in this paper, shall attempt to bring the said topic as an alternative to the traditional method of creating this institution. The effort of introducing the cash *waqf* will give a chance for the community to perform this ‘*ibādah* and will ease the problems of non-creation of *waqf* in this modern world.

But before such a concept is introduced in Singapore, a study should be made on the permissibility of this proposal with regards to the *shari’ah*. We should also bear in mind that the sanctioning of cash *waqfs* has raised several positive and negative views among the followers of the various schools of thought. As the majority of the Muslims in this country are followers of Imām Shāfi’i, his opinion should be considered before the notion of cash *waqf* is brought up to the public. How MUIS or other Islamic institutions can assist in achieving the goal will be explained in the report when the cash *waqf* is introduced.

This study comprises five chapters. Chapter One shall be devoted to a literature review on the institution of *waqf* in general. It will also discuss and compare the concepts of *waqf* and trust, with special reference to the power, duty and

responsibility of the trustees/*mutawallis*. Chapter Two discusses the history of *waqf* in Singapore. The main objective of this chapter is to emphasize the development of the *waqf* law before and after Singapore gained its independence. Chapter Three depicts the general status of *waqf* management and the development of resources in Singapore. Case studies of some of the *waqf* shall conclude the chapter.

The proposals for the cash *waqf* institutions are discussed in Chapter Four. In this chapter, we shall discuss the positive and the negative views of cash *waqf* from the major Schools of Islamic Law. Data analysis on the "survey of the Singapore Muslim community" will also be included in this chapter. The final, Chapter Five contains the recommendation towards a concrete role of *waqf* institutions in Singapore.

CHAPTER ONE

1 The Institution of *Waqf*: An Overview

A. Legitimacy

Waqf is a permissible act and it is always given on a voluntary basis. When the person, the founder,¹¹ creates a *waqf* the property changes ownership. The *wāqif* now becomes the guardian of the property rather than the owner and the endowed property should no longer be part of his estate. However, it remains true that *waqf* can be revoked by *wāqif*, according to Mālikis,¹² who will remain as the owner of the property. However, both the Ḥanafī and the Shāfi'i schools held that once a *waqf* is created it could not be revoked. According to the two schools, the *waqf* property has no owner, and that ownership of *waqf* property belongs to *Allah* alone and *wāqif* has nothing to do with it after the *waqf* has come into force.¹³ This means that *waqf* is irrevocable once a deed establishing it is executed. Furthermore it should be perpetual and in principle should not be sold. This is the law that is observed in Singapore where the majority of Muslims are followers of *Imām* Shāfi'i.

Evidence of *waqf*'s legitimacy can be deduced from several *Quranic* verses on charity, *ḥadīth* and historical facts. In verse 92, *Sūrat Al-ʿImrān*, *Allah* says: "You can never attain piety unless you spend (in the way of *Allah*) of which you love; surely *Allah* will have full knowledge of what you spend." The "spending" in this verse can also be the "spending" on *waqf*. Other direct evidence of *waqf* is in the *ḥadīth* as reported by Abū Hurayrah, *Allah*'s Messenger (s.a.w) was reported to have said, "When a man dies, his acts come to an end, except for three;- recurring

¹¹ The founder of the *waqf* is cited hereafter as *wāqif*.

¹² Muhammad Jawad Maghniyyah, *The Five Schools of Islamic Law*, Qum - I. R. O: Anssariyan Publications, 1995, p 540. Cited hereafter as *The Five Schools of Islamic Law*.

¹³ *Ibid.* p.543.

charities; *sadaqa jariya*, or knowledge (by which people) benefit, or a pious son who prays for him.”¹⁴ Then there is the case of Umar bin Khātib who gave his land in Khaybar to *waqf*, on the advice of the Messenger (s.a.w).¹⁵ All these are evidences indicating the legitimacy and feasibility of this institution in the Islamic world.

B. Types of *Waqf*

Regarding the purpose, there are generally two types of *waqf*:

- i) The first type of *waqf* is created for the dedication to society in general, termed as public *waqf* or *waqf ‘ām*. Such *waqf* is usually created where the benefit is for the poor and the needy and members of the public such as mosques, madrasahs, roads, hospitals, etc.
- ii) The second type of *waqf* is dedicated initially to oneself, children, relatives and whose benefits would later circulate to the society. This type of *waqf* is called private *waqf* or *waqf khāṣṣ*. An example of such *waqf* is where benefits are solely for the *wāqif* children. When the *nasl* expires, such *waqf*s become public *waqf*s.

Sometimes *waqf*s are created in which the benefits are shared between *waqf ‘ām* and *khāṣṣ*. Both types of *waqf*s are valid in Islam.

C. Objectives and the aims of *Waqf*

Any valuable property, whether moveable or immovable, can be set aside as *waqf* provided it is customarily used or usable as a commodity in transactions. The reasons why Muslims usually create *waqf* are as follows:-

- i) Out of strong desire and sincere love to be kind, helpful and generous to others whether they are friends, relatives, poor and the like.

¹⁴ Abdul Hamid Siddiqi, *Sahih Muslim*, Riyadh, International Islamic Publishing House, 1971, Vol.3, p 867.

¹⁵ *Sahih al-Bukhari*, trans. by Muhammad Muhsin Khan, New Delhi, Kitab Bhavan, 1984, Vol.4, p.27.

ii) To seek the pleasure and Mercy of *Allah* and eventually His reward in the next world. However, *waqf* is considered an act of devotion, only when it is intended to be so. Otherwise, it remains a mere permissible act.

Waqf may also become "*wājib*" when a person makes a vow to create a *waqf*. Formal acceptance of the *waqf* by its beneficiary is not conditional upon validity, provided it is general i.e. *waqf* made to students or the poor in general. But if the *waqf* is for a specific person, that person's formal and explicit acceptance is necessary for its validity.¹⁶

D. Essentials of *Waqf*

There are four *arkān* or essentials of *waqf*:

- i) the declaration;
- ii) the *wāqif*;
- iii) the property;
- iv) the beneficiary.

i) The Declaration

According to Abū Yūsuf, the creation of *waqf* is permissible by the use of certain words or terms such as *mawqūfah* (dedicated) or *muḥarramah* (consecrated) or *maḥbūṣah* (tied up), along with the pure intention of the *wāqif* although the word "*waqf*" is not used. "This is most correct", he says, "for the *wāqif* has intended to create a *waqf* although he did not use the word *waqf* itself."¹⁷ However the Shāfi'i School is in the opinion that the intention of making a *waqf* must be formulated in explicit terms. The expressions "I consecrate this land" or "I offer it to such

¹⁶ En Nawawi, Mahiudin Abu Zakaria, Yahya Ibn Sharif, *Minhaj Et Talibin*, E. C. Howard, London, W. Thacker & Co., 1914, pp.230-231. Cited hereafter as *Minhaj Et Talibin*.

¹⁷ *Ibid*, p 219.

charity”, constitute a valid *waqf*. On the other hand, the expression “I give” with no further qualification is not a valid *waqf*.¹⁸

ii) The *Wāqif*

The four Sunni Schools of Thought concur that sanity and puberty is a necessary condition for a valid *waqf*. This implies that a creation of *waqf* by an insane person and a child is not valid. It is also not valid if the intention of creating a *waqf* is done by a person who is intoxicated, unconscious and asleep. In addition, if a person who is in a condition of *marād al-mawt* (death illness) makes a *waqf* of his property, it will be created from one third of its value. Creation of the whole property into *waqf* will require the consent of the heirs. It is necessary for a person to declare his *niyyah* (intention) for its creation.¹⁹

iii) The Property

The property for the *waqf* must be owned by the *wāqif*. Therefore, *waqf* created for an unspecified property is invalid. All the four Sunni Schools agreed that *waqf* for immovable property is valid. However, for *waqf* of movable property, Abū Yūsuf is of the opinion that it should be attached to an immovable property.²⁰

iv) Beneficiary

Al-mawqūf ‘alayh is a person entitled to the usufruct of the *waqf* property.

Basically there are four requirements that should be fulfilled by the beneficiary:

- a) He should exist at the time;
- b) He should be able of owning the property. A *waqf* in favour of animals is

¹⁸ Ibid.

¹⁹ *The Five Schools of Islamic Law*, p.545.

²⁰ Ibid, p.549.

not valid,²¹ but there are such Ottoman *waqfs* where the *mutawalli* is a person and the beneficiaries are animals;²²

- c) The purpose of the *waqf* should not be sinful;
- d) The beneficiary should be specifically known.

E. Conditions or Requirements for the Validity of *Waqf*

First: *Waqf* is valid once the deed establishing it is executed even though the property to be bequeathed does not yet exist, i.e. a person may decide to create a *waqf* of a mosque prior to its construction, provided the land on which the mosque is to be built has already been acquired. However, according to Imām Shāfi'i the creation of *waqf* with no objectives and also without conditions is considered null and void.²³ A *waqf* should not be made with a contingent on events in the future, i.e., if the person said, "Should Mr. A come tomorrow my land is bequeathed to the poor" in this case no *waqf* is created. According to the Administration of Muslim Law Act (AMLA) of Singapore, which will be discussed in the second chapter, if a person said, "When I die this property becomes *waqf*" is invalid for the creation of *waqf*. This kind of promise will become a will or *waṣiyyah*. This is also the opinion of Ḥanafī. Both School Shāfi'i and Ḥanafī are of the opinion that "it is not valid to make a *waqf* contingent on the occurrence of an event; rather, it is *wājib* that *waqf*

²¹ Ibid. p.550.

²² Sir Roland Knyvet Wilson, *Muhammad Law*, A. Yusuf Ali, Delhi, Akashdeep Publishing House, 1988, p 352.

"Abū Yūsuf concurred with Muḥammad as to the mosque or burying ground, "because the continuance of a participation in anything is repugnant to its becoming the exclusive right of God;" and also, "because the present discussion supposes the place in question to be incapable of division as being narrow and confined, whence it cannot be divided but by an alternative application of it to different purposes, such as its being applied one year to the interment of the dead and the next year to tillage, or at one time to prayer and at another to the keeping of horses which would be singularly abominable."

²³ Ibid.

be unconditional".²⁴ Therefore, if a person intended to make a *waqf*, he should say, "After my death, make this property a *waqf*", it will be considered a will, and the executor of the will is responsible for creating the *waqf*. The *waqf* should not be fixed for a period of time i.e. to one month, one year or the like. All schools except Mālikī, agree that a *waqf* is valid only if the *wāqif* intends the *waqf* to be perpetual. And if a *waqf* deed includes any condition or stipulated that the property should be sold after a number of years, it is also invalid.

Second: *Wāqif* is legally entitled to own and is the real owner of the bequeathed property. Thus, *waqf* made by a slave, minor, thief or any one who is illegally in possession of the *waqf* property, is invalid.

Third: *Wāqif* must intend the *waqf* to be an act of *qurbah* (devotion) by which the pleasure of *Allah* and His reward is sought. The property for the endowment must be identified. However, *waqf* made by an infidel or an apostate after he has already renounced his faith and he is about to put on trial for *riddah* (apostasy) will be invalid if he is convicted and executed. But if he returns to Islam before his death the *waqf* will be valid.²⁵ In addition, *waqf* made for the construction of Christian churches or of synagogues is void. Nor can a non-Muslim dedicate his property for a Muslim place of worship unless God may be worshipped according to the rites of Islam, such dedication would be valid.²⁶ But a *waqf* made in favour of a hospital for Christian and Jews with a pious motive is valid.²⁷ Likewise *waqf* made by a minor and insane person is not valid.²⁸

²⁴ *Ibid*, p.546.

²⁵ *Mahommedan Law*, Vol.1, p.201.

²⁶ *Ibid*, p.200.

²⁷ *Ibid*.

²⁸ *Ibid*, p.197.

2. Comparison with Trusts

The law in Singapore before independence was basically English Common Law. However, after its proclamation of independence in the year 1965, the Government introduced the law that includes an act applicable to the trustees cited as the Trustees Act, enacted on 15th July 1967. Most of the articles in this act are an adaptation from the English Common Law.²⁹ And for the law relating to Islam and the Muslim community, the state enacted an act, on 1st July 1968, named the Administration of Muslim Law Act (AMLA).³⁰ Since most of the *waqf* were created before 1968, it is most likely that the deeds were written based on the English law where the word *waqf* was not stated, the word endowment or trust was used instead. This is because the difference between the two is so marginal that sometimes it becomes difficult to identify one from the other.³¹ This leads to a question whether the Islamic Law of *waqf* influences the development of the English Law of trust. This question has been put forward by Gaudiosi in her study of Merton College in England,³² but there is no doubt that *waqf* had developed earlier than the English Law.³³

In principle, the creation of both trust and *waqf* are for charitable purposes with only minor differences between them. According to the English Common Law, the trust is not charitable unless it is for the public benefit or to relieve poverty for a poor relative.³⁴ For *waqf*, it is valid even though the beneficiary is the *wāqif* himself,

²⁹ Ahmad Ibrahim, *Islamic Law in Malaya*, Singapore, Malaysian Sociological Research Institute, 1965, p 299. Cited hereafter as *Islamic Law in Malaya*.

³⁰ Hereinafter will be cited as AMLA.

³¹ S. Athar Husain and S. Khalid Rashid, *Waqf Laws And Administration In India*, Lucknow, Eastern Book Company, 1968, p 158. Cited hereafter as *Waqf Laws And Administration In India*.

³² Monica M. Gaudiosi, "The Influence of the Islamic Law of Waqf on the Development of the Trust in England, The case of Merton College", *University of Pennsylvania Law Review*, 1988, Vol. 136, pp.1231-1261.

³³ *Waqf Laws And Administration in India*, p.159.

³⁴ *Islamic Law in Malaya*, p.303.