



## Amendments in Waqf Act 1995

**For Prelims:** [Waqf Act, 1995](#), [Waqf Board](#), [Central Waqf Council \(CWC\)](#), [Freedom of Religion](#), [Minority](#), [Endowment of Property](#), [Educational Institutions](#)

**For Mains:** The Waqf (Amendment) Bill, 2024 and Related Concerns

**Source:** [BS](#)

### Why in News?

Parliament is set to introduce the Waqf (Amendment) Bill, 2024, to amend the [Waqf Act, 1995](#), with the **goal of enhancing accountability and transparency** in the functioning of Waqf boards.

- It seeks to remove certain provisions of the Waqf act, 1995 to reduce the Waqf Boards' unchecked power, which currently lets them declare any property as Waqf without necessary checks.

### What are the Key Amendments in Waqf Act (Amendment Bill), 2024?

- **Transparency:** The Bill outlines around 40 amendments to the current Waqf Act, including that Waqf Boards **will be required to undergo mandatory verification for all property claims**, ensuring transparency
- **Gender Diversity:** Sections 9 and 14 of the Waqf Act, 1995 will be amended to modify the **composition** and functioning of the **Waqf Board**, including the addition of **women representatives**.
- **Revised Verification Procedures:** New verification procedures will be introduced for Waqf properties to address disputes and prevent misuse, with **district magistrates** potentially **overseeing** these properties.
- **Limited Power:** The amendments respond to concerns about the Waqf Boards' unchecked powers, which have led to **extensive land** being claimed as **Waqf**, causing disputes and misuse claims.
  - For example, in September 2022, the **Tamil Nadu Waqf Board** claimed the entire **Thiruchendurai village**, which is predominantly Hindu.

### Why Amendment to the Waqf Act, 1995 have been Criticised?

- **Reduced Powers:** It **limits** the **authority** of Waqf Boards, affecting their ability to manage Waqf properties.
- **Minority Rights Concerns:** Critics worry it might **harm** the interests of [Muslim communities](#) that use these properties for religious and charitable purposes.
- **Increased Government Control:** The involvement of district magistrates and more oversight could lead to excessive **bureaucratic interference**.
- **Hampers Freedom of Religion:** The involvement of district magistrates and other government officials in overseeing Waqf properties may be viewed as an encroachment on [religious autonomy](#).

- **Potential Disputes:** New verification processes like involvement of district magistrates might create more **disputes** and **complications**.

## What is Waqf Act, 1955?

- **Background:** The Waqf act was first passed by Parliament in **1954**.
  - It was later repealed, and a new **Waqf Act** was passed in **1995**, which gave more powers to Waqf Boards.
  - In **2013**, the Act was further amended to grant the Waqf Board **extensive powers** to designate property as '**Waqf Property**.'
- **Waqf:** It is the permanent dedication of **movable** or **immovable properties for religious, pious or charitable** purposes as recognised by Muslim law.
  - It implies the **endowment of property**, whether immovable or immovable, tangible or intangible, to God by a Muslim, under the premise that the **transfer** will benefit the **needy**.
  - The **proceeds** from a Waqf typically fund **educational institutions, graveyards, mosques** and **shelter homes**.
  - Waqfs in India are **regulated** by the **Waqf act, 1995**.
- **Management of Waqf:**
  - A **survey commissioner** lists all properties declared as Waqf by conducting **local investigations**, summoning witnesses, and requisitioning public documents.
  - The Waqf is managed by a **mutawali**, who acts as a **supervisor**.
  - Unlike trusts established under the **Indian Trusts Act, 1882**, which can serve broader purposes and be dissolved by the board, Waqfs are specifically for **religious** and **charitable uses** and are intended to be **perpetual**.
  - Waqfs can be either **public**, serving charitable ends, or **private**, benefiting the property owner's **direct descendants**.
  - To create a Waqf, one must be of **sound mind** and hold **valid ownership** of the property. Interestingly, the creator of a Waqf, known as the Waqif, does not have to be a Muslim, as long as they profess belief in Islamic principles.
- **Waqf Board:**
  - A Waqf board is a **legal entity** capable of **acquiring, holding** and **transferring** property. It **can sue and be sued in court**.
  - It **administers** Waqf properties, **recovers** lost properties and **sanctions** the transfer of immovable Waqf properties through sale, gift, mortgage, exchange, or lease, with at least two-thirds of the board members voting in favour of the transaction.
  - The **Central Waqf Council (CWC)**, established in **1964**, oversees and advises state level Waqf Boards across India.
- **Waqf Properties:** The Waqf board is said to be **the third-largest landholder** in India after the Railways and the Defence department.
  - Currently, there are 8,72,292 registered Waqf properties spread across 8 lakh acres. These properties generate Rs 200 crore in revenue.
  - Once a property is **designated** as a **Waqf**, it becomes **non-transferable** and is **detained perpetually** as a charitable act toward God, essentially transferring ownership to God.

## Conclusion

The Waqf (Amendment) Bill, 2024 enhances the management and transparency of waqf properties in India. By improving governance, accountability, and asset utilisation, it empowers waqf boards to ensure benefits reach intended communities. This amendment aims to preserve waqf integrity while promoting social welfare and economic development, potentially fostering greater trust and community engagement.

### Drishti Mains Question

Q. There seems to be fear of state encroachment in managing the affairs of the religious minorities. Do you agree? Discuss in the light of proposed amendments to the Waqf Act, 1995.

## UPSC Civil Services Examination, Previous Year Questions (PYQs)

### **Mains**

**Q.** How is the Indian concept of secularism different from the western model of secularism? Discuss. (2018)

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