

The WAQF (AMENDMENT) BILL, 2024

The Waqf (Amendment) Bill, 2024 was introduced in the Lok Sabha on 08.08.2024 and while introducing the same, the Minister-in-charge of the Bill proposed constituting a Joint Committee of both the Houses and referring the Bill to it. Subsequently, on 09.08.2024 through separate Motions adopted by both the Houses of Parliament, the said Bill was referred to a Joint Committee comprising of 21 Members from Lok Sabha and 10 Members from Rajya Sabha with the mandate to examine the Bill and make a report on the Bill to the Parliament by the last day of the first week of the next Session (i.e., Winter Session, 2024).

The composition of the Joint Committee on the Waqf (Amendment) Bill, 2024 was published in Bulletin Part-II No. 794 dated 13.08.2024 and Hon'ble Speaker appointed Shri. Jagdambika Pal, MP, Lok Sabha as the Chairperson of the Joint Committee.

As per the Statement of Objects and Reasons, the Bill, *inter alia*, provides for the followings, namely: -

- (a) Renaming of the Waqf Act, 1995 as the Unified Waqf Management, Empowerment, Efficiency and Development Act, 1995;
- (b) Clearly define “waqf” as waqf by any person practicing Islam for at least five years and having ownership of such property;
- (c) Ensuring that the creation of waqf-alal-aulad does not lead to the denial of inheritance rights to women;
- (d) Omitting the provisions relating to the “waqf by user”;
- (e) Providing the functions of the Survey Commissioner to the Collector or any other officer not below the rank of Deputy Collector duly nominated by the Collector for the survey of waqf properties;
- (f) Providing for a broad based composition of the Central Waqf Council and the State Waqf Boards and ensuring the representation of Muslim women and non-Muslims;
- (g) Providing for establishment of separate Board of Auqaf for Boharas and Aghakhanis;
- (h) Providing for representation of Shia, Sunni, Bohra, Agakhani and other backward classes among Muslim communities;

- (i) Streamlining the manner of registration of waqfs through a central portal and database;**
- (j) Providing for a detailed procedure for mutation as per revenue laws with due notice to all concerned before recording any property as waqf property;**
- (k) Omitting section 40 relating to the powers of Board to decide if a property is waqf property;**
- (l) Decreasing the annual contribution from seven per cent. to five per cent. payable to the Board by mutawalli of every waqf having the net annual income of not less than five thousand rupees;**
- (m) Providing for filing of accounts of waqf by mutawallis to the Board through a central portal for better control over their activities;**
- (n) Reforming the Tribunal structure with two members and providing for appeals against the orders of the Tribunal to the High Court within a specified period of ninety days;**
- (o) Omission of section 107 so as to make the Limitation Act, 1963 applicable to any action under the Act; and omission of sections 108 and 108A relating to special provision as to evacuee waqf properties and Act to have overriding effect.**
