

## MARYAM *Waqf* EDUCATIONAL TRUST FUND: A PACESETTER IN NIGERIA

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### Abstract

A *Waqf* in Islam is also known and referred as Islamic endowment. It usually benefits the community as a whole by offering a service that is useful to society or to a particular individuals based on the intended beneficiaries by the donor. Institution of *Waqf* reflect Muslims' view of death itself, preparation for the afterlife, and transmission of wealth. One particularly important instrument for solidarity and social development is the establishment of *Waqf* to benefit and support the society. These benefits and supports include but not limited to rendering financial support to the poor, digging wells, building of mosques, hospitals or schools such as university. A good example of this in Nigeria is Maryam Endowment Fund situated in Kaduna, the capital city of Kaduna state in northern Nigeria. The endowment also has an office in Abuja known as Maryam Endowment Fund Estate (Kado Estate), Abuja. Although the Fund is based in Kaduna, many people across the northern part of the country have benefited from the services it renders thus becoming a pacesetter in the history of classical *Waqf* in Islam. This paper looks briefly at the concept of *Waqf*, historical origins, and legitimacy of the *Waqf* based on Quranic Verses and Hadith of the Prophet (SAW). Also, this research examines the resemblance between classical *Waqf* in Islam and Maryam Endowment Fund in Northern Nigeria vis-à-vis its formation and activities in order to showcase the impacts of Maryam Endowment Fund on the communities with the objective of exhibiting how *Waqf* can alleviate poverty and as well

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promote social welfare and contribute to economic development of the Nigeria society if fairly and properly managed like Maryam Endowment Fund. Lastly, this research concludes by affirming the significance of *Waqf* today in Muslims' society and making recommendations to the Muslim Ummah.

**Keywords:** Maryam Endowment Fund, *Waqf*, Endowment, Shari'ah, Asset, Property.

## 1.0 Introduction

The upsurge in the school fees, lack of fund/sponsorship cum bad economic are parts of the impediments to the smooth running of many potential Muslim youths' education in Nigeria. One of the major ways provided by Shari'ah through which this problem can be solved is through al-*Waqf* (Endowment). A good Example of such *Waqf* (endowment) in Nigeria is Maryam (*Waqf*) Educational Trust Fund founded solely in 1983 by Alhaji Sani Zangon Daura,<sup>1</sup> with the goals

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<sup>1</sup> Alhaji Sani Zangon Daura, CON, Dan Masanin Daura, was born in 1938 in a traditional Hausa/Fulani social set up in Zangon Daura Town, the Headquarters of the present Zangon Daura Local Government of Daura Emirate in Katsina State. As was and still is typical in all Muslim settlements in Northern Nigeria, Sani Zangon Daura was first sent to a Qur'anic School during his formative years. In 1944 when he attained an acceptable age that he could be exposed to the western education, his parents enrolled him into the then Zangon Daura Elementary School where he finished his elementary education in 1948. He was sent to Katsina Middle School in the defunct Katsina Province where he studied from 1948 to 1952. In 1953 he went to the School for Arabic Studies in Kano where he studied up to 1957. At the end of his study in the School for Arabic Studies in 1957, he came back to Daura and taught briefly in Daura Central Primary School and from there he was later deployed to Daura Senior Primary School where he taught under the late Mallam Dauda Daura who was the headmaster then, up to 1958. He then proceeded to the University of Lagos in 1963. He completed his tertiary education in 1966 there where he graduated with a B.Sc. in Business Administration on 24th June, 1966. Alhaji (Dr.) Sani Zangon Daura, CON, Dan Masanin Daura who is the Founder of the 42-year-old Maryam Endowment Fund (Waqaf) is, incidentally, the current Pro-Chancellor of the Al-Qalam University Katsina. He was one of the four important dignitaries in Nigeria that were conferred with various Doctorate Degrees by the University. Other honorees were His Highness, the Emir of Katsina, Alhaji (Dr.) AbdulMumin Kabir Usman, CFR, His Highness, the Emir of Kazaure, Alhaji (Dr.) Najib Hussain Adamu, CON and Alhaji AbdulSamad Rabi'u, CON, CFR, the Founder of the Conglomerate Companies of Bua Group. See for details: < <https://maryamefund.com/> > accessed on 07/10/2024

to promoting social welfare, education, and religious practices of the community.<sup>2</sup> The concept of *Waqf* has historical significance in Islamic civilization by playing a crucial role in supporting various institutions and initiatives. Generally speaking, Allah makes al-*Waqf* (Endowment) a means through which one can draw near to Him.<sup>3</sup> Islamic law is the first law ever that defines and regulates *Waqf* as a civil societal institution<sup>4</sup> *Waqf* is a sustainable, ongoing charitable endowment (Sadaqah Jariyah), widely used throughout Islamic history to develop and support communities. *Waqf* is one of the three means by which one will be getting its rewards even after one's death in as much as its benefits to mankind and/or animals remains.<sup>5</sup> *Waqf* before Islam was tailored towards societal and religious exercise where the rich person assigns a property to the temple and monks would use it for the temple expenses and may also extend its use to helping the poor or even providing books to a library.<sup>6</sup> However, After the demise of Prophet Muhammad (SAW), *Waqf* grew by leaps and bounds as *Waqf* endowment became a pillar in the religious, social, cultural, educational, scientific, economic and political life of Islamic society.<sup>7</sup>

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<sup>2</sup> Ibid.

<sup>3</sup> Allah says: “By no means shall you attain Al-Birr (piety, righteousness –here it means Allah’s reward, i.e. paradise), unless you spend (in Allah’s cause) of that which you love; and whatever of good you spend, Allah knows it well. See” Al-Hiali, M. T. and Muhsin Khan M., ‘Translation of the Meaning of The Noble Qur’an in English Language’ (King Fahd Complex for the Printing of the Holy Qur’an, Madinah K.S.A) Quran 3: 92

<sup>4</sup> Kahf Monzer, ‘Kinds and Objective of Islamic Waqf’ available online at <http://www.onislam.net/english/shariah/contemporary-issues/islamic-themes/452483-kinds-and-objectives-of-the-islamic-Waqf>. accessed 20/7/2018

<sup>5</sup> See Abu Dawud S. ‘Sunanu Abi Dawud’ (Daru Ibn Jazm, Beirut, 1<sup>st</sup> ed. 1998) Hadith No. 2880

<sup>6</sup> Obaidullah Abid & Sarferaz Miakhil, say in their paper, while also cited Professor Timur Kuran: “The tradition of making *Waqf* was in trend before Islam. He exclaimed that various ancient peoples–Persians, Egyptians, Turks, Jews, Byzantines, Romans, and others–had developed similar structures prior to Islam, thus the institution did not had to be developed from scratch because it did not emerge in a historical vacuum, so the first founders of Islamic trusts and the jurists who shaped the pertinent regulations almost certainly drew inspiration from models already in application around them.” See Abid, O., & Miakhil, S. (2024). A HISTORICAL OVERVIEW OF *WAQF*. International Journal of Sukuk and *Waqf* Research, 5(1), 1-8. <https://doi.org/10.46281/ijswr.v5i1.2170> > accessed 22/9/2024

<sup>7</sup> A good example of this is the ‘Maryam (*Waqf*) Educational Trust Fund in Kaduna, Nigeria, where above a thousand had been sponsored in primaries, post-primaries, tertiary institutions and universities in and outside the country. Many others are

## 1.2 Concept of *Waqf*

The word *Waqf* is used in the Islamic Law in the meaning of donation, bequeath or purchase of assets to be held in perpetual trust for general or specific charitable causes that are socially beneficial.<sup>8</sup> It could also said to mean, holding a property and preserving it so that its fruits, revenues or usufruct is used exclusively for the benefit of an objective of righteousness while prohibiting any use or disposition of it outside its specific objective.<sup>9</sup> Put differently, a *Waqf* is an unconditional and permanent dedication of property with implied detention in the ownership of Allah in such a manner, that the property of the owner may be extinguished and its profits may revert to or be applied for the benefit of mankind except for purposes prohibited by Islam.<sup>10</sup> This definition accords continuity or perpetuity to *Waqf*, i.e., it applies to non-perishable properties whose benefit and usufruct can be extracted without consuming the property itself. Therefore, *Waqf* widely relates to land and buildings.<sup>11</sup> However, there are *Awqaf* of books, agricultural machinery, shares and stocks, and cash money.<sup>12</sup> *Waqf* can be either be private or public. It is private when the beneficiaries are donors' families either nuclear or extended. A *Waqf* philanthropically made for religious purpose or for the benefit of the populace is known as public

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currently been sponsored across all levels of educational standards in and outside the country. Several hospital bills had been settled by this endowment. See for details: 'Maryam (*Waqf*): Challenging Nigerian Muslim Ummah' pg. 3, available online at < <https://maryametfund.com> > accessed on 9/3/2024; see also See Obaidullah Abid & Sarferaz Miakhil, 'A HISTORICAL OVERVIEW OF *WAQF*', pg. 6.

<sup>8</sup> Imam Muhammad Ibn Aliy, Ash-Shawkani, 'Comprehensive Islamic Jurisprudence according to the Quran and Authentic Sunnah' Translated by Abu Aisha Murthada Salahud-Deen al-Iwoowee (Dakwah Corner Bookstore (M) Sdn. Bhd. Darul Ehsan, Malaysia, 2019) pg. 493

<sup>9</sup> Kahf Monzer, 'Kinds and Objective of Islamic *Waqf*'. Pg. 4.

<sup>10</sup> Abid, O., & Miakhil, S. (2024). A HISTORICAL OVERVIEW OF *WAQF*. Pg. 3; Muhammad Bakr Ishmael, *Al Fiqh al- Wadih Minal-Kitab Was-Sunnah "Alal-madhahibil -Arba"ah*. pg.128

<sup>11</sup> Abid, O., & Miakhil, S. (2024). A HISTORICAL OVERVIEW OF *WAQF*. Pg. 7.

<sup>12</sup> Ibid. Pg. 6; The replica of these could be seen in the formation of Maryam *Waqf* where it has 10 hectares of orchard along Zaria-Kaduna Road, shares at Afribank, Unity Bank, Technoplastic and Nortex in Kaduna; all for the purpose of the Endowment See 'Maryam (*Waqf*): Challenging Nigerian Muslim Ummah' pg. 4.. The reference should provide the source for the opinion declared above not an example of its application by Maryam *Waqf*.

*Waqf*.<sup>13</sup> *Waqf* donors are considered to be performing acts of worship and obedience to Allah (SWT) by setting aside a portion of their wealth for the public good and benefits. Essentially, a valid *Waqf* needs some prerequisites: there are four pillars of *Waqf* namely: i. Al-waqif (the person who endows), ii. Al-mawquf (the property being endowed), iii. Al-mawquf 'alaih (the party to whom the *Waqf* is intended to benefit), iv. Shighah (the pledge of *Waqf* from the person who endows).<sup>14</sup> The person making *Waqf* must be adult and capable of doing so by having bona fide ownership on the subject matter of *Waqf*. He must also be a sane person. The subject matter must be tangible and must one whose usufruct is permitted in Shari'ah. Generally, a *Waqf* has features of inalienability, perpetuity and irrevocability.<sup>15</sup> *Waqf* may be temporary or permanent.<sup>16</sup> It is temporary where the endowment remains in effect for a specific period after which the asset returns to the owner or their heirs.<sup>17</sup> While a permanent *Waqf* remains in effect forever.<sup>18</sup> The person who manages the *Waqf* property can eat from it as necessary.<sup>19</sup> The one who donates the property can as well manage it and eat from it like others.<sup>20</sup> In many ways, the concept of *Waqf* in Islam is akin to that of Western concept of endowment.

## 1.0. Origin and Legality of *Waqf* in Shariah.

### 1.1. The Qur'an:

While the term "*Waqf*" itself is not explicitly mentioned in the Qur'an, the principles behind it can be derived from various verses

<sup>13</sup> Muhammad Bakr Ishmael, *Al Fiqh al- Wadih Minal-Kitab Was-Sunnah "Alal-madhahibil -Arba"ah* (2<sup>nd</sup> ed. Daru al-Manar, Cairo, vol. III, 1998) pg. 128.

<sup>14</sup> Ibid.

<sup>15</sup> This is the opinion of the majority of jurists; *Maliki* allows revocable (i.e. temporary) *Waqf*. See for detail: 'Characteristics of *Waqf*' available on line at [http://www.irWaqf.com/index.php?/Waqf\\_in\\_islam/index/9](http://www.irWaqf.com/index.php?/Waqf_in_islam/index/9) see also: Abid, O., & Miakhil, S. (2024). A HISTORICAL OVERVIEW OF *WAQF*. Pg. 7. See Also; Oseni U. A. 'Towards the Effective Legal Regulation of *Waqf* In Nigeria: Problems and Prospects' pg. 5, available online at <<http://Waqfacademy.org/wp-content/uploads/2013/03/Umar-A.-Oseni-UAO.-Date.-Effective-legal-regulation-of-Waqf-in-Nigeria.-Nigeria.-UAO.pdf>> accessed on 28/2/2016

<sup>16</sup> Imam Yahaya An-Nawawi, '*Rawdatu At-Talibeen*', (Daru 'Alm Kutub, Riyad, Special Ed. 2003, Vol. 4) pg. 392

<sup>17</sup> Ibid.

<sup>18</sup> Ibid.

<sup>19</sup> Imam Muhammad Ibn Aliy, Ash-Shawkani, 'Comprehensive Islamic Jurisprudence according to the Quran and Authentic Sunnah' Translated by Abu Aisha Murthada Salahud-Deen al-Iwoowee. Pg. 493.

<sup>20</sup> Ibid.

emphasizing charity, helping others, and using wealth for good causes; "...and gives his wealth, in spite of love for it....,"<sup>21</sup> Allah also says in another verse: "The examples of those who spend their wealth in the way of Allah is like a seed [of grain] which grows seven spikes; in each spike is a hundred grains. And Allah multiplies [His] reward for whom He wills..."<sup>22</sup> In another verse, Allah says "Never will you attain the good {reward} until you spend {in the way of Allah} from that which you love; and whatever of good you spend, Allah is knowing of it."<sup>23</sup> This was why the Companions of Prophet Muhammad (SAW) were in the habit of spending all their hard-earned money on the needy and to the course of Allah; in compliance the this above cited verses of the Quran.

### 1.2. The Sunnah:

Prophet Muhammad (SAW) migrated from Makka to Madinah in the year 622 C. E. Upon the arrival of the Prophet (SAW) at Madinah, he built a mosque for the Muslim Ummah to enable them perform their congregational prayer together at Quba'.<sup>24</sup> This was the first known *Waqf* in the history of Islam.<sup>25</sup> Furthermore, the Prophet's Mosque in the central of Madinah was built six months later.<sup>26</sup> Similarly, Ibn 'Umar reported: 'Umar acquired land in Khaibar. He came to Allah's Apostle (SAW) and sought his advice in regarding it. He said: "Allah's Messenger, I have acquired land in Khaibar. I have never acquired a property more valuable to me than this, so what do you command I do with it? Thereupon the Prophet (saw) said: If you like, you may keep the corpus intact and give its produce as Sadaqah."<sup>27</sup> So 'Umar gave it as Sadaqah declaring that the property must not be sold or inherited or given away as a gift. And 'Umar devoted it to the poor, to the nearest of kin, to the emancipation of slaves, to wayfarers/guests, and in the way of Allah.<sup>28</sup>

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<sup>21</sup> Al-Baqarah: 177

<sup>22</sup> Al-Baqarah: 261

<sup>23</sup> Al-Imran: 92

<sup>24</sup> a city of about 2,363.02 km to Makkah. See Qibla Direction from *Quba* available online at <https://timesprayer.com/en/direction-qibla-quba.html> accessed on 27/11/2024

<sup>25</sup> Kahf Monzer, '*Kinds and Objective of Islamic Waqf*' pg. 3

<sup>26</sup> *Ibid.*

<sup>27</sup> Charitable aims giving.

<sup>28</sup> Sahih Muslim, *Hadith* No. available online at <http://www.hadithcollection.com/download-hadith-books/download-sahih->

In the hadith reported by Abu Hurayrah, one of the three rewards that a man continues to benefit from even after his death is Sadaqah Jariyah (i.e., charitable endowment).

Meaning: “when a person dies, the reward of his deeds stops except for three: ‘a perpetual Sadaqah (Sadaqah Jariya)...<sup>29</sup>

The above hadith set the precedent for our honorable Sahaba (companions of the Prophet) (RTA) and Muslims from all walks of life, over the centuries, to popularize the *Waqf* system for any imaginable Shari’ah compliant purpose. This command of the Prophet (SAW) and the action of ‘Umar (RTA) set into motion the first Social Development *Waqf* by means of an income producing economic asset.

## 2.0. Maryam Endowment Fund in Northern Nigeria

Maryam Endowment Fund specially created a window within itself to cater for the education of its beneficiaries known as Educational Trust Fund.<sup>30</sup> It is a good example of an Islamic endowment. It was set up in 1983 in Kaduna, Northern Nigeria by Alhaji Sani Zangon Daura who is also the chairman of its board. Other pioneer members of its board who are all deceased were Alhaji Salisu, Walin Daura, Alhaji Haru Zangon Daura, Mustawallen Daura, Dr. Ahmed Hussein and Alhaji Maude.<sup>31</sup> The aims and objectives of the endowment are:<sup>32</sup>

- i. To build, train, maintain and support, financially or otherwise, educational and vocational institutions for persons who are impeded by their social and cultural circumstances to achieve their innate potential;
- ii. To rehabilitate and fund Islamic schools and Mosques for the less privilege in the society and pay the salaries of the Imams and school teachers and workers where necessary.
- iii. To build, maintain and run hospitals and offer support to health-related Institutions.
- iv. To offer support to widows and the disabled in the society.

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[muslim.html](#)? Accessed on 20/1/2024; see also Sahih Bukhari, Book 3, hadith

No. 511

<sup>29</sup> Ibid.

<sup>30</sup> *Maryam (Waqaf): Challenging Nigerian Muslim Ummah*’ pg. 3,

<sup>31</sup> *‘Maryam (Waqaf): Challenging Nigerian Muslim Ummah*’ pg. 1

<sup>32</sup> *Ibid.*pgs. 1-2



- v. To offer assistance to victims of natural disasters, accident victims and stranded travelers.
- vi. To sponsor identified, Intelligent Islamic and secular students who have shown strong capability and ability in doing professional courses/disciplines e.g. Medicine, Engineering, Accountancy, Quantity Survey, Architecture, and other related professions including Computer Sciences.
- vii. To offer assistance to Muslims who are displaced by crises and refuge Muslims.
- viii. To rehabilitate and offer assistance towards maintenance of Muslim graveyards.
- ix. To assist victims of Robbery and deprivation by circumstances of the society.
- x. To assist in paying part or whole any medical bills for complicated cases particularly of the poor. Other similar areas needing such help can be expanded due to changing circumstances.
- xi. To finance the formal and Islamic education of my children, grandchildren and those of my brothers and sisters to the highest level they can individually attain.
- xii. To maintain and take care of my widows after my demise.
- xiii. And generally, to undertake all such things and perform all acts as listed in the document titled "MAHIMMINCIN WAQAF AMUSULUNCI" executed between Sani Zangon Daura and Yusuf Mohammed Sambo Rigachikun.

More so, the estimation of the total assets, properties, shares and cash belonging to Maryam Endowment Fund is between N4-5 billion.<sup>33</sup>

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<sup>33</sup> It must be added that the fund is not affiliated to any organization in or outside Nigeria. All its charitable activities are self-financed from the annual rents accrued from these landed properties. The Fund's sources of income are Funds generated from rents collected on its properties in Abuja, Kano and Kaduna as well as donations. This latter source is yet to be tapped. It is their prayer that this Fund shall be a Perpetual Succession as such it will continue to serve the purposes for which it was set up till the last day. An extract from my personal interview with one of the administrators of Maryam *Waqf* during my visit to the endowment in Kaduna in 2018. See for details: *Maryam (Waqf): Challenging Nigerian Muslim Ummah'* pg. 4.



### **3.0. Maryam Endowment Fund Educational: Trust Fund as a Pacesetter in Nigeria**

In the history of *Waqf* in Nigeria, there has not been a well-established *Waqf* that fully conform both in form and substance to the features of classical *Waqf* as obtainable in Shari'ah.<sup>34</sup> Interestingly, Maryam Endowment Fund; Educational Trust Fund has been able to conform with the prerequisites of *Waqf* in the following ways:

#### **(a) As a Charitable (*Waqf Al-Khayr*) and religious Purpose.**

In line with the aims and objectives of Maryam Endowment Fund as listed above and coupled with plethora of the philanthropic activities it championed, one can easily conclude that the *Waqf* was established for both charitable and religious purposes. Maryam Endowment Fund has between 1983 to date constructed, and renovated about 50 mosques, four Islamic schools and sponsored about 1000 students in primary, post-primary, tertiary institutions and universities within and outside the country to study in different fields- engineering, chemistry, law, etc. Currently, Maryam (*Waqf*) is sponsoring about 15 students at Bayero University, Kano; 37 at Kaduna Polytechnic; 7 at Ahmadu Bello University, Zaria; 10 at St. Aldate's College, Oxford, London and over 200 students in different secondary schools across the nation.<sup>35</sup> Also, it has also financed the medical treatment of close to 2000 less privilege members of the society at Yusuf Dantsoho, Jinya Hospitals, National Eye Centre, ABU Teaching Hospitals, Dental Surgery and Dala Hospital in Kano. These numbers do not include the casual who walk in with requests for settlement of hospitals bills, whose problems are immediately attended to. Similarly, the *Waqf* has also been involved in giving grants to several Islamic Schools in the form of payment of the cost of renovation at classrooms, staff salaries and supply of books to schools. More so, Maryam Endowment Fund had made several payments of water and electricity bills of some mosques as well as settlement of the salaries of Imams and his staff of several mosques.<sup>36</sup>

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<sup>34</sup> This assumption was based on my personal study and experience of *Waqf*.

<sup>35</sup> The names of the beneficiaries, the courses undertook and their respective universities are available online at <https://maryamefund.com/curStudents.php>. Accessed on 28/11/2024

<sup>36</sup> These estimates were taken in 2014 – *what is the source of the estimate? Was it field study conducted by the researcher or provided by the foundation? You have to be clear.*

Mosque were unilateral built by the Endowment,<sup>37</sup> schools/Madarasat were also built for the communities.<sup>38</sup>

Talking about the recent sponsorship, in 2021, out of many students benefiting from Maryam Endowment Fund 139 students graduated from various tertiary institution across Nigeria from different disciplines.<sup>39</sup> Statistics also showed that another batch of 139 students sponsored by Maryam Endowment Fund also graduated from various university across Nigeria in 2022.<sup>40</sup> While in 2023, 167 students sponsored by Maryam Endowment Fund graduated in various course of studies across Nigerian universities.<sup>41</sup> Currently, 124 students are undergoing course of studies in various tertiary institutions in Nigeria with estimated cost of ₦14, 627, 004. 00 (Fourteen million, six hundred and twenty-seven thousand, four naira) only.<sup>42</sup>

In 2009, Maryam Endowment Trust Fund undertook the cataract surgeries at ‘Save Vision Eye Cataract Surgery’ at General Hospital was a program to treat patients with eye problem unilaterally sponsored by Maryam Endowment Fund between 24<sup>th</sup> -28 of December, 2009.<sup>43</sup>

Similarly, in 2023, Maryam Endowment Fund undertook the cataract surgeries in collaboration with a renowned eye specialist hospital based in kano, namely Golden Vision Eye and Ent. Specialist Hospital, Kano.<sup>44</sup> The Fund contracted the eye specialist at a total cost of 26,110,000.000. each of the twelve Local Governments sent one hundred (100) persons for the operations. A total number of 916 persons from Daura Senatorial Zone, comprising of the entire twelve Local Governments were diagnosed, found to be affected by the eye

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<sup>37</sup> Like Abubakar Sadiq Mosque. See <https://maryamefund.com/sadiq.php> for details. Accessed 10/10/2024

<sup>38</sup> For example, *Madarasat* Maryam was built by the endowment. See for details <https://maryamefund.com/madarasatu.php> accessed, 10/10/2024

<sup>39</sup> These statistics are available online at <https://maryamefund.com/grStudents.php?year=2021> accessed, 10/10/2024

<sup>40</sup> Available online at Maryam Endowment Fund website @ <https://maryamefund.com/grStudents.php?year=2022> accessed, 10/10/2024

<sup>41</sup> For details visit Maryam Endowment Fund website at <https://maryamefund.com/grStudents.php?year=2023> accessed, 10/10/2024

<sup>42</sup> For details visit Maryam Endowment Fund website at <https://maryamefund.com/curStudents.php> accessed, 10/10/2024

<sup>43</sup> See for detail; <https://maryamefund.com/eye2.php> accessed on 08/10/2024

<sup>44</sup> See for details: <https://maryamefund.com/eye.php> accessed on 08/10/2024

cataract diseases and successfully operated upon. There were already 10 persons in kano who were treated earlier in the Medical Teams main Hospital in Kano. With that number the total persons so far treated by Maryam Endowment Fund came to a total number of 926 persons. The total number of over 1,019 persons who were given first-aid treatment or other medical assistances and advised to seek further medical assistance in the hospitals. Some persons who came after the entire exercises had wound up were examined by the doctors and assisted with some drugs.<sup>45</sup> The table below summarized the exercise carried out at this program.<sup>46</sup>

| Operation Zones | Total persons screened | Identified with the cataract and treated | issued with drugs and some with glasses |
|-----------------|------------------------|--|---|
| Daura Zone      | 597                    | 322                                      | 275                                     |
| Mani Zone       | 988                    | 476                                      | 512                                     |
| Zango Zone      | 350                    | 118                                      | 232                                     |
| Total=          | 1,935                  | 916                                      | 1,019                                   |

Source:

**(b) As both Public and Private Endowment.<sup>47</sup>**

Running through item no. 1 to item no. 10 of the aims and objectives of Maryam Endowment Fund stipulated above, one will see without any scintilla of doubt that the endowment is meant to serve the philanthropic interest of the populace. Similarly, the 11<sup>th</sup>, 12<sup>th</sup> and 13<sup>th</sup> item of the aims and objectives i.e. “to finance the formal and Islamic education of my children, grandchildren and those of my brothers and sisters to the highest level they can individually attain,” “to maintain and take care of my widows after my demise” and “And generally to

<sup>45</sup> Ibid.

<sup>46</sup> Extracted at the website; See for details: <https://maryamefund.com/eye.php> accessed on 08/10/2014.

<sup>47</sup> Muhammad Bakr Ishmael, ‘*Al Fiqh al- Wadih Minal-Kitab Was-Sunnah*’ *Alal-madhahibil -Arba*”*ah*. pg. 129.

undertake all such things and perform all acts as listed in the document titled "MAHIMMINCIN WAQAF A MUSULUNCI" executed between Sani Zangon Daura and Yusuf Mohammed Sambo Rigachikun" respectively is a good replica of private *Waqf*.

**(c) Maryam Endowment Fund not a temporary *Waqf* (*Waqf Mu'aqqat*)**

Usually, the traditional concept of *Waqf* used to be a permanent endowment, nonetheless, some jurists have allowed for the creation of temporary *Waqf*, where the endowment remains in effect for a specific period. After this period, the asset returns to the owner or their heirs. Example of such *Waqf* could be seen in a person dedicating an asset for charity for a set number of years, after which it returns to their estate or family. This type of *Waqf* is less common than permanent *Waqf*, but it is an option in certain circumstances. It is glaringly clear that Maryam Endowment Fund is not a temporary one going by all the activities it had carried out over the years and still carrying out till date, hence, Maryam Endowment Fund is a permanent one.

**(d) Maryam Endowment Fund as a Cash *Waqf* (*Waqf al-Nuqud*) and Corporate *Waqf***

Cash *Waqf* is a type of *Waqf* where the endowed asset is cash rather than fixed property like land or buildings. The cash is invested, and the profits generated from the investment are used for charitable or public purposes. Cash *Waqf* is gaining popularity in modern times, as it provides flexibility and allows individuals to contribute without owning large physical assets. Corporate *Waqf* is a relatively modern concept where a company or corporate entity itself can be declared as *Waqf*. The profits generated by the company can be used for charitable purposes, while the company continues its business operations. Maryam Endowment Fund combined both Cash and Corporate *Waqf* together. Certain amounts of money were invested, and the return are being used for scholarships, healthcare, and maintaining public welfares and infrastructure which could be seen from this research analyses above. There are lots of shares investment for the purpose of the Endowment, incorporated companies and properties whose proceeds are in favour of Maryam Endowment Fund among which are summarized below:

These are Kado Housing Estate, with sixty (60) flats and another plot of land in Abuja; 10,000 hectares of land at Gadar Mallam Mamman along Abuja-Kaduna Road. Other properties that belong to Maryam Endowment Fund are 10 hectares of orchard along Zaria-Kaduna Road, four houses located at Keffi Road, Tudun Wada and Mambila Close, all in Kaduna. There are also the HACO Shop and a house on Kano Road, all in Kano. Others are shares in Afribank and Unity Bank; Technoplastic, Nortex all in Kaduna and 60% of Ruvic Limited, United Kingdom.<sup>48</sup>

#### 4.0. Beneficiaries of Maryam Endowment Fund

The beneficiaries of *Waqf* depend on the type and purpose of the *Waqf*. Since *Waqf* is designed to serve both individual and public interests. From the above analyses of Maryam Endowment Fund, it is generally designed to serve all the purposes viz:

**Poor and Needy:** among its activities, it provides food, shelter, clothing, and financial assistance to the underprivileged, orphans, and widows.<sup>49</sup>

**Students:** as enumerated above, it caters and provides educational supports and sponsorships to students across all educational levels both home and abroad. It also caters and provides educational funds to support schools, universities, through sponsorships of their programs, scholarships, and training programs.<sup>50</sup>

**Patients:** as listed above, it built lots of hospitals across towns and villages and also use to collaborated with some hospitals and medical doctors to render free eyes treatment to the societies.<sup>51</sup>

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<sup>48</sup> 'Maryam (Waqf): Challenging Nigerian Muslim Ummah' pg. 4

<sup>49</sup> Ibid.

<sup>50</sup> For details of these activities, visit Maryam Endowment Fund website at <https://maryamefund.com/grStudents.php?>

<sup>51</sup> For details of these activities, visit Maryam Endowment Fund website at <https://maryamefund.com/curStudents.php>

**General Public Utilities:** Maryam Endowment Fund funds have historically provided public services such as water supply, and transportation systems, benefiting the society as a whole.

**(e) Its features**

- i. **Irrevocability cum inalienability:** A careful perusal of the whole embodiment of Maryam Endowment Fund, one will conclude that the *Waqf* is irrevocable and inalienable. The endowment had been in existence since 1983 and up till date, the functions of the *Waqf* have been through the year expanding to cover various aspects of its aims and objectives. More so, the *Waqf* was a corporate entity with its current Members of Board of Directors as follows: Maryam Education Trust Fund (Trustee/Member), Sahel Merchant Nigeria Ltd. (Director), Z. Ibrahim & Co. (Managing Director), Coxworld Nigeria Limited (Director), Aidant Resources Nigeria Ltd. (Director), Cromwell Ventures Nigeria Ltd. (Director), Say Communication Nigeria Ltd. (Director) and Pennington Energy Trading Ltd. (Director).<sup>52</sup> Similarly, the founder also took some measures by sending a memo to the board members where he was held to have categorically stated therein that the following assets and properties belong to Maryam Endowment Fund and “under no circumstances should attempt be made to effect any changes.”<sup>53</sup>

Unlike most other *Awqaf* in Nigeria that die with the death of their founder, the founder of Maryam Endowment Fund had separated the *Waqf*'s properties from his personal properties which are subject of inheritance by his heirs after his death. He added a stipulation that ensures its irrevocability and inalienability that “under no circumstances should attempt be made to effect any changes.”<sup>54</sup>

- ii. **Perpetuity:** there are many real properties belonging to Maryam Endowment Fund as stated above, hence, guarantee it perpetuity. More so, the *Waqf* having being an incorporated entity earns to itself the status of ‘perpetuity’. Maryam Endowment Fund has members of the board of

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<sup>52</sup> See for detail <http://www.maryameducationtrustfund.com/contact.php>

<sup>53</sup> See for details: *Maryam (Waqaf): Challenging Nigerian Muslim Ummah*’ pg. 4.

<sup>54</sup> *Ibid.* pg. 4

directors who are the overseer of the *Waqf* and have their primary function to manage the *Waqf* and apply its proceeds for the benefit of the populace as appeared in its aims and objectives earlier mentioned. Moreso, the separation between the *Waqf* properties and his personal properties is one of the measures to guarantee its perpetuity hence, no heir would see the *Waqf* as an inheritable property. Not only that, it can also be garnered from the said memo that the founder has written a wasiyyah (will) wherein he stated that “under no circumstances should attempt be made to effect any changes” as to the properties owns or bequeathed to the *Waqf*. All these are point to ensuring the perpetuity of the *Waqf*. It must be said that this act is akin to that of Umar (RTA) as seen in the hadith of Ibn Umar earlier mentioned. Similarly, a careful perusal of items 11<sup>th</sup> and 12<sup>th</sup> of the aims and objectives of the *Waqf* viz: “to finance the formal and Islamic education of my children, grandchildren and those of my brothers and sisters to the highest level they can individually attain”, “to maintain and take care of my widows after my demise”<sup>55</sup> one will garner that the intention of the founder of Maryam Endowment Fund is that the *Waqf* outlive him. This is because, only when the *Waqf* outlive the donor that it is expected to take care of the donor’s children, grandchildren and the widows alike.

- iii. **Other components of *Waqf*:** the donor in Maryam Endowment Fund is the real owner of the properties donated, possess legal capacity, sane and adult. There is none of the *Waqf* properties that run foul to the provision of Islamic law, i.e. none of the properties is haram (forbidden). All the properties are also beneficial ones to the mankind.

Owing to the foregoing and in the absence of any record in the history of *Waqf* in Nigeria that has ever carried out and/or fulfilled or live long enough to compete with Maryam Endowment Fund, one can successfully say ‘Maryam Endowment Fund is a pacesetter in Nigeria.

## 5.0. Conclusion

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<sup>55</sup> See for details: *Maryam (Waqaf): Challenging Nigerian Muslim Ummah*’ pg. 4.



*Waqf*, as a faith-based and pious charitable institution, is one major idea of accumulating and redistributing wealth in order to respond to the cries of the poor and the less privilege members of the community. By doing this, the donor is bound to receive rewards from Allah; His creator<sup>56</sup> as well as receive love from his neighbourhoods (the beneficiaries). Having said Maryam Endowment Fund is a pacesetter in Nigeria, it is not meant to say there are no other institutions of *Waqf* in Nigeria. One of the commonest *Waqf* in Nigeria is Mosque building.<sup>57</sup> Several mosques were built across villages, towns and cities for the benefit of all Muslims. Some others have resemblance of *Waqf* in the humanitarian and philanthropic activities being carried out for the benefit of ummah (people).<sup>58</sup> However, they cannot be properly regarded as a *Waqf*. This is because they lack the prerequisites of classical *Waqf*. Examples of such are: Zakat and Sadakah Foundation in Lagos,<sup>59</sup> Kano State Zakat and Husbi Commission.<sup>60</sup> These institutions are akin to *Waqf* in the sense that they also carry out some charitable acts to the populace. Nonetheless, they are different from classical *Waqf* in the sense that there are no *Waqf* properties and/or steady or stable means of income. Their means of incomes are through the Zakat paid by some people and/or Sadaqah donations to the institutions which are in turn used for people benefit.<sup>61</sup> More so, those institutions cannot be regarded as *Waqf* because, they are not constituted for such purpose. At this juncture, it becomes necessary to say that before an institution can be called a *Waqf*, it must be

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<sup>56</sup> Allah says: 'Whoever brings a good deed shall have ten times the like thereof to his credit...' Al-Imran: 160.

<sup>57</sup> Examples of such mosques within Ilorin metropolis (Kwara State) are: Alhaji Yahaya Shola Sanni Memorial Central Mosque, University of Ilorin Road, Tanke, Ilorin; Sheikh Abdulkadir Central Mosque, Opposite Kwara State Stadium Complex, Taiwo Road, Ilorin, etc.

<sup>58</sup> Like the giving out of tricycle Machine (Keke Marwa), Deep Freezer, Generator Machine, printer and photocopy machine as an aid to the less privilege and the poor some in January, 2014 in Lagos by the Zakat and *Sadakah* foundation in Lagos. See for details: <http://www.zakatandsadaqat.org.ng/index.php>> accessed on 28/2/2018

<sup>59</sup> See its website for detail: <http://www.zakatandsadaqat.org.ng/index.php>> accessed on 28/2/2014.

<sup>60</sup> Wali H. N., 'Utilization of Zakat and Islamic Endowment Funds for Poverty Reduction: A Case Study of Zakat and Hubsu Commission, Kano State-Nigeria', (Journal of Economics and Sustainable Development, available online at Vol.4, No.18, 2013)

<<http://www.iiste.org/Journals/index.php/JEDS/article/viewFile/8848/8996>>

accessed on 28/2/2018

<sup>61</sup> See for detail: <http://www.zakatandsadaqat.org.ng/index.php>>

established for such purpose and there must be an act which indicates that the endowment is made. Similarly, there must be a statement which indicates that *Waqf* is constituted,<sup>62</sup> like saying ‘I have given this in charity’<sup>63</sup> All these are lacking in the Zakat and Sadaqah foundation mentioned above.

## 6.0. Recommendation

There is no doubt that we have a lot of rich men and women who are Muslims in Nigeria but perhaps, the problem is either many Muslims are both greedy and stingy hence, gathering the wealth for those to inherit them after their death or that many Muslims are not religiously incline towards the rewards of hereafter as they may prefer lavishing their wealth towards Allah’s prohibition (haram). No doubt, many Muslims are not fully abreast of *Waqf* institution or that some are nonchalantly neglecting it, perhaps because of their ignorance of the rewards of investing in other people (community). Hence, wealthy Muslims among the Muslim Ummah should be encouraged to emulate suit of Maryam Endowment Fund in Nigeria, Africa and world over. This can be achieved through a regular discussion of the institution of *Waqf* and its rewards thereof by our Imam, Islamic preachers, Muslim Scholars and teachers in their sermons and teachings. More so, a committee comprises of pious Muslims may be set up to educate people as well as some existing *Waqf* institutions on how to achieve prosperous management of *Waqf* institution so as to be able to come up with the like of Maryam Endowment Fund in Nigeria and world over.

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<sup>62</sup> Abdul-Fattah M. M. ‘*Al-Fiqhul-Muyassaru Minal-Qur’an was-Sunnah*’ (Dar Al-Manarah, Egypt, 2004, Vol. II) pg. 1080

<sup>63</sup> As it has been seen in the *Maryam Waqf* above.