

fardh Salāh with Jam'āt (congregation), acquiring livelihood by unlawful means, etc. Thus, if any trustee is found to be involved in such actions it will be Wājib (incumbent) to dismiss him from office, even though he maybe the endower himself.

8. He should not be one who requested for the position as a trustee.

[ Durrul Mukhtār with Shāmi- Vol. 5 Pg. 385].

If any close relative of the endower complies with the above conditions he should be appointed as a trustee. However, if all these qualities are not found in any individual then such a person cannot be a Mutawalli nor can he be appointed as one, since this will constitute as an act of sin.

Many of our Mutawalli's are aware of their indulgence in sin but still decline to relinquish this sacred duty, this is proof to their motives being only honour and esteem.

### CHOOSING A MUTAWALLI

Customarily a voting system is utilised when nominating a Mutawalli, hence, it is important for us to know what the Shar'iah has to say regarding the position of the voter.

A person who gives his vote to anyone acts as a witness to the candidate being worthy of the position. In other words he is giving

testimony on the person being pious and trustworthy and rightful to the post. If the candidate does not possess such qualities and the voter is mindful to it, but still votes for him his status is that of a person who gives false testimony.

Rasulullah (Sallallahu Alaihi Wasallam) has included false testimonies among the major sins. [Bukhāri-Muslim].

### DUTY OF THE ULAMĀ

Mufti Muhammad Shafi (R) in his Ma'āriful Qur'ān commentating on the verse; "*Why do not the Rabbis and the priests forbid their evil speaking and their devouring of illicit gain?*" [Surah Māidah V.63], mentions, this verse although revealed warning the Ulamā of the Jews and Christians also includes the Ulamā of this Ummat. Hence, it is their duty to prevent the masses from wrong doings. Ibn Abbās (R.A.) states there is no other verse severe than this one in admonishing Ulamā. Imām Dha'hāq (R) says, "There is no other verse the Ulamā should fear greater than this verse." [Ma'āriful Qur'ān Vol. 3 Pg. 193].

No Mutawalli or trustee of any Masjid is greater than the Ulamā and the Imām of the Masjid. The Ulamā should come out of their slumber and teach the masses the correct injunctions of the Shar'iah which the masses should listen and adhere.

## ADVICES WHEN APPOINTING TRUSTEES (MUTAWALLI'S) FOR A MASJID

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*“Only those shall administrate Masjids who believe in Allah and in the Last Day, who establish Salāh, who pay Zakāt, and who fear none besides Allah.”*

[Surah Taubah V.18]

Alhamdulillah throughout Britain the Muslims due to their love for Deen have constructed Masjids. With the constructing of Masjid’s certain individuals are assigned to run the affairs of the Masjid. The people assigned to this duty have always tried to fulfil it with accuracy. However, it has been observed that due to lack of knowledge amongst the general masses and the Ulamā relinquishing their duty to educate the masses, many of our affairs pertaining to the Masjid are conducted counter to the method of the Shar’iah. Scant regard is given to who administrates the affairs of the Masjid and whether those assigned have any privilege to take up such a sacred position. When unIslāmically clad and oriented people are given this noble position expect nothing but evil and corruption within the administrative walls of the Masjid.

Regarding appointing such people in charge of the affairs of the Masjid Rasulullah (Sallallahu Alaihi Wasallam) says; “When positions of trust are handed to unqualified (Islāmically) persons then await the Final Hour.” [Bukhāri].

So many of our Mutawallis themselves neglect Salāh and are Fāsiqs (open sinners) one who shaves his beard or trims the beard less than a fist length has also been categorised as a Fāsiq.

The ruling of such people taking this post is:

“It is not permissible to appoint a Fāsiq as a Mutawalli.” [Fatāwa Ibn Taimiyyah].

“To appoint an ignorant and Fāsiq person to a position of trust (e.g. Mutawalli) is to show honour to him whereas the Shar’iah has proscribed the honouring of Fussāq (rebellious and shameless sinners).” [Fatāwa Shāmi].

“It is incumbent upon the residents of a locality to remove a dishonest Mutawalli from office otherwise they will be guilty of sin. [Fatāwa Khairiyyah].

#### **WHEN APPOINTING A MUTAWALLI HE MUST COMPLY TO THE FOLLOWING CONDITIONS:**

1. He must have the right of trusteeship. This right, in sequence of priority, goes first to the person who made the endowment (waqf). Second is the person appointed by the endower himself. Next is the Muslim ruler or appointed Muslim governor of the district. Thereafter this right rests with the Muslim

judge (Qādhi), then finally with the person whom the inhabitants of the locality choose. [Shāmi-Book of Waqf/ Vol. 5 Pg. 384 ].

2. He must be sane.
3. He must be well acquainted with the regulations pertaining to endowment and trust (Waqf).
4. He must have a practical and theoretical knowledge concerning the affairs of managing the endowment (Waqf). This means he should not be so ignorant as to be unable to differentiate between a capable and non-capable candidate for appointment as Imām or Muazzin. It should not be that he fails to consult learned people and disassociate himself from senior Ulamā in related matters. He must also not be so busy that he is unavailable to attend to the affairs of the trust.
5. He must be a trustworthy person, taking care not to misappropriate a single penny.
6. He must not involve himself in such futile engagements wherein people destroy their wealth, like gambling and bribery.
7. He must be an “Allah-Fearing” and pious person – not a Fāsiq, i.e. an open sinner who indulges in major sins as drinking, adultery, dealing in interest, shaving the beard, neglecting Salāh, discarding the