

BJYM Magazine

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WAQF REFORM

TRUTH, TRANSPARENCY
AND REFORM



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प्रधानमंत्री श्री नरेन्द्र मोदी की टिप्पणी

संसद के दोनों सदनों से वक्फ (संशोधन) विधेयक और मुसलमान वक्फ (निरसन) विधेयक का पारित होना देश के लिए एक ऐतिहासिक क्षण है। यह सामाजिक-आर्थिक न्याय, पारदर्शिता और समावेशी विकास की हमारी सामूहिक प्रतिबद्धता को सामने लाता है। यह विशेष रूप से उन लोगों के लिए फायदेमंद होगा, जो लंबे समय से हाशिये पर रहे हैं, जिनकी आवाज अनसुनी रही और जिन्हें अवसरों से वंचित रहना पड़ा है।

उन सभी सांसदों का हृदय से आभार, जिन्होंने संसद और कमेटी की चर्चाओं में हिस्सा लिया और अपने विचार रखे। इन चर्चाओं ने विधेयक को और सशक्त बनाने का काम किया है। इस अवसर पर संसदीय समिति को अपना बहुमूल्य सुझाव भेजने वाले अनगिनत लोगों का भी मैं विशेष रूप से आभार व्यक्त करना चाहता हूँ। इससे एक बार फिर यह पता चलता है कि व्यापक बहस और संवाद कितना महत्वपूर्ण होता है।

दशकों से वक्फ व्यवस्था में पारदर्शिता और जवाबदेही की कमी नजर आ रही थी। इससे मुख्य रूप से हमारी मुस्लिम माताओं-बहनों, गरीब और पसमांदा मुसलमान भाई-बहनों के हितों को बहुत नुकसान हो रहा था। अब संसद द्वारा पारित विधेयक पारदर्शिता को बढ़ाने के साथ-साथ लोगों के अधिकारों की रक्षा में भी मददगार बनेगा।

इसके साथ ही हम एक ऐसे युग में प्रवेश करेंगे, जो आज के समय के अनुरूप होने के साथ ही सामाजिक न्याय को लेकर प्रतिबद्ध होगा। देश के हर नागरिक की गरिमा को प्राथमिकता मिले, इसके लिए हम संकल्पबद्ध हैं। यह मार्ग ज्यादा सशक्त, समावेशी और संवेदनशील भारत के निर्माण में काफी महत्वपूर्ण होने वाला है।

स्रोत: X

भाजपा अध्यक्ष श्री जे.पी. नड्डा की टिप्पणी

संसद में 'वक्फ (संशोधन) विधेयक, 2025' का पारित होना भारतीय लोकतंत्र के लिए ऐतिहासिक क्षण है। नवीन विधेयक देश के गरीब व वंचित मुस्लिम भाई-बहनों को उनका अधिकार देने के साथ समस्त प्रक्रिया को पारदर्शी, लोकतांत्रिक एवं जवाबदेह बनाएगा। यह वक्फ (संशोधन) विधेयक देश के लिए कल्याणकारी सिद्ध होगा और स्वतंत्रता पश्चात हमारे मुस्लिम भाई-बहनों सहित सभी समाज के साथ की गई ज्यादतियों का निवारण कर समावेशी समाज की स्थापना करेगा। यह विधेयक देश की संपत्ति पर समान अधिकार व हर वर्ग की समान भागीदारी सुनिश्चित करता है। यह ऐतिहासिक पहल मोदी सरकार के 'सबका-साथ, सबका-विकास' के संकल्प को प्रतिबिंबित करता है। मैं इस विधेयक हेतु आदरणीय प्रधानमंत्री श्री नरेंद्र मोदी जी का आभार प्रकट करता हूँ। अल्पसंख्यक कार्य मंत्री श्री किरेन रिजिजू को बधाई और इस विधेयक को समर्थन प्रदान करने के लिए सभी दलों के सांसदों का अभिनंदन करता हूँ।

स्रोत: X



Message from the BJYM National President Shri Tejasvi Surya

The parliament has enacted the historic Waqf (Amendment) Bill 2025, a bill that undoes the constitutional fraud imposed on this country by the Congress Party over the last seven decades.

Through successive amendments—starting in 1954, followed by 1995, and most notably in 2013—Congress created a parallel system of governance via the Waqf Act. This system was extra-constitutional, unaccountable, and more powerful than even elected governments and the judiciary combined.

Section 40, introduced in the 2013 amendment, gave the Waqf Board unchecked and arbitrary powers. It allowed the Board to declare any land it believed to be Waqf land—no evidence or documentation was required, just belief.

Worse, once the Board made such a declaration, Sections 5 and 6 made it mandatory for revenue authorities to alter land records without even giving a hearing to the affected parties.

What was the result? People's land was snatched overnight, and if they dared to challenge it, they had to go before the Waqf Tribunal—a body that acted as a kangaroo court, whose orders were final and often unappealable.

And the injustice didn't stop there. If you were a citizen trying to reclaim your land, the Limitation Act gave you only one year to fight back. But the Waqf Board faced no limitation whatsoever. Even after 500 or 1000 years, they could initiate a claim. This is a Frankenstein monster—a body that combined the roles of the legislature, executive, and judiciary, violating every principle of separation of powers and natural justice. Is there any such

body in the world where one community's board wields such power?

We have seen what this draconian provision has done—be it in Karnataka, Maharashtra, or Telangana. In Bijapur, land belonging to farmers was taken over arbitrarily. It was institutionalised land-grabbing.

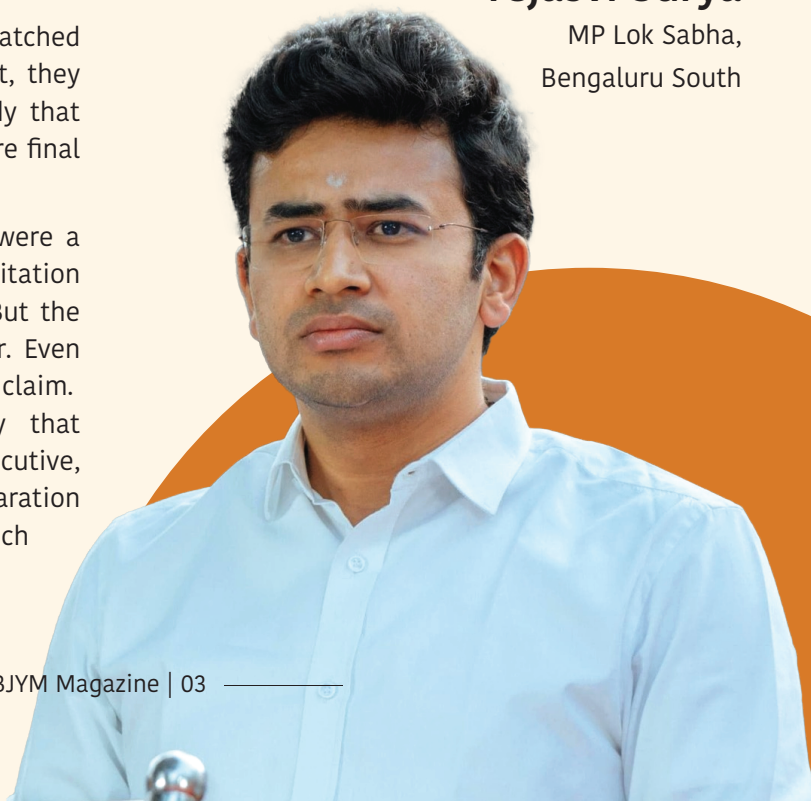
Let me also address the issue of non-Muslims being included in the Waqf Council or Board. The 2013 amendment itself extended the jurisdiction of the Waqf Tribunal to include non-Muslims. If non-Muslims can fall under the jurisdiction of the Waqf Tribunal, why can't they have a voice on the Waqf Board? This is natural justice, not tokenism. And let's not forget that in 1991, Congress brought in the Places of Worship Act, which barred Hindus from reclaiming their places of worship, no matter how valid their claim.

So, while the Waqf Board could grab land under vague claims, the Hindu community was barred from even seeking a legal remedy. It was not secularism—it was state-enabled discrimination.

The Waqf (Amendment) Bill 2025 finally puts an end to this era of injustice. We congratulate Prime Minister Shri Narendra Modi and Home Minister Shri Amit Shah on the historic step towards this long-overdue correction, which has restored justice and brought an end to vote-bank politics.

Vande Mataram!
Tejasvi Surya

MP Lok Sabha,
Bengaluru South





The Waqf (Amendment) Bill, 2024, tabled to reform the archaic Waqf Act of 1995, represents a landmark move toward transparency, inclusivity, and legal clarity in the governance of Waqf properties in India. It addresses long-standing grievances surrounding mismanagement, lack of oversight, and the arbitrary declaration of private and public lands as Waqf properties. The Bill deserves unambiguous support for laying the groundwork for equitable, technology-enabled, and constitutionally sound management of Waqf institutions.

For far too long, the administration of Waqf properties—landed endowments made for religious or charitable purposes in Islam—has been plagued with irregularities. Legal disputes, allegations of land grabs, unchecked powers of Waqf Boards, and weak regulatory mechanisms have fuelled public distrust. Properties have been declared Waqf without proper surveys or the knowledge of landowners, often leading to distressing instances where non-Muslim citizens, institutions, and even government agencies have found their lands entangled in protracted litigation.

A glaring example is the case from Tamil Nadu, where a farmer from Thiruchenthurai was denied the right to sell his land due to Waqf claims over the entire village. Similar stories emerged from Bihar and Kerala, where entire communities—Hindu and Christian alike—have been forced into legal limbo. Such misuse of Section 40 of the original Act, which allowed Waqf Boards to declare any property as Waqf unilaterally, has rightly been repealed in the new Bill.

The 2024 Amendment brings a balanced, constitutionally aligned framework by introducing due process in determining Waqf status. Government land cannot be declared Waqf, and any disputes will now be examined by the Collector, subject to clear documentation and review. The amendment respects the rule of law and ends the discretionary and often opaque powers previously vested in Waqf Boards.

Equally transformative is the Bill's approach to digitisation and technological governance. The introduction of a centralised digital portal for Waqf properties will standardise and automate the processes of registration, audit, lease management, and legal tracking. This leap toward e-governance is not merely administrative—it is a moral and financial imperative. Transparency in accounting and monitoring will prevent the misuse of Waqf revenues and redirect funds toward their intended beneficiaries—the poor and marginalised.

Furthermore, the inclusion of non-Muslim members in Waqf Boards and the Central Waqf Council is a welcome step. While Waqf remains a religious institution, its impact and disputes often touch the lives of citizens from other faiths. By enabling participation from diverse backgrounds—including women, non-Muslims, backward class Muslims, and minority sects—the Bill enhances accountability and democratises decision-making. This is not about interference; it is about representation, particularly where secular and economic functions intersect with religious trust management.

The Bill also addresses internal inefficiencies that have hindered the potential of Waqf institutions to act as engines of welfare and development. Waqf lands, if properly managed, can fund schools, hospitals, housing projects, and skill development centres. Yet, due to non-digitization, incomplete surveys, and poor auditing, a large portion of Waqf assets remains underutilised or lost to encroachment. The amendments mandate regular audits, stricter financial reporting, and accountability from mutawallis (Waqf caretakers), thereby professionalising the system.

Crucially, the Bill reinstates the application of the Limitation Act, 1963, to Waqf-related claims, bringing them in line with the broader Indian legal

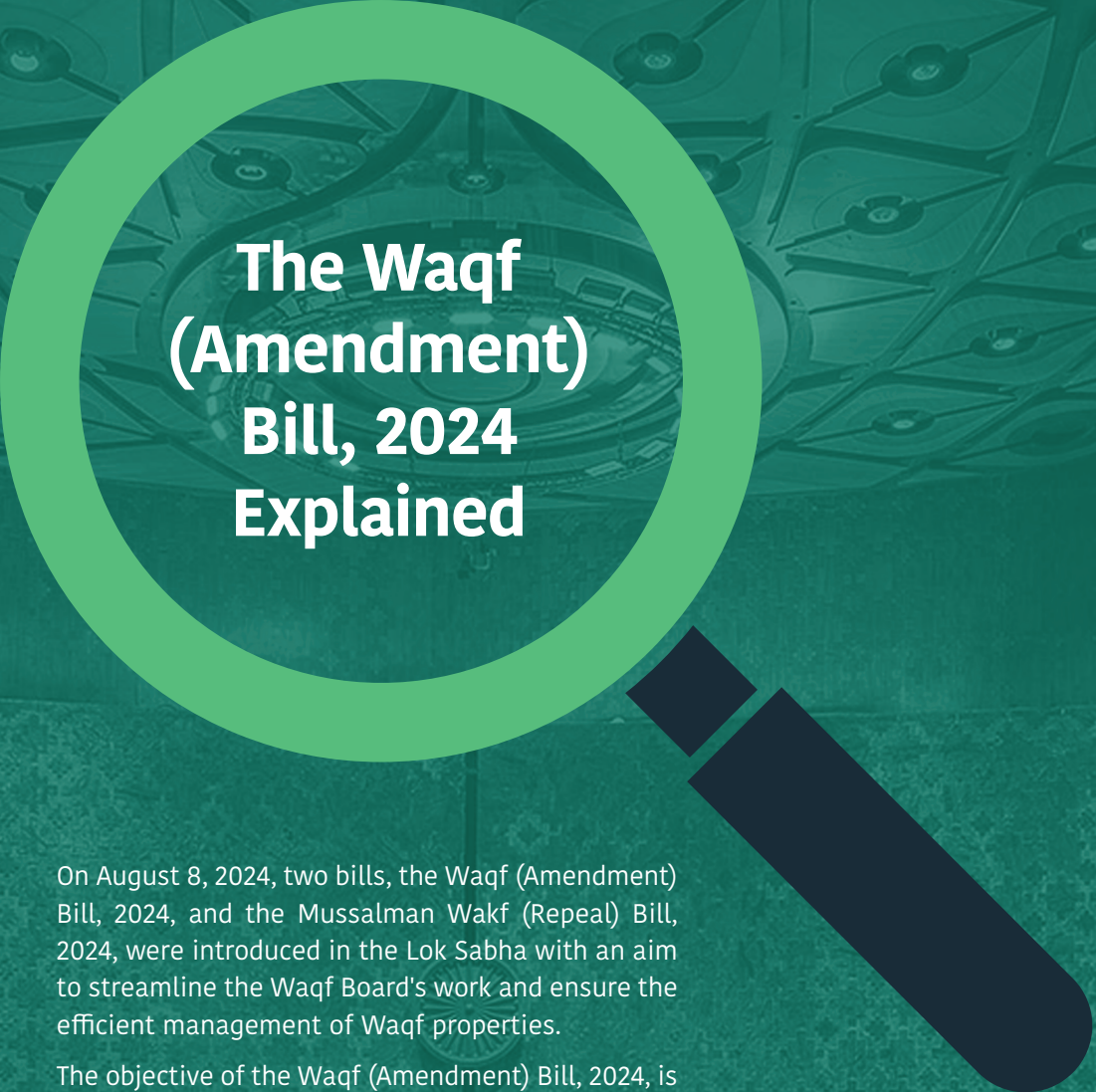
system. This means that disputes cannot be prolonged indefinitely, ensuring relief to genuine stakeholders and preventing judicial misuse. Equally significant is the provision for appeals to the High Court against Waqf Tribunal decisions, restoring a vital layer of judicial oversight.

Opponents of the Bill may argue that the removal of “Waqf by user”—where longstanding religious usage could create Waqf claims—could lead to erosion of Islamic traditions. But in practice, this doctrine has led to widespread abuse and conflict, especially in multi-religious localities. The Bill makes it clear: only property explicitly declared by a donor, who must be a practicing Muslim for at least five years, can be considered Waqf. This safeguards the intent behind the endowment while protecting innocent landowners from unjust claims.

The Bill's scope and seriousness are evident in the robust democratic process that preceded its introduction. The Ministry of Minority Affairs conducted nationwide consultations, and the Joint Parliamentary Committee held 36 sittings, reviewing nearly one crore public memoranda. State governments, religious organisations, civil society, and legal experts all participated in shaping the final draft. Few legislations in recent history have undergone such exhaustive scrutiny.

By renaming the Act to the “Unified Waqf Management, Empowerment, Efficiency and Development Act,” the government signals a shift from control to capability—from opaque administration to empowerment through law. The goal is not to diminish the religious and cultural significance of Waqf but to ensure that it fulfils its constitutional and ethical mandate to serve the public good.

The Waqf (Amendment) Bill 2024 is a necessary, progressive, and inclusive piece of legislation. It stands for rule of law, interfaith justice, good governance, and modernisation. It corrects systemic injustices and reorients Waqf institutions toward nation-building. It deserves wholehearted support from all sections of society.



The Waqf (Amendment) Bill, 2024 Explained

On August 8, 2024, two bills, the Waqf (Amendment) Bill, 2024, and the Mussalman Wakf (Repeal) Bill, 2024, were introduced in the Lok Sabha with an aim to streamline the Waqf Board's work and ensure the efficient management of Waqf properties.

The objective of the Waqf (Amendment) Bill, 2024, is to amend the Waqf Act, 1995, to redress the issues and challenges in regulating and managing Waqf properties. The Amendment Bill seeks to improve the administration and management of Waqf properties in India. It aims to:

- Overcome the shortcomings of the previous act and enhance the efficiency of Waqf boards by introducing changes such as renaming the Act
- Updating the definitions of Waqf
- Improving the registration process
- Increasing the role of technology in managing Waqf records.

The following FAQs provide an understanding of the Waqf Amendment 2024 Bill.

1) What are the administrative bodies responsible for Waqf management in India and what are their roles?

The administration of Waqf properties in India is presently governed by the Waqf Act, 1995, which is enacted and regulated by the Central Government. The key administrative bodies involved in Waqf management include:

The Waqf Act of 1995, enforced by the Central Government, currently regulates Waqf properties. The main administrative bodies are:

- Central Waqf Council (CWC) – Advises the government and State Waqf Boards on policy but does not directly control Waqf properties.
- State Waqf Boards (SWBs) – Manage and protect Waqf properties in each state.
- Waqf Tribunals – Exclusive judicial bodies that handle disputes related to Waqf properties.
- This system ensures better management and faster resolution of issues. Over the years, legal changes have made Waqf administration more transparent, efficient, and accountable.

2) What are the issues concerned with Waqf Board?

1. Irrevocability of Waqf Properties

- The principle "once a Waqf, always a Waqf" has led to disputes, such as claims over islands in Bet Dwarka, which have been deemed perplexing by courts as well.

2. Legal Disputes & Poor Management: The Waqf Act, 1995, and its 2013 amendment have not been effective. Some problems include:

- Illegal occupation of Waqf land
- Mismanagement and ownership disputes
- Delays in property registration and surveys
- Large-scale litigation cases and complaints to the Ministry

3. No Judicial Oversight

- Decisions by Waqf Tribunals cannot be challenged in higher courts.
- This reduces transparency and accountability in Waqf management.

4. Incomplete Survey of Waqf Properties

- The Survey Commissioner's work has been poor, leading to delays.
- In states like Gujarat and Uttarakhand, surveys have not yet begun.
- In Uttar Pradesh, a survey ordered in 2014 is still pending.
- Lack of expertise and poor coordination with the Revenue Department have slowed the registration process.

5. Misuse of Waqf Laws

- Some State Waqf Boards have misused their powers, leading to community tensions.
- Section 40 of the Waqf Act has been widely misused to declare private properties as Waqf properties, causing legal battles and unrest.
- 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.

6. Constitutional Validity of the Waqf Act

- The Waqf Act applies only to one religion, while no similar law exists for others.
- A PIL (Public Interest Litigation) has been filed in the Delhi High Court, questioning whether the Waqf Act is constitutional. The Delhi High Court has asked the Central Government to respond to this issue.

3) What steps and stakeholder consultations were undertaken by the Ministry before introducing the bill?

The Ministry of Minority Affairs consulted various stakeholders which interalia includes; report of the Sachar Committee, concern raised by public representatives, Media and general public regarding mismanagement, misuse of powers of Waqf act and underutilization of Waqf Properties by the Waqf institutions. The Ministry also consulted with State Waqf Boards.

The Ministry initiated the process of review of provisions of Waqf Act, 1995 and had consultations with stakeholders. Two meetings were conducted- one in Lucknow on 24.07.23 and another one at New Delhi on 20.07.23 wherein most of the following issues were discussed in detail. The consensus was emerged to make suitable amendment in the Act to solve the problems of the affected stakeholders.

- Widening The Base of CWC (Central Waqf Council) and SWB (State Waqf Board) Composition
- Role And Responsibilities of Mutawallis
- Re-Structuring of Tribunals
- Improve The Process of Registration
- Declaration Of Titles
- Survey Of Waqf Properties
- Mutation Of Waqf Properties
- Filing Of Accounts by Mutawallis
- Reforms In Filing Annual Accounts
- Review Of Provisions Related to Evacuee Properties/ Limitation Act
- Scientific Management of Waqf Properties

Further, the Ministry has also analysed the international practices on Waqf management across other countries such as Kingdom of Saudi Arabia, Egypt, Kuwait, Oman, Pakistan, Bangladesh and Turkey and found that the Waqf Properties are generally regulated by the Laws and Institutions set up by the Government.

4) What was the process of the introduction of Waqf Amendment Bill 2024?

- The Waqf Amendment Bill 2024 has been introduced with the primary objective of addressing shortcomings in the management and governance of Waqf properties on August 8, 2024.
- On August 9, 2024, both Houses of Parliament referred the Bill to a Joint Committee of 21 Lok Sabha and 10 Rajya Sabha members to examine and report on it.
- Keeping in view the importance of the Bill and its wide ranging implications, the Committee had decided to call memoranda to obtain the views from public in general and experts/stakeholders and other concerned organisations in particular on the provisions of the aforesaid Bill.
- The Joint Parliamentary Committee held thirty-six sittings wherein, they heard the views/suggestions of the representatives of various Ministries/Departments such as: Ministries of Minority Affairs, Law and Justice, Railways (Railway Board), Housing and Urban Affairs, Road Transport and Highways, Culture (Archaeological Survey of India), State Governments, State Waqf Boards and experts/stakeholders.
- The first sitting took place on August 22, 2024 and the key organizations/ stakeholders consulted during the sittings were:
 - All India Sunni Jamiyatul Ulama, Mumbai;
 - Indian Muslims of Civil Rights (IMCR), New Delhi
 - Muttaheda Majlis-e- Ulema, J&K (Mirwaiz Umar Farooq)
 - Zakat Foundation of India
 - Anjuman E Shiteali Dawoodi Bohra Community
 - Chanakya National Law University, Patna
 - All India Pasmanda Muslim Mahaaz, Delhi
 - All India Muslim Personal Law Board (AIMPLB), Delhi
 - All India Sufi Sajjadanashin Council (AISC), Ajmer
 - Muslim Rashtriya Manch, Delhi
 - Muslim Women Intellectual Group - Dr. Shalini Ali, National Convener
 - Jamiat Ulama-i-Hind, Delhi
 - Shia Muslim Dharamguru and Intellectual Group
 - Darul Uloom Deoband
- The Committee received 97,27,772 memoranda in total, through both physical and digital mode.
- To thoroughly review the Waqf Amendment Bill, 2024, the Committee conducted detailed study visits across multiple cities in India. These visits helped members engage with stakeholders, assess ground realities, and gather region-specific insights on Waqf property management. The details of the study visits in 10 cities are as under:
 - Sept 26 – Oct 1, 2024: Mumbai, Ahmedabad, Hyderabad, Chennai, Bengaluru
 - Nov 9 – 11, 2024: Guwahati, Bhubaneshwar
 - Jan 18 – 21, 2025: Patna, Kolkata, Lucknow
- The Committee consulted 25 State Waqf Boards (7 in Delhi, 18 during visits) to discuss administrative challenges and legal hurdles.
- Thereafter, the Joint Committee completed Clause by Clause consideration of all Clauses of the Bill at their 37th sitting held on 27th January, 2025. The amendments moved by the Members were put to vote and adopted by majority votes.

- The Adoption draft report and authorized the Chairperson to present the report on their behalf. The 38th sitting was held on 29th January, 2025.
- The Joint Committee submitted its report to the Hon'ble Speaker of Lok Sabha on 31.01.2025 and laid in both the Houses of the Parliament on 13th February, 2025.

5) What are some of the key reforms of the Waqf Amendment Bill 2024?

The proposed amendments under this Bill, 2024 are aimed at transforming Waqf administration in India by ensuring better governance, transparency, and accountability. It seeks to create a streamlined, technology-driven, and legally robust framework for the management of Waqf properties, while also fostering socio-economic development for the intended beneficiaries.

I. Unified Waqf Management: Key issues affecting Waqf properties include:

- Incomplete survey of Waqf properties.
- Significant backlog of litigations in Tribunal and Waqf Boards.
- Improper account, auditing and monitoring of Mutawallis.
- The mutation of all Waqf properties has not been done properly.

II. Empowerment of Central Waqf Council & State Waqf Boards:

- Inclusion of diverse groups like non-Muslim, other Muslim communities, other backward classes among Muslim communities and Women etc in the decision making, to enhance representation and efficiency.

III. Efficiency of State Waqf Boards:

- A digital portal and database will automate Waqf registration, survey, mutation, audits, leasing, and litigation, ensuring scientific, efficient, and transparent governance.

IV. Development of Auqaf:

- Portal-based lifecycle management will streamline administration.
- Section 65 mandates Waqf Boards to submit reports on management and income improvements within six months, ensuring timely action.
- Section 32(4) allows Waqf Boards to develop Waqf lands into educational institutions, shopping centers, markets, or housing by taking over properties from Mutawallis when necessary.

6) What are the key differences between the Waqf Bill 1995 and Waqf Amendment Bill 2024?

The Waqf (Amendment) Bill, 2024 introduces several changes to the Waqf Act, 1995, aiming for improved governance, transparency, and inclusivity in Waqf management. Below are the key differences:



Category	Waqf Act, 1995	Waqf Amendment Bill, 2024
Name of the Act	The Waqf Act, 1995	Renamed Unified Waqf Management, Empowerment, Efficiency, and Development Act, 1995
Formation of Waqf	Allowed by declaration, user, or endowment (Waqf-alal-aulad)	Removes Waqf by user; only declaration or endowment allowed. Donors must be practicing Muslims for 5+ years. Cannot deny female inheritance.
Government Property as Waqf	No clear provision	Government properties identified as Waqf cease to be Waqf. Disputes resolved by the Collector, who reports to the state.
Power to Determine Waqf	Waqf Board had authority	Provision removed.
Survey of Waqf	Conducted by Survey Commissioners and Additional Commissioners	Collectors empowered to conduct surveys as per state revenue laws.
Central Waqf Council	All members had to be Muslims, including two women	Includes two non-Muslims; MPs, former judges, and eminent persons need not be Muslims. The following members must be Muslims: Representatives of Muslim organisations, Scholars in Islamic law, Chairpersons of Waqf Boards. Of the Muslim members, two members must be women.
State Waqf Boards	Up to two elected Muslim MPs/MLAs/ Bar Council members; at least two women	State government nominates members, including two non-Muslims, one each from Shia, Sunni, Backward-class Muslims, Bohra, and Agakhani. At least two Muslim women required.
Tribunal Composition	Led by a judge, included Additional District Magistrate & Muslim law expert	Muslim law expert removed; includes District Court judge (chairman) and a joint secretary (state government).
Appeal on Tribunal Orders	High Court intervention only under special circumstances	Appeals allowed to High Court within 90 days.
Powers of Central Government	State governments could audit Waqf accounts anytime	Central Government empowered to make rules on Waqf registration, accounts, and audits (CAG/ designated officer).
Separate Waqf Boards for Sects	Separate boards for Shia & Sunni (if Shia Waqf >15%)	Also allows Bohra & Agakhani Waqf boards.

7) What are the key reforms recommended by the Joint Committee?

The amendments to the Waqf Act, 1995 as recommended by the Joint Committee on Waqf Amendment Bill, 2024 (JCWAB), introduce progressive reforms, including:

Key Reforms in Waqf (Amendment) Bill 2024

i. Separation of Trusts from Waqf: Muslim-created trusts under any law will no longer be considered Waqf, ensuring full control over trusts.

ii. Technology & Central Portal: A centralized portal will automate Waqf property management, including registration, audits, contributions, and litigation, ensuring efficiency and transparency. This also efficiently utilizes technology for the automation of Waqf management.

iii. Eligibility for Waqf Dedication: Only practicing Muslims (for at least five years) can dedicate their own property to Waqf, restoring the pre-2013 provision.

iv. Protection of 'Waqf by User' Properties: Already registered properties remain Waqf unless disputed or identified as government land.

v. Women's Rights in Family Waqf: Women must receive their rightful inheritance before Waqf dedication, with special provisions for widows, divorced women, and orphans.

vi. Transparent Waqf Management: Mutawallis must register property details on the central portal within six months to enhance accountability.

vii. Government Land & Waqf Disputes: An officer above the rank of Collector will investigate government properties claimed as Waqf, preventing unwarranted claims.

viii. Strengthening Waqf Tribunals: A structured selection process and fixed tenure ensure stability and efficiency in dispute resolution.

ix. Non-Muslim Representation: Two non-Muslim members will be included in both Central and State Waqf Boards to ensure inclusivity.

x. Reduced Annual Contributions: Waqf institutions' mandatory contribution to Waqf Boards is reduced from 7% to 5%, allowing more funds for charity.

xi. Application of the Limitation Act: The Limitation Act, 1963, will now apply to Waqf property claims, reducing prolonged litigation.

xii. Annual Audit Reforms: Waqf institutions earning over ₹1 lakh annually must undergo audits by State Government-appointed auditors.

xiii. Ending Arbitrary Property Claims: The Bill removes Section 40, preventing Waqf Boards from arbitrarily declaring properties as Waqf, avoiding misuse like declaring entire villages as Waqf.

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.

8) What are some instances of Non-Muslim properties declared as Waqf?

As of September 2024, data from 25 States/UTs Waqf Boards shows that 5,973 government properties have been declared as Waqf. Some examples include:

- As per MoHUA (Ministry of Housing and Urban Affairs) in September 2024, 108 properties are 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.
- Karnataka (1975 & 2020): 40 Waqf properties were notified, including farmlands, public spaces, government lands, graveyards, lakes, and temples.
- The Punjab Waqf Board has claimed land belonging to the Education Department in Patiala.

Examples of other Non-Muslim properties declared as Waqf:

- Tamil Nadu: A farmer in Thiruchenthurai village was unable to sell his land due to the Waqf Board's claim over the entire village. This unexpected requirement prevented him from selling his land to repay a loan for his daughter's wedding.
- Govindpur Village, Bihar: In August 2024, The Bihar Sunni Waqf Board's claim over an entire village in August 2024 affected seven families, leading to a case in the Patna High Court. The case is sub-judice.

- Kerala: In September 2024, around 600 Christian families in Ernakulam district are contesting the Waqf Board's claim over their ancestral land. They have appealed to the Joint Parliamentary Committee.
- Karnataka: In 2024, Farmers protested after the Waqf Board designated 15,000 acres in Vijayapura as Waqf land. Disputes also arose in Ballari, Chitradurga, Yadgir, and Dharwad. The government, however, assured that no evictions would take place.
- Uttar Pradesh: Complaints have been raised against alleged corruption and mismanagement by the State Waqf Board.
- lessees, and tenants are involved in Waqf management, making their representation in Waqf Boards and the Central Waqf Council (CWC) are essential for fairness.
- Regulation of Secular Activities: Section 96 empowers the Central Government to regulate governance, social, economic, and welfare aspects of Waqf institutions, reaffirmed by court rulings.
- Oversight Role of Central Waqf Council: The CWC supervises State Waqf Boards, ensuring compliance without direct control over Waqf properties. This highlights that Waqf management extends beyond religious aspects to economic and financial regulation.

9) How is the Waqf Amendment Bill 2024 expected to benefit the Poor?

Waqf plays a crucial role in serving religious, charitable, and social welfare needs, especially for the underprivileged. However, its impact has often been reduced due to mismanagement, encroachment, and lack of transparency. Some key benefits of Waqf for the Poor:

Digitization for Transparency and Accountability

- A centralized digital portal will track Waqf properties, ensuring better identification, monitoring, and management.
- Auditing and accounting measures will prevent financial mismanagement and ensure funds are used only for welfare purposes.

Increased Revenue for Welfare and Development

- Preventing misuse and illegal occupation of Waqf lands will boost revenue for Waqf Boards, allowing them to expand welfare programs.
- Funds will be allocated to healthcare, education, housing, and livelihood support, directly benefiting the economically weaker sections.
- Regular audits and inspections will promote financial discipline and strengthen public confidence in Waqf management.

10) How does the inclusion of non-Muslim members in the Waqf Board and Central Waqf Council contribute to Waqf management, and what is the extent of their role and influence in decision-making?

- Non-Muslim Stakeholders: Donors, litigants,

- Non-Muslim Representation:
 - State Waqf Boards: 2 out of 11 members (excluding ex-officio) can be non-Muslims.
 - Central Waqf Council: 2 out of 22 members (excluding ex-officio) can be non-Muslims.
- While decisions are made by majority vote, non-Muslim members can contribute administrative and technical expertise, improving the efficiency and governance of Waqf institutions.

वक्फ़ संशोधन विधेयक और पसमंदा मुसलमान

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वरिष्ठ सांसद जगदंबिका पाल के नेतृत्व में “संयुक्त संसदीय समिति वक्फ़ संशोधन बिल 2024” ने पूरे देश में भ्रमण कर लगभग सभी हितधारकों से संवाद स्थापित किया और कुछ आवश्यक बदलाव के साथ बिल को संसद के बजट सत्र में दोनों सदनों के पटल पर रखा। ज्ञात रहे कि पिछले वर्ष संसद में वक्फ़ (संशोधन) विधेयक, 2024 पेश किया गया था जिसके बाद लोकसभा में सरकार और विपक्ष के बीच तीखी बहस के बाद बिल को संयुक्त संसदीय समिति को भेजने का फैसला किया गया।

आल इण्डिया पसमांदा मुस्लिम महाज के प्रतिनिधि मण्डल के साथ मैंने भी जेपीसी के समक्ष देशज पसमांदा का पक्ष रखा है। अपना पक्ष प्रस्तुत करते हुए, कई एक सुझाव के साथ मैंने इसमें दलित और आदिवासी मुसलमानों को भी प्रतिनिधित्व देने की गुहार लगाई है। जिस पर वहाँ मौजूद ज्यादातर सदस्यों ने सहमति भी जताई थी। साथ ही साथ बिल के पक्ष में अपना समर्थन दिया है।

आखिर क्या हैं वक्फ़ बोर्ड का मूल आधार, उद्देश्य और स्थापना के कारण ? वक्फ़ का मतलब दान दी गयी संपत्ति होता है। उस दान दी हुई राशि और संपत्ति से गरीब, कमजोर और असहाय लोगों की ही मदद की जानी चाहिए। लेकिन गहन पड़ताल करने पर यह समझ आता है कि आजादी और बंटवारे से पहले ही तत्कालीन सरकार से मिलकर कुछ अशराफ़ लोगों ने वक्फ़ बोर्ड जैसे संस्था का निर्माण करवा कर ऐसे कानून बनवाए, जिससे उनका स्वार्थ सिद्ध होता रहे। समय- समय पर इसके नियम कानून में बदलाव होते रहते हैं और अशराफ़ की पकड़ बोर्ड पर मजबूत होती रही है।



विधिवत रूप से 1954 में वक्फ बोर्ड का गठन हुआ। हालांकि, 1995 के संशोधन से वक्फ बोर्ड को अनेक शक्तियां मिलीं। पीवी नरसिम्हा राव की कांग्रेस सरकार ने वक्फ एक्ट 1954 में संशोधन किया और नए-नए प्रावधान जोड़कर वक्फ बोर्ड को और अधिक शक्तियां प्रदान कर दी।

वक्फ एक्ट 1995 का सेक्शन 3(आर) के मुताबिक, अगर कोई संपत्ति, किसी भी उद्देश्य के लिए मुस्लिम कानून के मुताबिक पाक (पवित्र), मजहबी (धार्मिक) या (चेरिटेबल) परोपकारी मान लिया जाए तो वह वक्फ की संपत्ति हो जाएगी।

वक्फ एक्ट 1995 का आर्टिकल 40 कहता है कि यह जमीन किसकी है, यह वक्फ का सर्वेयर और वक्फ बोर्ड तय करेगा। बाद में वर्ष 2013 में मनमोहन सिंह की यूपीए सरकार ने 1995 के मूल वक्फ एक्ट में बदलाव करके बोर्ड की शक्तियों में और वृद्धि करते हुए वक्फ को इससे संबंधित मामलों में लगभग पूर्ण स्वायत्तता प्रदान कर दिया।

अभी तक चाहे देश में किसी भी पार्टी की सरकार रही हो, लेकिन आप वक्फ बोर्ड पर ध्यान देंगे तो उसमें अब तक अशराफ यानी कि शासक वर्गीय मुसलमानों को ही उसके कर्ता-धर्ता पाएंगे, ये लोग इसको अपने स्वार्थ के हिसाब से मैनेज करते रहें हैं न कि वक्फ के धार्मिक आधार के निर्देशित पहलु से। जबकि इस्लामिक कानून के मुताबिक वक्फ किये गए किसी भी संपत्ति का क्रय-विक्रय नहीं किया जा सकता है।

वक्फ की प्रॉपर्टी को लेकर आये दिन नित नये विवाद सुनाई और दिखाई देते रहते हैं। अभी हाल में कर्नाटक से एक खबर आयी थी कि वक्फ बोर्ड द्वारा किसानों की जमीनों पर दावों के खिलाफ किसानों ने जन आंदोलन छेड़ दिया है। कर्नाटक के वक्फ मंत्री जमीर अहमद खान ने एक बैठक में वक्फ बोर्ड की जमीनों का सर्वेक्षण करने की बात की थी। किसानों का आरोप है की जमीनों के मालिकाना अधिकार वाले पत्रों में पहले ही बदलाव कर दिया गया है जिसे किसानों को कई समस्याओं का सामना करना पड़ रहा है। हालांकि कर्नाटक के गृह मंत्री जी.परमेश्वर ने किसानों को कहा है कि उनकी सरकार मामले की समीक्षा करेगी।

यह मामला वक्फ बोर्ड की विसंगतियों को ही परिलक्षित करता है और यह बताता है कि मौजूदा वक्फ बोर्ड में संशोधन की आवश्यकता कितनी अपरिहार्य है।

ऐसे कई एक उदाहरण आसानी से मिल जाते हैं कि फलां प्रॉपर्टी वक्फ की नहीं थी लेकिन वक्फ ने कब्जा कर रखा है। वक्फ की प्रॉपर्टी को लेकर गुंडागर्दी, मारपीट, जबरिया कब्जा माफिया गिरी आदि सामान्य बात है। स्वयं केंद्रीय अल्पसंख्यक कल्याण मंत्री किरन रिजिजू ने भी वक्फ बोर्ड में माफिया का कब्जा होने की बात को स्वीकार किया है।

ऐसी तमाम विसंगतियों के निस्तारण के लिए वक्फ बोर्ड के पास अपना खुद का ट्रिब्यूनल कोर्ट है। लेकिन यहाँ भी अशराफों का वर्चस्व होने के कारण ज्यादातर मामले अधर में ही लटके रहते हैं। वक्फ के भीतर जमा लोगों को बस अपना स्वार्थ सिद्ध करना है। वक्फ के पास पावर है, सरकार ने भी वक्फ को पावर दिया ताकि गरीबों और असहाय की मदद हो सके, लेकिन उस पावर का गलत इस्तमाल किया गया। भारत में ज्यादातर जो मुस्लिम लीडर हैं वो अशराफ ही हैं, इसलिए अगर उनका कोई भाई लूट रहा होता है, तो दूसरा उसका विरोध नहीं करता है।

वक्फ द्वारा कई जगह हिंदुओं की संपत्ति पर कब्जा की बात सामने आई है तो ये हो सकता है। इसके साथ ही कई ऐसी संपत्तियों पर भी ये दावा करते हैं जो भारत में इस्लाम आने के पहले के हैं।

यहाँ यह बताना बहुत महत्वपूर्ण हो जाता है कि बहुत से मस्जिदों, मदरसों और कब्रिस्तानों के लिए जमीन हिंदुओं ने गाँव के मुसलमानों को दे रखी है या वक्फ कर दी है ताकि उनके गाँव के मुसलमानों को अपने धार्मिक क्रिया कालापो के लिए दूसरे गाँव या कहीं दूर ना जाना पड़े।

मुस्लिम समुदाय की संपत्तियों पर भी वक्फ बोर्ड अपना दावा करते आया है। कई जगहों के कब्रिस्तान, मस्जिद और मदरसा तक को अपना बताते हुए कब्जा कर लिया है हलाकि इन धार्मिक संपत्तियों का वक्फ बोर्ड से कोई मतलब नहीं रहा है। जिन संपत्तियों को अगर



किसी ने वक्फ कर दिया हो, उस पर भी वक्फ बोर्ड का कब्जा है, इसके साथ ही उन संपत्तियों को कई बार अपने फायदे के लिए बेच दिया जाता है।

वर्तमान केंद्र सरकार ने वक्फ बोर्ड के कामकाज में जवाबदेही और पारदर्शिता बढ़ाने के लक्ष्य के साथ वक्फ अधिनियम, 1995 में संशोधन करने के लिये वक्फ (संशोधन) विधेयक, 2024 पेश किया गया है।

ये संशोधन विधेयक वक्फ बोर्ड में व्याप्त अनियमितताओं एवं विसंगतियों को दूर करने के उद्देश्य से वक्फ अधिनियम-1995 के कुछ प्रावधानों को हटाने की बात करता है। इस संशोधन विधेयक को पेश करने के संदर्भ में सरकार का दावा है कि इससे वक्फ बोर्ड के प्रबंधन में सुधार होगा एवं इसके साथ ही इस विधेयक का उद्देश्य वक्फ सम्पत्तियों के प्रबंधन में पारदर्शिता और जवाबदेही बढ़ाना, भ्रष्टाचार आदि पर नियंत्रण पाना, वक्फ सम्पत्तियों के विकास और संरक्षण को बढ़ावा देने के साथ साथ यह सुनिश्चित करने का प्रयास करना कि वक्फ सम्पत्तियों का उपयोग हितधारक समुदाय के लाभ के लिए ही किया जा सके।

एनडीए सरकार के उपर्युक्त दलीलों और दावों के बावजूद विपक्ष, अशराफ़ समाज के उलेमाओं एवं अशराफ़ मुस्लिम सांसदों एवं तथाकथित सेक्युलर लिबरल बुद्धिजीवीओ द्वारा इस प्रस्तावित विधेयक का प्रारम्भ से ही पुरजोर विरोध किया जा रहा है। इस विधेयक का विरोध करने वालों के अपने तर्क और आशंकाएँ हैं। विपक्ष का मानना है कि यह विधेयक धार्मिक स्वतंत्रता और वक्फ संपत्तियों के प्रबंधन में हस्तक्षेप करता है। वे इसे समुदाय के अधिकारों पर सरकार का हस्तक्षेप मानते हैं। हर मामले की तरह इस विषय पर भी मुस्लिम समाज के लोगों को भ्रमित किया जा रहा है। वक्फ बोर्ड की उपर्युक्त विसंगतियों को देखते हुए ऐसा लगता है कि अगर वक्फ संशोधन बिल पास हो जाए तो पूरे मुस्लिम समुदाय और देश दोनों को फायदा होगा।

अभी जिस तरह से विरोध हो रहा है, बिल के पास होने के बाद भी होगा, ठीक उसी तरह जब कभी तीन तलाक के बारे में विरोध हो रहा था, हालांकि वो कदम समाज के हित के लिए था। तथाकथित सेक्युलर, लिबरल और अशराफ़ गठजोड़ वाले मीडिया, बुद्धिजीवी लोगो द्वारा पूरे मुद्दे को सांप्रदायिक बनाने की कोशिश की जा रही है और सरकार की मनसा पर प्रश्नवाचाक चिन्ह लगा रहें हैं, जबकि सरकार सिर्फ संशोधन करने की बात कर रही है, तो लोगों को पहले समझना होगा कि इसको बेवजह का संप्रदायिक मसला बनाने की कोशिश ना किया जाए।

मुस्लिम समाज को एक समतावादी समाज माना जाता है लेकिन व्यावहारिक धरातल पर भारतीय मुस्लिम समाज में भी स्तरीकरण दिखायी देता है। इसमें तीन प्रमुख श्रेणियां देखी जाती हैं। अशराफ उच्च वर्ग के मुसलमान माने जाते हैं, जिनका दावा है कि वे अरबी, तुर्की, फारसी या अफगान वंश से संबंधित हैं। अशराफ में सैयद, शेख, पठान और मुगल जैसी उच्च जातियां आती हैं।

अजलाफ निम्न वर्ग के मुसलमान माने जाते हैं, जिनका संबंध परिवर्तित हिंदुओं से है। इस श्रेणी में कारीगर, किसान और श्रमिक

वर्ग के मुसलमान शामिल होते हैं। अरजाल सबसे निचली श्रेणी के मुसलमान माने जाते हैं, जो मुख्यतः दलित जातियों से मातातरित हुए हैं। इन्हें समाज में सबसे अंतिम पायदान पर रखा जाता है। नीचे के इन दो मुस्लिम वर्गों को मिलाकर 'पसमांदा मुस्लिम' समूह की रचना होती है। पसमांदा मुस्लिम एक सामाजिक-आर्थिक और जातिगत श्रेणी है, जो भारतीय उपमहाद्वीप में मुस्लिम समाज के पिछड़े और वंचित वर्गों को संदर्भित करती हैं। "पसमांदा" शब्द का अर्थ है "पीछे छूट गए" या "वंचित"। यह उन मुसलमानों का प्रतिनिधित्व करता है, जो ऐतिहासिक रूप से सामाजिक, आर्थिक और शैक्षिक रूप से पिछड़े हुए हैं।

अधिकतर पसमांदा मुस्लिम अधिकार कार्यकर्ताओ का कहना है कि प्रस्तावित बदलाव क्रांतिकारी हैं, इससे वक्फ की संपत्तियों के पंजीकरण, सत्यापन, लेनदेन में पारदर्शिता आएगी और इससे गरीब मुसलमानों को वक्फ के विवादों से मुक्ति मिलेगी। नए वक्फ बोर्ड बिल के प्रस्तावों में महिलाओं के साथ-साथ पसमांदा वर्ग के पिछड़े मुसलमानों के लिए प्रावधान किए गए हैं। इससे महिलाओं-पसमांदा वर्ग के लोगों की बेहतरी की राह खुलेगी।

तथाकथित अशराफ उलेमा, अशराफ राजनीतिज्ञ आदि लोग वक्फ संपत्तियों पर सांप की तरह कुंडली मारे बैठे हैं, जबकि 85 प्रतिशत पसमांदा (अति पिछड़ा व शोषित वंचित) मुसलमान यानी पसमांदा मुसलमान को वर्षों से मृग तृष्णा दिखाया जा रहा है, पसमान्दा मुसलमान को वक्फ संपत्तियों से कोई लाभ नहीं मिल रहा है उनका मानना है कि इस विधेयक का विरोध करने वाले मौलाना अरशद मदनी और उन जैसे तमाम लोगों की दलीलें मतलबपरस्ती वाली हैं और इन लोगों ने पसमांदा मुसलमानों के हित में कभी कुछ नहीं किया, उल्टे इनका इस्तेमाल किया है।

वक्फ संशोधन विधेयक लाकर सरकार कुछ अच्छा करना चाहती तो ऐसे लोग व उनके सहयोगी सरकार के खिलाफ अभियान चलाने में जुटे हुए हैं। सेक्युलर, लिबरल और अशराफ़ गठजोड़ वाले मीडिया, बुद्धिजीवी लोगो को समझना चाहिए कि वक्फ बोर्ड सरकार की संस्था है समय समय पर सरकारों ने उसके लिए एक्ट बनाए उसमें सुधार(अमेंडमेंट) भी करते रहें हैं।

इसमें व्याप्त कर्पण/विसंगतियों को दूर करने के लिए यह बिल लाया गया है इस के कुछ पॉइंट्स पर सहमति असहमति जताई जा सकती है किंतु पूरे बिल का विरोध करना रिग्रेसिव एटीट्यूड है। जिससे समाज और देश दोनों को बचना चाहिए। यही कारण है कि पसमांदा आंदोलन से जुड़े अधिकतर लोगों का मानना है कि प्रधानमंत्री नरेन्द्र मोदी ने वक्फ से संबंधित संपत्तियों के संबंध में जो निर्णय लिया है, वह पसमांदा मुसलमानों के हित में है। इसलिए पसमान्दा मुसलमान इस संशोधन को खुलकर सपोर्ट कर रहें हैं।

वक्फ संशोधन विधेयक को लेकर मुस्लिम समाज के अत्यंत पिछड़े वर्ग को उम्मीद की किरण दिखाई देती है। वक्फ की संकल्पना जिस नेक इरादे के साथ की गयी उसमें समय के साथ तमाम बुराइयाँ घर कर गयी जिसे दूर करना अतिआवश्यक है। इस संशोधन विधेयक के माध्यम से सरकार के द्वारा वक्फ बोर्ड में यथोचित बदलाव का दावा किया जा रहा जिसको लेकर पसमांदा समाज बहुत आशान्वित है।

Union Budget 2025: What It Means for a The Waqf Amendment Bill, 2024: Balancing Faith, Law, and Fairnessan Entrepreneur Like Me

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India has the largest Waqf holdings in the world, with the Waqf Boards collectively being the largest landowners after the Armed Forces and Indian Railways. The Waqf Boards control approximately 8.7 lakh properties spanning 9.4 lakh acres across India, with an estimated value of ₹1.2 lakh crores. The governance of these properties has been guided by legal frameworks such as the Waqf Act of 1954 and its successor, the Waqf Act of 1995, which were intended to regulate the administration and protection of Waqf assets. However, despite amendments, this legal framework has remained weak, allowing corruption, mismanagement, and unauthorised claims to flourish.

A lack of transparency and accountability has plagued Waqf Boards across states. In 2017, the Uttar Pradesh government dissolved both the Sunni and Shia Waqf Boards following corruption charges against the boards. In 2018, the Central Waqf Council (CWC) called for a CBI probe into the Telangana State Waqf Board, reporting that 89% of Waqf land was either encroached upon or embroiled in legal disputes. Similarly, in Karnataka, large-scale mismanagement of Waqf properties across the state has been repeatedly alleged.

Many Waqf Boards still rely on paper records, making them vulnerable to tampering, loss, and forgery. The lack of proper regulatory oversight has further enabled unchecked malpractice. Encroachments have been a major issue, resulting

in the increase of unauthorised occupations of Waqf land. According to the details available on WAMSI (Waqf Assets Management System of India), approximately 60,000 Waqf properties are currently under encroachment. These deprive intended beneficiaries of their rightful use. In Punjab, for instance, 1 out of every 6 properties owned by the Punjab Waqf Board is under illegal occupation.



Beyond financial mismanagement and encroachments, a key criticism of Waqf administration has been the discrimination and exclusion of beneficiaries. Instead of serving the women and economically disadvantaged Muslims, Waqf properties have often been exploited for private gain, particularly by politically connected individuals. The failure of previous amendments to address these concerns has led to growing dissatisfaction among the common Muslim population. The new Waqf (Amendment) Bill, 2024, aims to rectify these issues by ensuring that Waqf properties are protected and utilised for their intended purposes.

The bill removes the provision allowing Waqf by user, which previously permitted properties to be deemed Waqf solely based on long-term religious use, thereby preventing arbitrary claims. It also strengthens inheritance rights for women. Additionally, it addresses the issue of government properties being misclassified as Waqf, mandating that such properties will cease to be Waqf, with the district collector determining ownership in case of uncertainty. The power of Waqf Boards to declare properties as Waqf has been revoked in the bill, and it empowers district collectors to conduct Waqf surveys in accordance with state revenue laws.

To enhance regulatory oversight, the bill strengthens government monitoring and audit mechanisms. It empowers the central government to conduct audits of Waqf accounts through the Comptroller and Auditor General (CAG) or designated officers. The bill also introduces changes to the composition of the Waqf Boards and the Central Waqf Council, allowing representatives from diverse backgrounds, including non-Muslims, women, and marginalised Muslim communities such as Bohras and Agakhanis, to ensure a more inclusive administration. The bill requires states to establish tribunals to address disputes over Waqf, allowing appeals of the tribunal's orders in the High Court within 90 days.

Technology plays a crucial role in the reforms proposed by the bill. The bill mandates a unified digital listing of Waqf properties, allowing for better monitoring and transparency. By integrating digital tools into governance, the bill seeks to

create a more accountable and efficient system, ensuring that Waqf properties benefit the intended communities rather than being exploited for personal or political gains.

Waqf properties are meant to serve marginalised communities by supporting education, healthcare, and social welfare. However, due to corruption and mismanagement, these resources have often been diverted for private gain. The bill strengthens governance to ensure that Waqf assets benefit the individuals for whom they were originally intended. A transparent Waqf system will help redirect funds and properties toward schools, hospitals, and welfare initiatives, empowering the underprivileged rather than benefiting a few individuals with political or financial influence.

Misinformation has clouded discussions around the bill, with allegations that it threatens Waqf properties or undermines religious rights. In reality, the bill removes ambiguities that allowed arbitrary claims and misuse, ensuring Waqf assets are legally protected and properly managed. Political and religious groups have often utilised the Waqf system to consolidate their influence, spreading the fear that reforms aim to seize land. However, the bill does not affect existing Waqf properties but ensures that they are not acquired or misused fraudulently. Clarifying these aspects is essential to counter narratives driven by vested interests.

The bill does not interfere with religious freedoms but reinforces accountability. It does not alter the fundamental nature of Waqf donations but ensures they are used as intended. By strengthening legal oversight and transparency, the bill safeguards the integrity of Waqf properties while preventing exploitation. Religious bodies remain free to manage Waqf affairs within a framework that ensures compliance with laws and regulations. Holding administrators accountable does not infringe on faith but protects the sanctity of religious endowments, ensuring they serve communities rather than becoming tools for corruption or unchecked power.

The Waqf (Amendment) Bill, 2025, which is now an Act after receiving the President's assent, was initially portrayed by opposition parties as a crucial litmus test for the NDA government. It received an emphatic endorsement from both houses of Parliament after marathon midnight debates. This overwhelming support effectively silenced opposition narratives that sought to create an illusion of discord within the National Democratic Alliance. It also dismantled the propaganda of appeasement politics and the calculated fear-mongering among minority communities—tactics that were previously witnessed during the CAA-NRC debates. The opposition's attempt to manipulate public sentiment through divisive rhetoric was once again exposed as nothing more than a desperate bid to stay politically relevant.

The politics surrounding Waqf in India is neither new nor accidental. The Waqf Board, as an institution, holds an astonishing expanse of land, ranking as the third-largest landholder in the country, surpassed only by the Indian Armed Forces and the Railways. What is particularly striking is that, despite India being a Hindu-majority nation, no Hindu temple endowment or charitable institution comes remotely close to the Waqf Board in terms of land holdings or legal privileges. This stark reality underscores a glaring asymmetry in governance, where Waqf properties have enjoyed an extraordinary level of institutional protection and legal insulation, often at the expense of transparency and accountability.



WAQF (Amendment) ACT, 2025: SEPARATING FACTS FROM FEAR

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The Waqf Act, 1995, which was later fortified by the 2013 Amendment, effectively empowered the Waqf Board with unchecked authority, transforming it into an autonomous arbitrating body that functioned beyond the scope of judicial review. This legal framework granted the Waqf Board unprecedented control over vast swathes of land, often with minimal oversight and limited recourse for those affected by its claims. The absence of stringent regulatory mechanisms meant that land disputes involving Waqf properties often left private landowners, institutions, and even government authorities entangled in legal ambiguities and bureaucratic hurdles.

The lack of scrutiny over the Waqf Board's land acquisition and governance practices has long been a subject of concern, raising questions about equity, fairness, and constitutional principles. By ensuring greater transparency, regulatory oversight, and judicial accountability, the Waqf (Amendment) Act, 2025, is not only a corrective measure but a historic step towards restoring balance in institutional governance. The government's initiative to reform this long-overlooked domain is a testament to its commitment to justice, fairness, and the rule of law, as opposed to the vote-bank politics that have dictated the discourse for decades.

In India, as per the 2013 act, a waqf can be created through (i) oral or written declaration, (ii) prolonged use of land for religious or charitable purposes (waqf by user), or (iii) endowment after the end of a family line. The creator is called a wakif, and the property is managed by a mutawalli (administrator).

As of April 2025, India has around 8.72 lakh registered immovable waqf properties. According to the Ministry of Minority Affairs, India has the largest waqf holdings globally, with the Sachar Committee (2006) estimating their market value at Rs 1.2 lakh crore.

The opposition is actively fuelling unfounded fears by propagating the notion that the government intends to take over mosques, burial grounds, and other places of worship to exert control over them. They have further spread misinformation about the inclusion of non-Muslim members in the Waqf Board, falsely claiming it would result in non-Muslim dominance in decision-making processes. Further fuelling public anxiety is the misinformation surrounding the inclusion of non-Muslims on Waqf Boards, with claims that this would lead to non-Muslim dominance in decision-making—an assertion entirely devoid of constitutional or procedural basis.

Equally misleading is the manufactured paranoia around the digitisation of Waqf land records, portrayed by the opposition as a gateway for unwarranted government intrusion. To add to this, unfounded accusations of bias have been levelled against the District Collectors and Waqf Tribunals, undermining the credibility of institutions tasked with ensuring fair adjudication and lawful governance. Such rhetoric not only erodes public trust but also reveals the opposition's intent to derail reform through fear and communal polarisation.



The pressing question that must be addressed is whether the government is truly attempting to interfere with the autonomy of the Waqf Board, and more importantly, whether the Waqf Board can legitimately be classified as a religious body, given that it is governed under the Waqf Act of 1995. Judicial pronouncements have been unequivocal on this matter: the Waqf Board is a statutory, government-regulated body, not a religious institution or representative entity. Furthermore, a mutawalli (caretaker of waqf property) is not the owner, but merely an administrator entrusted with its management.

To enhance transparency and accountability, the current Act mandates the digitisation of waqf land records, a crucial step toward preventing misuse and ensuring public access to verified data. One of the most commendable reforms introduced by the government is the reclamation of government-owned lands that were wrongfully encroached upon or falsely claimed as waqf property. Under the amended provisions, any such disputed land will no longer be recognised as waqf, and in cases of ambiguity, the ownership will be determined by the District Collector of the respective area.

Demonstrating its commitment to empowering Muslim women, the present government—known for its stance on gender justice—has taken concrete steps to address the long-standing exclusion of women from waqf administration. For the first time, it has made the inclusion of at least two women members mandatory in both the Central Waqf Council and State Waqf Boards, ensuring greater representation and voice for women within these institutions.

Furthermore, the amendment eliminates the arbitrary and vague concept of "waqf by user", which has often led to legal ambiguities and exploitation. It also introduces safeguards within waqf-alal-aulad (family waqf), clarifying that such endowments must not infringe upon the inheritance rights of the donor's legal heirs—especially women, whose claims were historically neglected. These provisions collectively represent a progressive shift toward a more just, inclusive, and law-governed waqf system.

The present amendment act facilitated the provision of finality to the decisions of Waqf Tribunals, which previously barred appeals in higher courts. Under the amended law, parties are now allowed to appeal tribunal decisions in the High Court within 90 days, thereby strengthening transparency, accountability, and access to justice. Another significant change is the repeal of Section 40 of the Waqf Act. This provision has been widely exploited to wrongfully declare private properties as waqf land, often leading to prolonged legal disputes and public unrest. Its removal is a welcome move to prevent arbitrary claims and protect individual property rights.

In terms of representation, the amendment ensures greater inclusivity and administrative efficiency by allowing separate Waqf Boards for the Bohra and Agakhani communities, in addition to the existing Shia and Sunni boards. Moreover, the composition of the Waqf Tribunal has been restructured for enhanced legal rigour. The earlier requirement of a Muslim law expert has been replaced with the inclusion of a sitting or retired District Court judge as Chairman, along with a serving or former Joint Secretary to the state government, ensuring that tribunals are chaired by individuals with judicial and administrative experience rather than sectarian bias.

In conclusion, the Waqf (Amendment) Act, 2025, marks a significant and much-needed reform in the governance of waqf properties in India. By promoting transparency through digitisation, reclaiming illegally encroached government lands, ensuring gender representation, and removing legal ambiguities, the government has taken a firm step toward accountability and equity. Contrary to the fear-mongering and misinformation spread by opposition parties, the Act does not target any community but instead strengthens institutional integrity and protects rightful ownership and inheritance—especially for marginalised voices within the Muslim community. It represents a progressive step toward justice, transparency, and inclusive governance, firmly grounded in the principles of the Constitution.

One of the most egregious provisions in law has finally been cast to the dustbin of history by the Waqf Amendment Bill 2025. Section 40 of the Waqf Act, 1995, enabled the State Waqf Boards to unilaterally claim any land that they thought was waqf. There was no judicial process involved in the claim; the Board could randomly, without notice, claim that a piece of land was theirs. This is such an outlandish provision that there is no real parallel in any other law for it. In fact, if you were to examine the legislation governing Waqfs in Bangladesh or Pakistan, you would not find a parallel. All these countries require that a deed be created for a Waqf to be registered. The provisions under the 1995 Act were so irrational that this requirement has only been introduced through the current Waqf Amendment Bill.

The saga of Waqfs in India is a particularly interesting one. The issue had long escaped the public eye and discourse until the government introduced the Waqf Amendment Bill in August 2024. However, the issues came tumbling out, whether it was the farmers in Karnataka, 400 Acres occupied primarily by Christian fishermen in Kerala, and so on. If you review the list of reported instances, there appears to be no end or beginning to the amount of attempted or misappropriated

Section 40 Scrapped: How the Waqf Amendment Bill 2025 Restores Legal Sanity

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funds that took place under the guise of Waqf. Moreover, it highlighted that despite Waqf administering 8.72 lakh acres, it was generating minimal revenue for itself. The Issue of encroachment, misappropriation and fraud was creating great harm for those who should have benefitted from the Waqf - ordinary Muslims.

That Waqf and its running has come into focus only after the introduction of the Amendment in August, 2024 in itself is an indictment of those who have projected themselves as the sole protectors of the interests of Muslims.

A Broken System That Benefitted A Select Few

If Waqf was actively harming the interests of the general public, especially non-Muslims, and neither working for the benefit of Muslims, who was the current act benefitting? The answer is not complicated to figure out. Two ex-Congress MPs in Uttarakhand face a land fraud charge. Azam Khan, who was Waqf Minister under SP, encroached upon Shia Waqf property in Punjab. Congress leaders were accused of misappropriating Waqf property. The pattern that this reveals is that the Waqf Boards were specifically exploited to benefit the dysfunction of the Waqf Boards, allowing them to encroach on land, defraud the Boards, and undertake recruitment scams.

This would explain the reluctance and inability to explain the Waqf misgovernance that has prevailed in India. If one were to examine the history of the Wakf Act 1954—the first independent national Waqf Act—many examples of misgovernance would be revealed. Two amendments to the 1954 Act were the result of State Waqf Boards being unable to claim all the properties that they should have, with these amendments extending the limitation period for the same. Speaking of limitations, it would be amusing to know that the 1995 Act was exempt from the limitations on raising suits as specified under the Limitation Act 1963. It was only through the 2025 Amendment that this has changed, and now the Limitation Act of 1963 applies to Waqf Boards.

The Waqf Amendment Brings in Good Governance

The system was broken from top to bottom. The surveys mandated by the 1995 Act were not being undertaken. Bear in mind that the cost of these

surveys was to be borne by the state Government. There was never a clear demarcation between what is waqf property and what is not, which obviously enabled Waqf to use Section 40 to claim land. Look at what happened in Surat, for example. The Gujarat Waqf Board claimed that the Surat Municipal Corporation Headquarters was Waqf. The basis of the claim? During the reign of Mughal Emperor Shah Jahan, Surat was given as fief to his daughter. The daughter had apparently donated some land to Ishaq Beg Yazdi and then built an inn for Hajj Pilgrims. This had then come under the British, who used it as the headquarters of the Municipality. The Waqf tribunal, which considered the issue, to its credit, found the claims absurd and dismissed the claim. If such claims had occurred against government property, imagine the type of claims that might have arisen against private property.

It is this sort of absurdity that the Modi Government is addressing by removing Section 40 of the Act. It is interesting to note that the Modi government took the initiative to accelerate the digitization of Waqf property records through the “Qaumi Waqf Board Taraqqiati Scheme.” This scheme focused on enabling GIS mapping of properties, as well as providing training for State Waqf Boards to digitise existing property records. This was tied into the portal evolved for Waqf land records, Waqf Asset Management System of India (WAMSI). However, to date, not even half of the recorded property records have been digitised. This work is being taken to its logical conclusion by the Amendment, which proposes the creation of a centralised portal in which details of all waqf property will be uploaded. This will resolve many of the issues that have plagued Waqf Boards nationwide.

The Waqf Amendment also addresses many of the long-standing issues within the Waqf Act by enabling waqf to be utilised for the welfare of women, facilitating the creation of Bohra and Aga Khani Waqfs, and providing for their representation on State Waqf Boards. The Waqf Amendment creates more transparent, inclusive and effective State Waqf Boards.



Waqf Reforms for Justice: A Long Overdue Constitutional Correction

Dr. Monica Verma

Assistant Professor of International Relations at
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In 1950, when India promulgated its constitution, there was a unanimous consensus on ensuring equality for all its citizens, regardless of their religious, linguistic, and socio-economic status. However, as with all good ideals, eventually, various interest groups, patronised by the dominant political forces of that time, ended up finding loopholes in the system, which they began to exploit for their parochial interests. This led to the emergence of certain undemocratic practices, where electoral support from particular communities became the lifeline for a group of political parties. In return, they began devoting a large and disproportionate share of national resources to these communities.

Ironical as it may sound but majoritarianism that countries are often accused of became the classic case of minority-ism in India where en bloc and en masse political support by the most dominant minority group—one that has a share of 14% in the national population—became a pretext for leaders to even claim that they had the first right on the resources. It is in this regard that the system of Waqf emerged as one of the most unfair

institutions in the so-called secular and democratic India.

Waqf, as a part of Islamic law, refers to the donation of property, money, or assets for the benefit of the community at large. The donations are permanent in nature, meaning that once given towards Waqf, they cannot be reclaimed or inherited by any means. Although the purpose of Waqf seems completely noble, aiming to ensure the betterment of the Muslim community, especially the poor sections, through the creation of common goods such as schools, hospitals and places of worship on Waqf land, over time, the system had become a challenge for the state to sustain within its limited means. The manipulation through legislative changes and administrative practices was such that the Waqf board, a governing body as per old law, became the largest landowner in India, next to only the central ministries of railways and defence. According to recent estimates, the Waqf board has at least 9.4 lakh acres of land under its possession. Internationally, the waqf system in India is the largest repository of religious and community-owned land in the world. Imagine this

did not happen in any of Islamic republics but a 'secular' country like India.

If control over land and resources was enabled through political patronage and lopsided legislative changes, then corruption also followed a natural progression, with disturbing news of crores of embezzled funds surfacing every now and then. In Madhya Pradesh, a tea seller who presided over the state waqf board for around 26 years became the owner of three bungalows and property worth crores. Anecdotal evidence aside, despite having a large share of the country's territorial resources in their control, the Waqf barely generates any income. In fact, according to the available data, the waqf system generated a net income of just ₹1.26 crore in FY24, whereas it has the potential to generate at least ₹12,000 crore annually. This is the starkest example of mismanagement of funds and diversion of resources in Waqf.

Despite the availability of convincing evidence of deep-rooted corruption in the Waqf system, to date, no government of the day, whether at the centre or in the states, has bothered to address the issue because of the compulsion of their vote-bank politics. Picture this: Congress had transferred prime properties in more than 120 locations in Delhi to the Waqf Board on the eve of the 2014 Lok Sabha elections, and despite that, it performed terribly. In such a scenario, what the Modi government has done is truly commendable. It not only tabled a bill to amend the existing laws governing Waqf, but it has also conducted a thorough and extensive consultation with the community members themselves. The Waqf (Amendment) Bill, passed in the early hours of 2nd April, is a step in the right direction. It has sought to address numerous loopholes in the existing system, which will go a long way in correcting historical wrongs in the country.

The key among these changes is the power that the Waqf board currently have to declare any property as Waqf property without any external oversight under section 40. The final arbitration authority to date has been the Waqf tribunal only. However, the amendment has now extended this power to the district collector, also providing for how any disputed property will be treated as government

property unless otherwise decided. It is pertinent to note that it is this draconian Section 40 that has enabled large-scale acquisition and misappropriation of private properties, leading to numerous legal battles and social unrest. The amendment has also removed the concept of 'Waqf by use', which meant that any property used as Waqf would automatically become Waqf property, irrespective of whether a clear declaration was made to this end or not.

Another significant change brought about by the amendment is the removal of Section 107 of the Waqf Act, which previously exempted it from the Limitation Act of 1963. As part of this, Waqf boards were exempt from the statutory 12-year timeframe to reclaim any property encroached upon as theirs. This had made waqf boards into a land-guzzling machine with certain 1000-year-old Hindu temples and Archaeological Survey of India sites becoming the target of their claims.

Now that the Modi government has bit the bullet to seek to amend the act, not caring for how it will be used by the international left-liberal machinery to target India once again, the domestic political forces are trying to present it as a case of injustice against the country's Muslims. But to them, I must ask, what about the plight of ordinary Muslims who themselves are victims of Waqf greed? Many times, the erroneous classification of agricultural land as Waqf property has created a livelihood challenge for all farmers alike—Hindu or Muslim. In India's national capital itself, there are various instances of small Muslim shopkeepers evicted from their decade-old shops in the name of redevelopment by the Waqf board. The current Waqf system is not serving the Muslims any good. It has just become a monstrous tool in the hands of a few greedy community leaders who are using it to exploit the poor masses. If the political parties who benefit from Muslim appeasement were their genuine well-wishers, they would wholeheartedly support the amendment. What the Modi government has done is a welcome development towards ensuring the constitutional ideal of equality. Thus, it is time that the Muslims of this country also see through it and choose progressive changes.

Modernising Waqf Governance: Why the Waqf Amendment Is a Step Forward

Advocate
Simran Brar and
Advocate Akhil Sachar

In recent weeks, debates over the proposed legislative amendments to the Waqf Act, 1995, have been reignited in Parliament, with heated arguments presented by various stakeholders—particularly by several Muslim Members of Parliament. The amendments were introduced in Parliament on 8 August 2024, following decades of discussion and legal contention. Aimed at addressing long-standing issues in the administration and interpretation of Waqf laws, the proposed legislation aspires to promote secularism, tolerance, and inclusivity. The Bill was subsequently referred to the Joint Parliamentary Committee on 30 January 2025 for further examination.

The historical background to this reform is notably complex. The original Waqf Act of 1954, and its subsequent versions—including the Waqf Act, 1995—were designed to protect religious endowments. However, these legislative frameworks have drawn criticism for inherent ambiguities and their susceptibility to misuse, thereby strengthening the case for reform.



The concept of Waqf is defined as the permanent dedication of movable or immovable property for purposes recognised under Muslim law as pious, religious, or charitable. In India, a Waqf can be created through:

- (i) a declaration of property by oral or written deed,
- (ii) long-term usage of land for religious or charitable purposes, or
- (iii) an endowment made upon the extinction of a line of succession (Waqf-alal-aulad).

The creator of a Waqf is known as a wakif, and it is managed by an administrator called a mutawalli. According to the Ministry of Minority Affairs, India has the largest Waqf holdings in the world. The Sachar Committee (2006) estimated the market value of Waqf properties at ₹1.2 lakh crore. Several states, such as Uttar Pradesh and West Bengal, had enacted their own laws governing Waqf; however, these were repealed following the enactment of the 1995 Act.

Proposed Amendments: Key Reforms and Clarifications

The proposed amendments seek to refine the definition of “Waqf” and streamline the associated processes, focusing on four key areas: the eligibility criteria for declaring a Waqf, the elimination of the

concept of “Waqf by user,” the protection of inheritance rights—particularly for women—and the restructuring of the Waqf Councils and Boards.

One of the most significant changes is the introduction of stricter eligibility conditions for the declaration of a Waqf. The amendment requires that the declarant must have been a practising Muslim for a minimum of five years and must be the legal owner of the property in question. This provision is designed to curb fraudulent declarations and prevent unlawful land acquisition—issues that have long undermined the integrity of Waqf property administration. Unscrupulous individuals have, in the past, exploited legal ambiguities to assert baseless claims over properties.

Importantly, the Bill states that any government property previously identified as Waqf shall cease to be categorised as such. This move aims to resolve long-standing disputes over public land being misclassified under Waqf ownership.

Perhaps the most consequential amendment is the removal of the concept of “Waqf by user” from the Act. Previously defined under Section 3(1)(r), this provision allowed properties to be designated as Waqf based solely on prolonged religious or charitable use, even in the absence of an explicit



declaration. However, this doctrine has been a source of legal uncertainty and subjectivity, resulting in numerous property disputes.

As highlighted by landmark cases such as *M. Siddiq (D) through L.Rs. v. Mahant Suresh Das & Ors.* and *Salem Muslim Burial Ground Protection Committee v. State of Tamil Nadu*—which were pivotal to the Babri Masjid/Ram Mandir litigation—the concept of “Waqf by user” has posed serious challenges to property rights and legal clarity. Its removal offers a more objective legal standard, reducing ambiguity and reinforcing the protection of rightful owners.

Furthermore, the amendment reaffirms that any government land mistakenly identified as Waqf will no longer hold that status. In cases of uncertainty, the local Collector or District Magistrate will be tasked with determining ownership and submitting a report to the state government. Should the land be deemed government-owned, the appropriate changes will be made in the official revenue records. Strengthening Inheritance Rights and Ensuring Inclusive Governance

Furthermore, the insertion of Section 3A(2) addresses the long-standing and contentious issue of inheritance within Waqf-alal-aulad (Waqf for descendants). By explicitly prohibiting the denial of inheritance rights—particularly those of female heirs—the amendment dismantles the patriarchal principle of *putro-poutradi krome* (succession through sons and grandsons). Under the revised framework, a wakif may dedicate property only after ensuring that all female heirs have received their lawful share. This progressive provision is in line with contemporary principles of gender equality and seeks to redress historical injustices experienced by Muslim women.

A major structural reform introduced by the amendment is the mandatory inclusion of non-Muslim members in the Waqf Boards, the State Waqf Councils, and the Central Waqf Council. The revised legislation also underscores the need for adequate representation from diverse Muslim communities, including Shias, Sunnis, members of backward classes, as well as the Bohra and Aga Khani communities. The existing requirement for women's representation is retained and strengthened, with a specific mandate for the inclusion of two Muslim women members.

Another significant change under the amended legislation—reflecting broader judicial norms—is the introduction of an appeal mechanism for decisions of the Waqf Tribunal. Unlike the existing Act, under which Tribunal decisions are final and not subject to judicial review, the amendment allows for appeals to be filed before the High Court within 90 days. This provision enhances legal oversight and aligns the Waqf dispute resolution mechanism with the general judicial hierarchy in civil matters

Conclusion: Towards a Transparent and Inclusive Waqf Framework

The amendments to the Waqf Act represent a significant step towards modernising and streamlining the administration of Waqf properties, with the overarching aim of establishing a more secular, transparent, and inclusive legal framework. While the proposed changes have sparked considerable debate regarding their potential impact, they nonetheless signal a strong commitment to ensuring that Waqf properties fulfil their original purpose—to serve the community in a fair, equitable, and accountable manner.

The elimination of subjective interpretations and the explicit protection of women's inheritance rights are particularly commendable. These measures not only enhance legal clarity but also align the Act with contemporary principles of justice and gender equality.

As the amendments progress through the legislative process, their success will ultimately depend on robust and impartial implementation. The reforms introduced in 2024 have the potential to transform the Waqf Act into a powerful instrument for social equity and justice—extending beyond religious and charitable domains to promote broader societal benefit.

By addressing long-standing issues such as land encroachment and the marginalisation of women, the amendments reinforce India's constitutional vision of a tolerant and inclusive society, where every citizen—irrespective of gender or religion—can exercise their rights and freedoms with dignity and security.

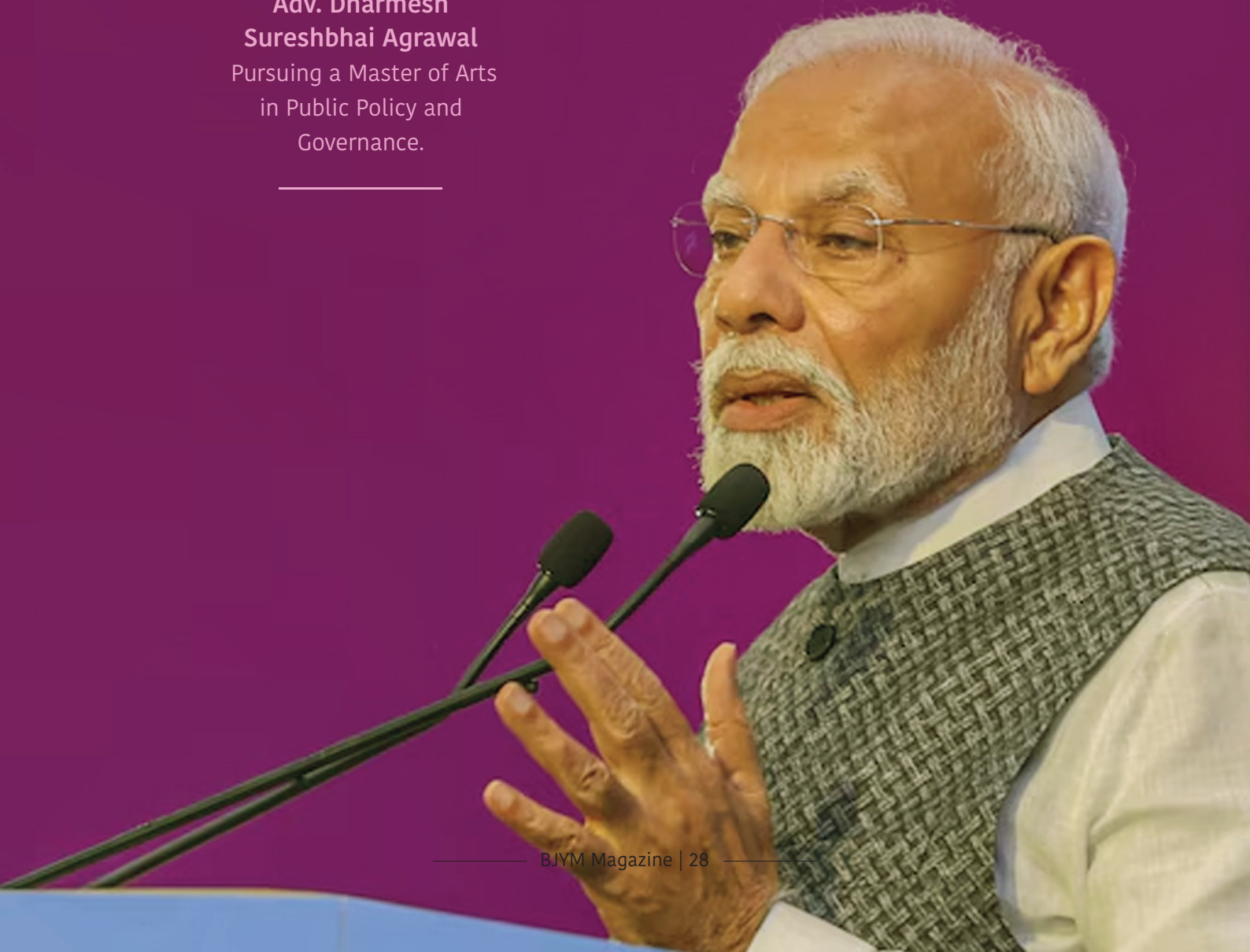
The Waqf Amendment Act: Welfare Over Vote Bank Politics

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Governance.

Imagine waking up one morning to find the land your family has owned and cultivated for generations has suddenly been claimed by a religious board—one you’ve never interacted with. No prior notice. No hearing. Just a declaration, issued unilaterally by a Waqf Board based on an internal inquiry.

This isn’t a hypothetical scenario. It’s been happening across the country.

At the heart of this issue lies an outdated and opaque system. The Waqf (Amendment) Act, 2025, passed by both Houses of Parliament, seeks to address this very crisis. As Prime Minister Narendra Modi rightly tweeted, it marks a watershed moment in our collective journey towards socio-economic justice, transparency, and inclusive growth.



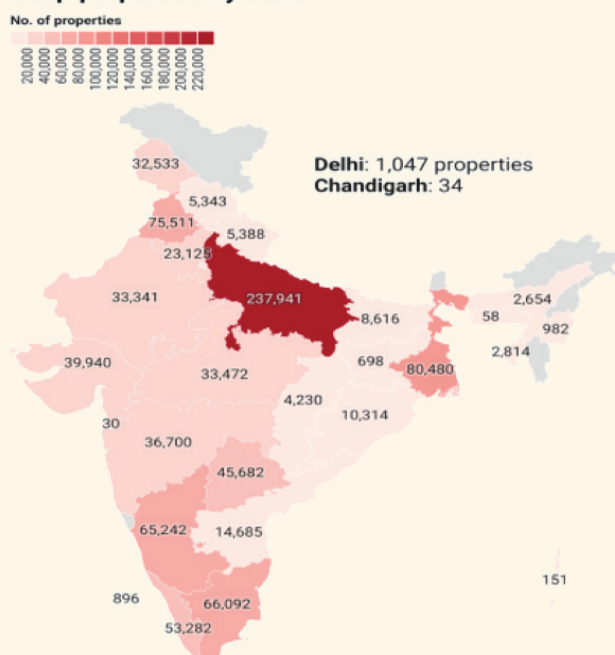
Why This Amendment Was Long Overdue

Since 2014, the Bharatiya Janata Party (BJP) has consistently positioned itself as a party of action—delivering on promises that other parties only discussed. From abrogating Article 370, which paved the way for the full integration of Jammu and Kashmir, to introducing the Citizenship Amendment Act (CAA) to protect persecuted minorities, and now this landmark Waqf reform, the government has focused on justice across caste, religion, and language divides.

Waqf, by definition, refers to a charitable endowment made by a Muslim for religious and pious purposes. This could include building mosques, schools, orphanages, or hospitals. A key characteristic of Waqf property is that it is inalienable—once designated, it cannot be sold, gifted, or inherited. It is meant to serve society forever.

This is noble in principle. But in practice, Waqf Boards have become dens of corruption, land-grabbing, and political interference, operating without accountability while controlling lakhs of acres of land and properties.

Waqf properties by state



Source: WAMSI • Map data: © OSM • Created with Datawrapper

Support from Within the Muslim Community

Contrary to the narrative spun by opposition parties and a section of the media, this Act has found wide support among Muslims, particularly from Shia, Bohra, Pasmanda Muslims, and most importantly, Muslim women.

Shaista Amber, President of All India Muslim Women Personal Law Board, supports the Waqf (Amendment) Bill, claiming that Waqf boards didn't work honestly and requests the government that Waqf lands be used for the poor section with full transparency.

Maulana Shahabuddin Razvi, National President of the All India Muslim Jamaat, welcomed the amendment as a vital step in uplifting underprivileged Muslims. He emphasised that Waqf funds must go towards building schools, madrasas, and orphanages—not lining the pockets of corrupt officials or political brokers.

Many Muslim leaders and groups welcome the Waqf Amendment Act wholeheartedly. They agree that transparency and accountability in the management of waqf property are necessary to fulfil its primary objective.

This amendment aims to restructure Waqf governance, giving voice to marginalised groups within the community while enforcing transparency through audits and digital record-keeping.

Why the Waqf Amendment Is the Need of the Hour
The Waqf (Amendment) Act, 2025, will fix long-standing problems in the Waqf system, concerns around land ownership, misuse of power, and exclusion of rightful stakeholders, and hold powerful institutions accountable.

Across the country, there have been incidences of Rampant Land Grabs in the Name of Waqf, wherein thousands of properties—including government land, private farms, and even entire villages—have been suddenly declared “Waqf” without consent or due process.

With the removal of the ‘Waqf by User’ provision, land won't be considered Waqf merely due to long-term usage. Only officially declared or legally endowed land will qualify as Waqf property. This Act restores the rights of ordinary citizens—farmers,

small landowners, and local communities—who have been left helpless against arbitrary Waqf claims.

Male-dominated boards have long controlled waqf property. The amendment empowers Muslim Women and provides Legal aid for widows and divorcees, Pensions, healthcare, and education for Muslim women, and Support for self-help groups and women entrepreneurs.

The Bill seeks to make Waqf Boards more inclusive by mandating inclusion of one member each from the Bohra and Aghakhani sects and ensures representation of Muslims from backward classes, alongside Shia and Sunni members—for improved governance and decision-making thus giving voice to smaller Muslim sects and backward classes.

Misuse of Power: The Land Grab Crisis

The Waqf Amendment comes against the backdrop of rampant misuse of power by several Waqf Boards across India.

- In Tamil Nadu, a farmer from Thiruchenthurai village was blocked from selling his land because the Waqf Board claimed the entire village belonged to them.
- In Govindpur village, Bihar, 7 families were embroiled in legal troubles after the Bihar

- Sunni Waqf Board claimed their ancestral land in August 2024.
- In Kerala, nearly 600 Christian families from the Ernakulam district are fighting the Waqf Board's claim over their centuries-old land.
- In Karnataka, Waqf Boards suddenly designated 15,000 acres of farmland in Vijayapura as Waqf, leading to statewide protests. The issue also extended to the Ballari, Chitradurga, Dharwad, and Yadgir districts.

These instances are just the tip of the iceberg. Across 25 states and UTs, nearly 5,973 government properties have been declared as Waqf.

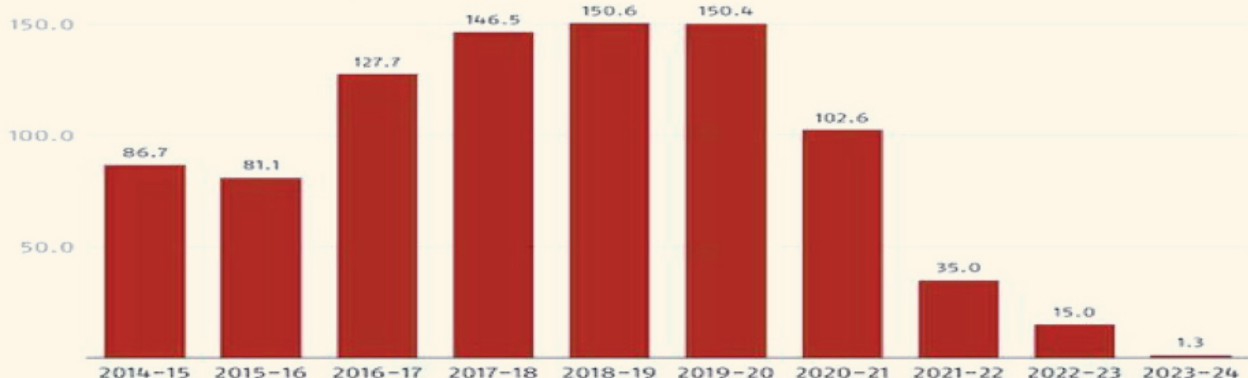
The amendment rightly curbs this unchecked power by mandating proper verification, legal scrutiny, and the right of appeal for affected parties. No longer will religious boards be allowed to declare land Waqf at will—this is a win for the rule of law.

Waqf and the Question of Efficiency

Waqf properties were meant to help the poor, but mismanagement and lack of oversight have made them ineffective. As a welfare state, India must ensure institutional efficiency. When systems fail, the government is empowered to act decisively to

Dwindling incomes

Total net income declared (In Rs crore)



Shows the sum of net income declared from immovable properties of all states. Net annual income means the gross annual income less the expenditures (which include land revenue paid to the government, rates/taxes/license fees paid to the government or any local authority, expenditure incurred on repairs and maintenance and wages paid). Data for Karnataka unavailable for FY18, FY19, FY20, FY21. Data for FY24 only includes the income from Madhya Pradesh, Odisha and Puducherry.

Source: Waqf Assets Management System of India (WAMSI), Business Standard calculations



uphold public welfare. When an institution fails to serve its purpose, transformation becomes essential to unlock its full potential.

Take the case of Waqf properties. The Sachar Committee (2006) noted that efficient, market-based use of Waqf assets could generate a minimum of 10% annual return. Yet, in 2004, 4.9 lakh properties earned just Rs 163 crore. Post the 2013 amendment, income rose by a mere Rs 3 crore—a shameful underperformance for such a vast asset base.

According to the WAMSI portal, 8.72 lakh properties over 38 lakh acres are registered, yet income in FY24 fell to just Rs 1.26 crore, down from Rs 150 crore in FY20. This isn't just inefficiency—it's institutional failure. A public asset base of this size should be a pillar of community upliftment, not a symbol of systemic neglect.

The amendment introduces CAG audit and digital record-keeping and mandates the utilisation of Waqf funds for genuine welfare—scholarships for girls, pensions for widows, legal aid for women, and skill development for poor Muslims.

Corruption: The Real Reason for Opposition

Let's not be naïve. The loudest voices opposing this Bill come not from the community but from the political class, which has used Waqf Boards as its personal goldmine.

Consider the following cases:

- **Karnataka:** Former CEO of Karnataka Waqf Board Zulfikarullah was accused of misappropriating ₹4 crore.
- **Madhya Pradesh:** Congress leader and Former Madhya Pradesh Waqf Board head Riyaz Khan allegedly misused ₹7 crore of Waqf property during his 26-year stint.
- **Uttar Pradesh:** The Sunni Waqf Board failed to declare an income of ₹7.5 crore from 183 Bigha land in Saharanpur.
- **Kanpur:** A Mutawalli Shadab Khan fraudulently sold 5,000 sq. meters of Waqf land, worth ₹20 crore.
- **Delhi:** AAP MLA and Waqf Board Chairman Amanatullah Khan was arrested in connection with a ₹100 crore scam involving land and

- illegal recruitment.
- **Anwar Manipaddy Committee (Karnataka):** This 2012 report estimated a ₹2 lakh crore loss due to illegal Waqf land transfers—alleging the involvement of senior Congress leaders, including Mallikarjun Kharge, Qamarul Islam, and Rehman Khan.
- In **Maharashtra**, even AIMIM MP Imtiaz Jaleel, now opposing the Bill, alleged illegal land sales worth ₹100 crore by the Waqf Board in Aurangabad in 2021.

This is the real reason for the outrage—the pipeline of unchecked corruption is being shut down.

Inclusivity vs. Appeasement Politics

One major point of criticism has been the inclusion of non-Muslim members in Waqf Boards. Ironically, Hindu members already serve on the Central Hajj Committee, including Mr. Vipul, Mr. Sanjeev Kumar Jindal, and Mr. Satyendra Kumar Mishra. No Muslim leader ever protested this because there are no funds to loot there.

Waqf Boards, on the other hand, have vast resources. The inclusion of non-Muslims in administrative roles is not about religion—it's about ending monopoly and enabling transparency.

A Reform for All, Not Against Anyone

The Waqf (Amendment) Act 2025 is not anti-Muslim. It is pro-reform, pro-accountability, and pro-people. It seeks to protect public land, end arbitrary claims, and ensure that Waqf properties serve their original purpose—uplifting the marginalised, not enriching the powerful.

No religious institution should operate without checks and balances in a secular democracy. This Bill reaffirms India's commitment to equality, justice, and good governance.

वक्फ शब्द अरबी भाषा का शब्द है जिसका शाब्दिक अर्थ होता है खुदा को अर्पित वस्तु अथवा परोपकार एवं सामाजिक कल्याण आदि के लिए दिया गया धन। इसके अंतर्गत चल एवं अचल दोनों प्रकार की सम्पत्तियों को शामिल किया जाता है, कोई भी व्यक्ति अपनी सम्पत्ति वक्फ को दान दे सकता है तथा एक बार वक्फ को दी गयी संपत्ति पूर्णतः वक्फ बोर्ड के नियंत्रण में आ जाती है। इसके पश्चात् इसे ना तो इसे बेचा जा सकता है, ना गिरवी रखा जा सकता है और ना ही किसी अन्य व्यक्तिगत उपयोग में लाया जा सकता है। भारत में वक्फ संपत्तियों का प्रबंधन वक्फ अधिनियम 1995 के तहत होता है जिसे 2013 में संशोधित किया गया। इसके अंतर्गत राज्य वक्फ बोर्डों का गठन किया जाता है जो वक्फ सम्पत्ति की देखरेख एवं प्रबंधन का कार्य करते हैं।

परन्तु इन बोर्डों की संरचना तथा इनको प्राप्त असीमित स्वायत्तता एवं पूर्व के कानून में व्याप्त अनियमितताओं ने कई समस्याओं को जन्म दिया साथ ही इनकी अपारदर्शी कार्यप्रणाली ने लोक कल्याण के लिए प्रयुक्त होने वाली सम्पत्ति को भ्रष्टाचार की भेंट चढ़ा दिया। वक्फ संपत्तियों के प्रबंधन में व्याप्त अव्यवस्था को देखते हुए वर्तमान सरकार ने वक्फ बोर्डों की कार्यप्रणाली को सुगम एवं पारदर्शी बनाने, वक्फ सम्पत्तियों के पंजीकरण एवं रिकॉर्ड रख रखाव की प्रक्रिया में व्याप्त खामियों को दूर करने तथा सम्पत्तियों का विस्तृत विवरण तैयार कर इसका उपयोग जन कल्याण में करने के उद्देश्य से पुराने वक्फ कानून के स्थान पर नए वक्फ कानून का प्रस्ताव UMEED (Unified Waqf Management, Empowerment, Efficiency and Development) विधेयक लोकसभा के समक्ष रखा। सत्ता पक्ष एवं विपक्ष तथा कई सम्बंधित हितधारक समूहों में विधेयक को लेकर मतभेद के कारण यह विधेयक संयुक्त संसदीय समिति (JPC) के समक्ष रखा गया जहाँ विवाद एवं मतान्तर के विभिन्न बिंदुओं पर समिति के द्वारा गंभीरता पूर्वक विचार करने तथा उनके समाधान खोजने पश्चात् समिति ने अपनी विस्तृत रिपोर्ट संसद को सौंप दी है।

UMEED विधेयक 2024 : वक्फ सम्पत्तियों के प्रबंधन और पारदर्शिता की नयी उम्मीद

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संयुक्त संसदीय समिति की जाँच के पश्चात प्रस्तुत वक्फ संशोधन बिल अपने आप में अब परिपूर्ण नजर आता है जहाँ संयुक्त संसदीय समिति के 31 सदस्यों ने श्री जगदंबिका पाल जी की अध्यक्षता में इस संशोधन विधेयक के प्रत्येक पहलु की बड़ी गंभीरता से जांच करते हुए अपनी अंतिम रिपोर्ट तैयार की है। इस प्रक्रिया में समिति को फिजिकल और डिजिटल माध्यम से कुल मिलाकर 97,27,772 सुझाव मिले जिनपर समिति ने विचार किया। 36 बैठकों के माध्यम से समिति ने विभिन्न मंत्रालयों, राज्य सरकारों, राज्य वक्फ बोर्ड, विषय विशेषज्ञों एवं हितधारकों से चर्चा की जो मौखिक गवाही के रूप में दर्ज हैं। साथ ही साथ समिति ने 284 हितधारकों, 25 राज्य वक्फ बोर्ड, 15 राज्य सरकार, 5 अल्पसंख्यक आयोग एवं 20 मंत्री/संसद/ विधायकों से भी इस विषय में विस्तृत विचार विमर्श किया इसके अतिरिक्त समिति के द्वारा 3 अध्ययन यात्राओं का भी आयोजन कर इस विषय पर एक समुचित रिपोर्ट बनायी गयी है जो की इस विधेयक को आधुनिक भारत के आवश्यकता अनुरूप ढालते हुए यह सुनिश्चित करता है की मुसलमानों के अपने धार्मिक अधिकार सुरक्षित रखते हुए वक्फ के प्रबंधन को कैसे आधुनिक, पारदर्शी, सशक्त, कुशल एवं भविष्य उन्मुखी बनाते हुए मजहब के ठेकेदारों से बचाकर आम मुसलमान के लिए उपयोगी बनाया जा सकता है। वक्फ संशोधन के पीछे सरकार की दूरगामी सोच और उद्देश्य को अधिनियम के प्रावधानों के माध्यम से समझा जा सकता है -

- संशोधन अधिनियम में यह प्रावधान किया गया है की अब वक्फ अधिनियम Unified Waqf Management, Empowerment, Efficiency and Development के नाम से जाना जाएगा। हालांकि वक्फ के इस नाम को लेकर भी कुछ मुस्लिम संगठनों ने आपत्ति जतायी है, इनका कहना है कि यह मुसलमानों के मूल धार्मिक अधिकारों, एवं संवैधानिक अधिकारों के खिलाफ है, जबकि वास्तव में यह नाम परिवर्तन इस संशोधन अधिनियम के वास्तविक उद्देश्यों को स्पष्ट करने तथा वक्फ संपत्ति के बेहतर प्रबंधन के लिए किये जा रहे प्रयासों को इंगित करने के लिए है।
- नए अधिनियम के अंतर्गत Waqf By User अर्थात् किसी संपत्ति को सिर्फ इस आधार पर वक्फ की संपत्ति मान लेना कि इस संपत्ति का प्रयोग लम्बे समय से धार्मिक प्रयोजनों के लिए किया गया है जबकि इस सन्दर्भ में कोई दस्तावेज व पंजीकरण नहीं है, के प्रावधान को भी समाप्त कर दिया गया है। इस प्रावधान को समाप्त करने से सम्पत्तियों पर अवैध कब्जा तथा अनावश्यक विवाद को सुलझाया जा सकता है।
- अधिनियम में वक्फ बनाने को लेकर पूर्व के कानूनों परिवर्तन किया गया है , अब सिर्फ वही व्यक्ति वक्फ बनाने की घोषणा कर सकता है जो कम से कम पिछले पांच वर्षों से इस्लाम धर्म का पालन कर रहा हो तथा संपत्ति का वैध स्वामी हो।
- इस अधिनियम में वक्फ संपत्ति विवरण को अधिक पारदर्शी बनाने के उद्देश्य से वक्फ संपत्ति के अनिवार्य पंजीकरण की व्यवस्था की गयी है जिसके लिए केंद्रीकृत प्रणाली बनायी जाएगी। साथ ही अब वक्फ संपत्ति के सर्वेक्षण के लिए कलेक्टर को उत्तरदायी अधिकारी बनाया गया है जो वक्फ संपत्ति के सर्वेक्षण एवं उसके पंजीकरण के लिए उत्तरदायी होगा।

- संशोधन अधिनियम में आगाखानी मुस्लिमों एवं बोहरा मुस्लिमों के लिए अलग वक्फ बोर्ड बोर्ड का प्रावधान किया गया है जो मुस्लिम धर्म के भीतर विभिन्न विचारों के लिए धार्मिक स्वतंत्रता का प्रतिनिधित्व करता है। साथ ही वक्फ उत्तराधिकार में मुस्लिम महिलाओं को बराबर की हिस्सेदारी देकर मुस्लिम महिलाओं को सशक्त बनाने का प्रयास।
- अधिनियम में वक्फ बोर्डों को ज्यादा समावेशी बनाने के उद्देश्य से गैर मुस्लिम सदस्यों एवं महिला सदस्यों को रखने की बात कही गयी है। साथ ही राज्य वक्फ बोर्ड लिए पूर्णकालिक कार्यपालन अधिकारी नियुक्ति का प्रावधान किया गया है।
- किसी भी विवाद अथवा मुकदमों के निपटान तथा त्वरित कार्यवाही के लिए ट्रिब्यूनल्स की स्थापना तथा 6 माह की समयसीमा (अधिकतम 1 वर्ष) का निर्धारण। अब ट्रिब्यूनल्स के फैसलों को सीधे उच्च न्यायलय में चुनौती दी जा सकेगी। ऐसा करके समयबद्ध तरीके से विवादों को सुलझाने का प्रयास किया जायेगा।
- वक्फ संपत्ति के आय व्यय के ब्योरे को पारदर्शी बनाने के उद्देश्य से अनिवार्य अंकेक्षण (ऑडिटिंग) की व्यवस्था जिसके अंतर्गत ऐसी सभी वक्फ संपत्ति जिनकी वार्षिक आय एक लाख रुपये से ज्यादा है उनके लिए ऑडिटिंग एवं रिपोर्ट सार्वजनिक करना अनिवार्य होगा।
- वक्फ संपत्ति में अवैध रूप से कब्जा करने एवं उनका दुरुपयोग करने पर कड़े कानूनी प्रावधान किये गए हैं । वक्फ संपत्ति बेचना अथवा हस्तांतरण करने के पूर्व ट्रिब्यूनल अथवा राज्य सरकार से अनुमति लेनी होगी। साथ ही पूर्व में वक्फ सम्पत्तियों पर किये गए अवैध कब्जे हटाकर सम्पत्ति वक्फ प्रशासन को वापिस की जाएगी। वक्फ संपत्ति से प्राप्त होने वाले किराये का निर्धारण बाजार दर के आधार पर किया जायेगा। ऐसा करके वक्फ बोर्डों को वित्तीय रूप से पारदर्शी , स्वायत्त एवं मज़बूत बनाया जायेगा।

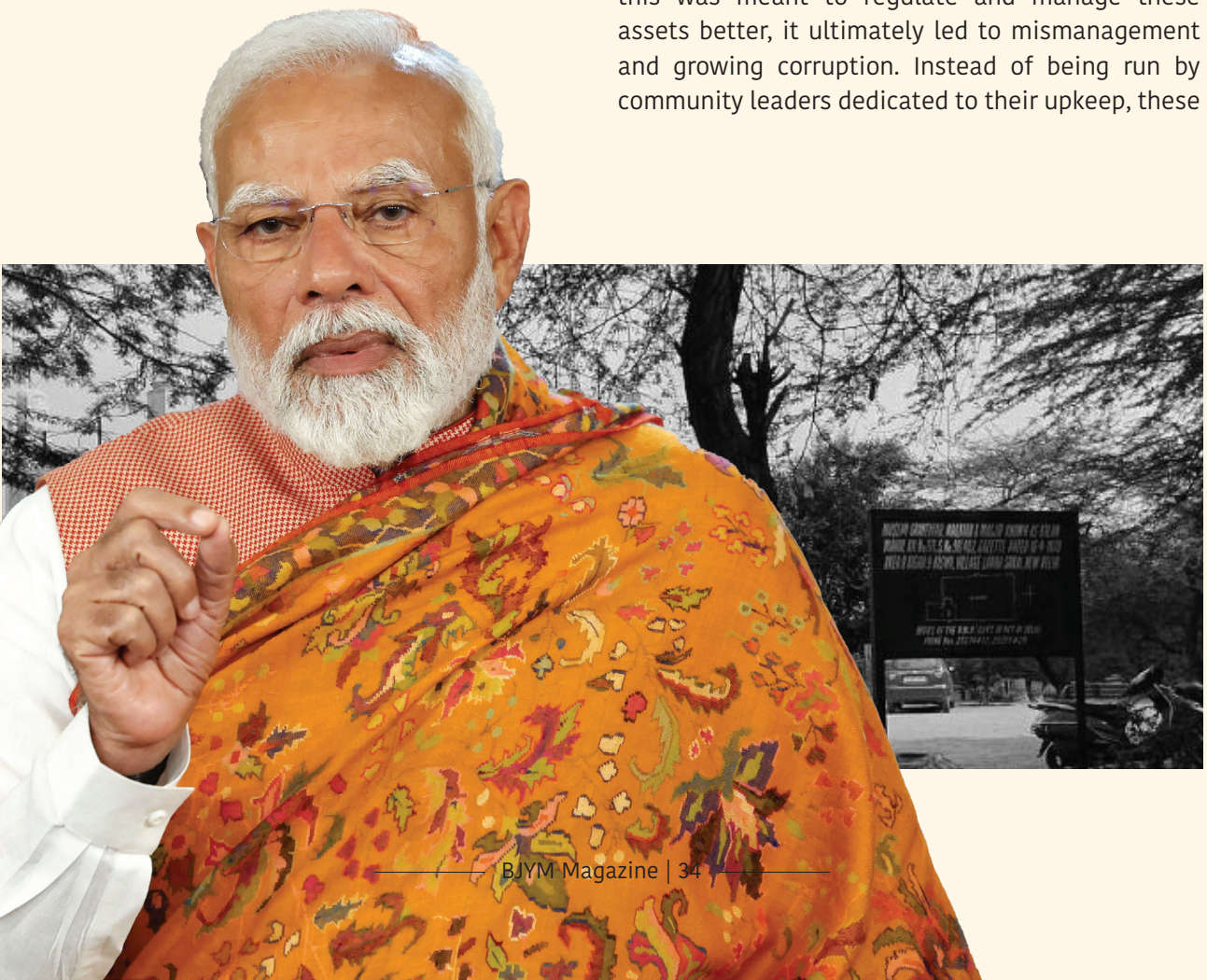
अधिनियम के प्रावधानों का विश्लेषण करने पर स्पष्ट हो जाता है की वर्तमान सरकार का उद्देश्य वर्षों से चली आ रही गड़बड़ी को दूर कर वक्फ संपत्ति प्रबंधन को अधिक कार्यकुशल, पारदर्शी एवं सुनियोजित करना है। तटस्थ होकर अधिनियम में वर्णित प्रावधानों का अध्ययन करने पर कोई भी विवेकशील व्यक्ति इसकी तार्किकता एवं व्यवहारिकता को स्वीकार करेगा। पूर्व के कानून (1995 ,2013) राजनैतिक लाभ अथवा तुष्टिकरण से प्रेरित थे जिसने वक्फ की संरचना एवं इसके वास्तविक उद्देश्य को बदल दिया। लोककल्याण के लिए काम आने वाली वक्फ संपत्ति का अवैध हस्तांतरण,कब्जा,खरीद बिक्री किया गया जिसका परिणाम यह हुआ की एक आम मुस्लिम वक्फ संपत्ति के लाभ से सदैव वंचित रहा। ऐसे में वर्तमान सरकार द्वारा वक्फ प्रबंधन हेतु उठाया गया कदम स्वागत योग्य है, इसे दलगत राजनीति से ऊपर उठकर लोकहित में सहर्ष स्वीकार किया जाना चाहिए।

Waqf Administration Reimagined: A Bold Step Towards Reform and Public Trust

Ar. Ronisha Datta
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The Waqf Board Bill is a landmark initiative by the BJP government aimed at introducing much-needed reforms to the governance of waqf properties in India. For decades, these properties, originally donated for religious and charitable purposes, have been marred by corruption, mismanagement, and illegal encroachments. The previous governments failed to take decisive action, allowing these valuable assets to be misused and depriving the intended beneficiaries—particularly the underprivileged—of their rightful support. The new bill reflects the government's strong commitment to ensuring transparency, accountability, and fairness in the management of waqf properties, thereby preventing them from being exploited for vested interests.

The history of waqf in India is long and complex. During the time of the Delhi Sultanate and the Mughal Empire, Muslim rulers and nobles donated vast properties to establish mosques, madrasas, schools, and hospitals with the aim of serving the community. However, this well-intentioned system suffered under colonial rule when the British introduced the Waqf Act of 1913, which placed waqf properties under state control. While they claimed this was meant to regulate and manage these assets better, it ultimately led to mismanagement and growing corruption. Instead of being run by community leaders dedicated to their upkeep, these



properties became susceptible to bureaucratic inefficiencies, favoritism, and financial fraud.

After independence, the Waqf Act of 1954 was introduced, but it did little to solve the deep-rooted issues. For decades, political interference, a lack of oversight, and widespread corruption turned waqf boards into inefficient and, at times, exploitative institutions. Instead of being used for the welfare of the needy, waqf assets were misused, illegally sold, or encroached upon by powerful entities with political backing. Previous governments ignored these problems, allowing waqf properties—worth trillions of rupees—to be lost to land grabs, disputes, and administrative neglect. The failure to enforce accountability not only deprived the poor of essential services, such as education and healthcare, but also led to widespread resentment and mistrust within the community.

Encroachment has been one of the biggest challenges in waqf administration. These lands, often located in prime areas, have been illegally occupied, sold, or misused for private gain. Corrupt officials, in collusion with political players, have facilitated fraudulent transactions, making it nearly impossible for genuine beneficiaries to reclaim these assets. The previous system lacked transparency, making it challenging to track land records and financial dealings. This has only fueled corruption and left waqf properties vulnerable to exploitation. Despite multiple reports and calls for action, little was done to address these issues until now.

The Waqf Board Bill, introduced by the government, is a bold and much-needed intervention to clean up the mess. For the first time, a serious effort is being made to regulate waqf boards effectively, ensuring they function with greater transparency and accountability. The bill mandates strict audits, public disclosure of financial records, and the implementation of digital tracking systems to monitor waqf assets. By leveraging technology, the government aims to prevent fraudulent land transactions, making it easier to detect and correct irregularities. This move is expected to significantly reduce corruption and ensure that every waqf property is accounted for.

Another crucial aspect of the bill is the protection of waqf properties from encroachment and unauthorised sales. The proposed legal safeguards will significantly hinder land mafias and corrupt officials from illegally occupying or selling off waqf properties. Stricter penalties will be imposed on those found guilty of misusing these assets, ensuring that waqf lands are used for their rightful purpose—providing welfare and support to the needy. This is a significant departure from the past, when political and bureaucratic negligence allowed waqf properties to be exploited without consequences.

Reforming waqf governance is not just about legality—it is a moral and social responsibility. Waqf properties, if managed properly, can play a transformative role in society. They can be used to fund schools, hospitals, orphanages, and social welfare programs that uplift the underprivileged. However, for these benefits to reach the people, the first step is to ensure that waqf properties are safeguarded from corruption and mismanagement.

The success of these reforms will depend on strict implementation and continuous monitoring. The BJP government has taken a firm stand against corruption in waqf administration, but community participation will also be essential to ensure the reforms are effective. Unlike previous administrations that turned a blind eye to these issues, the BJP government is taking decisive action to clean up waqf governance. Transparency, accountability, and active community involvement will be key to restoring faith in these institutions and ensuring that waqf properties serve their original purpose.

The Waqf Board Bill marks a turning point in the governance of waqf properties in India. For too long, these assets have been misused due to political neglect, bureaucratic inefficiencies, and corruption. By introducing this bill, the government has demonstrated its commitment to protecting waqf properties and ensuring they are used for the greater good. For the first time in decades, real action is being taken to address these long-standing issues, paving the way for a future where waqf properties are protected, managed efficiently, and used to uplift society.

From Scandals to Scrutiny: Waqf Land Disputes and the Fight for Transparency

Adv Ankita Ganga Deb

State Co-Ordinator of the Legal Cell, BJYM Odisha

Introduction

Waqf properties hold significant historical and religious value in India. The management and administration of these properties have been a subject of legal scrutiny, often leading to disputes over ownership, encroachment, and mismanagement. Judicial intervention, particularly by the Supreme Court, has played a crucial role in resolving these conflicts. Recent developments, including amendments to the Waqf Act, have further shaped the legal framework governing Waqf properties. This article examines the Supreme Court's rulings on Waqf land disputes, the role of judicial intervention in checking the corruption and mismanagement of the Waqf board, and the implications and need for recent legislative changes. A Waqf is a permanent endowment of

property for religious, charitable, or social welfare purposes under Islamic law. The administration of Waqf properties in India is primarily governed by the Waqf Act, 1995, which was enacted to ensure transparency and accountability in Waqf management.

The judiciary has played a vital role in addressing disputes over Waqf lands, particularly concerning encroachments, illegal transfers, and conflicts with state authorities. The Supreme Court's judgments have significantly influenced the interpretation and enforcement of Waqf laws. In recent years, the Supreme Court has delivered landmark rulings addressing allegations of irregularities in Waqf property management and ownership disputes. Some of the major issues include:



1. Encroachment and Illegal Transfers

- Several states have witnessed cases where Waqf lands were illegally encroached upon by private entities and even government agencies. Courts have stepped in to ensure that Waqf Boards maintain control over these properties.

2. State Acquisition of Waqf Properties

- In many instances, state governments have attempted to take over Waqf properties for public projects. Judicial intervention has clarified that such acquisitions must comply with the Waqf Act and cannot violate fundamental religious rights.

3. Administrative Corruption and Mismanagement

- The judiciary has emphasised the need for reforms in the functioning of Waqf Boards to prevent corruption, misappropriation, and fraudulent transfers. The growing concerns over the misuse of Waqf properties and the wrongful conveyance of religious narratives have alarmed both the government and private authorities. The Supreme Court has also expressed concern over the exploitation of Waqf properties by Waqf Boards for non-charitable purposes.

The Waqf Amendment and Its Impact

The Waqf (Amendment) Bill, introduced to strengthen the governance of Waqf properties, has brought significant changes:

Key Features of the Amendment:

1. Enhanced Transparency:

- Mandatory digitisation of Waqf properties to create a centralised database, reducing disputes over ownership.

2. Strengthened Legal Protection:

- Stricter penalties for unauthorised occupation and illegal sale of Waqf properties.

3. Streamlining Dispute Resolution:

- Expansion of Waqf Tribunals' jurisdiction to expedite cases and reduce litigation delays.

4. Greater Government Oversight:

- The amendment seeks to introduce checks and balances to curb financial mismanagement and corruption within Waqf Boards. Additionally, it aims to regulate the potential misuse of Waqf properties for political or ideological

- propaganda, addressing concerns raised by the judiciary and other stakeholders.

Challenges and the Way Forward

Despite judicial intervention and legal reforms, several challenges persist in protecting Waqf properties:

1. Delay in Dispute Resolution:

- Even with Waqf Tribunals, cases take years to be resolved due to procedural complexities.

2. Political and Bureaucratic Interference:

- Allegations of political influence in Waqf property administration hinder fair governance.

3. Lack of Awareness and Documentation:

- Many Waqf properties are not properly documented, leading to disputes over ownership and control.

4. Misuse of Waqf Boards' Authority:

- Increasing concerns over the wrongful conveyance of religious thoughts and illegal leasing of Waqf lands have made judicial intervention more critical. The Supreme Court has urged legislative and administrative bodies to prevent Waqf Boards from being misused for ulterior motives.

Despite the legal framework in place, instances of corruption and mismanagement in Waqf Boards have been frequently reported. Allegations of unauthorised sales, financial irregularities, and illegal occupation of Waqf lands have necessitated stricter government intervention.

Notable Cases of Corruption and Mismanagement:

1. Andhra Pradesh Waqf Board Land Scam (2012)

- Senior officials were accused of illegally transferring Waqf land worth thousands of crores to private individuals and businesses, leading to widespread controversy and legal battles.

2. Karnataka Waqf Board Scam (2022)

- A government report alleged the misappropriation of over 29,000 acres of Waqf land worth approximately ₹2 lakh crore. Investigations revealed unauthorised leasing, fraudulent documentation, and favoritism in land allocations.

3. Delhi Waqf Board Irregularities (2023)

- Allegations of misuse of funds and illegal appointments surfaced, prompting the government to order an inquiry into financial and administrative irregularities.

4. Tamil Nadu Waqf Land Encroachment Case (2021)

- Reports indicated that large portions of Waqf land were illegally occupied by private entities with the alleged complicity of Waqf Board officials.

Given the rampant corruption and mismanagement, there is an urgent need for greater government oversight and stricter regulations to protect Waqf properties from further exploitation.

Measures for Effective Governance:

1. Increased Transparency and Accountability

- Digitization of Waqf properties and financial transactions can prevent fraudulent activities and ensure public access to records.

2. Stronger Legal Framework

- Amending the Waqf Act to include harsher penalties for unauthorised transactions and illegal encroachments.

3. Regular Audits and Investigations

- Mandatory annual audits and independent investigations into Waqf Board activities to curb financial irregularities.

4. Independent Regulatory Authority

- Establishing an autonomous body to oversee Waqf properties and ensure compliance with legal mandates, reducing political and bureaucratic interference.

5. Public Participation and Awareness

- Encouraging community involvement in Waqf property management and increasing awareness about legal rights to prevent exploitation.

The Waqf Amendment and Its Impact

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Conclusion

Judicial intervention and Supreme Court rulings have played a pivotal role in safeguarding Waqf properties from encroachments, illegal transfers, and mismanagement. Recent legislative amendments aim to enhance transparency and efficiency in Waqf governance. However, continuous judicial oversight and policy improvements are necessary to ensure that Waqf lands serve their intended religious and charitable purposes effectively. Strengthening institutional mechanisms and promoting awareness can further safeguard these vital assets for future generations. Moreover, addressing corruption and the wrongful use of Waqf Boards for ideological or political ends will remain a key challenge for both the judiciary and policymakers.

वक्फ संपत्तियों पर न्याय की दस्तक: मोदी सरकार का सुधारवादी कदम

चंदन कुमार
स्वतंत्र स्तंभकार

13 फरवरी 2025 को बजट सत्र के अंतिम दिन संसद में वक्फ (संशोधन) विधेयक प्रस्तुत किया गया था, जो 1995 के वक्फ अधिनियम में संशोधन करेगा। इस विधेयक का उद्देश्य वक्फ बोर्डों के कामकाज में पारदर्शिता सुनिश्चित करना और महिलाओं को बोर्ड की सदस्यता प्रदान करना है।

हालाँकि, विपक्ष के विरोध और हंगामे के चलते यह विधेयक अब तक पारित नहीं हो सका था। परंतु अब मंत्रिमंडल (कैबिनेट) ने इस विधेयक को संशोधित रूप में मंजूरी दे दी है। जेपीसी (संयुक्त संसदीय समिति) की रिपोर्ट के आधार पर अधिकांश संशोधनों को स्वीकार किया गया है, और 19 फरवरी को हुई बैठक में इन्हें स्वीकृति प्रदान की गई।

ऐसे में यह माना जा रहा है कि बजट सत्र के दूसरे चरण में वक्फ (संशोधन) विधेयक को पेश किए जाने का मार्ग पूरी तरह से स्पष्ट हो गया है। यह विधेयक अगस्त 2024 में लोकसभा में प्रस्तुत किया गया था और तत्पश्चात समीक्षार्थ इसे जेपीसी को भेजा गया। समिति ने इस पर 655 पृष्ठों की विस्तृत रिपोर्ट संसद में प्रस्तुत की।

सरकार अब इस संशोधित विधेयक को बजट सत्र के दूसरे चरण, जो 10 मार्च से 4 अप्रैल 2025 तक चलेगा, के दौरान संसद में पुनः पेश कर सकती है। जेपीसी की रिपोर्ट के आधार पर विधेयक का नया प्रारूप (ड्राफ्ट) तैयार कर लिया गया है।



सरकार के अनुसार, मुस्लिम समुदाय के भीतर से उठ रही मांगों को ध्यान में रखते हुए यह कदम उठाया जा रहा है। वक्फ बोर्ड अधिनियम, इस्लाम धर्म को मानने वालों की संपत्तियों और धार्मिक संस्थानों के प्रबंधन तथा नियमन के लिए केंद्र सरकार द्वारा बनाया गया कानून है। इस अधिनियम का उद्देश्य वक्फ संपत्तियों का उचित संरक्षण और प्रभावी प्रबंधन सुनिश्चित करना है, ताकि उनका उपयोग धार्मिक और परोपकारी कार्यों के लिए किया जा सके।

वर्तमान संशोधन विधेयक का उद्देश्य भारत में वक्फ संपत्तियों के प्रशासन और प्रबंधन को बेहतर बनाना है। यह विधेयक पूर्ववर्ती अधिनियम की कमियों को दूर करने के साथ-साथ अधिनियम का नाम बदलने, वक्फ की परिभाषाओं को अद्यतन करने, पंजीकरण प्रक्रिया को सरल और पारदर्शी बनाने तथा वक्फ रिकॉर्ड के प्रबंधन में प्रौद्योगिकी के उपयोग को बढ़ाने के माध्यम से वक्फ बोर्डों की दक्षता में सुधार करने का प्रयास करता है।

वर्ष 2013 में, यूपीए सरकार ने मूल वक्फ अधिनियम में संशोधन करते हुए वक्फ बोर्डों की शक्तियों में वृद्धि की थी। संशोधन के अनुसार, यदि वक्फ बोर्ड को यह लगता है कि कोई भूमि उसकी है, तो उसे इसका प्रमाण प्रस्तुत करने की आवश्यकता नहीं होती, बल्कि उस संपत्ति के दस्तावेज प्रस्तुत करने का दायित्व उस व्यक्ति पर होता है जो अब तक उसका स्वामी रहा है। ऐसे में जिन लोगों के पास विधिवत दस्तावेज नहीं होते, उनकी संपत्ति वक्फ बोर्ड के अधीन चली जाती है। इस प्रक्रिया के परिणामस्वरूप, रेलवे और रक्षा विभाग के बाद वक्फ बोर्ड भारत में तीसरे सबसे बड़े भूमि धारक के रूप में उभरकर सामने आए हैं। वर्तमान में वक्फ बोर्ड भारत भर में 9.4 लाख एकड़ में फैली हुई लगभग 8.7 लाख संपत्तियों का प्रबंधन करते हैं, जिनकी अनुमानित बाजार कीमत ₹1.2 लाख करोड़ रुपये से अधिक है। उत्तर प्रदेश और बिहार सहित देशभर में कुल 32 वक्फ बोर्ड कार्यरत हैं, जिनमें दो शिया वक्फ बोर्ड भी शामिल हैं। राज्य वक्फ बोर्डों का संचालन सीमित संख्या में लगभग 200 व्यक्तियों द्वारा किया जा रहा है।

वक्फ बोर्ड में सुधार की मांग कोई नई बात नहीं है। यह मुद्दा पिछले 30 से 40 वर्षों से उठता रहा है, और विशेष रूप से वे लोग ही इसे उठा रहे थे जो स्वयं मुस्लिम समुदाय से आते हैं और इस व्यवस्था से प्रत्यक्ष रूप से प्रभावित रहे हैं।

अल्पसंख्यक मामलों के मंत्रालय को वक्फ संपत्तियों पर जानबूझकर किए गए अतिक्रमण, कुप्रबंधन, और भ्रष्टाचार जैसे विषयों पर मुस्लिम और गैर-मुस्लिम दोनों समुदायों से बड़ी संख्या में शिकायतें और अभ्यावेदन प्राप्त हुए हैं। मंत्रालय द्वारा इन शिकायतों की प्रकृति और मात्रा का विश्लेषण किया गया, जिसमें पाया गया कि अप्रैल 2023 से प्राप्त कुल 148 शिकायतें मुख्यतः वक्फ भूमि पर अतिक्रमण, अवैध बिक्री, सर्वेक्षण और पंजीकरण में विलंब तथा वक्फ बोर्डों एवं मुतवल्लियों के खिलाफ थीं।

इसी प्रकार, अप्रैल 2022 से मार्च 2023 तक सीपीजीआरएएमएस (C.PGRAMS) पोर्टल पर प्राप्त 566 शिकायतों में से 194 वक्फ संपत्तियों पर अवैध अतिक्रमण एवं हस्तांतरण से संबंधित थीं, जबकि 93 शिकायतें वक्फ अधिकारियों और मुतवल्लियों के व्यवहार एवं

कार्यप्रणाली के विरुद्ध दर्ज की गई थीं।

इन तथ्यों से यह स्पष्ट होता है कि वक्फ बोर्ड में व्यापक सुधार की आवश्यकता है। इसके अतिरिक्त, यह भी देखा गया है कि कई राज्य वक्फ बोर्डों द्वारा वक्फ अधिनियम के कुछ प्रावधानों का दुरुपयोग किया गया है, जिससे सामाजिक वैमनस्य, अविश्वास और असंतोष की स्थिति उत्पन्न हुई है।

वक्फ अधिनियम की धारा 40 का दुरुपयोग कर अनेक संपत्तियों को वक्फ संपत्ति के रूप में घोषित किया गया, जिसके परिणामस्वरूप एक ओर जहां बड़ी मात्रा में मुकदमेबाजी हुई, वहीं दूसरी ओर समुदायों के बीच संघर्ष और वैमनस्य भी बढ़ा।

वक्फ (संशोधन) विधेयक, 2024 मोदी सरकार द्वारा प्रस्तुत एक महत्वपूर्ण और दूरदर्शी कदम है, जिसका उद्देश्य वक्फ संपत्तियों के प्रशासन में पारदर्शिता, जवाबदेही और कानूनी संतुलन को स्थापित करना है।

इस विधेयक के अंतर्गत वक्फ बोर्डों को छह महीने की समयसीमा में सभी वक्फ संपत्तियों का विवरण केंद्रीय पोर्टल पर अनिवार्य रूप से अपलोड करना होगा। साथ ही, संपत्ति संबंधी सभी दावों के लिए सत्यापन अनिवार्य किया गया है, जिससे गलत दावों पर अंकुश लगाया जा सके।

विधेयक में धारा 9 और 14 में संशोधन करके वक्फ बोर्डों की संरचना को अधिक समावेशी और उत्तरदायी बनाया गया है, जिसमें महिलाओं को भी प्रतिनिधित्व देने का स्पष्ट प्रावधान है।

विवादास्पद संपत्तियों पर नए सिरे से सत्यापन की प्रक्रिया अपनाई जाएगी, और जिला मजिस्ट्रेटों को वक्फ संपत्तियों की निगरानी में शामिल किया जाएगा ताकि स्थानीय स्तर पर पारदर्शिता और प्रभावी नियंत्रण सुनिश्चित किया जा सके।

यदि निष्पक्ष दृष्टिकोण से इस विधेयक का मूल्यांकन किया जाए तो यह स्पष्ट होता है कि सरकार ने समाज के वंचित वर्गों और आम मुसलमानों के कल्याण को ध्यान में रखते हुए यह विधेयक तैयार किया है। यह कानून जाति, धर्म, पंथ और मत के संकीर्ण दायरे से ऊपर उठकर राष्ट्रहित में लाया गया है, जो केवल वक्फ संपत्तियों की रक्षा नहीं करता, बल्कि उन्हें लोककल्याण की धारा में लाने का मार्ग भी प्रशस्त करता है।

The Waqf (Amendment) Bill, 2024, introduced in the Lok Sabha on 8 August 2024, seeks to implement significant reforms to the Waqf Act, 1995. In conjunction with the Mussalman Wakf (Repeal) Bill, 2024, this legislative initiative aims to streamline the administration of Waqf properties while addressing long-standing concerns relating to governance, transparency, and mismanagement. The Bill proposes substantial structural reforms, including the renaming of the Waqf Act, the redefinition of key terms, improvements to the registration process, and the integration of technology to enhance record-keeping systems.

Understanding Waqf: A Historical Perspective

Waqf refers to the permanent dedication of property for religious or charitable purposes under Islamic law. Such properties are deemed to be held in perpetuity for the benefit of the public, with no reversion of ownership to individuals. In India, the concept of Waqf can be traced back to the period of the Delhi Sultanate, when Sultan Muizz al-Dīn Muhammad Ghūrī dedicated land to the Jama Masjid of Multan. Over the centuries, Waqf properties have grown substantially in number and value; however, their administration has frequently been impeded by legal complexities and bureaucratic inefficiencies.

Waqf Without Oversight No More: A Reform Rooted in Reason and Rights

Dr Akshitha H M
Author and Columnist



Key Features of the Waqf (Amendment) Bill, 2024

1. Renaming the Act for Broader Management and Development

One of the prominent changes proposed is the renaming of the Waqf Act, 1995, to the Unified Waqf Management, Empowerment, Efficiency, and Development Act, 1995. This reflects the Government's intention to ensure effective administration while promoting the empowerment and development of Waqf institutions.

2. New Provisions on the Formation of Waqf

The Bill specifies that Waqf may be established through declaration, long-term recognition (Waqf by user), or endowment upon the cessation of succession (Waqf-alal-aulad). However, it removes the provision that allowed Waqf properties to be claimed solely on the basis of prolonged religious use, thereby ensuring greater legal clarity.

3. Government-Owned Properties Exempted from Waqf Claims

A major concern in Waqf administration has been the ambiguous ownership of properties. The Bill provides that any government property previously identified as Waqf shall cease to be considered as such. The Collector of the area shall assess and determine ownership, ensuring that public lands are not erroneously classified under Waqf.

4. Survey of Waqf Properties Under Revenue Authorities

The responsibility for surveying Waqf properties shall now rest with the Collectors, rather than with Survey Commissioners. This measure aims to enhance efficiency and reduce delays in the classification and registration of Waqf properties.

5. Inclusion of Non-Muslim Members in the Central Waqf Council

Previously, the Central Waqf Council (CWC) consisted exclusively of Muslim members. The amendment mandates the inclusion of at least two non-Muslim members, thereby fostering diversity and ensuring broader representation in the decision-making process.

6. Revised Composition of Waqf Boards

The Bill restructures the composition of State Waqf Boards (SWBs) by authorising State Governments to

nominate members in place of holding elections. Furthermore, the inclusion of at least two non-Muslim members, along with representatives from various Muslim sects—including Shias, Sunnis, Bohras, and Aga Khanis—ensures a more inclusive and representative framework.

7. Introduction of Tribunal Reforms and Judicial Oversight

Under the previous regime, the decisions of Waqf Tribunals were deemed final and not subject to appeal. The amended Bill removes this limitation, allowing appeals to the High Court within 90 days. Additionally, the requirement for tribunals to include an expert in Muslim law has been removed, thereby encouraging a more balanced and legally sound adjudication process.

8. Increased Role of the Central Government in Auditing

In order to enhance financial transparency, the Central Government is now empowered to audit Waqf accounts through the Comptroller and Auditor General (CAG). This provision ensures that Waqf funds are utilised efficiently and in accordance with their intended purposes.

Addressing Long-Standing Issues in Waqf Administration

- **1. Tackling Encroachments and Ownership Disputes**

With over 8.7 lakh Waqf properties spread across 9.4 lakh acres in India, encroachments and ownership disputes have remained persistent concerns. The Bill introduces clearer guidelines for property verification and legal recourse, with the aim of reducing litigation and ensuring fair and timely resolution of such matters.

- **2. Preventing the Misuse of Waqf Provisions**

Section 40 of the Waqf Act, which previously enabled Waqf Boards to make sweeping claims over properties, has often been a source of legal conflict. The amendment curtails these expansive powers, mandating that all Waqf claims undergo proper scrutiny and verification to prevent misuse.

- **3. Enhancing Financial Accountability**

Reports by the Sachar Committee and the Joint

- Parliamentary Committee (JPC) have highlighted significant inefficiencies in the financial management of Waqf properties. It is estimated that these assets could generate a minimum annual income of ₹12,000 crore if managed effectively. The amended Bill enforces stricter financial reporting standards and mandates the digitalisation of all Waqf records to ensure greater transparency and accountability.
- 4. Addressing Public Concerns and Grievances**
Between 2022 and 2025, the Ministry of Minority Affairs received 566 complaints concerning issues such as encroachment, financial mismanagement, and irregularities in Waqf property administration. The amendment seeks to expedite grievance redressal by empowering High Courts and revenue authorities to intervene and adjudicate disputes when necessary.

Notable Waqf Disputes Across India

The growing number of disputes concerning Waqf Board claims over government and private properties has raised serious concerns about land ownership transparency and legal oversight. Numerous high-profile cases across the country illustrate the opaque nature of some Waqf acquisitions, frequently resulting in legal challenges and public discontent.

- In Bengaluru's Eidgah Ground (Karnataka), the Waqf Board asserted ownership despite the absence of formal transfer records.

Table 5: State-wise distribution of registered number of immovable properties (top seven)

State/UT	Property	In %
Uttar Pradesh	2,32,547	27%
Karnataka	62,830	7%
West Bengal	80,480	9%
Kerala	53,282	6%
Punjab	75,965	9%
Telangana	45,682	5%
Tamil Nadu	66,092	8%
Others	2,55,450	29%

Figure: Distribution of immovable property management by category

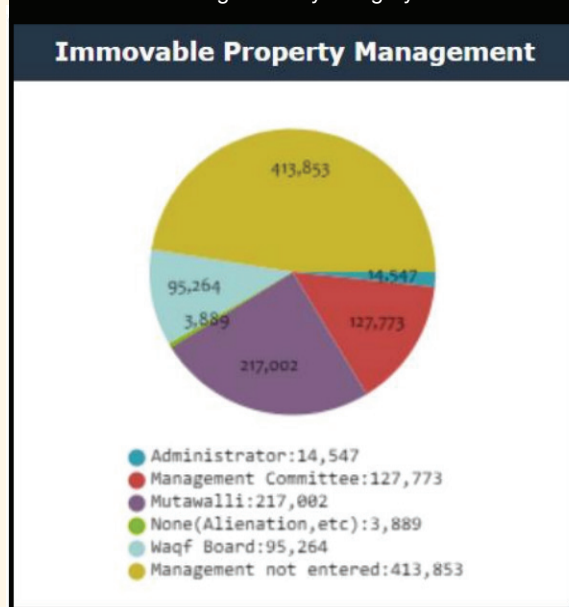


Table: Current Status and Key Statistics of Waqf Properties in India

Issue	Statistics
Total Waqf properties	8.7 lakh properties covering 9.4 lakh acres
Encroached properties	7% of total Waqf lands
Cases pending in tribunals	40,951 cases
Market value of Waqf properties	₹1.2 lakh crore
Revenue generated	<3% of potential earnings

- In Surat (Gujarat), the Board laid claim to the Municipal Corporation Building, citing its historical use as a sarai for Hajj pilgrims.
- In Bet Dwarka Islands (Gujarat), the Gujarat High Court dismissed the Waqf Board's claim, asserting lack of legal basis.
- In Thiruchenthurai Village (Tamil Nadu), local farmers were prevented from selling their land due to similar claims by the Waqf Board.
- The Haj House in Lucknow (Uttar Pradesh), built on land acquired through Waqf claims, has also been a point of contention.
- The Bhojshala Complex (Madhya Pradesh) remains a contested site between Hindu and Muslim groups, with Waqf involvement intensifying the legal debate.
- In Ajmer (Rajasthan), large tracts of land near the Dargah Sharif have been subject to protracted legal disputes over Waqf classification.
- Mumbai's coastal zones and the Red Fort enclave in Delhi have also witnessed Waqf-related land claims, often sparking litigation and public protests.
- The Gyanvapi Mosque case in Uttar Pradesh remains under active litigation, with the Waqf Board's participation further intensifying national discussions on historical land rights.

High-Profile Disputes and Public Outcry over Waqf Claims

Several high-profile cases have emerged in recent years where Waqf Boards have laid claim to government and privately owned properties, resulting in protracted legal disputes and significant public concern.

In Karnataka, a major controversy arose over allegations that 1,500 acres of land in Honvada village, Vijayapura district—cultivated and owned by Hindu farmers—were being taken over by the Waqf Board with the alleged backing of the state government. This claim, widely circulated and amplified by political leaders on social media, drew attention to the opaque nature of Waqf land acquisitions and their potential social and economic impact on local communities.

Similarly, the assertion by political leader

Badruddin Ajmal that areas surrounding Vasant Vihar and the Delhi airport were originally Waqf properties sparked intense debate about historical land ownership and the adequacy of legal mechanisms to contest such claims.

Further exacerbating tensions, claims by Waqf authorities over iconic government buildings such as the Indian Parliament and the Vidhan Soudha in Karnataka have invited widespread criticism and legal challenges. These instances have intensified calls for improved transparency, clear demarcation of property boundaries, and a robust legal framework to prevent unfounded or politically motivated claims.

Conclusion: Striking a Balance

The prevalence of corruption, encroachment, and administrative irregularities in the management of Waqf properties highlights the urgent need for comprehensive governance reforms. The Waqf (Amendment) Bill, 2024, represents a significant step towards fostering accountability, transparency, and efficiency in the administration of Waqf assets. By strengthening legal enforcement and ensuring impartial oversight, the Bill seeks to safeguard Waqf properties from financial mismanagement and encroachments, while upholding their original charitable and community-oriented purposes. However, the success of these reforms will ultimately depend on their impartial implementation—free from political interference and administrative loopholes.

The proposed amendments strive to strike a delicate balance between the protection of religious rights and the enforcement of legal safeguards. They aim to ensure that Waqf properties are managed in a manner consistent with the public interest and aligned with modern principles of good governance.

Ultimately, the focus must remain on reinforcing institutional integrity and preventing the misuse of Waqf assets for private or political advantage.

"Land and property rights are fundamental to economic security and governance. If these are not protected, disputes will only rise."

— Hernando de Soto



Dr. Mithilesh Kumar Pandey
Assistant Professor at the University of Delhi

The introduction of the Waqf Board Bill marks a significant development in the legislative framework governing religious endowments in India. This bill aims to enhance the management and oversight of waqf properties, ensuring transparency and accountability while respecting the religious freedoms enshrined in the Constitution.

Waqf refers to the permanent dedication of movable or immovable property for purposes recognised as pious, religious, or charitable under Islamic law. In India, waqf properties encompass approximately 900,000 registered assets, covering around 600,000 acres of land. These properties play a crucial role in supporting various community services, including the maintenance of mosques, educational institutions, and healthcare facilities and providing aid to the underprivileged. The administration of these properties is governed by the Waqf Act of 1995, which established the Central Waqf Council and State Waqf Boards to ensure proper management.

The Waqf Board Bill introduces several key reforms aimed at addressing longstanding challenges in the administration of Waqf properties. One notable change is the reconstitution of the Central Waqf Council and State Waqf Boards to include non-Muslim members and mandate the inclusion of

at least two Muslim women. This initiative aims to promote inclusivity and incorporate diverse perspectives into the governance of waqf properties, thereby enhancing decision-making processes and fostering transparency. While some critics argue that this inclusion may infringe upon the autonomy of the Muslim community in managing their religious endowments, it is essential to recognise that the primary intent is to integrate professional expertise and ensure that waqf assets are managed effectively for the benefit of all stakeholders.

Another significant amendment involves empowering the District Collector to determine the status of disputed properties, particularly in cases where there is ambiguity between government and waqf ownership. This change aims to streamline the resolution process, leveraging the administrative capabilities of the District Collector's office to ensure accurate and efficient adjudication of property disputes. By centralising this function, the amendment seeks to reduce discrepancies and disputes related to property records, thereby safeguarding waqf properties from encroachments and unauthorised use.

This bill introduces the District Collector as an arbiter to decide whether a property is waqf or government land, a role previously held by the Waqf

Tribunal. The bill also addresses the issue of government properties that have been erroneously identified as waqf. It stipulates that any government property identified or declared as waqf property, before or after the commencement of this Act, shall not be deemed to be a waqf property. The District Collector is now responsible for determining whether a property is government-owned or not, and their decision is considered final, with necessary corrections to be made in revenue records accordingly.

Furthermore, the amendment introduces a requirement for the mandatory registration of waqf properties with the District Collector's Office for proper evaluation. This measure aims to enhance transparency and accountability in the management of waqf assets. Additionally, the bill introduces a new rule stating that only a lawful property owner who is competent to transfer or dedicate the property can create a waqf. The bill further specifies that only a person who has practiced Islam for at least five years may declare a waqf.

It is imperative to contextualise these reforms within the broader framework of India's constitutional commitment to religious freedom. Article 25 of the Indian Constitution guarantees all citizens the right to freely profess, practice, and propagate religion. The Waqf Board Bill aligns with this constitutional mandate by seeking to improve the management of Waqf properties without interfering in religious practices. The inclusion of non-Muslim members in waqf governance bodies does not compromise the religious aspects of waqf but rather aims to enhance administrative efficiency and accountability.

The government's consultative approach in formulating this bill is noteworthy. The bill was referred to a Joint Parliamentary Committee (JPC) comprising members from various political parties, reflecting a commitment to democratic deliberation and consensus-building. The JPC conducted extensive consultations with stakeholders, including representatives from the Muslim community, legal experts, and civil society organisations. This inclusive process underscores the government's dedication to ensuring that the

amendments are well-informed and considerate of diverse perspectives.

Critics of the Waqf Board Bill have expressed concerns regarding potential overreach and the perceived dilution of the community's autonomy in managing waqf properties. However, it is essential to distinguish between the regulation of secular activities associated with waqf properties and the preservation of religious practices. The amendments focus on enhancing transparency and efficiency in the management of waqf assets, ensuring that these properties serve their intended charitable and social purposes effectively. The regulatory measures introduced by the bill are designed to prevent mismanagement and misuse of waqf properties, thereby protecting the interests of the community and upholding the sanctity of waqf.

The ethos of 'Vasudhaiva Kutumbakam'—the world is one family—resonates deeply with the inclusive spirit of the Waqf Board Bill. By promoting diversity and accountability in the management of waqf properties, the bill embodies the principle of collective well-being and harmonious coexistence. The reforms aim to ensure that waqf assets contribute positively to society as a whole, reflecting the universal values of compassion, charity, and communal harmony that are integral to India's cultural heritage.

Basically, the Waqf Board Bill represents a significant step toward reforming the management of waqf properties in India. By introducing measures to enhance accountability, inclusivity, and transparency, the bill aims to ensure that these properties continue to serve their intended charitable and religious purposes effectively. Importantly, it achieves these objectives while upholding the fundamental right to religious freedom, embodying the principles of good governance and the inclusive vision encapsulated in 'Vasudhaiva Kutumbakam.' The government's proactive and consultative approach in formulating this bill highlights its commitment to ensuring that India's diverse communities can continue to thrive in an environment of harmony, trust, and mutual respect.

Introduction

The Waqf (Amendment) Bill, 2024, recently approved by the Union Cabinet, aims to reform the management and administration of waqf properties in India. Waqf properties are charitable endowments made by Muslims for religious, educational, or charitable purposes. This essay examines the legal framework governing waqf properties prior to the new bill, the challenges encountered in their administration, notable cases of mismanagement, the major changes proposed in the bill, and how these reforms aim to enhance transparency, accountability, and governance.

Legal Framework Governing Waqf Properties Before the New Bill

The administration of waqf properties in India has historically been governed by the Waqf Act of 1995. This Act defined waqf as the permanent dedication of movable or immovable property by a Muslim for purposes recognised as pious, religious, or charitable under Islamic law. Each state was mandated to establish a Waqf Board responsible for the general supervision of these properties. The Act also provided for the establishment of Waqf Tribunals to resolve disputes related to Waqf properties. Despite these provisions, the Act faced criticism for its inadequate enforcement mechanisms and lack of stringent measures to prevent mismanagement and corruption.

Key Problems and Mismanagement in Waqf Administration

Over the years, several issues have plagued the administration of waqf properties. Firstly, it can be argued beyond a reasonable doubt that there have been numerous instances where waqf properties were illegally sold or leased at rates significantly lower than market value, leading to substantial financial losses. Moreover, Waqf properties have often been subject to unauthorised occupation, with encroachers taking advantage of the lack of proper monitoring and enforcement by Waqf Boards. In addition, allegations of corrupt practices, including favoritism in leasing waqf properties and mismanagement of funds, have been prevalent.

The Waqf (Amendment) Bill, 2024: A Step Towards Transparency & Accountability

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first-year law student



Lack of Transparency and Accountability in Waqf Boards

The governance of Waqf Boards has been marred by numerous factors, including inadequate maintenance of records, which has made it challenging to track waqf properties and their utilisation; lack of regular and thorough audits, which has allowed financial discrepancies to go unnoticed; and weak regulatory oversight, which has enabled malpractices to persist without significant repercussions.

Cases of Encroachment, Corruption, and Mismanagement of Waqf Properties

Over the years, several high-profile cases have highlighted the extent of mismanagement. A 2012 report by the Karnataka State Minorities Commission alleged that approximately 27,000 acres of waqf land, valued at around ₹2 trillion, had been misappropriated or allocated illegally, implicating politicians and board members in collusion with real estate entities.

Recently, in 2022, Amanatullah Khan, the chairman of the Delhi Waqf Board, was arrested on charges of corruption and financial mismanagement related to illegal recruitment and the misuse of funds.

Discrimination and Exclusion of Beneficiaries—How Reforms Will Improve Governance

The mismanagement of waqf properties has often led to the exclusion of intended beneficiaries, particularly marginalised communities. By introducing reforms that enhance transparency and accountability, the administration of waqf properties can be aligned more closely with their intended charitable purposes, ensuring that benefits reach the rightful recipients without discrimination.

Overview of the Major Changes Proposed in the Bill
The Waqf (Amendment) Bill 2024 introduces several significant reforms. Some of the key reforms include:



- The Act is now renamed as the Unified Waqf Management, Empowerment, Efficiency, and Development Act, 1995, for better governance.
- Only Muslims who have practiced for 5 years or more can declare a waqf, and they must own the property.
- Govt-owned properties cannot be Waqf. Collectors resolve disputes and update records.
- Collectors, not Survey Commissioners, will conduct waqf surveys under state revenue laws.
- The Board now includes two non-Muslim members. MPs, judges, and eminent persons can be appointed regardless of religion. Muslim members must include scholars, board chairs, and two women.
- For the Waqf Board, the state govt nominates members (no elections). Boards must have two non-Muslim members, representation from all Muslim sects, and at least two Muslim women.
- There is no longer a requirement for a Muslim law expert. Tribunals now include a judge (chairman) and a senior govt officer.
- Bohra and Agakhani sects can establish their own waqf boards if eligible.

Strengthening Regulatory Mechanisms and Government Oversight

To address existing challenges, the bill enhances regulatory frameworks by, first, defining explicit procedures for the leasing and sale of waqf properties to prevent unauthorised transactions. Second, it mandates periodic financial audits to detect and address discrepancies promptly. Third, it grants oversight bodies more authority to enforce compliance and take corrective actions against malpractices.

Role of Technology in Ensuring Transparency in Waqf Land Records

The integration of technology plays a crucial role in promoting transparency. Firstly, implementing digital databases for waqf properties ensures the accuracy and accessibility of records. Moreover, using geospatial technologies to map waqf properties prevents encroachments and unauthorised use.

Land Grabbing and Illegal Encroachments on Waqf Properties

Illegal encroachments have been a major concern for waqf properties, with several instances of land grabbing by powerful individuals or entities. The new bill proposes stricter penalties and eviction mechanisms to reclaim encroached lands and prevent future encroachments.

Ensuring That Waqf Properties Serve the Intended Communities

The primary objective of the reforms is to ensure that waqf properties are used for their intended purpose—benefiting underprivileged communities. By implementing stricter guidelines and oversight, the bill seeks to ensure that these properties contribute to social welfare and community development.

Creating Accountability Mechanisms for Waqf Board Members

To improve governance, the bill introduces mechanisms for holding Waqf Board members accountable for mismanagement. Regular audits, transparency in decision-making, and penalties for violations are expected to deter corrupt practices.

Addressing Misinformation Spread by Political and Religious Groups

There has been significant misinformation regarding the bill, with claims that it infringes on religious freedoms. However, the amendments focus solely on governance and accountability rather than religious practices. Addressing misinformation through public awareness campaigns will be crucial for successful implementation.

The Waqf (Amendment) Bill, 2024, marks a significant step toward improving the administration of waqf properties in India. By addressing corruption, encroachments, and mismanagement while introducing technology-driven transparency and stronger accountability mechanisms, the bill aims to ensure that waqf properties serve their intended charitable and social purposes effectively.

Transparency Is Not Communal: Debunking the Myths Around the Waqf Bill

Rohan Anand

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An Overview of the Waqf Board in India: Issues, Claims, and the Need for Reform

The Waqf Board is the third-largest landholder in India, following the Indian Railways and the Ministry of Defence. Various State Waqf Boards collectively manage over 8.7 lakh properties across the country, valued at more than ₹1 lakh crore. Notably, a large portion of these properties are centrally located in urban and semi-urban areas, making them both economically and strategically significant.

Despite the size and value of these holdings, the Waqf Boards paid less than ₹1.26 crore in taxes for the land they own in the financial year 2023–24. Furthermore, there are currently over 41,000 pending court cases involving disputes over the illegal occupation and ownership of Waqf lands.

Recently, the Karnataka Waqf Board was allocated ₹100 crore by the state government for the development of Waqf properties. However, this move came under scrutiny after the Board laid claim to over 15,000 acres of agricultural land in Vijayapura district—land owned and cultivated by local farmers. Similar notices have been reported in the districts of Dharwad, Ballari, and Chitradurga, prompting widespread concern among landowners.

Legal Power and Allegations of Misuse

Section 40 of the Waqf Act grants the Waqf Board the authority to determine whether a property qualifies as Waqf property. However, this provision



has allegedly been misused in several cases to assert ownership over land without proper verification. A recent example includes the Waqf Board's claim over the entire village of Thiruchendurai in Tamil Nadu, which is home to the 1,500-year-old Sundareswarar Temple. In Gujarat, the Board also claimed two islands near Bet Dwarka, which were later rejected by the courts.

There are growing concerns that the Waqf Board is functioning as a quasi-judicial body with unchecked powers, often issuing notices of ownership without prior verification. Once a claim is made, it is rarely reversed—even in instances where landowners possess valid documentation. Legal battles that ensue are expensive and time-consuming, especially for ordinary citizens.

Disputed Cases Across States

- In Kerala, the Waqf Board has claimed ownership of the entire village of Munambam in Kochi district, despite more than 600 families holding legal documents of ownership.
- In Ernakulam district, several Christian families have also reported that their ancestral properties were declared as Waqf land without due process.
- In Taliparamba, Kannur, over 300 residents received legal notices from the Waqf Board regarding claims to their properties.
- In Mananthavady (Wayanad), families have also been issued similar notices.

Unfortunately, the state government has taken no meaningful action in many of these cases. On the

contrary, in Kerala, BJP workers who protested against such claims were arrested, further raising questions about political bias and selective law enforcement.

A Broader Pattern of Political Selectivity

The resistance to the Waqf (Amendment) Bill, 2024, must be understood in the broader context of political selectivity and double standards practised by some state governments and opposition parties. While these groups project the amendment as an assault on minority rights, a closer examination reveals that the criticism often stems not from a commitment to justice, but from a desire to maintain control over unregulated religious endowments and the political capital they yield.

It is no secret that state governments such as those in Kerala and Tamil Nadu exercise extensive control over Hindu temples, including their finances, administrative appointments, and property management. These temples contribute significantly to state revenues, yet their functioning remains under tight bureaucratic control, often with no equivalent public scrutiny or political outrage. On the other hand, when attempts are made to bring Waqf institutions under similar transparency and accountability, the same political actors raise the bogey of "religious persecution" or "suppression of minorities."

This selective defence of religious institutions reveals a clear pattern: religious autonomy is invoked only when it serves specific political interests. Hindu religious institutions are often

treated as public assets subject to state control, while minority institutions—especially Waqf Boards—are portrayed as untouchable entities beyond reform. Such hypocrisy not only undermines secular governance but also weakens the case for genuine pluralism.

Countering the Propaganda Against the Amendment Bill

Opposition to the Waqf (Amendment) Bill, 2024, has largely revolved around alarmist narratives that seek to portray the reforms as anti-Muslim or an infringement on religious freedoms. However, a factual and objective reading of the Bill makes it abundantly clear that it strengthens Waqf institutions rather than dismantling them.

1. Ensuring Accountability, Not Suppression

The Bill introduces transparent mechanisms to prevent misuse of Waqf land and protect legitimate endowments. For decades, Waqf Boards have suffered from allegations of corruption, illegal land encroachments, and arbitrary claims over public and private property. The amendment merely ensures due process and verification before such claims are entertained—something that should be welcomed, not opposed.

2. Protecting Genuine Religious Endowments

By clearly defining who can declare a Waqf and by removing the vague concept of “Waqf by user,” the amendment protects both genuine endowments and the property rights of ordinary citizens. It puts an end to situations where landowners, farmers, and even long-settled families suddenly face claims of Waqf ownership with little or no documentation.

3. Upholding Women’s Rights

Ironically, some of the loudest opponents of the amendment have turned a blind eye to the fact that the Bill introduces progressive reforms for Muslim women, particularly by safeguarding their inheritance rights in Waqf-alal-aulad. These changes correct patriarchal practices like putro-poutradi krome and are completely in line with constitutional values of gender justice.

4. Inclusive Representation, Not Exclusion

The inclusion of non-Muslim members in Waqf Boards is being misrepresented as communal

interference. In reality, this move is designed to promote diversity, inclusivity, and impartial oversight, just as members of different faiths already serve in bodies like the National Commission for Minorities or temple management boards in some states. There is no religious discrimination here—only a strengthening of pluralistic administration.

5. Judicial Review, Not Arbitrary Control

The amendment also empowers citizens by introducing the right to appeal Waqf Tribunal decisions in the High Court, replacing the previous regime where Tribunal rulings were final and beyond judicial review. Far from being oppressive, this provision strengthens the rule of law and protects individuals from arbitrary decisions.

Conclusion: Equal Law for All

The Waqf Board should not be allowed to operate beyond the bounds of legal scrutiny. There must be strict rules and regulations regarding land ownership claims made by any authority, including Waqf Boards. All claims must be preceded by thorough verification, and proper legal procedures must be followed before any notice is issued.

It is also imperative to conduct a comprehensive audit of Waqf Board land acquisitions over the past decade to verify their legality. The idea that the Board can unilaterally declare ownership over any property—whether agricultural land, villages, or even historically significant monuments—is deeply problematic.

If left unchecked, one might soon witness claims over places like the Vidhan Soudha in Karnataka or the Parliament of India in New Delhi. This is not a far-fetched fear, given the precedent of increasingly audacious claims.

Importantly, there is no parallel instance of temple trusts or Christian religious bodies making similar large-scale claims over others’ land. In a country governed by the rule of law and the principle of equality, all religions and religious institutions must be subject to the same legal standards. The law must be fair—and must be seen to be fair—for every citizen, irrespective of their faith.

Strengthening Waqf Oversight: Legal Reforms for Public Trust and Effective Governance



Advocate Suhasini Singh

Issues of mismanagement, corruption, and a lack of transparency have long plagued the administration of Waqf properties. Reports of widespread misuse—some involving assets valued in the billions—have cast serious doubt on the effectiveness of existing monitoring mechanisms. The Waqf (Amendment) Bill, however, seeks to address these concerns by introducing more robust governmental oversight and reinforcing regulatory frameworks.

Crucially, Waqf properties hold substantial social and economic value, contributing to religious, educational, and charitable activities across the country. It is, therefore, imperative that the core characteristics and purposes of Waqf are preserved, even as enhanced accountability and governance mechanisms are put in place to ensure their optimal and ethical utilisation.

Historical Context and Existing Challenges

The regulatory framework for waqf properties in India is primarily the Waqf Act, 1995, which enables the operation of waqf assets through waqf boards strategically established at the state level. Despite the institutional framework, waqf boards have been operating in a context of limited accountability, resulting in widespread and high-level misappropriation of waqf lands, administrative inefficiencies, and regular encroachments on waqf properties.

One of the significant gaps has been the accountability of waqf boards: Office bearers are hardly called to account. Corruption in appointments, fraudulent practices in the sale and purchase of properties, and the absence of digitised land records have compounded this problem. The Waqf Act, 1995, was intended to provide regulations on waqf; however, its implementation proved to be challenging and is currently in urgent need of reform.

The courts have frequently intervened. However, these interventions have not fully dealt with systemic governance challenges. The Waqf Act, 1995, established a framework for matters related to waqf; however, governance and accountability are marred by inefficiencies, and the need for reform has become urgent.

Key Reforms Proposed in the Waqf Board Bill

The new waqf board bill includes several regulatory systems aimed at increasing government oversight, enhancing transparency, and improving services to beneficiaries. Some of the critical provisions include:

Enhanced Government Oversight:

- The bill enhances accountability for waqf boards by strengthening the central government's regulatory role and permitting audits by the Comptroller and Auditor-General

- (CAG) rather than requiring them to be answerable to independent regulatory authorities.
- It empowers the central government to direct audits of waqf institutions as needed, but it does not mandate annual audits by external agencies.
- The legislation expands the central government's authority to intervene in cases of mismanagement of waqf properties.

Digitalization and Transparency Measures:

- The bill proposes changes to the composition and appointment process of waqf boards, including provisions that allow non-Muslim members and grant state governments the authority to nominate all board members. However, it does not mandate stringent qualification criteria related to legal and financial expertise.
- While the bill aims to enhance transparency and accountability in waqf management, it does not establish precise mechanisms for evaluating board members' performance or specifying procedures for their removal in cases of corruption or inefficiency.
- The bill introduces stricter penalties for illegal encroachments on waqf properties, including imprisonment of up to two years and fines for violators.

Judicial Precedents and the Need for a Stronger Legal Framework

Indian courts have consistently stressed the need for transparency in waqf management. In *Board of Muslim Wakfs, Rajasthan v. Radha Kishan* (1979), the Supreme Court held that the classification of a property as waqf must be subject to judicial review, ensuring that governance is not arbitrary. Further, in *Ramesh Gobindram v. Sugra Humayan Mirza Wakf* (2010), the Supreme Court clarified that wakf properties hold a special legal status, and disputes regarding their ownership or management fall exclusively within the jurisdiction of Wakf Tribunals. These rulings emphasise the perpetual nature of waqf assets and the need for robust legal safeguards to prevent encroachment and misappropriation. However, weak enforcement has been stark in the face of political pressure and

bureaucratic inertia. But, despite the judgment, it is not enforced, as the bureaucracy is inert and politicians interfere. The new bill will institutionalise stricter legal provisions to fill this enforcement gap.

Striking a Balance: Reform vs. Religious Autonomy

One of the primary arguments against waqf reforms is the concern over state interference in religious affairs. However, regulation should not be mistaken for interference. The critical question is whether increased government oversight strikes a delicate balance between regulation and religious autonomy or amounts to bureaucratic overreach. The bill does not alter the religious character of waqf properties; instead, it seeks to ensure that these properties remain dedicated to their original charitable and religious purposes. Effective regulation of waqf management is essential to safeguard the rights of beneficiaries—particularly the underprivileged—and to ensure that waqf properties are utilised in accordance with their intended objectives, as envisioned under Islamic jurisprudence.

The Waqf (Amendment) Bill, 2024, aims to address inefficiencies and corruption that have long plagued waqf administration. Key reforms, including enhanced regulatory oversight, digital transparency, stronger accountability for waqf board members, and judicial empowerment, mark significant steps toward more effective governance.

For these reforms to succeed, implementation will be key. The role of enforcement agencies, complemented by judicial oversight, will be critical in ensuring that waqf properties are managed in alignment with their intended purpose.

Moving forward, collaboration among key stakeholders—religious leaders, legal experts, policymakers, and civil society—will be essential in building an open, transparent, and accountable waqf administration. Reform discussions should not end with the passage of legislation; rather, continuous public deliberation is necessary to uphold the integrity and positive societal impact of waqf properties.

Why the Waqf (Amendment) Bill, 2024, Ensures Accountability Without Interfering with Religious Freedoms

Manik Ahluwalia

Supreme Court of India
& Delhi High Court

The Waqf (Amendment) Bill, 2024, has sparked significant discussion in legal, political, and religious circles. Critics argue that the bill interferes with religious freedoms, while its proponents assert that it simply ensures transparency, accountability, and better governance of Waqf properties. However, a close examination of the bill makes it evident that it does not infringe upon religious rights but strengthens safeguards against corruption, encroachments, and mismanagement. It aligns with the principles of constitutional secularism, ensuring that religious institutions operate with integrity and in the interest of the community they are meant to serve.

Understanding Waqf and Its Importance

The concept of Waqf is deeply rooted in Islamic traditions, referring to the endowment of property for religious or charitable purposes, making it inalienable and meant to serve the community perpetually. In India, Waqf properties include mosques, dargahs, graveyards, educational institutions, and other religious or social welfare establishments. These properties are governed under the Waqf Act, 1995, which mandates Waqf Boards in every state to manage and safeguard these assets.



Despite these legal provisions, several challenges persist:

- Encroachment by private entities and state authorities.
- Lack of proper documentation of Waqf properties.
- Corruption and mismanagement within Waqf Boards.
- Unauthorized transfers and sales of Waqf land.

The Waqf (Amendment) Bill, 2024 or as the current moniker goes the UMEED (The Unified Waqf Management, Empowerment, Efficiency, and Development) Bill seeks to address these challenges without interfering with religious practices or ownership. Instead, it strengthens the legal framework to protect Waqf assets from misappropriation.

How the Bill Strengthens Accountability Without Curbing Religious Freedom

1. Enhancing Transparency Without Government Overreach

One of the primary objectives of the bill is to introduce better oversight and financial accountability without altering the religious nature of Waqf institutions. It does not grant the government control over how mosques, madrasas, or other institutions conduct religious affairs. Instead, it focuses on:

- Digitalizing records of Waqf properties to prevent fraud.
- Requiring financial audits to track fund utilization.

- Ensuring public accessibility to Waqf land records.

2. Preventing Illegal Sales and Unauthorized Transfers

Waqf properties are meant to be perpetual endowments and cannot be sold or transferred unlawfully. However, multiple cases have emerged where Waqf lands were illegally transferred or encroached upon. The new bill:

- Mandates stricter legal scrutiny before any Waqf land transaction.
- Prohibits unauthorized sales of Waqf properties.
- Strengthens the role of Waqf Tribunals to resolve disputes efficiently.

These provisions ensure that Waqf properties remain dedicated to their intended purpose without interference in religious practices.

3. Strengthening Waqf Boards Without Political Influence

A significant concern in the management of Waqf properties has been political interference and bureaucratic inefficiency. The bill aims to make Waqf Boards more autonomous, accountable, and effective by:

- Ensuring that appointments to Waqf Boards are based on merit rather than political considerations.
- Requiring board members to have expertise in finance, law, or administration.
- Empowering Waqf Boards to take swift action against encroachments.



These measures ensure that Waqf Boards function as independent custodians of Waqf properties rather than political extensions.

4. Legal Recourse and Judicial Oversight

The Supreme Court has repeatedly emphasized the need for judicial clarity in Waqf land disputes. The bill strengthens judicial oversight by:

- Expediting dispute resolution through Waqf Tribunals.
- Ensuring that cases related to Waqf property disputes follow due processes.
- Preventing arbitrary government acquisition of Waqf land.

Thus, rather than interfering with religious freedom, the bill reinforces legal safeguards that benefit Waqf institutions.

5. Protection Against Encroachments and Misuse

Encroachment of Waqf properties by private entities, government projects, and real estate developers has been a long-standing issue. The bill introduces stricter monitoring mechanisms to prevent this. Some key measures include:

- Creating a centralized database of Waqf properties.
- Penalizing encroachers and unauthorized occupants.
- Allowing public objections against wrongful transfers.

This ensures that Waqf lands remain within the community's control and are not arbitrarily taken over.

Addressing Common Misconceptions

Misconception 1: The Government is Taking Over Waqf Properties

Reality: The bill does not transfer Waqf properties to government control. It merely introduces regulations to ensure better management and accountability.

Misconception 2: The Bill Interferes in Religious Practices

Reality: The bill does not dictate how religious institutions operate but ensures that their assets are not misused. Mosques, madrasas, and religious schools continue to function independently.

Misconception 3: The Bill Targets a Specific Religious Community

Reality: The bill is aimed at protecting Waqf properties from exploitation. Similar transparency and governance measures have been introduced for many other religious institutions.

The Constitutional Perspective

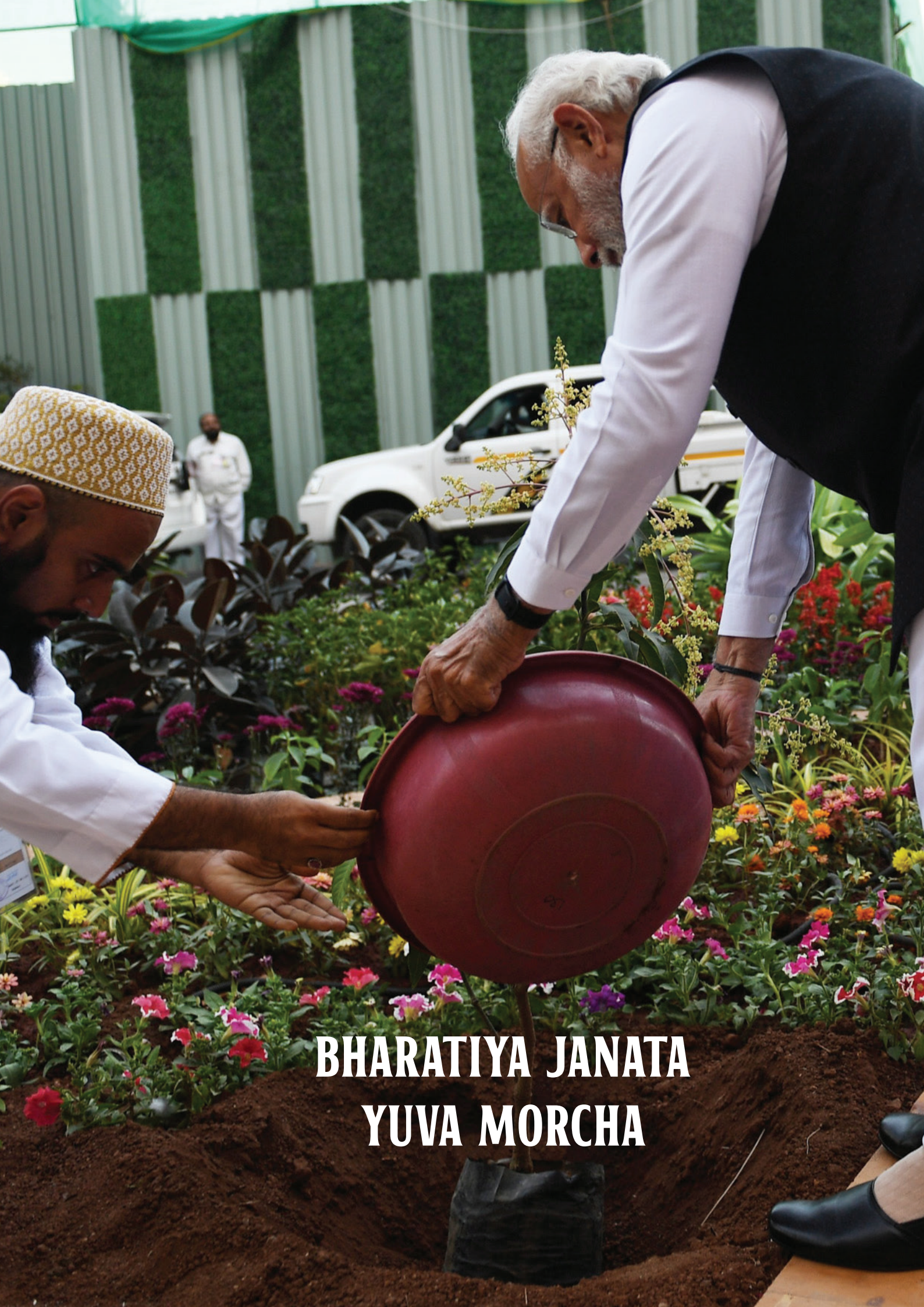
India is a secular democracy where the state has the right to regulate religious institutions for transparency and accountability while respecting religious autonomy. The Supreme Court has upheld that religious institutions must function within a legal framework that prevents mismanagement and fraud.

This bill aligns with these constitutional principles by ensuring that Waqf properties remain dedicated to their original purpose without unlawful interference or exploitation.

Conclusion: A Step Towards Stronger Governance

The UMEED Bill, 2024, is not an attack on religious freedom; it is a much-needed reform to safeguard Waqf assets from corruption, encroachments, and mismanagement. It provides Waqf Boards with the tools to function efficiently, ensures judicial oversight, and prevents unauthorized transactions—all while maintaining the sanctity of religious institutions.

For too long, Waqf properties have suffered from administrative neglect, illegal encroachment, and financial misappropriation. This bill aims to change that by ensuring transparency, accountability, and protection for assets meant for community welfare. By supporting such reforms, India moves closer to a system where religious endowments are preserved for future generations, without fear of exploitation. The bill is not about control—it is about empowerment, security, and fairness. And in a secular democracy, fairness and justice for all communities is the cornerstone of good governance.



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