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## WAQF ACT (AMENDMENT BILL) 2024

This article covers “Daily Current Affairs” and topic details of the Waqf Board Act and its proposed amendment.

### Syllabus mapping:

GS-2: Governance: The policy provisions related to the various sections of Society.

### For Prelims:

What is the Waqf Board? Constitutional provisions related to the minorities and Apex Court judgments?

### For Mains:

What is the Waqf Board Act and the proposed amendment, criticism, and way forward?

### Why in the news?

Recently, the Waqf (Amendment) Bill, 2024 was introduced in the Lok Sabha by the Central Government on August 8, 2024. The bill amends the Waqf Act, of 1995, with the aim of improving the administration and management of Waqf properties. Under this Bill, the name of the Waqf Act has been changed to ‘Joint Waqf Management, Empowerment, Efficiency and Development Act, 1995’. The Bill removes certain provisions to reduce the uncontrolled powers of the Waqf Board and ensure transparency and efficiency in the management of Waqf properties.



### **What is the Waqf Act, of 1955?**

1. The Waqf Act, 1955 is an important legal provision that deals with the management and regulation of Waqf in India. This Act was first passed in 1954, but it was replaced by the new Waqf Act in 1995, which provided greater powers to the Waqf Boards. It was amended in 2013 to give wider powers to Waqf boards to designate properties as 'Waqf properties'.
2. Waqf is an Islamic legal concept of permanent dedication of movable or immovable property by an individual for religious, pious, or charitable purposes. Its objective is to use the income from this property to help the needy. Properties donated under Waqf usually provide financial support to educational institutions, cemeteries, mosques, and shelter homes.

### **Provisions under the Waqf Act, 1995:**

1. Waqf boards have been given greater powers and autonomy to identify and manage Waqf properties.
2. A survey commissioner prepares a list of waqf properties and officially recognizes them as waqf properties.
3. Waqf is managed by a mutawali (or mutawalli), who is the supervisor and administrator of waqf properties.
4. Waqf is intended for religious and charitable uses and is recognized as permanent.
5. Waqf may be public (for charitable purposes) or private (to benefit the owner's descendants).
6. To establish Waqf, it is necessary for the person to be of sound mind and have valid ownership of the property. Interestingly, it is not mandatory for the founder of a Waqf to be a Muslim, but he has to have faith in Islamic principles.

Thus, the Waqf Act provides a legal framework for the management and regulation of Waqf properties in India, which plays an important role in fulfilling religious and social objectives.

### **Waqf Board A Brief Introduction:**

- The Waqf Board in India is a legal body that manages, preserves and transfers Waqf properties. It can sue and get sued in court. Transfer of assets requires the approval of two-thirds of the board members.
- The Central Waqf Council (CWC), established in 1964, oversees and advises the state-level Waqf Boards. The Waqf Board is the third largest landholder in India after the Railways and the Defense Department, with 8,72,292 registered properties spread over 8 lakh acres and generating a revenue of Rs 200 crore.
- Properties declared Waqf are non-transferable and are permanently protected as a charitable endowment.
- Main amendments in the Waqf Act (Amendment Bill), 2024:
- Ensuring Transparency: Waqf boards will have to undergo mandatory verification of property claims, thereby ensuring transparency.
- To provide gender diversity and its representation: By amending Sections 9 and 14 of the Waqf Act, 1995, women representatives will be included in the structure of Waqf Boards.
- Ensuring verification processes for revision and dispute resolution: New verification procedures will be implemented to resolve disputes and prevent misuse of Waqf properties, and district magistrates will oversee these properties.
- Limited power: The uncontrolled powers of the Waqf Boards will be controlled, which will address Waqf claims and disputes over extensive lands.

### **Importance of Waqf Board Amendment Bill 2024:**

The main objective of the Waqf Board Amendment Bill 2024 is to bring significant administrative reforms in the management of Waqf properties and ensure their more inclusive and efficient management.

The main features of this bill are as follows –

- **Increase in transparency:** The Bill has provisions for storing records of Waqf properties in digital form and setting up a centralized database. This process will simplify the monitoring and management of Waqf properties, thereby reducing the possibility of fraud and mismanagement.
- **Better Administration:** The administrative reforms proposed by the Bill will make the management of Waqf properties more professional and efficient. This will result in better utilization of these resources for charitable and religious purposes.
- **Protection of Waqf properties:** The Bill proposes special rules for leasing and preventing encroachments to ensure the protection of Waqf properties. This will prevent unauthorized use and exploitation and ensure that the properties are used only for their prescribed religious and charitable purposes.
- **Inclusion and Representation:** Increasing participation of Muslim women and non-Muslims in Waqf boards is an important step towards inclusive governance. This will ensure diverse perspectives in decision-making processes.
- **Efficient dispute resolution:** The new dispute resolution mechanism proposed in the Bill will help in effectively resolving disputes related to Waqf properties, thereby reducing the burden on regular courts and ensuring speedy justice.

### **Criticisms of the Waqf Board Amendment Act**

While the Waqf Board Amendment Act 2024 aims to modernize and improve the management of Waqf properties, several criticisms and concerns have been raised by various stakeholders. These criticisms include:

#### **Inadequate Representation and Inclusivity:**

**Limited Scope of Inclusion:** Critics argue that while the Act proposes to include Muslim women and non-Muslims in Waqf boards, the representation may still fall short of ensuring genuine inclusivity and diversity in decision-making. There are concerns that token representation might not address the broader issues of effective participation.

**Potential Marginalization:** Some believe that the increased participation of non-Muslims may overshadow the voices of the primary stakeholders, potentially leading to decisions that may not fully reflect the needs and priorities of the Muslim community.

#### **Concerns About Digitalization:**

**Implementation Challenges:** The transition to digital record-keeping and the creation of a centralized database are seen as ambitious but may face practical difficulties. Issues such as inadequate infrastructure, lack of technical expertise, and cybersecurity risks could hinder the effective implementation of these provisions.

**Data Privacy:** There are worries about the security and privacy of sensitive information related to Waqf properties. Ensuring robust data protection measures is crucial to prevent unauthorized access and misuse.

#### **Administrative Efficiency:**

**Overcentralization:** Some critics argue that the Bill's focus on centralizing management and control may lead to bureaucratic delays and inefficiencies. The centralization of authority could potentially reduce the flexibility and responsiveness of local Waqf boards in addressing specific issues and needs.

**Potential for Misuse:**

Leasing Regulations: The proposed regulations for leasing Waqf properties might be viewed as insufficiently stringent, leading to concerns about potential misuse and exploitation. Critics argue that without robust monitoring mechanisms, there could be loopholes that allow for unauthorized leasing or misappropriation of properties.

**Effectiveness of Dispute Resolution:**

Dispute Resolution Mechanism: While the Act proposes a new dispute resolution mechanism, there are doubts about its effectiveness and capacity to handle complex and sensitive disputes related to Waqf properties. Some stakeholders believe that the mechanism might not be sufficiently equipped to address all types of conflicts.

**Implementation and Enforcement:**

Resource Constraints: The successful implementation of the Act depends on adequate resources and training for officials involved in managing Waqf properties. There are concerns about whether the necessary financial and human resources will be allocated to ensure effective enforcement and management.

**Stakeholder Engagement:**

Lack of Consultation: Some critics argue that the Bill was formulated without sufficient consultation with key stakeholders, including Waqf board members and community representatives. This lack of engagement may result in a lack of buy-in and support for the proposed changes.

**Way Forward:**

To address the criticisms and enhance the effectiveness of the Waqf Board Amendment Act 2024, several strategic actions can be undertaken. These steps aim to ensure that the reforms are implemented smoothly and achieve their intended objectives:

**Enhancing Inclusivity and Representation:**

- **Broad Consultation:** Conduct comprehensive consultations with diverse stakeholders, including Muslim women, non-Muslims, community leaders, and Waqf board members, to ensure that the representation in Waqf boards is genuinely inclusive and reflective of all perspectives.
- **Effective Training:** Provide training programs to board members and stakeholders to help them understand and fulfill their roles effectively, promoting active and meaningful participation.

**Addressing Digitalization Challenges:**

- **Infrastructure Development:** Invest in the necessary technological infrastructure and support systems to facilitate the digitalization of records. This includes ensuring reliable internet access and secure data storage.
- **Cybersecurity Measures:** Implement robust cybersecurity protocols to protect sensitive information and prevent unauthorized access or data breaches. Regular audits and updates should be part of the cybersecurity strategy.

**Improving Administrative Efficiency:**

- **Decentralized Management:** Consider a balanced approach that combines central oversight with local autonomy. This can help retain flexibility and responsiveness at the local level while maintaining overarching control.
- **Streamlining Processes:** Simplify administrative procedures to reduce bureaucratic delays and improve efficiency. Implementing clear guidelines and reducing red tape can help in quicker decision-making.

### **Strengthening Lease Regulations:**

- **Rigorous Monitoring:** Establish stringent monitoring mechanisms to oversee the leasing and management of Waqf properties. Regular audits and checks can help prevent misuse and ensure compliance with regulations.
- **Clear Guidelines:** Develop clear and detailed guidelines for leasing and managing Waqf properties to minimize ambiguity and potential exploitation.

### **Enhancing Dispute Resolution:**

- **Capacity Building:** Equip the new dispute resolution mechanism with adequate resources and expertise. Training for mediators and conflict resolution specialists can enhance the effectiveness of this mechanism.
- **Feedback Mechanism:** Create a feedback loop to assess the performance of the dispute resolution process and make necessary adjustments based on stakeholder input and real-world challenges.

### **Securing Resources and Support:**

- **Funding Allocation:** Ensure that sufficient financial resources are allocated to support the implementation of the Act. This includes funding for technology, training, and administrative operations.
- **Partnerships:** Collaborate with external organizations, such as NGOs and community groups, to leverage additional support and resources for effective implementation.

### **Fostering Stakeholder Engagement:**

- **Ongoing Dialogue:** Maintain open lines of communication with stakeholders throughout the implementation process. Regular updates and consultations can help build trust and ensure that concerns are addressed promptly.
- **Public Awareness:** Conduct awareness campaigns to inform the public and Waqf stakeholders about the changes introduced by the Act, its benefits, and their roles in the new system.

### **Monitoring and Evaluation:**

- **Regular Reviews:** Implement a system for regular monitoring and evaluation of the Act's impact and effectiveness. This includes tracking progress, identifying challenges, and making data-driven adjustments as needed.
- **Feedback Integration:** Use feedback from stakeholders and beneficiaries to continuously improve the implementation and management of the Waqf properties.

### **Conclusion:**

The Waqf (Amendment) Bill, 2024 represents a significant advancement in the management and transparency of Waqf properties in India. By empowering Waqf boards to implement reforms in governance, accountability, and property utilization, the bill aims to ensure that the benefits from Waqf properties are effectively directed to target communities and serve their social and economic needs. Its focus on enhancing transparency and accountability will foster greater trust and community involvement, leading to improved property management and utilization. Ultimately, the Bill seeks to promote social welfare and economic development while preserving the integrity of Waqf assets for the benefit of all societal segments.

### **Prelims Question**

Q.1. Consider the following statements:

1. The chairman of the Waqf board must be from the minority community

2. The Waqf Board is a statutory body under the Ministry of minority affairs
3. The Waqf Boards collectively are one of the largest land property holders.

**How many of the above-given statements are correct?**

- A. Only one
- B. Only two
- C. All three
- D. None

Answer: A.

**Mains Question:**

Q.1. Do you think the fear of state interference in the management of affairs related to religious minorities is a realistic one? Discuss this in the context of the proposed amendments to the Waqf Act, 1995?

(250 words 15 marks)

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