

Key Provisions in the Waqf (Amendment) Bill, 2024, and its impact on Waqf Administration

Key Provisions in The Waqf (Amendment) Bill, 2024:

The amendments to the Waqf Act, as recommended by the Joint Committee on Waqf Amendment Bill, 2024 (JCWAB), introduce progressive reforms, including:

- i. **Separation of Trusts from Waqf:** Muslim-created trusts under any law will not be considered waqf, ensuring individuals retain full control over their trusts.
- ii. **Introduction of Technology:** Implementing technology to make the management of waqf properties scientific, efficient, and transparent.
- iii. **Establishment of a Central Portal:** Automating the full life cycle of waqf properties, including registration, accounts and audit, contributions, and litigation.
- iv. **Dedication of Waqf properties by practicing Muslim:** Only person practicing Islam for at least five years can dedicate his own property to waqf. This will restore substantially the earlier position that existed before Waqf (Amendment) Act, 2013 where the change in person entitled to do waqf from “any person professing Islam” to “any person” was done.
- v. **Protection of ‘Waqf by User’ Properties:** Properties already registered with Waqf Boards will remain so unless disputed or identified as government land. As per WAMSI, there are 4.02 lakhs Waqf by User properties out of total 8.72 lakhs waqf properties as on date.
- vi. **Women’s Rights in Family Waqf:** Mandating that women receive their rightful inheritance before any waqf dedication, with special provisions for widows, divorced women, and orphans.

- vii. **Transparent Waqf Property Management:** Mutawallis must register property details on a central portal within six months, enhancing accountability.
- viii. **Government Land and Waqf Disputes:** An officer above the rank of Collector will investigate government properties claimed as waqf, preventing unwarranted claims.
 - As per data received on 05.09.2024 from 25 out of 32 States/ UTs Waqf Boards, a total of 5973 government properties have been declared as waqf properties.
 - ASI informed the JPC during their presentation on 06.09.24, 132 protected monuments have been declared as waqf properties.
 - MoHUA informed the JPC during their presentation on 05.09.24, 108 properties under control of Land and Development Office, 130 properties under control of Delhi Development Authority and 123 properties in the public domain were declared as waqf properties and brought into litigation.
- ix. **Strengthening Waqf Tribunals:** A structured selection process and fixed tenure for tribunal members are established to ensure stability and efficiency in dispute resolution. As per WAMSI Portal, there are 21618 pending cases in the Tribunals as on date.
- x. **Non-Muslim Representation in Waqf Boards:** The inclusion of two non-Muslim members in both Central and State Waqf Boards acknowledges diverse stakeholders.
- xi. **Reduction in Annual Contributions:** The mandatory annual contribution from waqf institutions to Waqf Boards is reduced from 7% to 5%, allowing more funds to be allocated for charitable purposes.

- xii. Application of the Limitation Act: The Limitation Act, 1963, will now apply to waqf property claims, aiming to reduce prolonged litigation.
- xiii. Annual Audit Reforms: Waqf institutions with annual earnings exceeding ₹1 lakh must undergo audits conducted by State Government-appointed auditors.
- xiv. Addressing Unlawful Claims: The Bill removes Section 40, which previously allowed Waqf Boards to arbitrarily claim properties as waqf, preventing instances such as the declaration of entire villages as waqf:
- Thiruchenthurai Village, Tamil Nadu
 - Govindpur Village, Bihar
 - 15,000 acres in Karnataka (Vijayapura, Chitradurga, Yadgir, Dharwad, Ballari)
 - Surat Municipal Corporation Headquarters
 - Kerala (September 2024): Around 600 Christian families in Ernakulam challenged the Waqf Board's claim over their land, leading to legal action and petitions before the Joint Parliamentary Committee.

As per information out of 30 States/UTs, data was given only by 8 States where 515 properties have been declared as waqf under Section 40.

These cases underscored the arbitrary and unregulated power exercised by Waqf Boards. To address this, Section 40 of the Waqf Act is being omitted, ensuring fair and just administration of Waqf properties.