

QUESTIONS ABOUT THE MANAGEMENT OF THE MOSQUE

Q: 1- 'I am a recent subscriber to your worthy magazine and have enjoyed every issue of your magazine since December last year. I pray that Allah will give you and your 'organization all strength and willingness to carry on your good work. I would be obliged if you would answer these questions for me either directly or through the medium of your magazine.

1) Who are the people who form the Jamaah of a mosque?

Is there an area limit? Are there any other criteria to form the Jamaah?

2) There is a mosque in our city which is situated in a highly commercial area. This area was formerly highly residential and the many Muslims living there built and maintained the mosque. They also donated several properties to this mosque as waqf which gives this mosque substantial income. Can the descendants of these donors and residents of this locality still continue to be part of the Jamaah of this mosque?

3) Who is trustee of a mosque? Must he be from the Jamaath who qualifies to be a trustee? What are his duties? Can a person who does not form part of the Jamaah of a mosque be a trustee of a mosque? Can trusteeship pass on from father to son because the father has contributed substantially to the building and maintenance of the mosque? (A. Majid M Abdul Cader, Colombo, Sri Lanka)

A: The mosque is a particular kind of waqf not owned by anyone. It is a property devoted for the pleasure of Allah. As soon as someone makes his property waqf for the purpose of building a mosque, he ceases to be its owner. However, while effecting a waqf one can appoint himself, or any person of his choice, as administrator of that waqf who takes care of its management and carries out its day-to-day affairs according to Shariah and conforming to the conditions of the Waqf. This administrator is called "mutawalli".

If no mutawalli has been appointed by the founder of the waqf, the founder of the waqf shall be deemed to be the mutawalli during his lifetime, unless he appoints another person as such. The founder of the waqf can also appoint a person to take charge of the administration of the waqf after his death. But if no such person has been appointed by him, the privilege of appointing a mutawalli shall pass on to the Islamic State or judge authorized by the State. If the waqf is created in a non-Muslim country, or in a Muslim country where the State does not carry out the administration of the waqf the Muslim residents of the relevant area are entitled to appoint a mutawalli. It is preferable for them to select a mutawalli from among the descendants of the founder of the waqf, provided that he is qualified to work as such. However, this is not a universal principle. The Islamic state or the inhabitants of the area may appoint any other person from outside, specially when he is more capable to carry out the functions of the waqf.

A mutawalli of a mosque should always be an adult Muslim, fully capable of administering the affairs of the mosque in a trust-worthy manner using the funds with honesty for the betterment of the waqf only. He should also be a practicing Muslim. If he lacks any of these conditions, he is liable to be removed, even if he is the maker of the waqf himself or if he is one of his descendants or any other person. In this case he must be substituted by another person fully qualified for the purpose.

The administration of a waqf or a mosque can be entrusted to a committee also, in which case the committee, as a whole, shall be the mutawalli of the mosque having the same rights and obligations as those of an individual mutawalli. The members of this committee should, as far as practicable, have all the qualities mentioned above for a mutawalli of a mosque. These are the basic principles underlying the rules of the administration of a mosque. In the light of these principles the answers to your questions can be understood easily. However, a brief answer to each question is given below for your convenience:

1. Most probably you have used the word "Jama'ah of a mosque" in the sense of its executive committee. There is no particular number prescribed for its members, nor a particular locality from which they may be selected. The main requirement is that they should have the qualities of a mutawalli as mentioned above.
2. If the descendants fulfil the aforesaid requirements, they can continue to be the members of the committee. Otherwise, they should be substituted by capable persons.
3. "Trustee" is a legal term, different in connotation from the Islamic term "Mutawalli" . The qualifications of a mutawalli have been explained earlier, If the executive committee has been formed after creating a legal trust, each member of the Board of Trustees can be regarded as a trustee, and his qualifications are the same as mentioned with reference to the member of the executive committee.

Contemporary fatawaa