



## WAQF BILL: POLITY

**NEWS:** JPC rejects all amendments to Waqf Bill made by Opposition

### WHAT'S IN THE NEWS?

The Waqf (Amendment) Bill, 2024, proposes significant changes in Waqf property management, governance, and dispute resolution, while the JPC, despite opposition concerns, approved 32 out of over 500 proposed amendments.

#### 1. Context and Background

The **Waqf (Amendment) Bill, 2024** seeks to restructure the management, governance, and adjudication processes concerning Waqf properties in India. Amid opposition concerns that their suggestions were ignored, the **Joint Parliamentary Committee (JPC)** accepted only 32 out of over 500 proposed amendments before approving the bill.

The bill introduces **major reforms** regarding:

- **Formation and ownership of Waqf properties**
- **Government intervention and oversight**
- **Dispute resolution and judicial procedures**
- **Composition of Waqf Boards and governance structures**





## 2. Key Features of the Waqf (Amendment) Bill, 2024

### Renaming the Waqf Act

- The existing **Waqf Act, 1995**, is renamed as the **Unified Waqf Management, Empowerment, Efficiency, and Development Act, 1995**.
- The new name emphasizes **efficient management, empowerment, and modernization** of Waqf boards and properties.

### Changes in the Formation of Waqf Properties

#### 1. Eligibility for Declaring Waqf

- Only **Muslims who have practiced Islam for at least five years** can declare a property as Waqf.
- The individual **must legally own the property** before declaring it as Waqf.

#### 2. Elimination of 'Waqf by User' Concept

- The bill removes **waqf by user**, which allowed properties to be declared Waqf **based on continuous public use** rather than formal documentation.
- This change **aims to prevent disputes over land ownership**.





### 3. Regulation of Waqf-alal-aulad (Family Waqf)

- **Waqf-alal-aulad**, a practice where property is dedicated as Waqf but retained within a family until the end of succession, is modified.
- The amendment ensures that **inheritance laws, including women's rights, are not violated**.

## Government Property & Waqf Disputes

### 1. Government Land Cannot Become Waqf

- Any **government-owned land or property** that has been **classified as Waqf** will **lose its Waqf status**.
- This prevents **land encroachment issues** involving Waqf claims on government land.

### 2. Dispute Resolution Mechanism

- **Collectors will handle Waqf property disputes** and submit reports to the **state government**.
- Revenue records must be **updated accordingly** after resolving ownership disputes.

## Determination & Survey of Waqf Properties

### 1. Removal of Waqf Board's Power to Determine Waqf Property

- The **Waqf Board will no longer have the power** to declare whether a property is Waqf.
- This prevents **unilateral decisions by Waqf Boards** regarding private or disputed properties.

### 2. New Survey Mechanism

- **Collectors (under state revenue laws)** will now be responsible for conducting Waqf surveys.
- This replaces the earlier system where **Survey Commissioners** conducted surveys.

## Changes in the Structure & Functioning of Waqf Governance

### 1. Reconstitution of the Central Waqf Council

- The **Union Minister** will chair the **Central Waqf Council**.
- The council will include **two non-Muslim members**.
- **Muslim members** will be drawn from:



- Prominent **Islamic scholars**
- Representatives from **Muslim organizations**
- **Waqf Board chairpersons** (at least two women must be included)

## 2. Reform in State Waqf Boards

- **State governments** will nominate members to Waqf Boards, and they **need not be Muslims**.
- Board Composition:
  - **Two non-Muslim members**
  - One representative each from **Shia, Sunni, and Muslim backward classes**
  - If applicable, representatives from the **Bohra and Agakhani communities**
  - **At least two Muslim women members**

## 3. Creation of Separate Waqf Boards

- The government may establish **separate Waqf Boards** for **Sunni, Shia, Bohra, and Agakhani** sects based on:
  - **Property ownership**
  - **Income threshold criteria**

## Tribunal & Legal Reforms

### 1. Changes in Waqf Tribunal Composition

- Waqf Tribunal Chairpersons must be **current or former District Court judges**.
- Other tribunal members will include an officer of **joint secretary rank** from the state government.

### 2. Appeal Process for Waqf Tribunal Decisions

- Appeals against Tribunal decisions can now be filed in the **High Court within 90 days**.
- Earlier, appeals were only possible in limited circumstances.

## Central Government Oversight

### 1. Regulation & Accountability Measures

- The **central government** will now oversee:



- Waqf property registration
- Publication of financial accounts
- State Waqf Board proceedings

## 2. Audit & Financial Transparency

- Audits may be conducted by the **Comptroller and Auditor General (CAG)** or other **designated officials**.
- Ensures **financial accountability** and prevents corruption.

## 3. Role of the Joint Parliamentary Committee (JPC)

### What is a JPC?

- A **Joint Parliamentary Committee (JPC)** is a temporary **ad hoc** committee formed by **both Houses of Parliament**.
- Used for **detailed examination of bills** or **investigating major issues of national importance**.

### Functions of JPCs

1. **Legislative Scrutiny** – Analyzes **provisions of bills**, as in the Waqf (Amendment) Bill, 2024.
2. **Investigative Role** – Examines **allegations of corruption or controversies**.
3. **Report & Recommendations** – Submits findings, but **recommendations are not binding**.

### Government's Response to JPC Reports

- The government can **accept, modify, or reject JPC recommendations**.
- Parliament can **debate & question** the government based on **Action Taken Reports**.

Source: <https://www.thehindu.com/news/national/waqf-bill-parliamentary-panel-members-suggest-572-amendments/article69145524.ece>



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JPC Investigation	Year	Key Issue
Bofors Scandal	1987	Alleged corruption in defense deal
Harshad Mehta Scam	1992	Stock market manipulation
Ketan Parekh Scam	2001	Financial fraud
2G Spectrum Scam	2011	Telecom sector corruption
Personal Data Protection Bill	2021	Data privacy & security laws