

# Waqf Boards Amendment Bill

## Why In News

- The **proposed Amendment Bill by the central government** to reform the Waqf boards recommends including women members as part of the board, government sources said on Sunday. According to the bill, **two women** will be appointed in all states as well as the central council.
- At present, women are not members of the Waqf boards or councils, which manage and protect mosques and Islamic religious endowments, the sources said.



## What Is Waqf And Wakf Act

- **Wakf Act, 1995**, was enacted to regulate 'Auqaf', which means assets donated and notified as Waqf. The act **also mentions "wakif"** – a person who dedicates a property for any purpose recognised by the Muslim law as pious, religious or charitable. Property given in the name of God for religious and charitable purposes.
- In legal terms, **permanent dedication by a person** professing Islam, of any movable or immovable property for any purpose recognised by the Muslim law as pious, religious or charitable. The Waqf Act was first enacted in 1954. The waqf is managed by a mutawali.



- Each state has a Waqf Board headed by a chairperson, one or two nominees from the state government, Muslim legislators and parliamentarians, Muslim members of the state Bar Council, recognised scholars of Islamic theology and mutawalis of the waqfs with an annual income of Rs 1 lakh and above.



## What's Issue

- The 2022 bill claims that due to their existing powers, the **Waqf Boards are "the third largest owner** of land after the Indian Armed Forces and the Railways and their share of land has doubled since 2009".
- It further adds that Waqf Board has been accorded with "**unbridled power**" in terms of registering any property. "**No other trust, mutths, akharas** or a society is conferred with even remotely parallel autonomy in their affairs," it says.



## What Changes May The Potential Waqf Bill Propose

- BJP-led NDA government is reportedly set to amend the Waqf Act to **restrict the powers of the Waqf Board**. the Union Cabinet approved a total of **40 amendments** to the act.
- The draft legislation is likely to propose restructuring and changing the composition of Waqf boards. The bill may include amendments in **Section 9 and Section 14 of the Wakf Act**, which are dedicated to the composition of the Central Waqf Council and state Waqf boards. The changes may be brought in to ensure the **representation of women** in these bodies.

### BILL SEEKS TO VERIFY PROPERTY CLAIMS

<ul style="list-style-type: none"> <li>➤ The Wakf Act, passed in 1954 and replaced with a new version in 1995, is <b>meant to regulate 'auqaf'</b> (assets donated and notified as waqf) by a wakif, the person who dedicates a property for any purpose recognised by Muslim law as religious or charitable</li> <li>➤ Govt proposes to amend Act, make verification mandatory for claims on properties by waqf boards</li> <li>➤ This will also apply to</li> </ul>	<p>properties on which <b>claims and counter-claims have been made</b> by waqf boards and individual owners</p> <ul style="list-style-type: none"> <li>➤ Currently, waqf boards enjoy powers to tag any property as waqf asset. Around <b>8.7 lakh properties spanning 9.4 lakh acres</b> are under jurisdiction of waqf boards in the country</li> <li>➤ Bill also proposes changes in <b>composition of waqf boards, it is learnt</b></li> </ul>
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- The government had earlier objected that "**the provisions of the Act** makes it mandatory that the appointment of members of the Board is restricted to **Muslim community only**, even when the members of the Board are entitled to the status of **public servants which arguably** is in contravention of the spirit of equality in employment". The sources said that the amendments aim to bring

transparency and pointed out that, as per the current Act, **Waqf property cannot be challenged in any court of law**. The sources asserted that even Muslim countries like Saudi Arabia or Oman do not have such a law.



- . The government sources also argued that the **Sachar Committee**, which studies the socio-economic conditions of Muslims in India, also stated that there should be transparency in the Waqf board.



- The Bill may seek to ensure **verification of land before** the board announces it as the property of Waqf or verification of disputed land claimed by the state Waqf boards. According to reports, the new rule may introduce mandatory verification of all claims made by Waqf Boards.
- “As per the **proposed amendments, the claims on properties** made by Waqf Boards will be mandatorily verified. Similarly, mandatory verification has been proposed for disputed properties of Waqf Boards,” sources told News 18.
- To prevent misuse, district magistrates may be involved in the monitoring of waqf properties.

## Various Responses

- The proposed bill to curb the '**unfettered**' powers of Waqf boards has invited criticism from Muslim clerics and political leaders like **Asaduddin Owaisi**. Owaisi claimed that the BJP has been against Waqf boards and Waqf properties "from the beginning" and is trying to eliminate them as part of its '**Hindutva agenda**'.



- Executive Member of the **All India Muslim Personal Law Board**, Maulana Khalid Rasheed, also raised concerns. "Existing laws are adequate for Waqf management" and "if the government feels that there is any need for amendment, it should consult and take the opinion of the stakeholders",
- , On the other hand, supporting the amendments, **Imam Umer Ahmed Ilyasi, Chief Imam**, All India Imam Organization said that it is the need of the hour to do amendment and there should be no politics over it.

