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**WAKF AND OTHER SISTER CONCEPTS:  
SYMBOLS OF ISLAMIC PHILANTHROPY**

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# WAKF and Other Sister Concepts: Symbols of Islamic Philanthropy

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**Abstract – Foundation of WAKF is religion arranged. Muslim WAKF has its own particular highlights. In spite of the fact that there are sure regular components in WAKF and its sister ideas like Gift, Sadquah, Trust, Charitable blessings and Evacuee property yet at the same time WAKF has its own remarkable highlights like of religious or devout rationale, changeless nature and use of usufruct, as devotion of property with mainstream thought process is blessing or Trust yet not WAKF. WAKF is a changeless gift. Any devotion which is devout however not of changeless nature is Sadqah but rather isn't WAKF as in it the dedicator will have no privilege in the property. A definitive advantage of it ought to go to the humanity. The fundamental motivation behind a WAKFs is religious, devout, or magnanimous. Sadly, the Indian Courts have neglected this very part of WAKFs, however the idea of WAKF was presented in India simply after the entry of Muslims. A few records where Muslim effect or impact was prevail divulges that the articulation WAKF was acquainted with express commitment. The commitment may likewise be made with the end goal of Settler's family, kids and relatives as this is the obligatory prerequisite for the legitimacy of a WAKF. In this article the specialist attempted to recognize the term 'WAKF' from its sister idea terms.**

**Keywords: WAKF, Islamic Jurisprudence, Gift(Hiba), Sadqah, Trust, Charitable Endowments, Evacuee Property, donor, donee, Mutawalli, Administration, Management, Sociology, Psychology, Philosophy, Economics.**

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## INTRODUCTION

*"Without comparison we cannot make out the pros and cons of any law so comparative study to know the point of differentiation for perfection is must."*

The idea, article and reason for WAKF is just a single i.e. commitment or dedication to the method for God (Allah), which in exacting sense signifies "detainment or stoppage." Moreover the objects of WAKF must be, for example, would be substantial in the eye of Islam, WAKF made with the article disallowed by Islam isn't Valid WAKF. We can recognize WAKF from other sister ideas simply subsequent to testing the articles and intention of these ideas and for knowing the objects of these indistinguishable organization we should think about them at all dimensions. Coming up next are the purposes of refinement between these indistinguishable establishments as examined beneath in detail on all perspective with the point of killing the vagueness which holds on between them i.e.

- (i) WAKF and Gift(Hiba)
- (ii) WAKF and Sadqah
- (iii) WAKF and Trust

(iv) WAKF and Charitable Endowments

(v) WAKF and Evacuee Property

## WAKF AND GIFT

Blessing is known as Hiba in Muslim law under Muslim law an individual is permitted to legally make an endowment of his property to another amid his life time or he may exchange it by method for will which will produce results after his demise. The first is known as an aura entomb vivos and the last a testamentary manner. A demeanor entomb vivos is free as to quantum; a testamentary air is constrained to 1/3 of the net Estate. Muslim law allows a man to give away the entire of his property amid his life time, whereas just 1/3rd of it very well may be gave by will. A hiba or basic blessing bury vivos (between living people) truly signifies "the donation of a thing from which the donee may infer advantage". In its specialized sense, it is characterized a "genuine exchange of property, made promptly and with no trade or thought, by one individual to another and acknowledged by or for the last mentioned.

Idea of WAKF and its Historical point of view

Nothing has really occurred until the point when it has been recorded. (VIRGINA WOOLF Quoted in Harold Nicolson, Diaries). Man is a history-production creature who can neither recurrent his past nor abandon it

### W.H.AUDEN, The Dyers' Hand

WAKF is an old Muslim establishment and is an unmistakable part of Islamic law as well. The idea of WAKF is completely clear i.e. to serve mankind in all lifestyles. Establishment of WAKF manages religious, social and financial existence of Muslims however the guides given by these organizations are restricted to Muslims as well as to the non-Muslims as well. The individual from different Communities is additionally getting the advantage from these establishments of WAKF. The general idea is that in a WAKF there is eradication of the proprietor's responsibility for and its confinement in the suggested responsibility for and that by this procedure the property gets vested in the Almighty.

WAKF is an altruistic establishment, created by the Muslim lawful standards implied for it and for those reasons just which the Mohammedan law permits viewing it as "religious, devout or magnanimous". As there is no formally perceived thorough, exhaustive or convincing meaning of WAKF in India in the comparable path there are no such verifications which can answer the easy to refute question of starting point and improvement of WAKF up to the fulfillment past any questions. Organization of WAKF resembles a productive tree, it has a few roots (Sources of beginning), one trunk (object i.e. Philanthropy), Countless branches (Mosques, Idgahs, Dargahs, Maqbaras, Qabristans, Education Institution, Seminaries, Hospitals and so forth and sweet natural products (Social, religious, devout, and beneficent blessings).

WAKF isn't started from any single source, WAKF appeared with the coming of Islam, and in this way WAKF under the Islamic law owes its beginning to a standard set somewhere near the Prophets of Islam. WAKF is the aftereffect of availability of numerous components and combination of assortment of components which were personally intertwined amid the developmental time of Muslim law.

The Cardinal Root source of definition and improvement of the Muslim beneficent organization is the commitment or devotion of property *fi-sabilillah* (in the method for God). Islam was the primary religion of the World which perceive and built up a legitimate catalyst under the name of the WAKF and is a camouflaging highlight of the Social-monetary structure of Islam as the law of WAKF allow a proprietor for the committed property to settle his property of the utilization of recipients interminability. Hiba implies admitting of the property without thought. As per Mulla "Blessing is an exchange of property, made quickly, and with no trade, by one individual to other and acknowledged by or in the interest of the last

mentioned. As indicated by Fyzee hiba is the prompt and inadequate exchange of the corpus of the property with no arrival. In India however usually expected that the term 'blessing' is what could be compared to 'hiba' and both are comprehended to connate all exchanges of property without thought. Blessing, be that as it may, is an outflow of a lot more extensive implications than Hiba. The word Hiba, actually implies the donation of a thing from which the donee may determine an advantage, the exchange must be quick or finish (*Tamlik-ul-ain*) or the most fundamental element of hiba is the statement, "I have given".

Baillie had characterized hiba as "the Conferring of a privilege in something explicit without a trade". Juristically in Muslim law, it is treated as an agreement comprising of a proposition or offer with respect to the giver to carry on a thing and the acknowledgment of it by the donee. Since Muslim law sees the law of the blessing as a piece of the law of agreement, there must be an offer (*Ijab*) and acknowledgment (*Kabul*) and conveyance of ownership (*Qabza*).

In *P. Kunheema Umm v. Aayssa Umma*, Kerala High Court held that the prerequisites of an endowment of undaunted property under the Muslim law are:

- (1) Declaration by the contributor,
- (2) Acceptance by the donee and,
- (3) Delivery of ownership by the contributor to the donee.

There is, in any case, no thought and this reality combined with the need to exchange ownership promptly recognizes endowments from Sale.

The requirements of basics of a legitimate blessing are four in number, which are as per the following:-

- (i) Parties: The Parties to a blessing exchange are two:
  - (a) the benefactor, i.e. the individual who makes the blessing
  - (b) the donee, i.e. the individual who accepts something as blessing
- (ii) Subject of a blessing.
- (ii) Extent of Donor's Right to Gift
- (iii) Formalities or method of blessing

#### Imperative of Gift

Two different essentials of blessing are

- (i) Declaration of blessing, and
- (ii) Acceptance of blessing.

## Sorts of Gift

There are two sorts of blessing i.e. Hiba

1. Hiba-bil-iwaz-implies present for thought already got.
2. Hiba-ba-Shartusl-iwaz-mean a blessings made with stipulation, for an arrival.

What is blessing i.e. Hiba in Muslim law and how it very well may be made or what are its sorts and its fundamental component are known to us. Presently we can without much of a stretch make out the purposes of separation among WAKF and Gift. If there should arise an occurrence of Hiba, the responsibility for property goes starting with one person then onto the next. On account of WAKF quickly on the consummation of a WAKF, the waqif will stop to have any command over property. The title of property will have a place with the Almighty God (Allah). Usually, for the legitimacy of blessing conveyance of ownership is vital. In a WAKF entomb vivos no conveyance of ownership is vital. It is created by a simple statement of gift by the proprietor. On account of blessing supreme right in the property is exchanged to the donee, while in the event of WAKF there is no compelling reason to exchange property right absolutely.

In Muslim law two kinds of WAKFs are perceived i.e. Public WAKFs and Family WAKFs. Both can be created just for religious, magnanimous or devout purposes which is the essential necessity or state of any substantial WAKF whereas the object of Hiba as contrast with WAKF is constrained while it is created

## Points of Differentiation between WAKF and Hiba

The main point of differentiation in comparison of WAKF and Hiba are as follows:

S. No	Hiba	WAKF
1	The dominion over the object passes from one human being to another	Waqif's right over the object extinguished and passes in favour of the Almighty i.e. Allah.
3	There is no limitation regarding objects or purposes for which gift is created.	Limitation of purposes recognized by Muslim law i.e. religious, charitable or pious purposes is essential for validity of WAKF that's why a WAKF for family purposes should also be for charity
4	The Property	The property passed in

	passes from one person to another.	favor of the Almighty
5	Absolute right is transferred from one person to another regarding object of gift.	The right of waqif is absolutely extinguished
6	No manager is appointed	Mutawalli is appointed to administer the WAKF as manager.
7	Donee is the beneficiary	The Beneficiaries have only the interest in the Trust to the extent mentioned in the WAKF.

## WAKF AND SADQUAH

The main case on the point separation among WAKF and Sadquah is Rama Anadham V Vada Lewai In a WAKF, the Legal Estate or Ownership isn't vested in the Trustee or Mutawalli however it is exchanged to God, yet on account of a Sadquah, the legitimate Estate and not just the advantageous interests goes to the philanthropy to be held by the Trust designate by the contributor. The Trustee of a WAKF can't distance the corpus of the property, aside from in cases of need with the Court's consent or when approved by pioneer to do as such. Whereas, if there should arise an occurrence of Sadquah both the corpus and the usufruct are given away and the Trustee can move the property. Sadquah is what is given willfully for Allah to acquire the reward from Allah when the individual who does as such goes for congruity with reality in his deed.

SADQUAH is willful while ZAKA is compulsory. For Zaka, there are immediate directions of Allah in the basic [AATTOOZAKA] while SADQUAH isn't charged in the Quran in the imperative. SADQUAH is for Allah alone

## Fundamental Characteristics of SADQUAH

No hotshot

Not to make him, to whom it is given, feel obliged

The sentiments of the one to whom it is given ought not get injured

## Whom the SADQUAH goes to?

- (i) FUQARAA
- (ii) MASAKEEN

(iii) *AAMILEEN*

Those whose hearts have been (recently) reconciled (to Truth) [e.g. new converts/reverts to Islam]

(i) *To free the slaves*(ii) *Gharimeen*(iii) *Ibn-sabeel*

This apportioning or allocation is from Allah

How much should be given as *SADQUAH* is much relevant so it is added to the concept that it should be according to the capacity i.e. the rich should give according to their resources and the poor according to their.

**How it should be given?**

## (i) Openly or secretly

(ii) Can be given directly to *FUQARAA*

## (iii) Can be given to an authority who can distribute to the deserving

**Points of Differentiation between *ZAKA* and *SADQUAH***

Blessing is known as *Hiba* in Muslim law under Muslim law an individual is permitted to legitimately make an endowment of his property to another amid his life time or he may exchange it by method for will which will produce results after his demise. The first is known as an *air bury vivos* and the last a testamentary *air*. An *air bury vivos* is free as to quantum; a testamentary demeanor is constrained to 1/3 of the net Estate. Muslim law allows a man to give away the entire of his property amid his life time, whereas just 1/3rd of it tends to be granted by will. A *hiba* or basic blessing *bury vivos* (between living people) truly signifies "the donation of a thing from which the donee may infer advantage". In its specialized sense, it is characterized an "unqualified exchange of property, made promptly and with no trade or thought, by one individual to another and acknowledged by or for the benefit of the last mentioned.

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social and monetary existence of Muslims however the guides given by these foundations are limited to Muslims as well as to the non-Muslims as well. The individual from different Communities is additionally getting the advantage from these organizations of WAKF. The general idea is that in a WAKF there is termination of the proprietor's responsibility for and its detainment in the suggested responsibility for and that by this procedure the property gets vested in the Almighty.

WAKF is an altruistic foundation, created by the Muslim lawful standards implied for it and for those reasons just which the Mohammedan law permits viewing it as "religious, devout or beneficent". As there is no formally perceived thorough, exhaustive or convincing meaning of WAKF in India in the comparative path there are no such verifications which can answer the easily proven wrong inquiry of source and improvement of WAKF up to the fulfillment past any questions. Foundation of WAKF resembles a productive tree, it has a few roots (Sources of starting point), one trunk (object i.e. Philanthropy), Countless branches (Mosques, Idgahs, Dargahs, Maqbaras, Qabristans, Education Institution, Seminaries, Hospitals and so forth and sweet natural products (Social, religious, devout, and altruistic blessings).

WAKF isn't started from any single source, WAKF appeared with the coming of Islam, and accordingly WAKF under the Islamic law owes its root to a standard set somewhere around the Prophets of Islam. WAKF is the consequence of network of various components and combination of assortment of components which were personally melded amid the developmental time of Muslim law.

The Cardinal Root source of definition and advancement of the Muslim beneficent foundation is the commitment or devotion of property *fi-sabilillah* (in the method for God). Islam was the principal religion of the World which perceive and built up a legitimate catalyst under the name of the WAKF and is a masking highlight of the Social-monetary structure of Islam as the law of WAKF allow a proprietor for the committed property to settle his property of the utilization of recipients interminability. *Hiba* implies admitting of the property without thought. As indicated by Mulla "Blessing is an exchange of property, made quickly, and with no trade, by one individual to other and acknowledged by or for the benefit of the last mentioned. As per Fyzee *hiba* is the quick and inadequate exchange of the corpus of the property with no arrival. In India however usually expected that the term 'blessing' is what might be compared to 'hiba' and both are comprehended to connate all exchanges of property without thought. Blessing, be that as it may, is a statement of a lot more extensive implications than *Hiba*. The word *Hiba*, actually implies the donation of a thing from which the donee may determine an advantage, the exchange must be prompt or finish (*Tamlik-ul-ain*) or the most basic element of *hiba* is the announcement, "I have given".



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#### **Point of Differentiation between WAKF and Sadquah**

Points of distinction between two are as follows:

S. No	WAKF	Sadquah
1	The legal estate or ownership is not vested in the Trustee or mutawalli but it is transferred to God.	The legal estate not merely the beneficial interest passes to the charity to be held by the Trustee appointed by the donor.
2	Both the corpus and the usufruct are given away and the Trustee can sell the property itself.	The Trustees of a WAKF cannot alienate the corpus of the property, except in the case of necessity with the court's permission or when authorised by the settler to do so.
3	It is an charitable endowment with the objects or purposes	It is a donation or gift.

<sup>1</sup> (Qur'an 57:18).

	recognized by the Muslim law	
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The main distinction between a WAKF and Sadquah is that in the case of former the income only can be spent while in the case of **Gulam Ali Shah v. Sultan Khan**,<sup>2</sup> the corpus of the property may be consumed.

## WAKF AND TRUST

Muslim WAKF has its own particular highlights and is very not quite the same as a debater or a Trust however there are sure basic components in WAKF and in addition in a Trust. The organization of WAKF is religion situated with article to devote in the method for Allah. Justice Ameer Ali clarified the contrast between a WAKF and English Trust in the accompanying words:

The Mohammedan law owes its starting point to a standard set somewhere near the Prophet of Islam, and means the tying up the property in the responsibility for, the Almighty and the dedication of the benefits to serve people. Because of the creation of a WAKF, the privilege of 'waqif' is smothered and the proprietorship is exchanged to the Almighty. The Manager of the WAKF is the Mutawalli, the Governor, the Superintendent, or Curator. In any case, in that Capacity he has no privilege in the property having a place with the WAKF, the property isn't vested in him and he isn't a Trustee in the legitimate sense. Therefore it is obvious from his words that the principle motivation behind a WAKF is religious, devout altruistic, shockingly, the Indian Courts, have over looked this very part of WAKFs. Since the idea of WAKF in India presented simply after the entry of Muslims and in numerous records where Muslim impact was overwhelming, the articulation WAKF was acquainted with express commitment and dedication in the method for Almighty.

In this way, the inquiry with respect to WAKF and Trust was again considered by the Privy Council in Vidhya Varuthi Thirtha's case. Equity Ameer Ali, who conveyed the Judgment of the Board mentioned the accompanying objective facts:

It is to be recalled that a Trust in the sense is in which the articulation is utilized in English law, is obscure to the Hindu System unadulterated and basic. Hindu devotion discovered articulation in blessings to symbols and pictures sanctified and introduced in sanctuaries to religious organizations of each sort, and for all reasons thought about exemplary in the Hindu social and religious framework, to Brahmins, Goswamis, Sanyasis and so on., when the endowments is specifically to an icon or a sanctuary, the session to finished the endowments fundamentally affected by human office. Called by whatever name he is just the supervisor or caretaker of the icon or organization. For no situation is the property passed

on to or vested in him, nor is he a Trustee in the English feeling of the term despite the fact that in perspective of the commitments and obligations laying on him, he is responsible as a Trustee in the general sense for mal-administration. From the above perception, it is, subsequently, obvious that the idea of Trust known to English law is not quite the same as the religious gift under Hindu law on the grounds that the object of Trust is to create a public religious philanthropy in a non-religious common sense. The Supreme Court illuminated the status of WAKFs in the wake of coming in to power of the Central Act in the accompanying words:-

At this stage it is important to recognize WAKF perceived by Muslim law a religious enrichments perceived by Hindu law from one viewpoint and Public magnanimous Trustee as examined by the English law on the other. So also, the Muslim law of Trust and the English law of Trust varies from one another on specific perspectives. A Muslim can legally create a Trust. In Nizam of Hyderabad's case, the Court was required to choose whether the Trust executed by Nizam was a WAKF as per the Central WAKF Act, 1954 (Act 29 of 1954) or it was Public beneficent Trust falling outside the said Act. In the wake of looking at the archives by which the Trust was created, the Court held that it was anything but a WAKF however a mainstream far reaching Public magnanimous Trust. In the instance of a Trust changeless devotion of property isn't important yet on account of a WAKF commitment must be perpetual. Aside from on account of Hanifies where a waqif isn't qualified for take any advantage in the WAKF property, however in the event of Trust the pioneer himself can legitimately take an interest. In the instance of a WAKF, the property vests in God as the Mutawalli is just the Manager or Superintendent. The property isn't vested in him, a deed by which a Mutawalli is selected shouldn't be enlisted and he is Trustee just of the usufruct. The corpus is 'tied up' (made WAKF of) yet not exchanged to him but rather to God whereas on account of a Trust, the property is completely vested in him. The Mutawalli may request reasonable compensation, which the Trustee may not. The property vests in divinity who has an equity identity on account of debater. The essential contrast among WAKF and Trust lies on the ground of rationale or motivation behind creating them. A WAKF is created for religious, devout and altruistic purposes. What's more, the commitment may likewise be made with the end goal of Settler's family, kids and relatives. As this is the Mandatory prerequisite for the legitimacy of a WAKF. On account of Trust there is absence of such thought processes i.e. the commitment without religious thought process will be treated as Trust. The creator of a Trust can legitimately turn into a recipient yet it isn't so on account of WAKF where a definitive advantage of the WAKF property with the exception of in cases of general public utilities or foundations must go to Muslims. The waqif may not save to himself any profit under a WAKF, aside from the Hanafi law. The Trust can be created for any legal article however on account of WAKF the items must be, for example,

<sup>2</sup> AIR 1967 Orissa 55.

would be substantial in the eye of Islam and are not restricted by Islam i.e. a WAKF can't be created with the end goal of erection and support of a Christian Church or a Hindu Temple. A WAKF might be created just for philanthropy however its prime item might be family settlement. A Trust can be set up of any transferable property and to assist its creator when it is unequipped for execution, or it doesn't debilitate the Trust property. The situation of a Mutawalli if there should arise an occurrence of WAKF is more analogous to that of a recipient or chief selected by the Courts. The Mutawalli might be viewed as the holder or Trustee of the usufruct just for the recipients and is given authority over usufruct alone. When a WAKF appears if winds up Perpetual, unavoidable and basic, implies the property of WAKF can't be exchanged. The WAKF Act of 1913, has brought the law of WAKF and Trust on a similar balance. In the event of a WAKF, Mutawalli of WAKF had not been given so much wide powers as are given to a Trustee. Under Section 16, 20, 36 and 40 of the Indian Trust Act, Trustees have been given wide power. If there should arise an occurrence of WAKF, general beneficent goal might be assumed and the Cypres principle will be connected except if a specific altruistic expectation is revealed which can't be given impact to. Trust is both and passionate and legitimate act. Inwardly, it is the place you open your vulnerabilities to individuals, yet trusting they won't exploit your receptiveness. Coherently, it is the place you have evaluated the probabilities of gain and misfortune, figuring expected utility dependent on hard execution information, and presumed that the individual being referred to will carry on in an anticipated way. By and by, trust is a touch of both. I confide in you since I have encountered your dependability and on the grounds that I have confidence in human instinct.

We feel trust. Feelings related with trust incorporate fellowship, kinship, love, understanding, unwinding, comfort. There are various distinctive ways we can characterize trust. Here are the dimensions of trust and resulting definitions.

- (1) Predictability
- (2) Value exchange
- (3) Delayed reciprocity
- (4) Exposed vulnerabilities

#### **(1) Predictability**

It is a typical piece of the human condition to be continually anticipating ahead. We fabricate inner models of the world put together both with respect to our encounters and what others let us know, and after that utilization these to think about what will occur straightaway. This enables us to spot and get ready for

threats and furthermore make arrangements to accomplish our more extended term objectives. The greatest eccentric is at half; a solid adversary can be desirable over a capricious companion, as at any rate we know where we are with them.

So the Trust implies having the capacity to foresee what other individuals will do and what circumstances will happen. On the off chance that we can encircle ourselves with individuals we trust, we can create a sheltered present and a far and away superior future.

#### **(2) Value trade**

A large portion of what we do with other individuals is based around trade, which is the reason for all organizations and basic connections. At its least complex, it is trade of merchandise. I will swap both of you sheep for one dairy animals. It is anything but difficult to ascertain the incentive in such material bartering. Things get increasingly intricate when less unmistakable powers become possibly the most important factor. A parent trades consideration for affection. An organization trades pay as well as great working conditions for the scholarly and manual endeavors of its workforce. Value trade works since we each esteem things in an unexpected way. In the event that I have an entire rush of sheep however no drain, I can work with an individual who has a group of bovines yet no garments. This rule of correspondence is the thing that ties social orders together. Trust in esteem trade happens when we don't know completely whether what we are getting is the thing that we anticipate. When we purchase a vehicle, would prefer not to be sold a ringer which the merchant knows is flawed. When I get counsel in business, I need it to be founded on certainties, not wild opinions. Trust implies influencing a trade with somebody when you to don't have full information about them, their goal and the things they are putting forth to you.

#### **(3) Delayed correspondence**

Trade isn't just around a quick swapping of bovines and sheep or much love. What makes organizations and social orders really work is that something is given now, however the arrival is paid back sooner or later. The benefit of this is we can create a progressively adaptable condition, where you can get what you require when you require it, as opposed to setting something aside for it. Trust currently turns out to be especially essential, on the grounds that else we are giving something to no end. The defer we have set in the complementary plan includes an abnormal state of vulnerability which we have to moderate through trust. What is frequently called the 'brilliant standard' is a straightforward equation for creating trust. 'Do unto others as you would have them do unto you.' It sets up the dynamic for my giving you something now with the expectation of



getting back some unspecified thing in the vague future. Trust implies giving something now with a desire that it will be reimbursed, conceivably in some unspecified route at some unspecified time later on.

#### (4) Exposed vulnerabilities

When we confide in other individuals, we may not exclusively be giving them something in anticipation of getting something different back later on, we may likewise be uncovering ourselves such that they can exploit our vulnerabilities. In the event that I purchase a vehicle from you and I don't have the foggiest idea about a decent value, you can mislead me so you show signs of improvement deal. On the off chance that I inform you in certainty concerning the issues I am having with work, you could utilize this to assist your own vocation at my expense.

Although the threat of requital or anticipated sentiments of blame can neutralize your impulse to manhandle my uncovered vulnerabilities, on the off chance that you surrender despite everything I get injured may even now wind up with the shorter stick. For our exchange to finish effectively, I should have the capacity to believe that such miseries won't happen. Trust implies empowering other individuals to exploit your vulnerabilities—however expecting that they won't do this. So find out about trust, since it's essential to know its temperament, how it works and how to assemble it. On the off chance that you do it well, other individuals will give you the earth. In the event that you sell out them, they will chase you to the closures of the earth.

### NEXUS OF TRUST WITH OTHER SOCIAL SUBJECT

- (1) Sociology,
- (2) Psychology
- (3) Philosophy
- (4) Economics

Trust, not a straightforward legitimate term but rather it has a wide and profound established implications as well. In a social setting, trust has a few meanings. The run of the mill meaning of trust pursues the general instinct about trust and contains such components as:

- (1) the eagerness of one gathering (trustor) to be powerless against the activities of another gathering (trustee);
- (2) reasonable desire (certainty) of the trustor that the trustee will act in a route helpful to the trust or danger of mischief to the trustor if the trustee won't carry on neurobiological structure and action of a human mind, and can be adjusted e.g. by the utilization of oxytocin.

Reasonably, trust is additionally owing to connections inside and between social gatherings (families, companions, networks, associations, organizations, nations and so on.). It is a famous way to deal with edge the elements of between gathering and intra-aggregate cooperations as far as trust. With regards to the connection among individuals and innovation, the attribution of trust involves debate. The deliberate position exhibits that trust can be truly credited to human associations with complex advances. Nonetheless, sound reflection prompts the dismissal of a capacity to confide in mechanical ancient rarities. One of the key current difficulties in the sociologies is to reexamine how the fast advancement of innovation has affected develops, for example, trust. This is explicitly valid for data innovation that drastically changes causation in social frameworks.

- (3) In the sociologies, the nuances of trust are a subject of progressing research. In human science and brain research how much one gathering believes another is a proportion of confidence in the genuineness, decency, or altruism of another gathering. The expression "certainty" is progressively fitting for a faith in the skill of the other party. In light of as needs be; and
- (4) The nonattendance of trustor's authorization or command over activities performed by the trustee.

Trust can be normally ascribed to connections between individuals. It very well may be exhibited that people have a characteristic aura to trust and to pass judgment on dependability that can be followed to the latest research, a disappointment in trust might be pardoned all the more effectively on the off chance that it is translated as a disappointment of fitness as opposed to an absence of kindness or trustworthiness. In financial matters trust is regularly conceptualized as unwavering quality in exchanges. In all cases trust is a heuristic choice guideline, enabling the human to manage complexities that would require unrealistic exertion in levelheaded reasoning.

### TRUST AND SOCIOLOGY

With regards to trust, human science is worried about the position and job of trust in social frameworks. Enthusiasm for trust has developed altogether since the mid-eighties, from the early works of Luhmann, Barber and Giddens. This development of enthusiasm for trust has been animated by on-going changes in the public eye, portrayed as late advancement and post-modernity. Trust is one of a few social builds, a component of the social reality. Different develops, as often as possible talked about together with trust, are: control, certainty, hazard, which means and power. Trust is normally inferable from connections between social performers, the two people and gatherings (social frameworks). Since trust is a social build, it is legitimate to talk about whether trust can be trusted

(e.g. ), i.e. regardless of whether social trust works of course.

Society needs trust since it increasingly winds up working at the edge between trust in what is known from ordinary experience, and possibility of new potential outcomes. Without trust, every unexpected probability ought to be constantly thought to be, prompting a loss of motion of inaction. Trust can be viewed as a wager on one of unexpected prospects, the one that may convey benefits. When the wager is chosen (i.e. trust is allowed), the trustor suspends his or her mistrust, and the likelihood of a negative game-plan isn't considered in any way. As a result of it, trust goes about as a redactor of social intricacy, taking into consideration activities that are generally too complex to be in any way considered (or even difficult to consider by any means); explicitly for collaboration.

Human science will in general spotlight on two unmistakable perspectives

These perspectives are

- (1) Macro perspective of social frameworks
- (2) Micro perspective of person

The large scale perspective of social frameworks, and a smaller scale perspective of individual social performers (where it fringes with social brain science). Thus, sees on trust pursue this polarity. In this manner, on one side the fundamental job of trust can be talked about, with a specific negligence to the mental multifaceted nature supporting individual trust. The conduct way to deal with trust is typically accepted while activities of social performing artists are quantifiable, prompting measurable displaying of trust. This fundamental methodology can be stood out from concentrates on social on-screen characters and their basic leadership process, in anticipation that comprehension of such a procedure will clarify (and permit to display) the development of trust. Human science recognizes that the possibility of things to come creates reliance between social on-screen characters, and explicitly that the trustor ends up subject to the trustee. Trust is viewed as one of the conceivable techniques to determine such a reliance, being an appealing choice to control. Trust is explicitly important if the trustee is considerably more incredible than the trustor, yet the trustor is under social commitment to help the trustee. Modern data advancements not just encouraged the progress towards post-present day society, yet they likewise tested customary perspectives on trust. Exact examinations affirms the new way to deal with the customary inquiry in regards to whether innovation relics can be ascribed with trust. Trust isn't owing to antiquities, yet it is a portrayal of trust in social performers, for example, architects, creators and

administrators of innovation. Properties of mechanical antiques shape a message to decide reliability of those agents. The dialog about the effect of data innovations is still in advancement. Notwithstanding, it is important an applied reexamining of innovation intervened social gatherings, or the recommendation of a bringing together socio-specialized view on trust, from the viewpoint of social on-screen characters.

## TRUST AND PSYCHOLOGY

In brain science trust is trusting the individual who you trust to do what you anticipate. It begins at the family and develops to other people. As indicated by the psychoanalyst Erik Erikson advancement of fundamental trust is the primary state psychosocial improvement happening, or coming up short, amid the initial two years of life. Achievement results in sentiments of security, trust, and positive thinking, while disappointment leads towards an introduction of instability and doubt. Trust is necessary to the possibility of social impact: it is simpler to impact or induce somebody who is trusting. The idea of trust is increasingly embraced to anticipate acknowledgment of practices by others, foundations (e.g. government offices) and articles, for example, machines. Be that as it may, by and by view of genuineness, fitness and esteem likeness (somewhat like generosity) are fundamental. There are three unique types of trust. Trust is being powerless against somebody notwithstanding when they are reliable; Trustworthiness is the capacity to trust, and trust inclination having the capacity to depend on individuals. When trust is lost, by clear infringement of one of these three determinants, it is difficult to recapture. In this way there is clear asymmetry in the building versus devastation of trust. Subsequently being and acting dependable ought to be viewed as the main beyond any doubt approach to keep up a trust level. Increasingly much research has been done on the thought of trust and its social ramifications:

Barbara Misztal in her book endeavors to join all ideas of trust together. She brings up three essential things that trust does in the lives of individuals: It makes public activity unsurprising, it creates a feeling of network, and it makes it less demanding for individuals to cooperate.

With regards to sexual trust Riki Robbins portrays four phases of trust.

With regards to Information hypothesis Ed Gerck characterizes and stands out trust from social capacities, for example, power, observation, and responsibility. Notwithstanding the social impact, in authoritative settings, trust may affect the practices, observations, and exhibitions of an individual. One factor that improves trust in an individual is facial

likeness. Proof shows through control of facial likeness in a two man consecutive trust amusement that having comparative facial highlights (facial similarity) upgraded trust in their accomplice. Structure frequently creates trust in an individual that urges them to feel good and exceed expectations in the work environment. Working anyplace might be unpleasant and requires exertion. By having an advantageously sorted out area to take a shot at, fixation will increase and additionally exertion. Structure isn't only a strategy for request. It increases trust and thusly makes a working environment sensible. An organized, requested condition produces trust as one may contain increased collaboration and perform on a more elevated amount. Individuals may cooperate and make progress through trust while dealing with tasks that depend on every individual's commitment.

On the other hand, where trust is missing, activities can flop, particularly if this absence of trust has not been distinguished and tended to. This is one aspect of VPEC-T examination: This reasoning structure is utilized when contemplating data frameworks. Recognizing and managing cases where data suppliers, data clients, and those in charge of preparing data don't confide in each other can result in the evacuation of a hazard factor for an undertaking. One's social relationship portrayed by low trust and standards that debilitate scholarly commitment are relied upon to be related with low scholastic accomplishment. People that are seeing someone portrayed by elevated amounts of social trust are increasingly well-suited to straightforwardly trade data and to act with minding altruism toward each other than those seeing someone lacking trust. An imperative key to treating sexual exploitation of a youngster is the revamping of trust among parent and kid. Disappointment for the grown-ups to approve the sexual maltreatment adds to the tyke's trouble towards confiding in self as well as other people. Trust is regularly influenced by the disintegration of a marriage. Offspring of separation don't display less trust in moms, accomplices, life partners, companions, and partners than their friends of unblemished families. The effect of parental separation is restricted to trust in the dad.<sup>3</sup>

## TRUST AND PHILOSOPHY

A few rationalists contend that trust is in excess of a relationship of dependence. Thinkers, for example, Annette Baier have had any kind of effect among trust and dependence by saying that trust can be deceived, while dependence must be baffled (Baier 1986, 235). Carolyn McLeod clarifies Baier's contention by giving the accompanying models: we can depend on our clock to give the time, yet we don't feel deceived when it breaks, accordingly, we can't state that we confided in it; we are not believing when we are suspicious of the other individual, since this is in actuality an outflow of doubt (McLeod 2006). In this way, trust is not the

same as dependence as in the trustor must acknowledge the danger of being sold out.

## TRUST AND ECONOMICS

Trust in financial aspects is treated as an explanation for a contrast between genuine human conduct and the one that can be clarified by the individual want to amplify one's utility. In monetary terms, trust can give an explanation of a contrast between Nash balance and Pareto ideal. Such a methodology can be connected to people and well as social orders. Trust is additionally observed as a financial ointment, decreasing the expense of exchanges, empowering new types of participation and generally advancing business exercises, work and flourishing. This perception created a noteworthy enthusiasm for thinking about trust as a type of social capital and has driven investigation into closer comprehension of the procedure of creation and dissemination of such capital. It has been guaranteed that more elevated amount of social trust is emphatically associated with monetary advancement. Despite the fact that the first idea of 'high trust' and 'low trust' social orders may not really hold, it has been generally acknowledged and exhibited that social trust benefits the economy and that a low dimension of trust restrains monetary development. Hypothetical sparing displaying showed that the ideal dimension of trust that a discerning monetary specialist should show in exchanges is equivalent to reliability of the other party. Such a dimension of trust prompts proficient market. Confiding in less lead to the loss of monetary chances, confiding in more prompts pointless vulnerabilities and potential abuse.

Financial aspects is likewise keen on quantifying trust, as a rule in fiscal terms. The dimension of connection between's increase in net revenue and decrease in value-based expense can be utilized as pointers of financial estimation of trust. Financial 'trust amusements' are prominently used to observationally quantify trust seeing someone under research center conditions. There are a few recreations and diversion like situations identified with trust that have been attempted, with specific inclinations to those that permit evaluating trust in fiscal terms. Recreations of trust are planned such that their Nash harmony vary from Pareto ideal so no player alone can amplify his own utility by changing his egotistical methodology without participation while coordinating accomplices can profit. The traditional rendition of the session of trust has been depicted in as a disconnected speculation diversion, utilizing the situation of a financial specialist and a merchant. Financial specialist can contribute a small amount of his cash, and agent can return just piece of his increases. In the event that the two players pursue their sparing best advantage, the speculator ought to never contribute and the merchant will never have the capacity to re-pay anything. Therefore the stream of cash stream, its volume and character is inferable totally to the presence of trust. The diversion can be played as

<sup>3</sup> Baier, Annette (1986). Trust and Antitrust. *Ethics* 96(2): 231-260. Available at <http://www.jstor.org/stable/2381376>

irregular, or as a monotonous one, between the equivalent or distinctive arrangements of players, to recognize a general affinity to trust and trust inside specific connections. A few different variations of this diversion exist. Switching rules lead to the round of doubt, pre-assertions can be utilized to set up goals of players, while modifications to the conveyance of increases can be utilized to control view of the two players. The diversion can be additionally played by a few players on the shut market, with or without data about reputation. Other intriguing amusements are e.g. double decision trust recreations, the blessing trade amusement and different types of social diversions. Explicitly diversions dependent on the Prisoners Dilemma are prevalently used to interface trust with financial utility and show the discernment behind correspondence. The promotion of web based business opened the dialog of trust in economy to new difficulties while in the meantime raising the significance of trust, and want to comprehend client choice to trust. For instance, between close to home connection between the purchaser and the dealer has been dis-intermediated by the innovation, and must be enhanced. On the other hand, sites could be made to persuade the purchaser to confide in the merchant, paying little heed to dealer's real dependability (e.g.) . Notoriety put together frameworks enhanced with respect to confide in evaluation by permitting to catch the aggregate view of reliability, creating critical enthusiasm for different models of notoriety.<sup>4</sup>

#### Point of Differentiation between WAKF and Trust

From the above discussion, the point of differentiation between WAKF and Trust which can be traced out are as follows:-

S. No.	WAKF	Trust
1	The motive is usually religious.	No religious motive is necessary
2	A settlor cannot reserve any benefit for himself except a Hanafi	A Trustee may be beneficiary.
3	According to faith of Muslim law the object should be charitable, pious, or religious.	There may be any lawful object whatsoever.
4	The ownership of property vested in God and of the waqif	Involves double ownership i.e. equitable and legal. The property vests

<sup>4</sup> Chang, E., Dillion, T., Hussain, F. K. (2006) Trust. and Reputation for Service-Oriented Environments: Technologies for Building Business Intelligence and Consumer Confidence. John Wiley & Sons, Ltd.

	is extinguished.	in Trustee.
5	Mutawalli is a mere receiver and manager.	Trustee has Superior powers of alienation because he is the legal owner.
6	Mutawalli may ask for remuneration	A Trustee cannot demand for remuneration.
7	Property in case of WAKF is inalienable, irrevocable and perpetual.	It is not necessary that a Trust may be perpetual, irrevocable or inalienable.
8	Indian Trust Act, 1882 is not applicable to WAKF.	Indian Trust Act, 1882 is applicable on Trust

#### WAKF AND CHARITABLE ENDOWMENTS

The idea of WAKF, a Muslim foundation is very not quite the same as that of the Hindu religious and magnanimous gifts. Despite the fact that the point of the WAKF ought to be religious however the Secular point will render the WAKF invalid. On account of WAKF the responsibility for WAKF property has a place with the Almighty and for the legitimate WAKF the most fundamental fixing is that the commitment of property must be lasting. If there should be an occurrence of Hindu religious and altruistic enrichments are viewed as praiseworthy for each one of those reasons which are specifically or in a roundabout way created or talented with devout article . The Hindu devotion discovered articulation in endowments to icons and pictures sanctified and introduced in sanctuaries, in blessings to Maths and commitments to different religious organizations and for devout and beneficent purposes. As indicated by Paras Diwan, in his words. At the point when Properties are committed to a sanctuary, math or some other religious or devout or magnanimous organization or reason the property vests in the symbol which is viewed as a juristic individual when devotion is made for beneficent reason, for example, for a school or clinic. The Shebait of the sanctuary, the Mahant of the Math, or the Manager of the organization, isn't the proprietor of the property. They are not in any case the Trustees. It might, notwithstanding, be noticed that the previously mentioned people are liable like a Trustee in the general sense for maladministration and bungle.<sup>5</sup>

<sup>5</sup> AIR 1948 Cal 312.



### Point of Differentiation between WAKF and Charitable Endowment

The Point of distinction between these two identical concepts are as follows:

S. No.	WAKF	Charitable Endowments
1	The aim or object of creating WAKF is for religious purpose i.e. Islamic.	The aim or object is directly or indirectly pious or religious.
2	WAKF is invalid if created with secular aim.	Charitable Endowments can be created or gifted with secular aim
3	Mutawalli is the receiver or manager of WAKF property.	The shebait of the temple and the Mahant of the Math is not the Manager, Trustee or owner of the property.
4	Mutawalli may ask for remuneration	The Shebait, the Mahant of the Math or the Manager of the institutes cannot ask for remuneration.
5	Mutawalli could be made answerable to management committee because he is the manager or receiver of property.	The shebait of the temples, the Mahant of the Math or the Manager of the institution are answerable like Trustee for mal-administration & mismanagement.

### WAKF AND EVACUEE PROPERTY

Under the organization for Evacuee Property Act, 1950, Custodian of the evacuee property can announce whether the a specific property is the evacuee property or not. Under Sections 24 and 27 of the above Act separately advance and corrections can be documented by the distressed individual who is keen on the property Section 28 offers conclusion to the request go under Sections 24 and 27 under Section 46 of the Act the Civil or Revenue Courts will have no locale to engage or mediate upon inquiries whether a property or any privilege to or enthusiasm for any property, is or isn't evacuee property. In Custodian v. Jafran Begum it was said by the Supreme Court that before the experts under the Act expect the obligations of Administration of evacuee properties, somebody needs to figure out what properties are evacuee and that there is nothing in Section 7 to recommend that the caretaker is uncouth to announce a property as evacuee property.

S. No.	WAKF Property	Evacuee Property
1	Several Central and State Acts are related to WAKF like WAKF Act 1954, WAKF Act 1995, and WAKF Amendment Bill, 2010 and Prior to these Act WAKF validity Act 1913 & 1930 etc deals with WAKF property.	Evacuee property Act, 1950 deals with such Properties.
2	Owner of property declare it as WAKF property in permanent dedications for pious, religious or charitable purpose.	Custodian declares the property as evacuee property as he is competent to do so.
3	Object of declaration is purely religious for Muslim philanthropy.	There is lack of object in declaration.
4	Management or administrative authorities have interest in the property and not the waqif himself has any interest.	Appeal or revision for evacuee property could be filed by interested person.

### CONCLUSION:

Presumably there certain different ideas yet at the same time waqf has its very own one of a kind highlights like of religious or devout intention, perpetual nature and use of usufruct and so forth. The fundamental reason for waqf is religious, devout or beneficent. In a waqf the lawful domain or proprietorship isn't vested in the trustee or Mutawalli however it is exchanged to God and if there should be an occurrence of Sadquah the lawful home and valuable interests goes to the philanthropy to be held by the trust selected by the benefactor. Sadquah is made deliberately whereas Zakah is mandatory. Waqf's thought process is religious, devout altruistic with legitimate article whereas no such intention or item is there in making trust. Waqf can be separated from altruistic enrichments likewise simply based on its article i.e. point or article is simply religious as indicated by Islam whereas the point or object of beneficent enrichments is straightforwardly or in a roundabout way devout or religious and it has no nexus with the religious assessments of a specific group i.e. it has wide common point. Waqf property and evacuee property can be separated based on laws made to distinguish or pronounce these properties so i.e. a few Central and State Acts were passed for waqf when freedom whereas Evacuee Property Act, 1950 only manages such properties. Finally it tends to be inferred that commitment and the embodiment of dedication towards ALLAH is more in WAKF and in no other method for donation. So serve your locale and society for until the end of time.

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